



Sofia University "St. Kliment Ohridski", Hanns Seidel Foundation,  
Wilfried Martens Centre for European Studies

# Re-new EU



## Recovery, Reopening and Revival

PAPERS

from the Ninth International Scientific Conference  
of the European Studies Department,  
Jean Monnet Centre of Excellence,  
Faculty of Philosophy at Sofia University  
"St. Kliment Ohridski"

Sofia, 2022

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Sofia University „St. Kliment Ohridski“,  
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Sofia, 2022

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*The Ninth International Scientific Conference of the  
European Studies Department and this publication are  
dedicated to:*

*Bogdan Mirchev – Representative of the Hanns Seidel  
Foundation in Bulgaria*





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# Introduction

*The Ninth International scientific conference „Re-new EU – Recovery, Re-opening and Revival“, organised by the European Studies Department of Sofia University „St. Kliment Ohridski“ with the kind support of Hanns Seidel Foundation and Wilfried Martens Centre for European Studies took place in Sofia on 13-14 October 2022.*

*It is clear that Europe will have to continue to operate in the foreseeable future in a complicated environment. But the idea behind the title of the conference stays relevant. We have understood that we need Europe more than ever, that European unity as well as peace need daily care because they should not be taken for granted. I can't but quote Antynio Guterres – the Secretary General of United Nations: „Let's have no illusions. We are in rough seas. A winter of global discontent is on the horizon. A cost-of-living crisis is raging. Trust is crumbling. Our planet is burning.“*

*The questions and challenges facing the European Union are numerous, the answers and solutions are fewer. Never, since the Second World War, has Europe been that essential. Yet never has Europe been in so much danger. How to achieve a more united, more sovereign, more democratic Europe? Shall European union move forward only in responding to crises? How to act in order to defend EU's interests and values in these unusual times? The climate crisis is a global problem. Security risks create instability. How to make EU stronger, more autonomous and more influential?*

*We as researchers have a duty to seek answers and solutions because the EU should develop common solutions to common problems. We had to recall the famous phrase of Jean Monnet: „Europe will be forged in crises and will be the sum of the solutions adopted for those crises“. But is this statement from Jean Monnet's 1976 memoirs still valid in modern conditions? Some academic research underlines the strengthening of the EU through crises, while other publications point out that the crises have a negative impact on EU unity.*

*This conference took place during the European Year of Youth. It is barely a coincidence that most of the authors in this volume are young researchers. The presentation of their research during the conference sparked interesting and lively discussions. Combined with the knowledge of more experienced academics, they turned the conference into a remarkable event within the activities of the Department of European Studies. The participants from Poland, Italy, Romania, India, Albania, Kosovo contributed to looking at Europe from different angles and hearing different points of view, which made the conference even more interesting. The questions asked by the students who attended the conference also enlivened the discussion. Despite the diverse topics and different points of view, presented during the conference, we all agreed that preserving the achievements of the EU as well as taking Europe forward and defending its model is an everyday responsibility.*

*I cannot but express my gratitude to everyone who helped to hold the conference – Hanns Seidel Foundation, Wilfried Martens Center for European Studies, the members of the organising committee, the House of Europe, the speakers, the students and all the participants in the discussions.*

*It will not be an exaggeration to state that the Ninth International scientific conference „Re-new EU – Recovery, Reopening and Revival“ contributed to the achievement of the permanent aim of the Department of European Studies as well as of the Jean Monnet Centre of Excellence to ensure the excellence of the conference debates as well as high-quality proceedings. At the same time, this conference fulfilled another goal – to attract the interest of young people to science and research in the field of European Studies.*

*To conclude, it is obvious that today we need imagination and dedication to follow the wise advice of Albert Einstein: „We cannot solve our problems with the same thinking that we used when we created them.“*

***Prof. Ingrid Shikova  
President of the Scientific Committee  
of the Ninth International Conference  
„Re-new EU – Recovery, Reopening and Revival“***

FIRST  
PART:



RECOVERY,  
REOPENING AND REVIVAL  
IN ORDER TO RE-NEW  
THE EU





# EUROPEAN POLITICAL COMMUNITY – REVIVAL OF AN UNREALISED IDEA FOR EUROPEAN CONFEDERATION?

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## **Abstract:**

*Challenging times stimulate the emergence of new ideas or the revival of existing but unrealised ideas. Such an idea is the creation of a European Political Community, launched by the President of France, Emmanuel Macron, during the closing ceremony of the Conference on the Future of Europe on May 9, 2022. On October 6, 2022, the inauguration of the European Political Community took place in Prague with the participation of 44 heads of governments – EU Member states, candidate countries, countries that are not members and do not wish to be members of the EU, as well as the United Kingdom, which left the EU in 2020. Will Francois Mitterrand's idea of a European confederation be revived? Can we learn from the failure of this proposal in the 1990s? In this analysis, answers will be sought to questions related to the idea of creating a European Political Community – is it necessary, does it really have a future, what would be its purpose, which countries would be members of such a construction, what would be the criteria for participation in it, how it could function institutionally, etc.*

**Key words:** European union, European Political Community

## **1. Introduction**

On May 9, 2022, the Conference on the Future of Europe ended with a solemn event at the European Parliament in Strasbourg. In his speech Emmanuel Macron – President of France,<sup>1</sup> made a proposal that was worth to reflect on. He proposed a new space of political collaboration, security and cooperation in important areas between the democratic countries of the European continent – the establishment of a European Political Community.

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<sup>1</sup> France held the rotating presidency of the Council during the period January-June 2022.

On October 6, 2022, the inauguration of the European Political Community took place in Prague with the participation of 44 heads of governments of EU Member states, EU candidate countries, countries that are not members and do not wish to be members of the EU, such as Iceland, Norway, Switzerland, as well as the United Kingdom, which left the EU in 2020.<sup>2</sup>

In this analysis, answers will be sought to questions related to the idea of creating a European Political Community – is it necessary, does it really have a future, what would be its purpose, which countries would be the potential members of such a construction, what would be the criteria for participation in it, how it could function institutionally, etc.

But before reflecting on these important issues, it is necessary to cast a historical glance at the idea of European Political Community. In fact, this not a new idea. It appeared in 1952. The initiative was French-Italian – by Robert Schumann and Alcide di Gasperi. The Assembly of the European Coal and Steel Community was called upon to prepare by March 1953 a draft treaty establishing a European Political Community. The treaty on European Political Community remained only on paper after the refusal of France to ratify the European Defense Community treaty.

## 2. The idea of a European confederation

Let's now go back to 1989, which marked the beginning of a period of profound changes on the European continent. Enrico Letta – President of Jacques Delors Institute „Our Europe“ and former Italian Prime Minister summarizes the situation during this period: „After 89 we proceeded without vision. At first – great promises; then years of cold showers. The result? The resentment in some – the newcomers, and the distrust of others – the old members.“<sup>3</sup>

But in complicated times, new ideas are born. In his New Year's speech on December 31, 1989, the President of France, Francois Mitterrand, proposed the rapid inclusion of the new democracies in a European confederation, built in concentric circles and including as many European countries as possible: „Europe will no longer be the one we have known for half a century. Yesterday dependent on the two superpowers, it will, as one returns home, return to its history and its geography. (...) Either the tendency to bursting, to

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<sup>2</sup> The following participants were invited to take part in this first meeting of the European Political Community: the 27 EU Member states, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Iceland, Kosovo, Liechtenstein, Moldova, Montenegro, North Macedonia, Norway, Serbia, Switzerland, Turkey, Ukraine, the United Kingdom, as well as the President of the European Commission and the President of the European Council.

<sup>3</sup> Letta, E. (2022), A European Confederation: a common political platform for peace, Foundation of European Progressive Studies, <https://progressivepost.eu/a-european-confederation/> (This article was originally published in the Corriere della Sera.)

crumbling will increase and we will find the Europe of 1919 (...) or else Europe will be built. It can do this in two stages, first thanks to our community of the Twelve, which absolutely must strengthen its structures. (...) The second stage remains to be invented: from the Helsinki agreements, I expect to see the birth in the 1990s of a European Confederation in the true sense of the term which will associate all the States of our continent in a common and permanent organization of trade, peace and security. This will obviously only be possible after the establishment, in the Eastern countries, of party pluralism, free elections, a representative system and freedom of information. (...) The liberated peoples do not ask us for alms but for reasons to believe in a regime of freedom and justice“.<sup>4</sup>

At this key moment, answers to important questions were sought: what will be the architecture of future Europe and who will be the real architects? There were different probabilities – the USA would act through NATO, or the already united Germany would take strong positions in the new democracies of Central and Eastern Europe, or France, which has always played an important role in European integration? Naturally, the USA preferred NATO to be in the foreground politically, while Germany relied on the Organization for Security and Cooperation in Europe (OSCE). François Mitterrand, through the European confederation project, through a pragmatic and flexible architecture, tried to answer these questions. François Mitterrand's vision was in a different direction – according to him, there was a need for a new and original construction, focused on the future, associating on an equal footing and with flexibility the old and the new democracies. The idea was to create a framework and forum for the implementation of dialogue and for the development of cooperation with the new democracies without a transfer of sovereignty. This confederation, according to Mitterrand, had to have three main objectives – to change the dependencies imposed by the Yalta and Cold War decisions, to build what General Charles de Gaulle called „European Europe“ and to overcome nationalism and the fragmentation of states in Europe, as was happening in former Yugoslavia. The core of this construction was supposed to be the 12 Member States of the European Community. According to the vision of François Mitterrand, the Confederation would be both a forum for political dialogue and a framework for cooperation to deal with concrete issues which could only be dealt with effectively at Pan-European level, such as economic and cultural exchanges, transport and communication networks, the environment, energy, free movement of people, youth exchanges. (Musitelli, J.) It should be stressed that military and disarmament issues were not part of the project of Mitterrand and were not included in the discussions for the establishment of the European Confederation.

Mitterrand also proposed the first practical steps towards the establishment of the European Confederation – he suggested to launch the project with a

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<sup>4</sup> Allocution de M. François Mitterrand, Président de la République, à l'occasion de la présentation de ses vœux, Paris, dimanche 31 décembre 1989. <https://www.vie-publique.fr/discours/139496-allocation-de-m-francois-mitterrand-president-de-la-republique-loc>

meeting bringing together personalities from civil society and the political world, on the model of the Congress of Europe in The Hague in 1948.<sup>5</sup> To add something very important: Mitterrand chose to have as co-organizer the president of Czechoslovakia Vaclav Havel. The conference took place in Prague at 13 -14 June 1991 with 150 guests and with the participation of the French President François Mitterrand and the President of Czechoslovakia Vaclav Havel. The conference itself can be described as a success, but with no real result of creating a European confederation.

The proposal for the creation of a European confederation was perceived as a substitute for full membership of the European Community and a diversion from true integration. Both researchers and politicians admit that the changes were so dynamic and unexpected that, in the words of Margaret Thatcher, „politicians cannot catch their breath.“

It becomes clear that the political context of 1989 is different from that of 1991 – the war in Yugoslavia, the unification of Germany, the failed coup against Russian President Mikhail Gorbachev, the collapse of the Soviet Union, the adoption of the Paris Charter for a new Europe<sup>6</sup>. But even in this changed context, the main reason why this proposal remains only in the realm of ideas and does not receive any development is its perception by the countries of Central and Eastern Europe as a means of postponing EU membership or of completely replacing it with a ‘consolation prize’ of the outermost concentric circle – the periphery. Researchers of the history of European integration point to the weakness of the French-German tandem at that time as the reason for the failure of the project, as well as fears of institutional duplication. (Marciacq, Parmentier).

The Member States of the European Community decided to deepen the integration among them and started the preparation of the Treaty of Maastricht, in order to anchor a unified Germany in the new Union. Thus the idea about the European confederation and new Pan-European architecture was abandoned.

### **3. 30 years later – the idea of European Political Community**

With this brief background, the analysis of the current period can begin – no less complex and full of changes compared to 1989. As in 1989 also in the current period, the European Union must respond in the most appropriate way to the aspirations of countries from the European continent towards integration, while at the same time taking into account the opinion of the individual Member states of the Union. In this environment, the proposal of French President Emmanuel

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<sup>5</sup> François Mitterrand participated in Congress of Europe in The Hague, held from 7 to 10 May 1948. The Congress of Europe was attended by over 800 pro-European activists who determined the political, economic, social and cultural frameworks for the establishment of a united Europe.

<sup>6</sup> The Heads of State or Government of the participating States of the Conference on Security and Cooperation in Europe (CSCE) in Paris, 19 - 21 November 1990 signed the Charter for a New Europe

Macron to create a European Political Community appeared. This is how he explained its essence: „This new European organisation would enable democratic European nations adhering to our set of values to find a new area of political cooperation, security, cooperation in energy, transport, investment, infrastructure, and the movement of people, especially our young people. Joining it would not necessarily prejudice future membership of the European Union, just as it would not be closed to those who have left the latter.“

### **European Political Community – Why?**

What is the need to create a European Political Community and will it be able to meet the historical challenges facing Europe? At the present moment, the unity of all democratic states on the European continent is more than necessary. It is clear to all those tempted by European issues that rapid acceptance of new countries and expansion of the European Union is not realistic and practically feasible. As is already known from the „great expansion“ in 2004-2007, this process takes about 10 years; for the countries of Western Balkans, as well as for Ukraine, Moldova and Georgia – possibly several decades. Obtaining the status of a „candidate country“ is only the beginning of the integration process, and it is likely to take a long time for the countries to prepare and fulfill the membership criteria. At the same time, there is an obvious need to stabilize the continent, to cooperate in important areas such as security, energy, health care, infrastructure, etc., to consolidate the relations of all European countries that share democratic values. It is clear that there is a geopolitical vacuum that needs to be filled quickly, and this can be done through the establishment of a European Political Community. According to Arancha Gonzalez Laya of the School of International Relations, a former foreign minister of Spain, „the European Political Community is a response to Putin’s threat“.<sup>7</sup>

Thus, on the one hand, the geopolitical influence of the European Union will be expanded, and on the other hand, a clear signal will be given to countries outside the EU that the future of the European continent lies in its unification and all those who wish, will have a place in it. The European Political Community can also play a preparatory role for countries that aspire to full membership in the European Union. For those that do not wish to join the EU, this community will be a platform for coordinating and solving geopolitical and strategic problems. This approach can provide a new mechanism for cooperation, prioritizing the political over the economic element. It can stimulate the countries that wish to join the EU to speed up the implementation of the necessary reforms and to prepare more actively for joining the European Union. On the other hand, the creation of a European alliance of democratic states, in the core of which the European Union will be, will make it more authoritative and more influential on a global scale.

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<sup>7</sup> Interview of Arancha Gonzalez Laya - <https://news84media.com/world/here-brought-europe-arancha-gonzalez-the-european-political-community-is-a-response-to-putins-threat/>, published on 15 July 2022

## European Political Community – Who?

When discussing the idea of creating a European Political Community, a very important question arises: which countries should be invited to participate in it?<sup>8</sup> The answer can be very short - all democratic European countries. In this spirit, the President of the European Council Charles Michel proposed that the Political community „extends from Reykjavik to Baku or Yerevan, from Oslo to Ankara.“<sup>9</sup> If all the democratic European countries sit around one table and try together to deal with all the challenges that are not only on a European but also a global scale, then indeed Europe will take its rightful place in the world order.

However, it is worth reflecting more specifically on the question of participation in a political community. Naturally, in the first place is the desire of the countries outside the European Union to join this community, and the conditions could include the fulfillment of the first so-called a political criterion from the Copenhagen criteria for EU membership, the adoption and ratification of the Charter of Fundamental Rights of the European Union, i.e. a clear commitment to the Union's fundamental values.

Of course, not everything is as easy as it seems. There are a number of problems that must be discussed and even solved. Some of the countries outside the EU, especially countries like Ukraine and Moldova, would seek guarantees for their security when participating in the European Political Community. Could the European Political Community provide guarantees similar to those arising from Article 47 of the EU Treaty? It is doubtful.

A number of the countries participating in the European Political Community meeting in Prague have unresolved problems with their borders – there is still no clarity with the borders of Ukraine, the borders of Moldova – Transnistria, Georgia – Abkhazia and South Ossetia are problematic, problems also exist in connection with Kosovo, which is not recognized by several EU member states – Romania, Spain, Greece, Cyprus and Slovakia. These are hot questions that should find their final answer before these countries join the European Union, but also to reach to a certain progress in solving them within the participation in the European Political Community. Another fundamental question is that each country that wishes to become part of the European Political Community should determine its purpose by becoming a member of it – whether it perceives it as a preparatory phase for full EU membership or as a platform for Pan-European cooperation between democratic countries without desiring future membership.

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<sup>8</sup> Unlike Mitterrand's project for a European confederation, which envisaged the participation of Russia, Macron's proposal does not envisage an invitation to Russia and Belarus under the current circumstances.

<sup>9</sup> In fact, it happened in Prague inauguration meeting with 44 participants - „from Iceland to Azerbaijan and Armenia, from Norway to Turkey“.

## **European Political Community - How?**

The question of how to institutionally build the European political community is also not less important. It would hardly be wise to build and maintain a large institutional structure. The EU institutions could serve as the organisational structures of the European Political Community and thus strengthen the inclusion of candidate countries for membership. It is important to find suitable tools and formats for including representatives of the EU candidate countries in the work of the institutions. For example, they could have observers in the European Parliament, who would have the opportunity to participate in the debates on all topics, without the right to vote. Incorporating political parties into European political families and participating in their forums would also be helpful for their inclusion. When holding a European Council, it would be possible to envisage a format in which the heads of state and/or government of the countries of the European Political Community participate in part of the meeting. Participation in the work of some formats of the Council, as well as the European Commission, would also contribute to the inclusion of the countries of the European Political Community, including in some of the EU policies. (Chopin, Macek, and Maillard) Thus, this community will not only be a forum for discussions, but will acquire much more concrete dimensions. In reality, this approach is the opposite of the one applied until now during the enlargement of the European Union – participation in the institutions took place at the end of the accession process.

The participation in appropriate formats of representatives of the countries of the European Political Community would be positive in two directions - on the one hand, the countries and their citizens are included and attitudes of participation in a democratic community are created, and on the other hand, this participation could give impetus to accelerate the necessary reforms. This approach would be acceptable for the EU candidate countries, but less acceptable for countries like the United Kingdom.

Apart from the institutions, the countries of the European Political Community should be included in some of the EU policies and in the European programs. This will give density to the organisation and it will not be just a forum for the exchange of views between the leaders of the countries. Reaching out to citizens is a key element and prerequisite for the positive perception of this new formation. A number of European countries outside the EU participate in some of the programs, but it would be appropriate to expand and consolidate this participation in Erasmus Plus, in Horizon Europe, etc. This will help the integration in practice and will create a feeling of belonging to the European family among the citizens of the countries, participating in the European Political Community. As shown by the previous enlargements, the activation of academic and cultural exchanges is a very important factor in bringing countries and their citizens closer together. Participation in the European Political Community should help to create a Pan-European political culture, but also to educate the



young generation in civic activity and turn them into „Generation E“. It is no accident that some researchers place European citizenship at the core of the European Political Community project.<sup>10</sup>

#### **4. The communication of the idea and clarification of the essence of the European Political Community**

Another important issue should also be addressed, namely the communication and clarification of the idea of creating a European Political Community. One of the main reasons for the failure of Mitterrand's idea of a European confederation was the lack of information and clarification of this proposal in the countries of Central and Eastern Europe. A similar fate awaits Macron's idea if the potential members of this organisation are not convinced of its necessity and usefulness at the present moment. The candidate countries for EU membership should be convinced that the participation in the European Political Community will not distance them from it, but on the contrary, would prepare them for the future accession to the EU. Without clarity, transparency and clarification, doubts will remain that the EU candidate countries will remain forever in this „waiting room“ and will become a permanent periphery of the EU without the possibility of becoming full members and participating in the decision making process. This is the reason why it is necessary for the leaders of the EU countries to have a common vision on the European Political Community, to clarify its essence and specify its goals. Without this clarity and transparency, the idea will hardly find a favorable reception in the countries for which it is intended. For example, President Macron's statement that „we may not all live in the same house, but we share the same street“, however figurative and well-intentioned it may be, feeds to some extent the attitudes that sharing the same house would never happen. Most of the leaders of the countries of the Western Balkans expressed their concern about „blocking the accession process“.

Therefore, it is necessary to categorically convince the participants that the European Political Community will not be a substitute for membership, but will enable a real rapprochement of the countries and strengthen the European perspective of those of them who wish to join to the European Union. It is a sovereign decision of each country whether to join the EU or to remain only part of the European Political Community.

Participation in the European Political Community has been aptly compared to engagement before marriage. (Chopin, Macek, and Maillard) Just as an engagement provides an opportunity to get to know each other better before the wedding, so the European Political Community would help the participants

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<sup>10</sup> See details in Debate: What 'European political community' do we need now? <https://theconversation.com/debate-what-european-political-community-do-we-need-now-183380>.

to know each other, to strengthen the sense of belonging to the family of democratic states and of shared values and strategic visions.

It should be emphasised that, in fact, the European Political Community can in the first place ensure political integration, until the countries that wish full membership in the EU fulfill the economic and legal Copenhagen criteria, the achievement of which requires a much longer period. On the other hand, the European Political Community includes countries that for one or another reason do not wish to join the EU, but are interested in participating in areas such as security, defense, energy, transport, science, culture, etc. – for example, the European Political Community is an opportunity to re-engage the UK on important Pan-European issues.

On May 19, 2022, German Chancellor Olaf Scholz clearly stated before the Bundestag, „that there is no shortcut to a direct deviation from the main road to EU membership. The accession process is not a matter of a few months or a few years,“ However, this does not mean that rapid measures should not be taken. Olaf Scholz called the European Political Community „a great innovation“. The appeal of Ernst Stetter from Fondation Jean Jaures is indicative of the leaders of France and Germany picking up the „pilgrim’s baton“ and going around European countries to convince them of the meaning of this idea.<sup>11</sup>

The lesson of the failure of Mitterrand’s project for a European confederation due to its long delay probably played its part in Macron’s call for swift action and the inauguration of the European Political Community on the 6<sup>th</sup> October 2022 in Prague. Following the gathering, a plan for follow-up summits was announced – Moldova, Spain and the UK were chosen to host the forum every six months from 2022. The idea is to alternate between EU and non-EU countries as hosts.

## **5. Conclusion**

What conclusions can be drawn from the development of the idea of a European Political Community so far? The first meeting of the European leaders is undoubtedly useful, as it created an opportunity to discuss a number of important common issues in a broad European format, and not only within the framework of the EU Member States. According to the French president Emmanuel Macron „the aim of the meeting was to send a message of unity and to „build a strategic intimacy“ with all European countries, to share a common reading of the situation affecting our Europe, to build a common strategy and therefore a strategic conversation which until now has not really existed and which could give rise to divisions, to come up with common pro-

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<sup>11</sup> Stetter,E. La communauté politique européenne et la question de l’adhésion de l’Ukraine à l’UE, Fondation Jean Jaures paper, 23/05/2022

jects.“<sup>12</sup> As commented – The Economist“, „Getting 27 EU leaders in a room together is routine. Throwing in 17 more will involve a complex diplomatic ballet.“<sup>13</sup>

If we look at the details, we will see some important signs - for example, beyond the comments about the warming of the UK's relationship with the EU, there was a demand that there should be no European flag at the forum. The very discreet participation of the European Union should also be noted. Sharp contradictions between Turkey and Greece also stood out despite the general friendly tone. The candidate countries once again expressed their expectation for full membership in the EU, and not remaining in the „waiting room“ of the European Political Community. The problem of differentiated integration or the so-called „avant-garde circles“ arises again. Although it is clear that it exists in practice, the problem is that no one wants to be in the outermost circle of integration or in the outer tier. The question is how to make the outer circle – why is actually the European Political Community more attractive for the countries outside the EU.

Having highlighted the positive elements and the usefulness of this undertaking, we should pay more attention in the conclusion to the risks that may hinder the original conception. Many analysts fear that the European Political Community could turn into another talking room without real results. Another concern is the overlap with the activities of other Pan-European organizations such as the Council of Europe and the Organization for Security and Cooperation in Europe. There is also some disagreement about the criteria for participation in the European Political Community – for example, should Turkey and Azerbaijan be defined as democracies under their current leadership? Clarifying all the details as well as the organizational elements will be very important for the future development of the European Political Community and its success.

No matter how optimistically we look at the revival of Francois Mitterrand's idea of pan-European unity, it is unlikely that the European Political Community will be able to quickly overcome the differences, divisions and contradictions in Europe, but it will certainly contribute to the creation of a climate of mutual understanding of the positions of each European country, a climate of discussion and search for common solutions to common problems as well as to establishment of atmosphere of trust among the European leaders. The European Political Community can be the first step to the United Nations of Europe. But for now, there are more questions than answers.

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<sup>12</sup> Tidey, A. European Political Community: Europe hails united stand over Russia's war in Ukraine, Euronews, <https://www.euronews.com/my-europe/2022/10/06/european-political-community-european-leaders-gather-to-discuss-new-club-of-nations>

<sup>13</sup> Meet the brand-new European Political Community, The Economist, 6/10/2022

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# THE EURO AREA ENLARGEMENT AMID DIFFERENT CRISES – IS IT POSSIBLE?

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*If we want the euro to unite rather than divide our continent,  
then it should be more than the currency of a select group  
of countries. The euro is meant to be the single currency of  
the European Union as a whole.*

***Jean-Claude Juncker***

## ***Abstract***

*Currently two third of the EU Member States are also members in the euro area. However, the euro was established and it was always perceived to be the single currency of the whole EU. Out of the eight EU Member States that are currently outside the euro area, only Croatia is on the very final stages for adopting the euro. It is planned to happen on 1 January 2023. The other non-euro area EU Member States are far from adopting the euro, with the possible exception of Bulgaria that joined ERM II and the Banking Union in 2020. At the same time, the EU experiences recently several crises and challenges. Is it possible to have in medium term substantial euro area enlargement amid so many crises and challenges for the EU? This is the main question for which the current paper will try to find concrete answers.*

**Key words:** euro area, enlargement, economic crises

## **1. Introduction**

The euro was always perceived by the European leaders, since the efforts for its establishment in the 1990s, to be the single currency of the whole EU. Jean-Claude Juncker reminded this in his State of the Union speech in 2017.<sup>1</sup>

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<sup>1</sup> Juncker, J.-C., „State of the Union Address 2017“, Brussels, 13 September 2017, available at [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_17\\_3165](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_17_3165).

However, from the birth of the euro area in January 1999 since today, around at least one third of the EU Member States are not part of the single currency. Furthermore, the new EU Member States are supposed not to enter in the euro area from their EU accession date. Therefore, in the period 2004-2007 when substantial EU enlargement took place with 12 new members, there was a situation when even a little bit more than half of the EU Member States were outside the euro area.

This situation changed somehow due to several factors. First, euro area enlargements happened in the period 2007-2015 and now the members of that area are 19 out of 27. Brexit also affected the balance between euro area and non-euro area Member States of the EU as the withdrawal of the United Kingdom from the EU also means the withdrawal of the largest and strongest EU economy that was outside the euro area. The accession of Croatia in the euro area from 1 January 2023 will change the situation further as it will become the 20th member of the euro area. Even then, the euro still will not be the single currency of the EU as 7 Member States will remain outside that area.

At the same time the EU experienced in recent years several significant crises. Just when the EU started to recover from the 2007-2009 global economic and financial crises, the pandemic hit the European continent and the whole world in 2020. The war in Ukraine erupted in early 2022 with serious impact on energy and other supplies in the EU. These and other factors are likely to lead to a further recession in the EU combined with an unprecedented inflation for the recent two decades. On the other hand, Brexit may be also considered as a crisis as the United Kingdom was the second largest EU economy and it was the first withdrawal of a Member State from the European Union which effects are yet to be seen in their full potential in the coming years.

The current paper will try to analyse if euro area enlargement is possible amid different current crises and if in the medium term the euro might become the single currency for the whole European Union. The next section provides some reflections about the divergences in the current EU Member States that are outside the euro area. The two sections afterwards contain some information on the nominal and real convergence of these Member States towards the euro area. The last section concludes.

## **2. Divergence vis-a-vis convergence in the EU Member States outside the euro area**

The Member States of the EU that remain outside the euro area are rather divergent at this stage. There are also different reasons why they are still outside the euro area. One group of them are willing to enter but they are not fully prepared for that. Other countries are more convergent to the euro area but they do not want to enter mainly for internal political reasons.

If we exclude Croatia that shall join the euro area from 1 January 2023, in the first group of EU Member States outside the euro that are willing to accede to

the single currency but are still not ready – we may include Bulgaria and Romania. Bulgaria already entered in the Exchange Rate Mechanism II (ERM II) and the Banking Union in 2020 but it still has a way to go before joining the single currency. Romania did not yet start the process of acceding to the ERM II and the Banking Union and it seems that his path to join the euro is even longer than the one of Bulgaria. Both countries are among the poorest EU Member States and the ones that economically are more distant and divergent from the euro area.

On the other hand, countries like Poland, Hungary and Czech Republic are more economically developed and convergent to the euro area but they are much less willing to adopt the euro in the near future. Some of the reasons for that are the governing coalitions in these countries in the recent years that are rather eurosceptic as well as the low level of support among the population for the adoption of the single currency.

A third group of EU Member States that are outside the euro area includes Denmark and Sweden. Both countries are rather integrated and convergent to the euro area. They are among the most developed countries from the EU and there are no significant economic challenges for them for the adoption of the single currency. But again, both countries are not willing at this stage to adopt the euro. Denmark has the so-called „opt-out“ clause that allows the country not to enter the euro area even if it fulfils the criteria for that. Denmark is part of the ERM II since its establishment in January 1999 and maintains a very narrow currency band towards the euro with fluctuations of the national currency of only  $\pm 2.25\%$  around the central rate to the single currency. Denmark already held referenda in the near past that rejected the idea the country to enter in the euro area.

Sweden also held a referendum in 2003 for possible euro area accession and it was also negative. However, Sweden does not have the „opt-out“ clause from the euro area. But refraining from entering in the ERM II that is one of the preconditions to join the single currency makes more distant also the date of euro accession.

Therefore, one may rightly argue that the EU Member States that are currently outside the euro area are quite divergent ones from the others. The latter makes the reasons for their non-adoption of the euro also quite divergent. This may lead to a conclusion that amid different economic, financial, social and political crises, it is not expected to have significant process of euro area enlargement in the recent years.

However, this is a bit simplified conclusion.

As crises may induce just the opposite behaviors of European States – to provide stimulus for greater integration. Below, we provide a short list of concrete examples of economic, political and even military integration that was stimulated by the crises or happened amid serious crises:

- Iceland decided to start closer integration to the European Union<sup>2</sup> in 2008 and applied for EU membership just after the eruption of the global economic and financial crises from 2007-2009 that hit seriously the country. Iceland has withdrawn its application for EU membership in 2013 when the crises was overcome a little bit earlier than expected from the government and the people of the country. In other words – no crisis, no serious willingness to integrate and to provide part of the sovereignty to the EU supranational institutions.
- Estonia succeeded to enter in the euro area in 2011 amid the turbulent times after the start of the global economic and financial crises. The accession of Latvia and Lithuania to the single currency in 2014 and 2015 respectively may be also considered as enlargement of the euro area in a post-crisis period.
- Croatia also joins the euro area amid serious crises, energy and supply chain problems as well as a war in Ukraine that is quite close to the EU borders. Furthermore, Croatia and Bulgaria succeeded to join the ERM II and the Banking Union in 2020, just after the eruption of the pandemic with COVID-19, the beginning of the recession and the fiscal challenges for budgets of EU Member States that started to stimulate their economies via fiscal measures.
- The pandemic and the refugee crisis also failed to prevent the enlargement of the Schengen area. Croatia is expected to join that area in 2023. Romania and Bulgaria may also join it by that year if the remaining conditions are met and if there is a positive assessment by the European Union institutions.
- On the military field, there were also substantial changes after the start of the war in February 2022. Finland and Sweden remained neutral until recently but decided to apply for NATO membership after the aggression of the Russian Federation in Ukraine.

All these examples show that economic, political and even military integration may happen amid different crises. One may also argue that the crises further stimulate the integration processes. There are serious arguments for that. During times of crises politicians are more willing to start unpopular reforms. The people are also more ready to accept changes during times of crises as there is a general understanding that there shall be a reaction to the crises. Last but not least, the EU institutions and leaders are also habituated to respond to crises situations with „more Europe“, i.e. with deepening the European integration process and with the enlargement of the existing integration projects such as the euro and the Schengen areas.

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<sup>2</sup> Iceland is already to some extent integrated to the EU as it is part, together with Norway and Liechtenstein, to the European Economic Area Agreement since 1995. In accordance with this agreement Iceland and the other two countries apply the EU provisions on the internal market and its freedom of movement of goods, people, services and capital.



Brexit also affected interestingly the opportunities for euro area enlargement. The first impression is that the problems associated with Brexit may reduce the intentions for euro accession by the non-euro area Member States. In fact, Brexit may induce just the opposite developments as the United Kingdom was the second largest economy in the EU-28 as well as the largest and the most important economy in the non-euro area Member States. The withdrawal of the United Kingdom of the EU provoked many changes, including in the balance between euro-area and non-euro area Member States. After Brexit and before the Croatia's accession to the single currency, the euro area GDP is about 85% of the total EU economy (GDP) and the 8 non-euro area countries are only about 15% of the EU economy which is a very small proportion. After Brexit, the non-euro area Member States have less power in the EU-decision making process. On the other hand, more and more economic and financial reforms recently are directed mainly to the euro area with the notable example of the Banking Union that is obligatory only for euro area Member States and for the other EU countries it is just an option.<sup>3</sup>

It shall be noted also that the euro is the second strongest currency in the world after the US dollar. This is also a positive fact when one considers the strategies for overcoming different global and regional crises. This may create additional stimulus for the non-euro area Member States to join the single currency. The euro is globally the second most used currency in the trade, financial and foreign exchange markets. It is also the second reserve currency for keeping foreign exchange reserves by the central banks. The euro is also the second most used currency for issuing government and corporate debt.<sup>4</sup>

### **3. Nominal convergence of the EU Member States outside the euro area**

In order to assess the preparedness of the non-euro area Member States to adopt the euro as well as the chances for euro area enlargement we will assess next the compliance with the nominal convergence criteria that are defined in the Treaty on the Functioning of the EU (TFEU) after the amendments in

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<sup>3</sup> For more information on Brexit and how it affects the euro area, see: Tokarski, P. and S. Funk, „*Non-euro Countries in the EU after Brexit. Between Fear of Losing of Political Influence and Euro Accession*“. SWP Comment 2019/C 03, January 2019 and Simeonov, K., „*The Effects from Brexit on the EU-27 and the Euro Area Developments*“, Bulgarian Journal of International Economics and Politics, University of National and International Economy, Issue 1, 2021, Sofia, ISSN (print): 2815-2751, DOI: <https://doi.org/10.37075/BJIEP.2021.1.02>, p.17-25. For more information on EU reforms in relation to the completion of the Economic and Monetary Union, see: Juncker, J.-C. in close cooperation with D. Tusk, J. Dijsselbloem, M. Draghi and M. Schulz, „*The Five President's Report: Completing Europe's Economic and Monetary Union*“. Brussels, June 2015.

<sup>4</sup> For more information on the international role of the euro in the global markets, see: European Central Bank, „*The international role of the euro*“, June 2021 and European Commission, „*The Euro in the World*“, Economic and Financial Affairs, Brussels, 2016. It shall be taken into account, however, that the euro has lost some influence, including through its current devaluation against the US dollar.

the Treaty of Maastricht.<sup>5</sup> These criteria concern the price stability criterion, the criteria on public finances, long-term interest rates and exchange-rate stability as well as the legal compliance with the EU law. The official assessment of these criteria is done by the European Commission and the European Central Bank at least every two years or at the request of an EU Member State outside the euro area. The last regular assessment by the Commission and the ECB were published in their convergence reports issued in June 2022.<sup>6</sup>

The Table 1 below provides information on the compliance of the non-euro area Member States with the convergence criteria for the adoption of the euro.<sup>7</sup> For the current analysis the last three convergence reports from the European Commission and the European Central Bank are taken into account – those from 2022, 2020 and 2018.

**Table 1: Compliance with the convergence criteria  
by non-euro area Member States (2018-2022)<sup>8</sup>**

	Price stability	Long-term interest rate	Public finances		Exchange-rate stability	Legal compliance
			Budget deficit	Government debt		
Convergence Reports from 2022						
Bulgaria	5.9%	0.5%	-4.1% <sup>9</sup>	25.1%	Compliance	Non-compliance
Croatia	4.7%	0.8%	-2.9%	79.8% <sup>10</sup>	Compliance	Compliance
Czech Republic	6.2%	2.5%	-5.9%	41.9%	Non-compliance	Non-compliance

<sup>5</sup> See: Consolidated version of the Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012., p. 47-390.

<sup>6</sup> See: European Commission, „*Convergence Report*“, Institutional Paper 179, June 2022, ISSN 2443-8014 (online) and European Central Bank, „*Convergence Report*“, June 2022, ISSN 1725-9525.

<sup>7</sup> Denmark is also a non-euro area Member State but it is excluded from the analysis of the Convergence Reports because of its „opt-out“ clause in relation to the adoption of the euro and the entering into the third stage of the Economic and Monetary Union.

<sup>8</sup> Sources: European Commission, „*Convergence Report 2022*“, Institutional Paper 179, June 2022, European Commission, „*Convergence Report 2020*“, Institutional Paper 129, June 2020; European Commission, „*Convergence Report 2018*“, Institutional Paper 078, May 2018.

<sup>9</sup> Bulgaria and the majority of the non-euro area Member States comply with the public finances criterion in 2022 as the general escape clause under the Stability and Growth Pact was used due to the extraordinary situation with the COVID-19 pandemic and Excessive Deficit Procedure was not started against these states. The only exception is Romania.

<sup>10</sup> The government debt is considered compliant in Croatia in 2022 even though it was above the reference value as the ratio of government debt to GDP was decreasing and the prospects for the next years are to decrease even further approaching the reference value. The same arguments were used to recognise in the same year the compliance of the public finance criterion also for Hungary.

Hungary	6.8%	4.1%	-6.8%	76.8%	Non-compliance	Non-compliance
Poland	7.0%	3.0%	-1.9%	53.8%	Non-compliance	Non-compliance
Romania	6.4%	4.7%	-7.1%	52.6%	Non-compliance	Non-compliance
Sweden	3.7%	0.4%	-0.2%	36.7%	Non-compliance	Non-compliance
<b>Reference Value</b>	<b>4.9%</b>	<b>2.6%</b>	<b>-3.0%</b>	<b>60.0%</b>	<b>ERM II<sup>11</sup></b>	<b>n.a.</b>
<b>Convergence Reports from 2020</b>						
Bulgaria	2.6%	0.3%	-2.1%	20.4%	Non-compliance	Non-compliance
Croatia	0.9%	0.9%	+0.4%	71.1%	Non-compliance	Compliance
Czech Republic	2.9%	1.5%	+0.3%	31.0%	Non-compliance	Non-compliance
Hungary	3.7%	2.3%	-2.0%	66.3%	Non-compliance	Non-compliance
Poland	2.8%	2.2%	-0.7%	45.6%	Non-compliance	Non-compliance
Romania	3.7%	4.4%	-4.3%	35.3%	Non-compliance	Non-compliance
Sweden	1.6%	-0.1%	+0.5%	35.1%	Non-compliance	Non-compliance
<b>Reference Value</b>	<b>1.8%</b>	<b>2.9%</b>	<b>-3.0%</b>	<b>60.0%</b>	<b>ERM II</b>	<b>n.a.</b>
<b>Convergence Reports from 2018</b>						
Bulgaria	1.4%	1.4%	+0.9%	25.4%	Non-compliance	Non-compliance
Croatia	1.3%	2.6%	+0.8%	76.7%	Non-compliance	Compliance
Czech Republic	2.2%	1.3%	+1.6%	35.0%	Non-compliance	Non-compliance

<sup>11</sup> The compliance with the exchange-rate convergence criterion is ensured if the Member State is a member of the Exchange Rate Mechanism II for at least 2 years without devaluating against the euro.

Hungary	2.2%	2.7%	-2.0%	73.6%	Non-compliance	Non-compliance
Poland	1.4%	3.3%	-1.7%	50.6%	Non-compliance	Non-compliance
Romania	1.9% <sup>12</sup>	4.1%	-2.9%	35.1%	Non-compliance	Non-compliance
Sweden	1.9%	0.7%	+1.3%	40.6%	Non-compliance	Non-compliance
<b>Reference Value</b>	<b>1.9%</b>	<b>3.2%</b>	<b>-3.0%</b>	<b>60.0%</b>	<b>ERM II</b>	<b>n.a.</b>

Based on the results from the last three convergence reports the following main conclusions may be done for the nominal convergence of the current non-euro area Member States (except Denmark):

- The main challenge for achieving convergence with the euro area is the price stability criterion. Usually between 3 to 5 non-euro area Member States does not fulfill this criterion. Partially this is due to the fact that the price levels of the majority of these countries are well below the average price levels of the euro area. Therefore, price levels in these countries are expected to be higher in the coming years and further convergence is expected due to the catching up process.
- The majority of the non-euro area Member States meet the long-term interest rate criterion with only 1 to 3 countries not meeting this criterion in the different reports. Furthermore, usually the non-compliance is with a small margin above the reference value.
- The non-euro area Member States usually meet the public finance criterion. It shall be admitted that in the recent years these countries perform even better than many of the euro area members in terms of public finance stability. The only exception is Romania but even that Member State met the criterion in 2018.
- The majority of the non-euro area Member States do not meet the exchange-rate stability criterion, but this is mainly due to their non-willingness or unpreparedness to enter in the ERM II. Only in the last 2022 convergence reports Bulgaria and Croatia met this criterion as they joined successfully ERM II in July 2020.

<sup>12</sup> Although the level of inflation in Romania is 1.9% just at the reference value of 1.9%, the EU institutions assess it as non-compliance in the convergence reports from 2018 as it is projected the inflation to increase above the reference value in the next months. At the same time Sweden with the same rate of inflation of 1.9% is considered compatible with the price stability criterion as it is projected the inflation of that country to decline in the next months.

- The non-euro area Member States except for Croatia does not comply also with the legal criteria as their legislation is not fully compatible with the Treaty on the Functioning of the EU and other EU law. However, this criterion is not expected to create substantial challenges. Once the countries approach to the euro area they will amend without problems their respective national legislation.

As a general *conclusion*, it may be stated that the nominal convergence shall not be a significant challenge for the non-euro area Member States, with the possible exception of the price stability criterion. If the governments and central banks of these countries have the willingness, then the public finances, the long-term interest rate, the legal compliance as well as the exchange rate stability criterion shall not be significant problems. If there is a political willingness, even the price stability criterion shall not be such a problem, as the criterion shall be usually fulfilled for the last 12 months and the governments and central banks have enough instruments to put a pressure on the inflation levels, especially in short-term.

#### **4. Real convergence of the EU Member States outside the euro area**

Although the nominal convergence is the one that is mainly assessed officially for measuring compliance with the euro area convergence criteria, the real convergence of the countries with that area is not less important. The real convergence is the one that is usually felt stronger by the people and it is much more visible.

The real convergence may be measured by several indicators but the most used is the one comparing the GDP per capita in Purchasing Power Parity (PPS). This indicator allows to measure and to compare the level of wealth and purchasing parities of the Member States.

Another indicator for measuring the real convergence with the euro area is the percentage of the trade of the respective country with the euro area, compared with its total foreign trade. Other indicators include the comparison of the price levels in the country with the price level in the euro area, the investment positions with the euro area, i.e. the level of investments from euro area Member States, etc.

Below in the table data is provided for two of the most important real indicators. The same seven non-euro area Member States are included and the analysed period is 2012-2021 with a more detailed focus on the last years – 2017-2021.

**Table 2: Real convergence by non-euro area Member States (2022)<sup>13</sup>**

	2012-2021	2012-2016	2017-2021	2017	2018	2019	2020	2021
<b>GDP per capita in PPS (euro area = 100)</b>								
Bulgaria	46.4	44.1	49.3	47.0	48.2	49.9	52.3	-
Croatia	58.7	56.7	61.1	59.3	60.7	62.6	61.8	-
Romania	57.2	52.1	63.5	59.4	61.4	65.3	68.1	-
Czech Republic	83.4	80.6	87.0	85.0	86.3	87.6	89.2	-
Hungary	65.4	63.6	67.8	64.5	66.9	68.6	71.0	-
Poland	65.4	63.2	68.1	65.0	66.3	68.4	72.6	-
Sweden	116.3	118.4	113.6	113.7	112.4	111.9	116.6	-
<b>Trade with the euro area (as a percentage of the total)</b>								
<i>Exports of goods and services with the euro area (as a percentage of the total)</i>								
Bulgaria	43.4	42.4	44.3	42.4	44.6	44.0	45.6	45.2
Croatia	55.6	57.1	54.4	54.5	55.7	54.5	53.6	53.8
Romania	55.7	54.0	57.0	57.0	57.6	57.2	57.7	55.7
Czech Republic	62.3	62.3	62.2	62.6	61.9	61.9	62.2	62.2
Hungary	56.8	56.2	57.4	57.4	57.3	57.6	58.2	56.5
Poland	56.1	55.1	57.0	56.1	56.7	56.5	57.4	58.4
Sweden	39.5	39.8	39.2	40.7	40.4	38.5	38.1	38.4
<i>Imports of goods and services with the euro area (as a percentage of the total)</i>								
Bulgaria	42.2	42.6	41.8	42.8	42.6	41.6	40.8	41.1
Croatia	58.6	59.3	58.0	58.5	57.1	58.3	58.9	57.1
Romania	53.8	54.3	53.5	54.5	54.2	52.9	53.3	52.4
Czech Republic	51.8	52.4	51.2	52.5	52.1	51.6	50.4	49.5
Hungary	57.2	57.6	56.8	58.8	57.6	56.7	55.5	55.6
Poland	57.8	57.8	57.7	58.7	57.7	57.1	58.2	56.9
Sweden	48.9	48.4	49.4	49.5	48.9	49.1	49.8	49.9

<sup>13</sup> Source: European Commission, „Convergence Report 2022“, Institutional Paper 179, June 2022.

Analysing the information from Table 2 the following conclusions may be withdrawn:

- Comparing the GDP per capita in Purchasing Power Parity with the euro area, generally there is some convergence with the single currency area. Another positive fact is that for the last decade for all countries (with the exception of Sweden) this real convergence is increasing. The level of GDP per capita in Sweden compared to the euro area remains the same in the last decade but this is the only country in the sample when the GDP per capita is even higher than the one of the euro area average.
- It shall be admitted that this group of seven countries is a little bit divergence in terms of GDP per capita in PPS compared with the euro area. On the one extreme is Sweden with average GDP per capita in PPS of 116.3% compared with the euro area average in the last decade. On the other hand is Bulgaria, with a figure of less than 50% for the same period. The positive news for the latter is that the indicator is constantly improving during that decade. Currently it stands already above 50% and the prospects are for further improvements in the next years.
- The other countries may be grouped in three groups in relation to the GDP per capita in PPS indicator. The first one is Croatia and Romania where the average GDP per capita in PPS for the last decade was 57%-58% from the euro area average. The second one is Hungary and Poland with a level of GDP per capita in PPS of around 65% from the euro area average in the last decade. The third one comprises only one country – the Czech Republic where the GDP per capita in PPS is substantially higher than the other non-euro area Member States from Central and Eastern Europe – around 83% for the last decade. The level of real convergence for all these three groups of countries is increasing in the last years when comparing the GDP per capita in PPS.
- Looking on the other indicator, namely the trade integration of the analysed countries with the euro area, similar conclusions for relatively high integration with the single currency may be done. The exports of these countries with the euro area stand between 39% and 62% from the total exports of the seven countries. In the majority of the cases the exports to the euro area are above 50% from the total exports.
- Analysing the imports similar figures may be reported. The imports of the seven non-euro area Member States from the euro area are between 40% and 58% from the total imports in the last decade. In the majority of the cases the level of trade integration in terms of imports is above 50%, meaning that the majority of the imports are coming from the euro area. That shows the high level of trade integration of these countries. The trade with the rest of the world represents less than half of their foreign trade.

As a general *conclusion* it may be stated that there is some real convergence with the euro area for the EU Member States that are currently outside that area. Furthermore, in the recent years this real convergence is slightly but steadily growing and the Member States outside the euro area are more and more integrated to that area in real terms.

## 5. Conclusions

Is it possible to conclude that because of the relative nominal and real convergence of the non-euro area Member States with the single currency the enlargement of that area will be a fact in the next decade? And that the euro will become a real single currency for the whole EU?

The potential answers are rather mixed.

If one looks at the figures, it may be concluded that with some efforts and reforms the non-euro area Member States may become part of the single currency in the next decade. The main challenge in relation to the nominal convergence is price stability but even that criterion may be fulfilled if appropriate measures are taken at national level. Another challenge is to maintain stable the public finances which will not be very easy in the next years due to negative economic effects of the pandemic, the war in Ukraine, the energy and other supply chain problems.

The real convergence of the non-euro area Member States from Central and Eastern Europe is also advancing slowly but steadily in the recent years. Sweden and Denmark real convergence with the euro area is already a fact.

Brexit may also affect positively the willingness of the non-euro area Member States to join the single currency. The main reason is that with the withdrawal from the EU of the largest non-euro area economy the share and the role of the non-euro area Member States significantly decreased in the EU. With the euro accession by Croatia in 2023, this share and role will decrease further.

However, everything is not so positive for the euro area enlargement in the next decade. The main problem is the current lack of political willingness in most of these non-euro area countries to join the single currency. This is mainly relevant for Sweden as well as for Denmark, Hungary, Poland and Czech Republic. Bulgaria and Romania are much more willing to enter in the euro area but there are substantial reforms to be concluded before euro accession is possible. However, Bulgaria has some advantage as it is already part of the ERM II and the Banking Union and the nominal convergence with the euro area is higher than in Romania. In contrast, in the recent years Romania achieved greater real convergence than Bulgaria.

Another problem is the relatively low level of support for the euro accession among the population in the non-euro area countries. Intensive information and communication campaigns for euro adoption are not yet advanced in these countries with the exception of Croatia that is quite close to euro adoption.



The current crises create significant problems for the EU and the euro area. The pandemic, the war in Ukraine, the energy and supply chain problems, the refugee and many other crises induce tensions and obstacles for the EU and euro area developments. However, these crises may also have an unexpected influence on some reforms in the EU including the euro area enlargement in the next decade. Taking into account that politicians and people are much more ready for unpopular changes during crises, these crises may have a turning effect on the political willingness and people perceptions to integrate more promptly to the second largest and strongest currency in the world.

It is too early to predict if such a change might be provoked by the current crises. But one thing is clear even at this stage. The euro was perceived to be the currency of the whole EU and one day or another it shall become a real single currency of the Union.

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# THE DEBATE ABOUT THE EUROPEAN UNION POLITY IN LIGHT OF THE WAR IN UKRAINE

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## ***Abstract***

*The war in Ukraine presented radically new challenges to the European Union and its Member States of political, economic and security nature. It has brought about new perspectives on the fundamental principles and values of the Union, on the freedoms and responsibilities upheld and cherished by the Union, its societies and peoples, as well as on European solidarity and cooperation. Some interpret these new realities as a precondition for further European Unity, others see it as the reason for emancipation of Central European Members States who now finally become full members of the „EU Club“, while yet others point to the new geopolitical role which the EU might take in the international system. French President Macron even put forward an idea about an enlarged European political community, based on shared values with the Western liberal democracies. The resolve and unity shown by the European Union in the months since Russia's invasion in Ukraine also merits the attention of the academic and expert debate. The paper looks into alternative paradigms about the European political integration in the context of these developments and discusses their contribution for the development of European polity.*

**Keywords:** European Union, polity, values, Ukraine, war

## **1. Introduction**

The war of the Russian Federation in Ukraine presented radically new challenges to the European Union and its Member States of political, economic and security nature. It has brought about new perspectives on the fundamental principles and values of the Union, on the freedoms and responsibilities upheld and cherished by the Union, its societies and peoples, as well as on European solidarity and cooperation. Some interpret these new realities as a precondition for further European Unity, or even for expansion of an enlarged European

political community, based on shared values with the Western liberal democracies. The resolve and unity shown by the European Union in the months since Russia's invasion, the new leading role uptaken by the governments of Central Europe and the reconsideration of neutrality for some of the non-aligned Member States offer an opportunity to discuss the impact of this new political context on the development of the integration process towards a European polity.

The paper begins by outlining the main dimensions of the theoretical debate about the nature of European Union integration. This part aims to demonstrate that the integration process so far has been a gradual progression from intergovernmental political cooperation towards deepening regulatory policies, reaching the very texture of European societies. The argument is put forward that from the current historical point onward, further integration requires political mobilization for value-based objectives, which is only possible if true European polity is constructed. The paper then looks into the new realities in the EU post 24 February 2022 from political, geostrategic and ideological standpoint. The key new dimensions of change in the integration process and political environment are outlined. The paper ends with a discussion on the implications of these new realities on the prospect of formation of European polity.

## **2. The theoretical debate on the nature of European integration and the role of polity**

This paper is theoretically informed by the understanding that there is an immanent nature and logic of the European integration process which is established and progresses through permanent qualitative change. The very nature of the integration is to solve constantly evolving and qualitatively escalating problems and this is its specific historical logic.

Jean Monnet, one of the founding fathers of European integration, notes that Europe will be forged in crises and will be the sum of the crises. It is not hard to find evidence today about the veracity of his prognosis – from the challenges of economic recovery after the Second World War, the empty chair crisis in the 60s, the arguments about budgetary reforms and financial contributions in the 80s, the crisis of the Iraq war, the French and Dutch „no“ to the Constitutional Treaty... all the way to the Greek financial catastrophe and Brexit.

The theoretical discussion about the nature of European integration is not recent, but the deepening and development of the scientific interest in these issues can be traced back to the Maastricht Treaty, which is among the most significant milestones in the history of political integration in the EU. After this Treaty, a number of theoretical and conceptual attempts arise that try to take stock of the European political process and its logic. Defining this logic takes various forms and here we shall merely mark some of the most significant of those:

- the EU as more than a regime, but less than a state (Wallace 1983);

- the EU as a regional state (Schmidt 2006);
- EU as a form of multi-level governance and dispersed decision-taking at different territorial levels (Jachtenfuchs 2001, Marks et al. 1996, Hooghe and Marks 2001);
- EU as a system of norms and ideas/values (March & Olsen 1998, Finnemore & Sikkink 1998);
- EU as a system of transnational networks (Eising & Kohler-Koch 1999), network governance (Kohler-Koch 1999), based on the coordination of multiple actors and bridging of diverging interests;
- EU as discursive interaction (Risse 2000, Weiler 2000);
- EU as a system of negotiating problem-solving strategies (Scharpf 1997).

Clearly, there is a notable ambivalence of the political process in the EU. On the one hand the traditional mechanisms of domestic political life persist to be of primary importance, but on the other – more active and more multi-faceted supranational dialogues occur. And the dynamics of this ambivalence produce a deepening perception of democratic deficit and legitimacy deficit in the EU, combined with public criticisms about the insufficient effectiveness of the policy process. The European governance becomes increasingly challenged for being both insufficiently effective, and insufficiently legitimate. How is this possible?

In the early decades of European unity, integration was a relatively limited elitist process, which was not based on mass public support, but also did not need such support, as it only concerned few sectoral policies in the economy. The success of this sectoral integration however led to broadening of the collective action and gradually penetrated deep into the field of social relations, which are traditionally a nation state prerogative (ex. labor market regulation, internal security and justice). This in turn led to changes in the institutional landscape, increasing the budget parameters, and the role of the European Parliament in its allocation. Slowly European policies affected ever larger share of the citizens of Member States as addressees of their direct impact. And in terms of tax burden – EU policies affected all citizens. Member State citizens are now expected to be ever more engaged with the integration process, not only as taxpayers, but as addressees of the European-level legislative intervention in social life. Moreover, due to the specifics of relatively limited, albeit increasing EU budget, the Union is predestined to implement integration policies primarily through regulation, not redistribution (Me'ny, Muller & Quermonne 1996, Majone 1996). And this makes EU's democratic representativeness and legitimacy an unavoidable challenge.

The EU integration process to date has only been possible due to a certain level of non-transparency as a trade-off for efficiency (Carvel 1998, Moravcsik 1999, Moravcsik 2002, Bjurulf & Elgström 2004), which allows different actors to recognize various aspects of the integration partnership as having value to them and as a basis for the legitimacy of their participation in this partnership

(Putnam 1988, Metcalfe 1998, Mattila & Lane 2001). This logic has been sustainable before the integration process enters deeply the day to day lives of Europeans as taxpayers, service consumers and potential addressees of... the European arrest warrant, for example. And this is a stage of integration development where the *polity* of the EU becomes central challenge. Because historically in the EU the process of integration has been an evolution from politics (intergovernmental decision-making based on consideration of political and ideological nature) towards policies (concrete sectoral interventions through redistribution or regulation). The foundations of the economic integration in the 50s and 60s were tied to the political considerations how to strengthen French-German reconciliation through permanent connections to avoid conflicts of the past. However, the historical development of the EU integration process gradually brings forward the concrete policies as mechanisms of addressing specific problems, particularly in the context of globalization when Member States are unable to individually tackle many arising issues. Integration becomes ever more interwoven in the very texture of European societies (Wessels & Rometsch 1996), but it takes the form of regulatory policies without genuine transnational party politics, based on the political preferences of a common European political body/demos.

The European integration process today, having started in narrow economic spheres, has impacted the very foundations of how we Europeans interpret governance and democracy (Schmidt 2006), as we now have a power structure without a common vision of the type of society we want to have behind this power structure (Questiaux 2000). The challenge is not only to answer the question *what* should Europe do – „Europe – left or right?“ (Hix 2005), but about *how* to do it. Is democracy in the EU possible in the absence of European demos, in light of the generally accepted idea that democracy has the strongest chances for success in socially homogenous societies, without fundamental dividing lines (Almond 1956, also see Tocqueville 1969). Is democracy possible if the EU continues to be perceived as predominantly regulatory, given that domestic democratic legitimacy in the Member States is usually based on elections and re-distributional policies (Mény, Muller & Quermonne 1996, Majone 1996)?

EU development has exhausted the possible integration on the basis of existing preconditions. The permissive consensus of the early days of integration (Lindberg & Scheingold 1970, Hix 2005, Ruzza 2004) is depleted and the need to define the ultimate fundamental/constitutional form of the Union – the *finalité politique* – is more urgent than ever (Shikova 2009). The momentum of European integration has so far been based on the ambiguity between the strong foundation of the European nation state and the search for a new political form beyond it. Those two contradictory principles have invigorated European integration and led to its progression, but this ambiguity could threaten to become fatal if the fundamental challenges in the sphere of politics are not addressed – those of political competition, accountability, left-right divide, interest representation, public opinion. Purely economic expectations cannot

mobilize political support for the riskier and all-encompassing project of a political union – at least one deserving of such name (Habermas 2001). In other words, governance *with* the people requires the existence of a *people*. Here we do not refer to people in the ancient Athenian sense, impossible today, and not even to an „excessively demanding concept of demos“ (see for example Innerarity 2014 who warns that this may be utopian and too categorical of an expectation for Europe), but at least in the modern sense of the term as a body with relatively high level of social homogeneity, high level of economization, mass and rational engagement with the economic, leading to shared point of view based on the common interest, but also shared history, cultural tradition, single language that facilitates interactions, shared discursive and media sphere, etc.

According to some, the EU has been missing such shared pan-European social sphere, because of the priority given to diversity and the Union has objected to negatively constructing its identity by contrasting it to an External Other. So far Europe has refused to define itself *politically* by constructing European identity on the basis of limited belonging (evidenced by its determination to pursue enlargement indefinitely) and defied the idea to think of itself exhaustively. Yet belonging requires the existence of a strict border – you belong because others do not (Weiler 1995). Having a strong collective identity and trust in the common good is a basic precondition for legitimate representative governance, which allows for overlooking certain important but contested collective interests and preferences of the national publics. But without such fundamental trust and shared value system there is no reason why the ignored minorities should accept the legitimacy of the policies, adopted by potentially hostile majorities (Scharpf 2003). Moreover, according to some authors this value system cannot be based on purely humanistic and universalistic values, but needs to be defined by the cultural, historic and spiritual consciousness of a common past, shared over many centuries (Engels 2022).

Thus, the question about the construction of European polity is not just one of the challenges the EU faces but is fundamental for the possible future of EU integration. Further integration requires political mobilization for value-based objectives.

The next part looks into the political developments in Europe and the EU after the 24<sup>th</sup> February and discusses how these new dimensions of change in the political environment may impact the process of construction of a strong European collective identity beyond the nation state.

### **3. EU and the war in Ukraine: impacts on the formation stronger European collective identity**

The onset of the Russian war in Ukraine posed instant and sizeable challenges to European decision-makers and societies. Whether the EU, together with its allies, will be capable of providing a strong and unified response to

these challenges or whether it will split into different opinions and fractions, failing to cooperate in the context of military activity on the continent, has been a decisive question, which could have implications on the future of the European project.

The prospects of EU identity formation based on common threats has received some research interest (Caporaso 2005, Matonytė & Morkevičius 2009, Paikin and Gros 2022). The Russian invasion in Ukraine in 2014 has also been analyzed from this perspective (Gehring 2022, Gorodnichenko and Roland 2014, Gylfason and Wijkman 2014, Gylfason et al. 2014). As the question has many facets, here we will look into three main dimensions, which may have impact on the reinvigoration of the EU on the basis of a shared vision, prompted by an external threat.

### **Allied for common action**

The European Union surprised the world, and even itself, with the rapidness, intensity and unity of its reaction to Russia's war against Ukraine and this „new“ Europe seems determined to project both soft and hard power on the world stage (World Economic Forum 2022). The unified European response after the Russian invasion has sent encouraging signals, along with EU states' readiness to change their traditional policy toward Russia (Krastev 2022). But as Putin is militarizing his energy strategy towards the EU, the Union is demonstrating significant alignment. The challenge is whether this solidarity will collapse in the face of gas shortage and pushback from European consumers, or whether the EU will maintain its resolve to protect the very basis of the international rule-based world order, even if at the detriment of EU's domestic consumers and industries. This is no small endeavor, but there are signs that the unified front against Russian aggression will hold stronger than expected. An opinion poll in Germany in September 2022 showed that 70% of respondents want the country to continue supporting Ukraine, even if it leads to higher energy prices, even though diminishing Russian gas supply has driven gas and electricity prices up, and the situation is expected to worsen in winter. Many EU publics also seem favorable of Ukraine receiving EU candidate status (about 2/3 of citizens of Germany, the Netherlands, and France are in favor according to opinion poll conducted by New Europe Center in June 2022 and 65% of the Irish are in favor of Ukraine joining the EU according to European Movement Ireland poll in the same month).

The rapidly imposed broad array of sanctions towards Russia, defined by the EU as comprehensive and robust, has also been interpreted as evidence for EU's determination to stay true to fundamental principles at times of crisis. As EU sanctions regulations have direct effect in all Member States of the EU, and, as such, are legally binding on all natural and legal persons, the unified front for imposing sanctions in multiple economic spheres is a significant demonstration of alignment. According to some forecasts this unified front can be strengthened further if the EU succeeds to produce a long-term plan for

Ukraine, considering the forecasts for a long war. In such a likely scenario, the European publics will expect more clarity and visibility on what the EU is doing for Ukraine and why. Such a plan can consolidate European unity despite the war fatigue, which is imminent at the 6-month mark of military actions, and can counter Russian narratives about a shifting world order (Buras et al. 2022). Ultimately, coping with Russia's invasion of Ukraine at both the diplomatic and political, as well as the economic field, may prove to be „Europe's moment“ of critical importance for unity (Krastev 2022).

### **Central Europe emancipation in the European club**

At the EU political arena, the war in Ukraine has brought about improved diplomatic standing of the Central European countries and a remarkable precedent of political representation of the EU and its Western Member States by the Central European countries, which could not be possible just a few years ago. Some authors even see this as „Central Europe's slow emancipation“ in the EU with countries in that region finally becoming full members of the club (de Gruyter 2022). One of the most notable examples of such diplomatic leadership was the trip of the three prime ministers of Poland, the Czech Republic and Slovenia to the embattled Ukrainian capital of Kyiv where they met with President Volodymyr Zelenskyy. Even though some question whether this was their unilateral undertaking without a mandate from Brussels, the prime ministers claimed they are on EU mission and extended the support of the EU to Ukraine. Only two weeks later the Ukrainian President was speaking at the European Parliament. At the June summit meeting in Brussels, Slovenian Prime Minister was asked to speak on behalf of Belgium, the Netherlands, and Luxembourg.

The unequivocal and rapid position in support of Ukraine has also turned Central and Eastern Europe into a region leading the way as Europe's strongest moral voice (Tůma 2022). This is a new position for Central and Eastern Europe Member States and a remarkable one. While for most of their path towards and in the EU as new Member States they have „mostly imitated the West in the aim to become the „new West“ (Krastev and Holmes 2019), currently the stream of influence seems to be partly turning the other way around with the countries of Central and Eastern Europe becoming more relevant and inspiring (Tůma 2022).

### **Unprecedented alignment with EU defense policy**

The war in Ukraine has also given rise to unexpected cohesion in the area of defense policy, overcoming some significant „long-standing taboos“ (Libo-reiro 2022). For the first time ever, the Union has agreed to finance the purchase of lethal weapons for countries that are under attack, a watershed moment for the EU, as described by Commission President von der Leyen. In line with the EU decision, Germany has drastically overturned its post-World War II policy that prohibited sending lethal weapons to conflict zones and is now equipping the Ukrainian government with anti-tank weapons and anti-aircraft missiles.



Finland and Sweden, two traditionally non-aligned countries, are also supporting the Ukrainian army's resistance to the Russian invasion with military supply. Both countries have reconsidered the option for NATO membership in a historic shift, despite Sweden's two-century aversion to military alliances and Finland's willingness not to antagonize Russia as its eastern neighbor with over 1300 km border line. The Finnish and Swedish accession to NATO is interpreted as a game changer, because the previously strategic vacuum in the North is now replaced by a tactical „depth“ that facilitates the defense of the Nordic and Baltic states. After all five Nordic countries enter NATO, the Baltic Sea becomes largely a NATO sea (Bundt 2022). Other Member States are also reconsidering key domestic policies and aligning closer with the EU – the Danish government announced a referendum to reconsider its 30-year-old opt-out from the EU common defense policy, which was supported by over 66%.

When interpreting the above dimensions of alignment in the area of defense policy, we should have in mind the deeply rooted historical societal consensus that has supported the military non-alignment policies of the Nordic Member States. Thus, the current shift may be not only a demonstration of rationalized strategies for security at the face of external military threat, but evidence for value-based shifts towards European unity in protection of the foundations of the democratic European order.

## 4. Discussion

In this paper we aimed to put forward an analysis of the current political, diplomatic, economic and ideological challenges faced by the European Union in the context of Russia's war in Ukraine. We proposed a historical interpretation of the integration process as a gradual progression from intergovernmental political cooperation towards deepening regulatory policies, reaching the very texture of European societies. The argument was put forward that from the current historical point onward, further integration requires political mobilization for value-based objectives, which is only possible if true European polity is constructed, uniting a relatively stable social support among the European publics. The unprecedented attempt of Kremlin to change Europe's political map and borders by force may present an opportunity for such redefinition of the EU on the basis of principles and values, which has seemed quite impossible in previous decades.

We discussed three dimensions of political change at the EU level and at the level of individual Member States, which may be forecasting the strengthening of the alignment of the European societies under the pressing circumstances of strategic and geopolitical threat. Some have even seen the emergence of a „new European Union that is ready to adopt a more assertive role as a global economic and geopolitical force for good“ (World Economic Forum 2022), and the EU may be on the path to creating an exportable grand narrative (Diamantopoulou 2022). Whether this is indeed „Europe's moment – one where it can showcase its value, and values, to the world“ (WEF 2022) will depend

on the ability of EU institutions and national governments to continue to maintain unity on the fundamental democratic and geopolitical questions (supporting Ukraine, sanctioning Russia) while also addressing the mounting domestic challenges (tackling existing inequities, ensuring shared prosperity, enhancing the legitimacy and accountability of EU-level decision-making).

Drawing definitive conclusions about political events of such nature and scale, as they unfold, is hardly ever possible. The aim of this paper was more modest – to track the main trajectories of change in EU's strategic political context. The first six months of Russia's war have seen some important steps forward in Member States' willingness to work together to protect Europe. If secured and strengthened, especially in the likely scenario of prolonged military conflict on European territory, near EU's borders and under the threat of nuclear escalation, this unity and alignment may result in strengthening a European polity, based on shared identity and values, uniting a relatively stable social support among the European publics for democracy, solidarity and peace.

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# THE EUROPEAN UNION AND THE WAR IN UKRAINE – IS A COMMON EUROPEAN DEFENCE SYSTEM POSSIBLE?

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## ***Abstract:***

*By analysing the development of the Common European Security and Defence Policy so far and outlining the main security challenges faced by the European Union and its Member States in recent years, this publication aims to answer the question: is a common European defence system necessary and possible? It places particular emphasis on the security implications of the Russian military aggression against Ukraine. Taking into account the EU legal framework and the development of security issues in recent years, the analysis advocates the understanding that the move towards real integration in the field of defence is a vital necessity and a key prerequisite for the survival of the European project and for the security of the states that form the European Union.*

**Key words:** EU, CFSP, common defence system, war, Ukraine

Although it has accompanied European unification since the early days of its existence, the idea of forming a common European defence policy or a common European defence system remains a distant goal on the horizon, despite the serious deepening of cooperation between EU member states on this issue. However, the events that Europe has been experiencing since the end of the years 2000, and especially the Russian military aggression against Ukraine, raise the question of the formation of a common European defence and the possibility of Europe guaranteeing its own security in a radically new way, and make it more urgent, necessary and imperative than ever to undertake real integration in the field of security and defence.

## 1. European Security and Defence Policy – State of Play

Seven decades ago, the founding states of the European Communities created an original model of public regulation based on the transfer of sovereign powers from the states to the institutions of European integration. At the heart of this model were several key objectives related to guaranteeing lasting peace in Europe, achieving sustainable upward socio-economic development and preserving the European democratic model<sup>1</sup>.

From the time of its creation to the present day, the European integration system has achieved significant successes, gone through many crises, but ultimately justified its existence in terms of the fundamental objectives for which it was created. War has been eradicated as a prospect between the countries of the Community. Europe has made unprecedented economic and social progress. The European democratic model prevailed in its clash with totalitarian communism. European unification has been expanded to serious number of new countries, including the former socialist countries of Eastern Europe, and today the integration system covers almost the entirety of the Old Continent. The integration model of regulation is being successfully applied in an increasingly wide range of areas of social relations<sup>2</sup>.

Paradoxically, although designed to guarantee lasting peace and to play a decisive role in overcoming the main security risks facing Europe, European integration has long been kept away from the realm of foreign policy and defence. Although in the early years of the development of the integration process the question of entrusting certain functions to the European Communities in the field of foreign policy and security was put on the table by the Pleven Plan and the projects for a European Political Community and a European Defence Community, the penetration of European integration into this territory, which is inherently linked to the existence and sovereign character of each state, has been slow, difficult and limited<sup>3</sup>.

After the particular forms of European political cooperation between the member states of the European Communities, outside the integration framework, developed in the 1970s and 1980s, it was only with the Maastricht Treaty of 1992 that the EU was formally recognised as having a specific role in the field of foreign affairs and security<sup>4</sup>.

Since the creation of the so-called Second Pillar, cooperation on this issue has developed significantly, but remains subject to unanimity, with the Council

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<sup>1</sup> Fontaine, P. (2012), *L'Unionne européenne. Histoire, institutions, politiques*, Édition du Seuil, Paris, p. 15 et seq.

<sup>2</sup> Ibid.

<sup>3</sup> Schneider, C. (2019), *La PESCE miracle ou mirage de la construction communautaire ?* In - Revue de l'Union européenne 1957-2017. Les 60 ans des traités fondateurs de l'Union européenne, Dalloz, Paris, p. 299 et seq.

<sup>4</sup> Ibid.

of Ministers and the European Council retaining a central role. The Member States remain the main actors of policy-making and action, while the Union contributes to the formulation of common positions and to their implementation through its common institutional apparatus and through the means of pressure and influence within its other policies. At the same time, EU defence cooperation remains very limited to the development of common institutional arrangements, military-technological research synergies and the development of individual Member States' defence capabilities. The EU conducts a number of peacekeeping and peace-support operations with forces contributed by individual states, in which NATO logistics are used in the more serious cases.

Although the Lisbon Treaty formally abolishes the pillar structure familiar from the Treaty of Maastricht, the matters of foreign affairs and security are subject to a special regime that does not differ substantially from the pre-existing framework of the Second Pillar and should be considered as a regime of intergovernmental cooperation<sup>5</sup>. At the same time, in recent years the EU and its Member States have been confronted with serious security challenges that have tested the effectiveness of the existing tools at European level and have revealed doubts about the ability of Member States and the Union as a whole to deal fully with emerging crisis situations in close proximity to or on the European continent itself<sup>6</sup>.

In the line of the evolution of the Common Foreign and Security Policy (CFSP), the creation of a common European defence system is essentially defined as an objective in the Lisbon Treaty<sup>7</sup>. On the other hand, art. 42(7) TEU provides that the Member States of the Union are bound to provide assistance by all means in the event of an armed attack on one of them, thus including a kind of mutual defence clause in the EU's primary legal framework<sup>8</sup>. In this context, there have been increasingly clear efforts in recent years to form a genuine common security and defence policy and to deepen cooperation in the defence sector.

In 2019, the new European Commission formally outlined as its policy direction the objective of building a European Defence Union by 2025<sup>9</sup>. A new

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<sup>5</sup> Schneider, C. (2009), *Brèves réflexions iconoclastes sur la „déconstitutionnalisation“ de la politique étrangère, de sécurité commune et de défense*. In : E. Brosset, C. Chevallier-Govers, V. Edjaharian, C. Schneider (dir.), Bruylant, Bruxelles, p. 292 et seq.

<sup>6</sup> Fernandez, R., Jaeger, P., Lieberherr, J.-M., Warlouzet. *Vers une stratégie de défense européenne commune*. Le Grand continent, 10.06.2022. <https://legrandcontinent.eu/fr/2022/06/10/vers-une-strategie-de-defense-europeenne-commune/>.

<sup>7</sup> See Article 42(2) TEU.

<sup>8</sup> Ramopoulos, T. (2019), *Provision on the common security and defence policy*. In - M. Kellerbauer, M. Klamert, J. Tomkin (eds.), *The EU treaties and the Charter of Fundamental Rights. A commentary*. OUP, Oxford, p. 281.

<sup>9</sup> Engberg, K. (2021)., *A European Defence Union by 2025? Work in progress*. In - SIEPS, Stockholm, p.4.

Directorate-General for Defence Industry and Space (DG DEFIS) was also created under the leadership of Internal Market Commissioner Thierry Breton. The Union's multiannual financial framework for 2021-2027 included €10.014 billion to strengthen defence research, develop defence capabilities, facilitate troop deployment, improve military mobility and support military crisis management<sup>10</sup>.

With the so-called Strategic Compass launched by the German Presidency in 2020, efforts have also been made to define common guidelines for strategic defence policy planning and to shape a strategic culture in line with the whole range of new defence challenges<sup>11</sup>. In March 2022, under the French EU Presidency, the Strategic Compass was formally endorsed by the Council, setting out an ambitious action plan to strengthen EU security and defence policy until 2030. The Strategic Compass provides a shared assessment of the strategic environment in which the EU operates and the threats and challenges it faces. The document makes concrete and actionable proposals with a very precise timetable for implementation to improve the EU's ability to act decisively in crisis situations and to protect its security and its citizens<sup>12</sup>.

The Compass covers all aspects of security and defence policy and is structured around four pillars: action, investment, partnership and security. In the framework of the preparation of the Strategic Compass, for the first time in the history of the EU, a joint analysis of threats and challenges was also prepared. This analysis is the product of the work of the new European Union Intelligence and Situation Centre (EU INTCENT), which, in cooperation with national intelligence authorities, addresses a multitude of issues ranging from climate change to terrorism, bringing together the different perspectives of Member States<sup>13</sup>.

Furthermore, a Permanent Structured Defence Cooperation (PESCO) was established in 2017, which represents a new step towards deepening defence cooperation in terms of enhancing the operational capabilities and technological capabilities of Member States<sup>14</sup>.

It should be stressed that PESCO is a particular form of enhanced cooperation as defined in Article 42(6) TEU. This provision provides that Member States whose military capabilities meet higher criteria, and which have a more binding commitment to each other may establish permanent structured

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<sup>10</sup> Engberg, K. (2021)., *A European Defence Union by 2025? Work in progress*. In - SIEPS, Stockholm, p.4.

<sup>11</sup> Ibid., p.12-13.

<sup>12</sup> A Strategic Compass for Security and Defence - For a European Union that protects its citizens, values and interests and contributes to international peace and security. Brussels, 21 of March 2022. <https://data.consilium.europa.eu/doc/document/ST-7371-2022-INIT/en/pdf>.

<sup>13</sup> Engberg, K. *A European Defence Union by 2025? Work in progress*. Op.cit, p. 12.

<sup>14</sup> Council Decision (CFSP) 2017/2315 of 11 December 2017 establishing permanent structured cooperation (PESCO) and determining the list of participating Member States, OJ L331, p. 57.



cooperation within the EU. All Member States, except Denmark and Malta, participate in this permanent structured cooperation. The specific projects for the development of operational capabilities and technological defence capability that Member States undertake are essential in PESCO, as are the binding common commitments.

A European Defence Fund was also established in 2017<sup>15</sup>. For the current financial period, €7.014 billion are allocated for defence research and development under the fund. The Fund should cover the tasks assigned to DG DEFIS related to promoting defence research and the development of defence capabilities, designing prototypes and supporting defence public-private partnerships. The work of the Fund should contribute to strengthening the European defence industry and the defence technology base, while favoring the strategic autonomy of the military-industrial sector.

Another component of the European Security and Defence Policy is the European Defence Agency (EDA). The EDA has been in existence since 2004 and, following the entry into force of the Lisbon Treaty, the Agency's framework has been adapted<sup>16</sup>. Article 45(1) TEU defines the functions of the EDA, which can be distinguished into those aimed at defining the objectives and needs of the military capabilities of the Member States and those concerning arms cooperation. In addition, in accordance with Article 3 of the PESCO Protocol, the EDA has another role, that of assessing the contribution of Member States to the objectives of permanent structured cooperation.

Despite the evolution of the Common European Security and Defence Policy and the many concrete steps of deepening defence cooperation in recent years, the EU remains very far from the stated goal of forming a common European defence system, and the various forms of cooperation still do not allow the EU to respond fully to the specific emerging security risks and threats, including on its own borders. The crises that erupted in Georgia in 2008, in Libya in 2011, Syria 2011, in Afghanistan in 2021, but most of all the crisis between Russia and Ukraine that erupted in 2014 and resulted into the first full-scale war in Europe since the Second World War, directly calling into question the security of the EU Member States and the Union as a whole, are particularly telling in this regard.

## **2. The CFSP in the context of the current security challenges in Europe**

In the above-mentioned context, the first question that we have to answer, is to what extent the institutional mechanism applicable today in the field of EU foreign and security policy allows useful solutions to be found. Moving from a model of unanimity to a more flexible mechanism of forming common

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<sup>15</sup> Engberg, K. *A European Defence Union by 2025? Work in progress*. Op.cit, p. 17.

<sup>16</sup> Ramopoulos, T. *Provision on the common security and defence policy*. Op. cit., p. 280-281.

EU positions is a delicate task, but there is ample evidence that the need to negotiate and agree in a format of 27 or more countries, to accommodate the particular interests of all, in order to respond to a severe crisis situation, such as that in Ukraine, for example, often leads to deadlock<sup>17</sup>. We cannot help but recognise, of course, that on one hand, it is very difficult to overcome this model of decision making in foreign and security policy, which is so linked to the sovereign nature of the state. On the other hand, however, there is the question of how we guarantee the security of the political ensemble in which we participate and how we ensure the preservation of the European model of free society if we continue to use these classical methods that have shown the limits of their potential while the world is changing and various new threats are emerging in our immediate vicinity.

Next, in the context of the new challenges that Europe is facing, we should ask ourselves whether we currently have the necessary operational tools to provide effective guarantees for our own security and to put into practice the positions that the EU establishes with regard to the various crisis situations. Already in the Libyan crisis in 2011, it was very clear that there is a serious deficit in what the European Union and the main Member States of the Union maintain in terms of defence capabilities. The two largest European armies, those of France and the United Kingdom, were able to sustain a localised military operation against a not very composed adversary for barely two months without the intervention of US military structures. And that is if we do not take into account the elements of logistical support provided from the outset by the US Army since the beginning of the intervention.

Later on, a similar picture became very clear in the Syrian crisis. It proved impossible to take any adequate action to stop the civil war and remove the regime in Damascus, both because of the divergence of political positions of certain EU Member States and because of the impossibility of putting any political position into action without the support and direct commitment of the United States.

The deficiencies of the EU member states' operational toolkit were also evident in 2021, in the context of the withdrawal of the United States and its allies from Afghanistan, in the course of which European states were faced with an extremely difficult test of how to withdraw their own citizens and the locals who worked with them in time, an operation that could not have been carried out without the assistance of US troops and equipment.

However, the existence of significant shortcomings in the present model of a common European security and defence policy, as currently established, is manifested in a particularly fractious way in the context of the Russian

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<sup>17</sup> The difficulties in adopting new measures against Russia in the course of the war in Ukraine, despite the declared unanimity as to the unacceptable nature of the Russian invasion, are sufficiently indicative in this respect.

military aggression against Ukraine. In flagrant disregard of international law, a barbaric war of conquest is taking place on the territory of the Old Continent, in close connection with the interests of the European Union itself, in which one of the global powers is not just interfering in the internal affairs of a neighboring sovereign state, but is attempting to destroy and annex it, or to take as much of its territory as possible. Moreover, the Russian war of conquest in Ukraine is being openly linked by the regime in Moscow to aims and claims that concern the Member States of the European Union in Eastern Europe and, in fact, is increasingly being projected as an attempt to bring about the destruction of the existing international order established in the past few decades since the collapse of totalitarian communism and the dissolution of the Soviet Union. This includes causing the break-up of the European Union as well.

In spite of all the intentions declared and all positions adopted, in spite of all the waves of sanctions imposed in connection with the Ukrainian crisis, the EU finds itself in a practical impossibility to guarantee compliance with the international legal order and to defend firmly Ukraine, with which it has strategic relations. Moreover, in the context of the Ukrainian case, we can see clearly how, in reality, without the involvement of the United States in crisis situations of vital importance to the European Union itself, the European states and the community they have built are proving incapable of forming and conducting an independent adequate response to the imminent danger that exists. For years, the EU has been developing sophisticated concepts and formulas of soft power and cooperation, i.e. combining alternative measures of action in different areas in order to contain and overcome crisis situations. Without denying the importance of this cutting-edge approach, we cannot help but acknowledge that it is proving to be insufficiently effective. Reality clearly illustrates that, when faced with a classic security threat involving the use of force, it is ultimately a question of having sufficiently reliable guarantees of a classic type, in terms of a specific military capability and the ability to deploy and use it at short notice. It turns out that it is not through alternative means of action, but through the presence of sufficient effective military force that attempts to use force again to rearrange the order of international relations and redraw the map of Europe can be deterred.

In this context, one question must be clearly asked at EU level: to what extent do the Union and its Member States currently have adequate guarantees for their security and for the preservation of their model of society? Can we consider that the EU and its member states can fully respond to emerging security threats even using the structure and capacity of NATO, given that in the military structures of the North Atlantic Treaty, around three quarters of all military capacity is concentrated solely in the US armed forces? To what extent, given the episode of the Trump administration and the crisis in Euro-Atlantic relations that we have witnessed in these four years, we can continue to rely on the US commitment to defend its allies in Europe as the main guarantee of our security?

Beyond any doubt, the absolute linking of guaranteeing the security in Europe to the continued involvement of the US is a risky approach that does not correspond to the new realities. Such an approach is also not justified in the context of the new US policy, which sees what is happening in the Asia-Pacific region and, in particular, China's increasingly visible military rise, as a major security risk and problem<sup>18</sup>. There are no visible signs that this new American defence strategy is being questioned even after the outbreak of a full-scale war in Europe, so the question of the new solutions needed to give credible security guarantees in Europe, regardless of US commitments to the defence of European countries, remains open<sup>19</sup>.

### **3. What solutions for the European Security and Defence Policy?**

Given the weaknesses thus outlined in the current model of European security and defence policy, a serious analysis is undoubtedly needed of what solutions can be taken at Union level to ensure that existing and future security threats are effectively countered, what tools can ensure the successful handling of emerging crises triggered by the power-based approach of the Moscow regime or other non-democratic regimes peripheral to the EU.

In this context, however difficult such a decision may be, the possibility of extending the application of qualified majority voting in the area of foreign and security policy should first of all be put to serious debate. The Lisbon Treaty provides for such a possibility in Article 31(3) TEU. The Member States and the competent European institutions must define a broader range of hypotheses in which the Union's common positions and the measures for their implementation can be approved in the European Council or in the Council of the EU with the support of the majority of the members, despite the disagreement of individual countries. Moving towards a more flexible and rational format for building common positions on major foreign affairs and security issues will also allow the full potential of the existence of a European diplomatic service. Having clear and workable common EU positions on key foreign affairs and international security issues is a crucial prerequisite for achieving the targeted beneficial effects of consolidating the Commission's external representation with elements of the diplomatic apparatus of the Member States.

In the search for solutions to strengthen the common European security and defence policy, the issue of the need to consolidate the defence structures and capabilities of the Member States or at least of some of the EU countries cannot be avoided. There is no doubt that Article 42(2) TEU, which provides

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<sup>18</sup> Bergmann, M., Morcos, P., Wall, C., Monaghan, S. (2022), *Transforming European Defense*. In - CSIS Briefs, p. 2.

<sup>19</sup> Ibid.

a legal basis for the formation of a common European defence system, offers interesting prospects in this regard. According to this provision, the common security and defence policy involves the progressive definition of a common defence policy for the Union. It should lead to the formation of a common defence from the moment the European Council, acting unanimously, adopts such a decision. In this case, the decision of the European Council should be approved by the Member States in accordance with the requirements laid down in their constitutional arrangements.

It should also be allowed in mind that the consolidation of cooperation in the field of defence industry, research and the development of new military technologies is crucial for the formation of an effective European defence<sup>20</sup>. Certain steps have already been taken in this regard with the establishment of the European Defence Fund, the activities of the European Defence Agency and the development of various bilateral and multilateral cooperation projects<sup>21</sup>. However, resources aimed at developing new technological solutions in the field of defence remain widely dispersed, and there is an apparent lack of a real common effort among EU Member States to consolidate resources and activities to find and put into use new technological tools. It can be observed that there are various competing projects, for example for new fighter aircraft, or that a large part of defence resources is directed towards the purchase of key military technologies from suppliers outside the European Union. Thus, while spending more than a significant amount of money on defence – €198 billion in 2020 – EU Member States are not able to derive the optimum value for money from the resources they devote to defence<sup>22</sup>.

Against the backdrop of the security crises of recent years, and especially in the context of the war in Ukraine, the need to move towards a genuine common security and defence policy and the construction of a genuine common defence system in the EU is hardly in doubt for any reasonable analyst. What exactly such a system might be and in what concrete forms it might be organised is a question that remains open. While the formation of a common European army can hardly be seen as a realistic solution, the integration of the development of new defence technologies, the creation of common defence system components such as air defence, military transport aircraft, reconnaissance aircraft and equipment, the formation of common rapid reaction battle groups or the consolidation of the supply of defence technologies and equipment can be seen as an achievable goal<sup>23</sup>.

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<sup>20</sup> Csernaton, R. (2021), *The EU's Defense Ambitions: Understanding the Emergence of a European Defense Technological and Industrial Complex*. In - Carnegie Europe Working Papers, p. 10 et seq.

<sup>21</sup> Engberg, K. *A European Defence Union by 2025? Work in progress*. Op.cit, p. 17-22.

<sup>22</sup> Defence Data 2019-2020. Key findings and analysis. European Defence Agency Report, 2021, p. 4.; Bergmann, M., Morcos, P., Wall, C., Monaghan, S. *Transforming European Defense*. Op.cit., p. 2 et seq.

<sup>23</sup> Bergmann, M., Morcos, P., Wall, C., Monaghan, S. *Transforming European Defense*. Op.cit., p. 2 et seq.

The development of such a common European defence system should, of course, be done in line with the commitments that almost all Member States have as part of the North Atlantic Treaty Organisation and, on the other hand, it should include an adequate formula of interaction with the United Kingdom, insofar as it maintains close defence cooperation with some EU Member States such as France and, on the other hand, there are key projects underway between the UK and some Member States to develop new defence technologies.

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The formation of a common European defence system is undoubtedly a difficult undertaking. But the needs of reality, the experience of the crises the EU has faced in recent years, and especially the existential threat to the security of the EU itself posed by Russian aggression against Ukraine, require beyond any doubt that the military capacity of the Member States and at EU level be tangibly strengthened and consolidated. There is a momentum to move to a qualitatively new phase of defence interaction in Europe that must not be missed. The change in the long-held positions of restraint and reserve in the field of defence of Germany, Denmark, Sweden or Finland shows that, however difficult it may be for Europe to move towards a genuine common security and defence policy and to integrate its defence structures, this is neither unthinkable nor impossible. Such an effort may ultimately be crucial both for the future survival of European integration and for the contribution of European states to the fulfilment of NATO's mission, to the preservation of sufficiently reliable guarantees for the security of the free world in a time of autocratic and totalitarian restoration both on the periphery of the European continent and in other parts of the world<sup>24</sup>.

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<sup>24</sup> Hamilton, D.S., Binnendijk, H. (eds.). *One Plus Four: Charting NATO's Future in an Age of Disruption*. NATO Task Force Report. P. 16 et seq.

# THE RECOVERY AND RESILIENCE FACILITY – UNITED IN DIVERSITY OR MORE MULTI-SPEED INTEGRATION

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## ***Abstract***

*The paper makes insight of the current Recovery and Resilience Facility (RRF) which is the main instrument to mitigate the economic and social impact of the coronavirus pandemic and make European economies and societies more sustainable, resilient and better prepared for the challenges and opportunities of the green and digital transitions. In that respect, the present study compares EU member states' performance in terms of their Recovery and Resilience Plans' implementation so far. First, it compares countries in terms of the timeline for approval of their plans, then in terms of the type of requested funds (grants or loans), and then in terms of funds allocated per country as a share of its GDP. Second, the paper compares countries' priorities within the EU-level priorities in the RRF six pillars. Finally, it compares countries' performance in terms of funds already disbursed (grants and loans) up to the present moment. The conclusion of these observations answers the question where the RRF is contributing to the countries being more coherent in the conditions of contemporary challenges or it will further accelerate the existing multi-speed integration in the EU.*

## **Introduction**

NextGenerationEU is a €800 billion financial instrument to support the recovery after the coronavirus pandemic, which also aims to make Europe greener, more digital, and more resilient to the current and forthcoming challenges.

The Recovery and Resilience Facility (RRF) is the centrepiece of NextGenerationEU and represents an instrument for providing grants and loans to support reforms and investments in the EU member states at a total value of €723.8 billion.

**Table 1: NextGenerationEU breakdown**

<b>1</b>	<b>Recovery and Resilience Facility (RRF)</b>	<b>€723.8 billion</b>
	<i>of which, loans</i>	<i>€385.8 billion</i>
	<i>of which, grants</i>	<i>€338.0 billion</i>
<b>2</b>	<b>ReactEU</b>	<b>€50.6 billion</b>
<b>3</b>	<b>Horizon Europe</b>	<b>€5.4 billion</b>
<b>4</b>	<b>InvestEU</b>	<b>€6.1 billion</b>
<b>5</b>	<b>Rural Development</b>	<b>€8.1 billion</b>
<b>6</b>	<b>Just Transition Funds (JTF)</b>	<b>€10.9 billion</b>
<b>7</b>	<b>RescEU</b>	<b>€2 billion</b>
	<b>TOTAL</b>	<b>€806.9 billion</b>

Source: European Commission, 2021a

The Recovery and Resilience Facility entered into force in February 2021 and is going to provide funds to EU member states till the end of 2026. The funds for it will be borrowed on the capital markets by the European Commission that will act on behalf of the EU. RRF's main goal is to have a positive economic and social impact in the EU through financial support for the recovery after the coronavirus pandemic. It also aims at making the European economies and societies more sustainable, resilient and better prepared for the challenges and opportunities of the green and digital transitions.

The RRF funds will be provided in two forms: either as grants (nonrepayable) or as loans (repayable), see fig. 1.

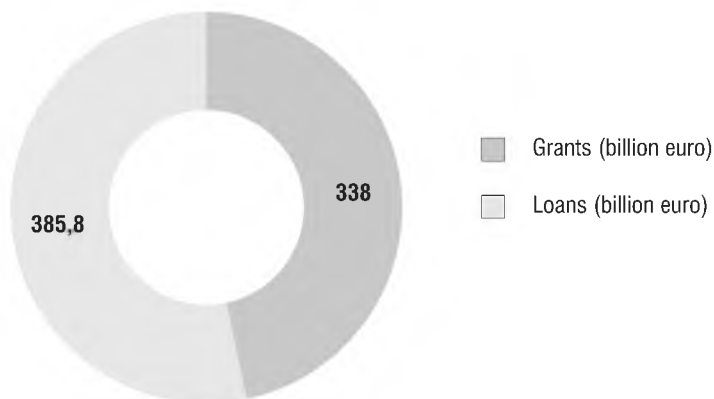


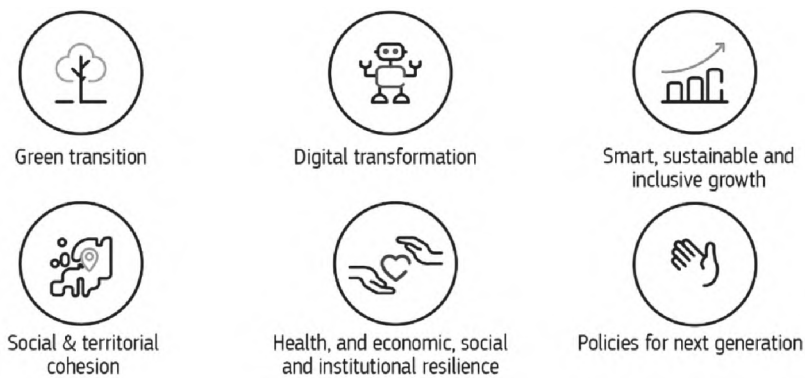
Figure 1: Priorities of the RRF

Source: European Commission, 2021b



In order to be eligible for RRF funds (grants or loans), the member states had to submit their recovery and resilience plans to the European Commission. Each plan sets out the reforms and investments to be implemented by end-2026 and has to effectively address the challenges identified in the European Semester, particularly the country-specific recommendations of 2019 and 2020 adopted by the Council. Throughout the whole period, the member states are required to fulfil specific milestones and targets, and before any disbursements under the RRF, the Commission assesses the satisfactory fulfilment of each milestone and target.

The RRF is structured around six pillars: green transition; digital transformation; economic cohesion, productivity and competitiveness; social and territorial cohesion; health, economic, social and institutional resilience; policies for the next generation.



*Figure 1: Priorities of the RRF*

*Source: European Commission, 2021b*

## **EU member states' positions in terms of RRF**

Despite the fact that the rules concerning the RRF are the same for all member states, their progress towards these funds seem to progress variably. In order to compare them, first, we compare the countries in terms of the time of the recovery and resilience plans' (RRP) approval, then in terms of the time and the type of the received funds (as of October 2022), and then in terms of funds allocated per country as a share of its GDP. Finally, a comparison is made in accordance with the countries' priorities within the framework of RRF.

Firstly, it can be clearly noted that the EU member states have a very different starting points for their RRP's implementation. The majority of countries (16 of them) had their plans approved as early as in the middle of 2021, or later during that year. For others, however, this happened in the spring (Sweden, Bulgaria), summer (Poland) and autumn (Netherlands) of 2022. This means big differences in the time for plans' implementation and would inevitably lead to an uneven completion of the targets and milestones of the RRF over time.

**Table 2: Time for approval of member states' RRP**

Time of approval of RRP	Country
July 2021	Slovakia, Portugal, Austria, Luxembourg, Latvia, Italy, France, Spain, Greece, Germany, Denmark, Belgium, Slovenia, Lithuania, Cyprus, Croatia
September 2021	Ireland, Czechia
October 2021	Malta, Finland, Romania, Estonia
May 2022	Sweden, Bulgaria
June 2022	Poland
October 2022	Netherlands
<i>RRF still not approved</i>	Hungary

*Source: Author with data by the European Commission, 2022a*

Hungary is the only EU member states, whose RRP has not still been approved over the rule of law concerns (Euronews, 2022). This would mean a great delay for it during its recovery and resilience plan's practical implementation.

Secondly, as it regards to the amount of funds that have been already allocated, the statistics show that 21 EU member states have already received any fund (grant or loan or both) as of October 2022.

Table 2 shows the grants allocated so far. Most of countries have received pre-financing<sup>1</sup> (14 countries), some of them already got first payment (7 countries), while Spain has already received its second payment.

**Table 3: Grants allocated to the member states as of October 2022**

	Country	Date	Budget Type	Payment Request Description	Amounts (€)
1	Slovakia	29/07/2022	Grants	1st Payment	398 700 990
2	Spain	29/07/2022	Grants	2nd Payment	12 000 000 000
3	Croatia	28/06/2022	Grants	1st Payment	700 000 000
4	Portugal	09/05/2022	Grants	1st Payment	553 441 000
5	Italy	13/04/2022	Grants	1st Payment	10 000 000 000
6	Greece	08/04/2022	Grants	1st Payment	1 717 761 118

<sup>1</sup> Member states can receive a pre-financing equal to 13% of the total amount of their national RRP, provided that the Council implementing decision has been adopted by the end of 2021 (article 13 of the RRF regulation).

7	France	04/03/2022	Grants	1st Payment	7 400 000 000
8	Finland	21/01/2022	Grants	Pre-Financing	271 094 341
9	Spain	27/12/2021	Grants	1st Payment	10 000 000 000
10	Estonia	17/12/2021	Grants	Pre-Financing	126 008 898
11	Malta	17/12/2021	Grants	Pre-Financing	41 132 454
12	Romania	02/12/2021	Grants	Pre-Financing	1 851 159 668
13	Slovakia	13/10/2021	Grants	Pre-Financing	822 716 227
14	Austria	28/09/2021	Grants	Pre-Financing	449 981 847
15	Croatia	28/09/2021	Grants	Pre-Financing	818 406 049
16	Czechia	28/09/2021	Grants	Pre-Financing	914 640 681
17	Slovenia	17/09/2021	Grants	Pre-Financing	231 000 547
18	Latvia	10/09/2021	Grants	Pre-Financing	237 380 000
19	Cyprus	09/09/2021	Grants	Pre-Financing	130 772 986
20	Denmark	02/09/2021	Grants	Pre-Financing	201 682 144
21	Germany	26/08/2021	Grants	Pre-Financing	2 250 000 000
22	France	19/08/2021	Grants	Pre-Financing	5 117 881 402
					<b>56 233 760 352</b>

*Source: Author with data by the European Commission, 2022a*

As it concerns loans, only 8 EU member states have received such so far (Table 3). The total amount of received loans by now is much smaller than that of allocated grants (around 33 billion euro in loans in comparison to 56 billion euro in grants).

**NB:** Member states can request a loan worth up to 6.8% of their 2019 Gross National Income as part of the submission of their recovery and resilience plan.

**Table 4: Loans allocated  
to the member states as of October 2022**

	Country	Date	Budget Type	Payment Request Description	Amounts (€)
1	Portugal	09/05/2022	Loans	1st Payment	609 000 000
2	Italy	13/04/2022	Loans	1st Payment	11 000 000 000
3	Greece	08/04/2022	Loans	1st Payment	1 845 493 144
4	Romania	13/01/2022	Loans	Pre-Financing	1 942 479 890

5	Cyprus	09/09/2021	Loans	Pre-Financing	26 041 600
6	Italy	13/08/2021	Loans	Pre-Financing	15 938 235 352
7	Greece	09/08/2021	Loans	Pre-Financing	1 654 580 060
8	Portugal	03/08/2021	Loans	Pre-Financing	350 870 000
					<b>33 366 700 046</b>

*Source: Author with data by the European Commission, 2022a*

Thirdly, another interesting observation, which is directly connected to the potential effects of the RRP's implementation, is the different amount of funds allocated to each country, which also represent a different share of the respective country's GDP (see Table 4).

**Table 5: Amount of maximum grant allocation (billion euro)  
and share of total RRP funds as share of national GDP (%)**

<b>Country</b>	<b>Maximum GRANT allocation (billion euro)</b>	<b>RRP allocation as Share of GDP (%)</b>
Belgium	5.9	1,17%
Bulgaria	6.3	approx. 9,75%
Czechia	7.1	2,95%
Denmark	1.6	0,46%
Germany	25.6	0,72%
Estonia	1.0	3,16%
Ireland	1.0	N/A
Greece	17.8	9,72%
Spain	69.5	5,77%
France	39.4	1,57%
Croatia	6.3	11,01%
Italy	68.9	3,88%
Cyprus	1.0	4,29%
Latvia	2.0	5,56%
Lithuania	2.2	4,02%
Luxembourg	0.1	0,13%
Hungary	7.2	N/A

Malta	0.3	2,15%
Netherlands	6.0	N/A
Austria	3.5	0,86%
Poland	23.9	N/A
Portugal	13.9	6,58%
Romania	14.2	5,93%
Slovenia	1.8	3,42%
Slovakia	6.3	6,52%
Finland	2.1	0,83%
Sweden	3.3	approx. 0,6%
EU 27	338.0	

*Source: Author with data by the European Commission, 2022a*

The distribution of funds among the member states has been made according to a complex system of calculations. The RRF regulation (Regulation (EU) 2021/241 of the European Parliament and of the Council) envisages a special way for distribution of the grants between the countries: „70 % of that maximum financial contribution is calculated on the basis of the population, the inverse of the GDP per capita and the relative unemployment rate of each Member State, and 30 % of that maximum financial contribution should be calculated on the basis of the population, the inverse of the GDP per capita, and, in equal proportion, the change in real GDP in 2020 and the aggregated change in real GDP during the period 2020-2021“ (this is subject to additional re-calculation in 2022). Until 31 December 2022, the Commission shall make available for allocation 70 % of the total amount of grants, and from 1 January 2023 until 31 December 2023, the Commission shall make available for allocation 30 % of the rest amount of grants. The final goal is to achieve a financial contribution that addresses the actual needs of member states to undertake and complete the reforms and investments in their recovery and resilience plans.

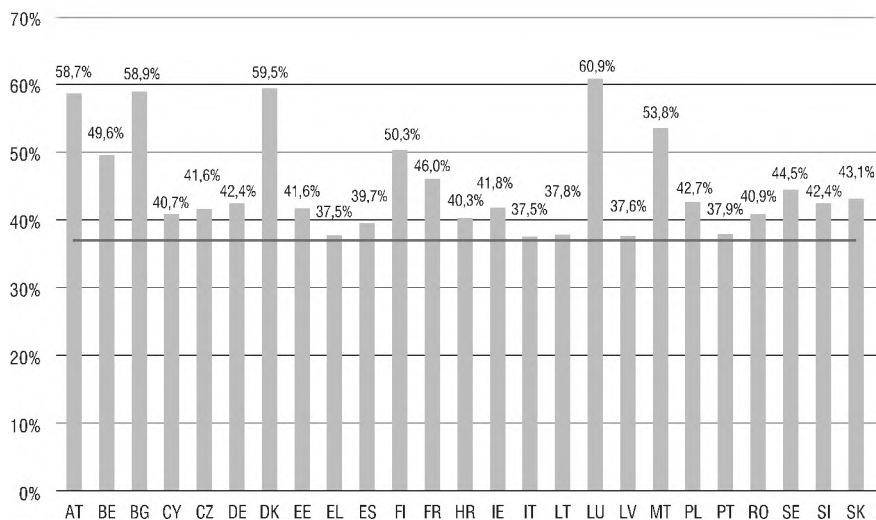
The direct result of this way of calculation is the wide-varying shares of financial support to the countries expressed as a share of their GDP. However, since the distribution is made on objective assessment of the countries' needs, this should mean that this would be a fair and efficient distribution of funds. According to experts, the RRF allocation key ensures stronger macroeconomic support for more vulnerable countries, since in 2021-22 the funds will be distributed on the basis of income per capita and past unemployment developments, whereas for 2023 the past unemployment developments will be replaced by the observed declines in real GDP in 2020-21. In the case of the euro area this would mean that the agreed distribution of funds will imply sizeable net

financial support for those euro area countries that face the biggest economic and fiscal challenges after the pandemic (f.e. Greece, Spain and Italy), (Giovannini et al).

Last but not least, there is a clear difference in the focus that the EU member states put on the various priorities. Despite the minimum targets defined for the climate change and digital priorities, these requirements don't mean full harmonization and it is evident that the countries put different emphasis on the six priority pillars.

On first place is the climate change priority, which will help achieve the EU's targets to reduce net greenhouse gas emissions by at least 55% by 2030 and to reach climate neutrality by 2050. The RRF Regulation requires that at least 37% of the total allocation in each RRP shall support climate objectives. This is done so by the member states that have envisaged over EUR 198 billion to this priority or about 40% of the total plans' allocation. On second place is digital transformation – accounting for 29% of the total RRF funds, on third place are the policies related to health, economic, social and institutional resilience also reflecting the responses to the COVID pandemic (16%) and 12% of the funds will contribute to policies for next generation, including education and skills (European Commission, 2022b).

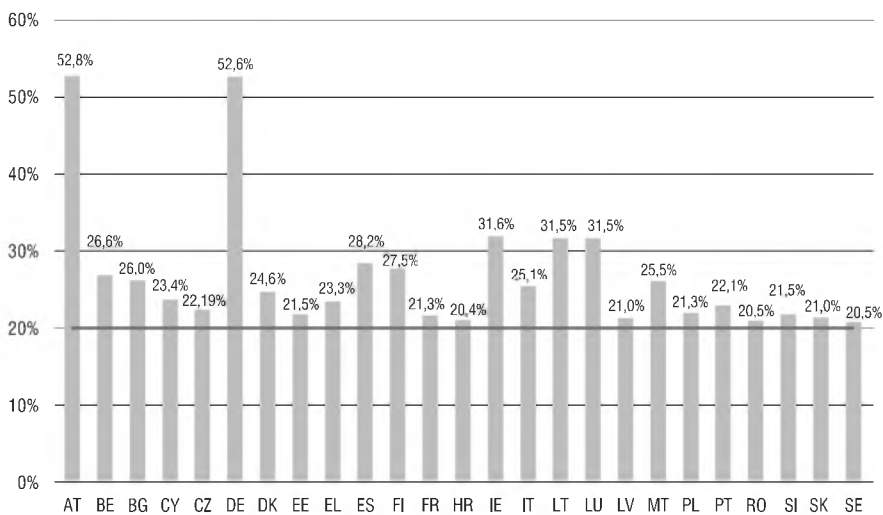
However, looking on national level the figures widely vary. A number of member states will use more than half (when the minimum set is 37%) of their funds towards climate objectives – Austria, Bulgaria, Denmark, Finland, Luxemburg and Malta.



**Figure 2: Contribution to climate objectives as share (%) of RRP allocation**

Source: European Commission, 2022b

Another example are the measures regarding the digital transformation (deployment of next generation digital infrastructures and advanced technologies, digital skills development for the population and the workforce, and support to the digitalisation of enterprises and public services). The RRF Regulation requires that at least 20% of the total allocation in each RRP supports digital objectives. The reforms and investments proposed by the member states have exceeded the 20% digital target, reaching more than 127 billion euro, which represent over 26% of the total allocation of the funds. But again, we see a great variety of figures among the European countries: a number of them will invest more than half (when the set minimum is 20%) of their funds into digitalisation: Germany and Austria – approximately 53%, Luxembourg, Lithuania and Ireland – approximately 32% (Figure 3).

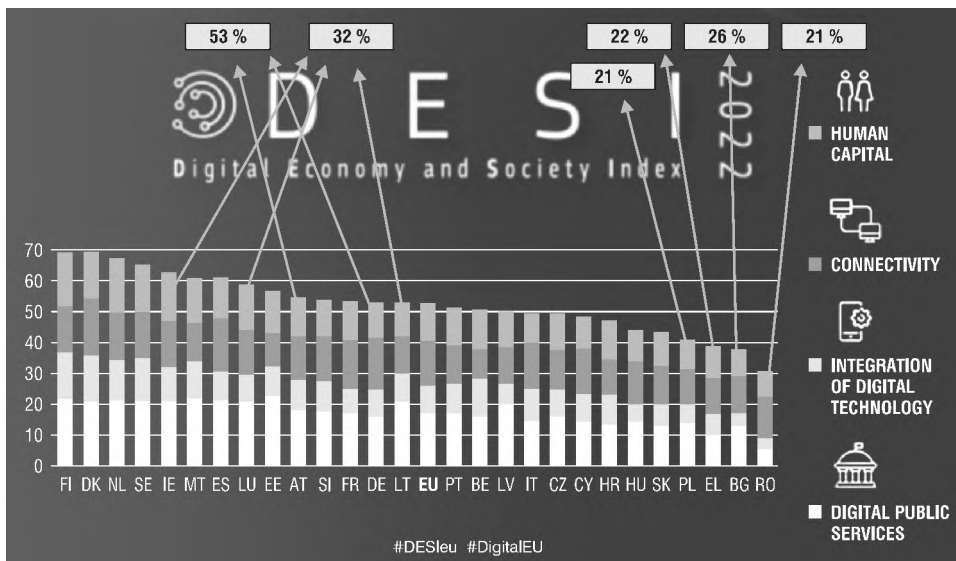


*Figure 3: Contribution to digital objectives as share (%) of RRP allocation*

*Source: European Commission, 2022b*

Taking into consideration that these countries are also among the best-performing countries in terms of digitalisation, then question arises as to whether the differing targets will lead to even bigger differentiation, and respectively to smaller cohesion among the EU member states.

Figure 4 shows the performance of the European states in digitalisation according to the Digital Economy and Society Index (DESI). Ireland and Luxemburg are on 5th and 8th place respectively, and they are planning to invest around 32% of their RRF funds in further digitalisation. Austria and Germany, which are performing better than the EU average in terms of digitalisation, are planning to invest more than half of their RRF funds to support the digital transformation (Figure 4).



Legend: - contribution to digital objectives as share (%) of RRP allocation of certain EU countries

*Figure 4: EU member states' performance according to DESI (2022) and contribution to digital objectives as share (%) of RRP allocation of certain EU countries*

*Source: Author with data of European Commission, 2022b and European Commission, 2022c*

This would imply a certain higher speed of digitalisation in the countries, which are currently not only forth-runners in terms of digitalisation but which are also planning to invest much more in that sphere than the rest in the short-run. This would with high probability lead to an increasing differentiation in digitalisation performance indicators among the EU member states and to a decreasing or stagnating level of cohesion among them.

## Conclusion

It is difficult to answer whether the RRF would contribute to the EU member states' cohesion – economic, social, in terms of climate change or digitalisation. It is certain that setting common goals, targets and indicators makes the EU more coherent in the conditions of contemporary challenges, especially in the still unclear processes of green and digital transitions. However, the pace of progress of the EU countries towards the set goals could be further differentiated due to the various times of implementation, the different amount of funds that are going to be invested and the varying present countries' positions, and this could further accelerate the existing multi-speed integration in the EU. Despite united in diversity, the countries may widely and further differ in their achievements towards climate goals, digitalisation and social inclusion goals. This way, future studies could explore the existence of multi-speed European integration



in the contemporary goals and policies, and would verify the statements of some researchers (Brudzińska, 2018) that say that: „*Flexible integration has not broken the Union, it helped it to survive*“.

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# NUDGING: PECULIARITIES OF THE GREEN DEAL PLANNING AND IMPLEMENTATION

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## ***Abstract***

*The European Green Deal (EGD) was designed as policy instrument that nudges the environmental performance of the Union towards reduction of the carbon footprint and positive impacts on climate. Many of the EGD initiatives were put on hold in response to energy price hikes of the post-COVID recovery and market and energy supply unpredictability resulting from the war of the Russian Federation in Ukraine. The paper examines the emergence and evolution of these initiatives in the first place. It makes an attempt to demonstrate that most if not all „greening“ economic processes were underway before the Deal was drafted, agreed upon and built in the EU financial programs.*

*The first part of the paper analyses the core notions and objectives of the Deal as well as with the ways to monitor and interpret the process of the policies associated with the Deal.*

*The second part looks at funding aspects of the Deal, while the third compares the outcome of the past environmental performance of the EU with Deal's objectives. The conclusion is that the EGD resembles rather a central planning instrument than an instrument of „nudging“ in the sense of Richard Thaler. In a nutshell, the paper tests whether „nudging“ can substitute „planning“ in the context of EGD policies. (Thaler & Sunstein).*

## **1. EGD objectives and explanations**

The EGD is presented by the European Commission as an economic policy instrument to „transform the EU into a modern, resource-efficient and compe-

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<sup>1</sup> The author teaches Macroeconomic Analysis and Public Choice at Sofia University.

titive economy“, which addresses climate change and environmental degradation as „an existential threat to Europe and the world“.<sup>2</sup>

As it is well known, to achieve this state of affairs the following set of policy objectives are enshrined in the EGD:

- ensuring „no net emissions of greenhouse gases by 2050“
- achieving „economic growth decoupled from resource use“ and
- making certain that „no person and no place left behind“.

Existentially understood, these three objectives coincide with the sustainable development goals (SDG) of the United Nations (UN SDG), more specifically with SDG 6, 7, 11 and 13 - „Clean Water and Sanitation“, „Affordable and Clean Energy“, „Sustainable Cities and Communities“, and „Climate Action“ (UN SDG). The most comprehensive and recent review of the fulfilling SDGs (Kraker et. al.) found earlier this year that the climate action is missing. The author of the respective chapter (Popovski, 303-304) explains that Paris Agreement (on combatting climate change) complicates usual „top-down“ and „bottom-up“ policy practices, constituting „complex hybrid architecture“ that needs time for non-State actors to own channels to enforce climate ambitions and objectives, defined by 200 years old climate science and recognised by government via international agreements“.

One of the ways to interpret such complex enforcement mechanisms is the behavioral-economics concept of „Nudging“, a central concept in Richard Thaler reconstruction of relations between „planners“ and „doers“ in which the former does not imposes the plan on the latter (Thaler, 509-510).

According to Thaler and Sunstein (2008, 2, 4-8) „to nudge“ means „to push mildly or poke gently in the ribs, especially with the elbow“; „one who nudges in that manner – in disposed to „alert, remind, or mildly warn another“. The nudging works, the authors believe, in a system resembling „Libertarian Paternalism“ designed „to preserve freedom of choice, and to allow opt-outs, but also to favor self-conscious efforts to promote welfare by helping people to solve problems of bounded rationality and bounded self-control“, a system under which „it is both possible and legitimate for private and public institutions to affect behavior while also respecting freedom of choice“ (Thaler and Sunstein, 2003, 1, 23).

Applied to EGD this concept should provide for clear dissimilarity from „Planning“, here understood as economic planning or „international, national or regional (local) government direction or „guidance of the economy, directly or through agencies“ (Seldon and Pennance, 214).

The question arises how the progress in attaining EGD objectives can be monitored or measured, and the answer to this question depends on the definition of the processes or state of affairs the objectives envision.

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<sup>2</sup> If not specifically mentioned, all references to EGD founding and implementing documents are from the EGD's website of the Commission.

**The first objective** „no net emissions of greenhouse gases“ can be defined as „an overall balance between greenhouse gas emissions produced and greenhouse gas emissions taken out of the atmosphere“ (Government of Australia).

One should note that there are different ways of „taking out“ emission from the air: from reducing and/or stopping climate-environment damaging industrial processes to increasing forest lands, 26 indicators altogether. In principle, any voluntary implementation of environment cleaning policies allows or should allow for a relative freedom of choice which set of ways fit national peculiarities. E.g. from 2012 to 2018 Bulgaria increased its forest and wooded lands from 40.7% to 48% of territory, while the EU average increase is from 39.3 to 42.3% (but for a longer - 2009-2018 - period). Additionally, Bulgaria's performance under the Net Greenhouse Gas Emissions Index demonstrates significantly better (by 20 score points) than the EU average. However, the country delays closures of its lignite fueled power plants.<sup>3</sup>

**The second objective** (namely „economic growth decoupled from resource use“) is well defined by GIZ as „delinking economic growth from resource use and from environmental impacts“ and should be understood as both absolute and relative decoupling (Hennicke et. al). The notion seems self-evident as a meaning but as we shall see it is based on rather idealistic view that resource-free economic processes are not only desirable but achievable. The only indicator that reflects „decoupling“ is „raw materials consumption“ in terms of tons per capita. EU countries show a large variety in this measure, depending on different and not universally accountable factors as economic structure, infrastructure developments, demographic factors and population density.

**The third objective** is part of the „Just Transition Plan“ but is rather difficult to define and measure.

It presumes that economic developments that helps combatting climate change shall be capable of compensating humans and localities – in full or partially – for the transition's costs. There is only one human-condition EGD indicator – the percent of „Population Unable to Keep Home Adequately Warm“. Since 2010, in the EU it improved from 9.9 to 7.6%; in Bulgaria from 65.5 to 23%. Obviously, the dynamics depends on the starting point and the more disadvantage it is, the more visible the progress. But it is also evident that these advances took place before the EGD was approved.

To measure to what extend „no person and no place left behind“ is not easy: the lack of „ability to keep home adequately warm“ is the only EGD indicator that deals directly with measuring these objective headways. Theoretically, the measurement should indicate stages, evolution or transition between status quos of economic development. In 2018, a discussion paper by UNDP dedicated to this specific SDG cross-section criteria found that „people get left behind when they lack the choices and opportunities to participate in and

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<sup>3</sup> If not specifically mentioned, the source of EGD indicators is EC's Visualize Statistics for the EGD.

benefit from development progress“, and gave examples like extremely poor, discriminated, deprived and disadvantaged (UNDP).

An identical definition of „economic development“ was proposed by Lord Bauer back in 1957, when he wrote that the term shall be understood as „an extension of the range of choice..., an increase in the range of effective alternatives open to people“ (Bauer, 113). In economics, the extension of choices' range serves as both „the core objective and the criterion of economic development“. If Bauer's reasoning is correct, the achievement of this EGD objective should not restrict but enlarge the spectrum of choice.

## 2. Background

The EGD was adopted and its action plan outlined in December 2019, before the COVID-19 pandemic. Since then, about 30 different policy measures and reports were published. The latest relevant documents (available before the submission of this report) are as recent as 16 and 17 of November 2022 remarks by EC's Executive Vice President Timmermans.<sup>4</sup> This rich history of EGD own evolution deserves separate research.

The EGD itself is not a single directive, regulation or recommendation but a new framework policy initiative that is based on 11 directives, intended to enhance their objectives to more ambitious levels of policy making. New amendments to the directives are to be discussed and enacted, as it is indicated by the Regulation 2021/1119, which sets the new framework for achieving climate neutrality establishing the framework and amending Regulations 401/2009 and 2018/1999 (of the „European Climate Law“).

The COVID-19 pandemic delayed the EGD policies, but the overall spirit of the Deal was retained at the first half of 2020, and the EC sought ways to utilise it as a post-pandemic policy instrument. Thus, the EGD was linked to Recovery & Resilience Plans (Facility) and NextGenerationEU restating the overall purpose to make the recovery green, „for the people and the planet“.

Before that second half of 2021 robust economic growth across the EU,<sup>5</sup> it was believed that the transition to cleaner economy and growth would require a „transitional source of energy“ and this source was found to be the natural gas.

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<sup>4</sup> See detailed presentation of the past and future EGD stages at: EDG Timeline.

<sup>5</sup> Without going into detailed reference to macroeconomic statistics, it is necessary to explain the background of this rapid recovery: the recession associated with COVID-19 was different by the fact that it was caused by blockages not of the financial but the human and physical processes of the global economy, by the fact that mobility of factors of production were restricted while the human and industrial capital remained available and preserved by extensive fiscal transfers from the EU and national budget and by banks' policies to delays payment on extended credit. When the restrictions were lifted the economic growth resumed but caused price inflation that was and still is most visible in energy and global delivery chains.

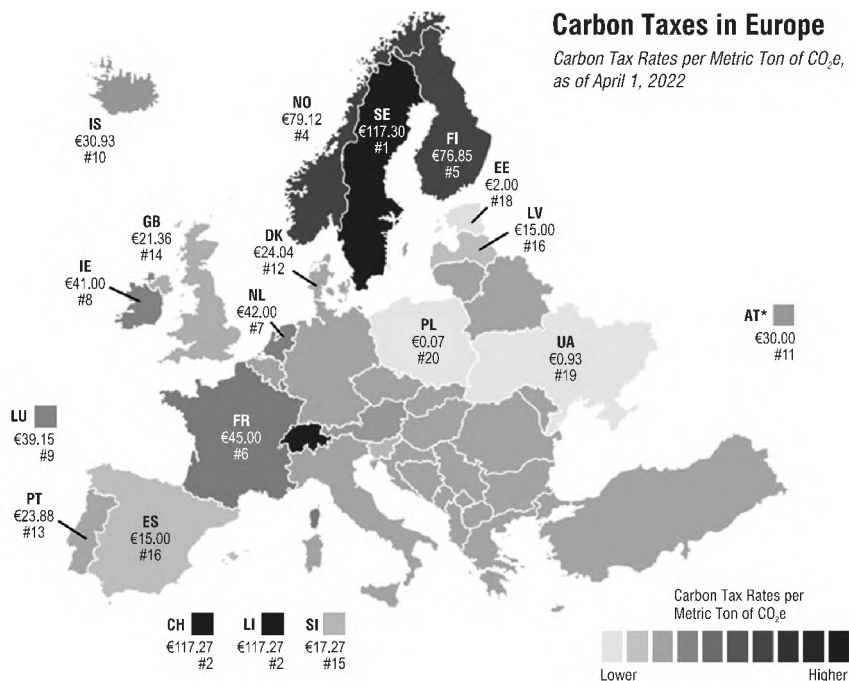
The 2021 restart of the EU and global economy had increased the demand for energy, and then the economic developments of 2022 were additionally complicated by the war of the Russian Federation against Ukraine, especially by the sanctions associated by the war and Kremlin policy to use energy export revenues to finance the invasion (Dubrovskiy and Stanchev).

Since the EGD anti-carbon focus was retained, and least nominally, the envisaged role of the natural gas as a transitional source of energy served as a quasi-subsidy to gas exporters to the EU, including Russian suppliers.

Besides this, the EGD link to NextGenerationEU requires „at least“ EURO 1 trillion additional financing for the policies planned.

The original sources of revenue for financing Union's environmental actions were the Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003), the Emission Trading System (ETS) of the EU and the so called carbon taxes.

This tax is levied in parallel to ETS but, as it is shown by the map below, by mid-2022 member states and some neighboring countries apply very different rates, some symbolic (like in Poland), some very significant as, e.g. Sweden or Switzerland's carbon taxes.



Note: \* Austria's carbon tax is due to start July 2022.

The carbon tax rates were converted using the EUR-USD currency conversion rate as of April 1, 2022.

Source: World Bank, "Carbon Pricing Dashboard."

Except Estonia, Latvia and Poland none of the new member states have such tax, the case of Belgium and Germany is the same. Austria planned such tax to be introduced in mid-2022, then it was delayed but eventually entered into force from October 1: it is roughly – of the Swedish tax. The experience with the carbon taxes is not unquestionably positive, as analysis of the Sweden's case suggests (Anderson).

The new EGD financial needs will require additional revenues raised by the Union not as a contribution of the member states, co-financing by national budgets is envisaged to be at the level of about 11% of the total amount.

### **3. Fiscal costs of the EGD**

The average EU taxes related to the environment declined from 6.3% to 5.65% of tax revenues of the member states from 2010 to 2020. Originally, i.e. for the same period, the environmental protection expenditures were about 2% of GDP, or EUR 0.3-0.4 trillion (assuming that 2022 GDP will be EUR 16.6 trillion). This means that the new EGD projection would require additional EUR 0.6-0.7 trillion revenues.

An assessment of ECB published in mid-2022 (Delgado-Tüñez et.al.) found that:

- The EGD initiatives have a clear fiscal angle,
- The energy taxes in the euro area amounted to 4.8% of total public revenues in 2019,
- Transport associated taxes represented on average around 1.2% of revenues in the euro area in 2019,
- ETS covers only 3.2% of the global total CO<sub>2</sub>-equivalent of greenhouse gas emissions, and
- Only 1/4 of total public investment is climate-related (transport, energy and environmental investment), or around 1% of euro area GDP.

The rest of the environmental and climate related expenditures (to about 2% of GDP) are finance directly by the enterprise sector or by the taxpayers' contributions to member states budgets.

The above quoted Regulation 2021/1119 plan is to review relevant climate and energy legislation which will be adopted in a package covering, inter alia, renewables, energy efficiency, land use, as well as the energy taxation, CO<sub>2</sub> emission performance standards for light-duty vehicles, effort sharing and the EU ETS.

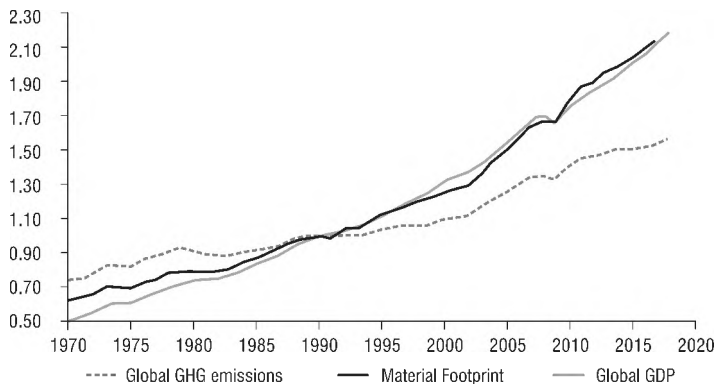
### **4. Past EU experience: test to EGD objectives**

In order to assess the EGD future challenges it makes sense to review the past EU experience with environment policies and climate related damages.

The main source for such a review should be the most recent report of the European Environmental Agency (EEA). It reconstructs the performance of indicators like global GDP, Green House Gas Emissions (GHGE) and Material Footprint as a measure of resources used to produce units of GDP. The report was last updated in September 2022.

The graph gives the dynamics of the processes associated with the second EGD objective (decoupling growth from resources used). It is obvious that after 1989-1990 the GHGEs began to lag behind the GDP growth and the material footprint.

It is difficult to speculate about causalities associated with this performance. It seems that Kuznets' Environmental Curve was in play. On the other hand, 1970-1990 were the decades of implementation of environment protection policies launched by many countries of the world. Last but not least, in Eastern Europe ex-Communist economies (including those of the former USSR), as inefficient and as polluting as they were, collapsed, many enterprises bankrupted or were privatized and the economies were restructured. The new owners, as a rule, were not held responsible for past environmental damages but had no choice but comply with environment protection standards. The new member states performance as monitored by the Environmental Performance of the Index (EPI) of the University of Yale, have moved from the segment of medium to worst performers to the group of the best performance, along of the old member states.



*Global Picture: Relative change in main global economic and environmental indicators from 1970 to 2018*

*Source: EEA*

The statistics of global climate-related damages (CRD) from natural events and the expenditures to deal with such damages is one of the reliable sources that allows for a comparison between the world and the EU.

„Between 1980 and 2020, weather and climate-related extremes accounted for around 80% of total economic losses caused by natural hazards in the



EEA Member States, amounting to EUR 487 billion“, approximately EUR 11.9 billion a year (EEA, Losses). As a share of EU GDP, the amount is negligible. But in term of lost human lives in the EU, the estimated figure is close to 140 thousand.

According to reinsuring industry reports (Swiss Re & Munich Re), from 1980 to 2019, global CRDs had grown about 10 times, and for the EU they had grown from approximately EUR 9 billion to EUR 18 billion a year.

The ultimate EGD impacts of climate should be also assessed in relation to global pollutants. The following table demonstrates that in 2020, only the largest EU economy, that of Germany is among the top ten CO<sub>2</sub> contributors in the world. The Economy of Russia, which by the end of 2022 is likely to shrink to about 1/11 of the EU GDP in 2022, is likely to emission two to three times more CO<sub>2</sub> than Germany.

Similar is the picture of carbon emission per country and per capita: China and USA lead the charts (Deshkund and Smith).

**Top 10 CO<sub>2</sub>-emitting countries in the world (Total CO<sub>2</sub> in Mt)**

China	11680.42
United States	4535.3
India	2411.73
Russia	1674.23
Japan	1061.77
Iran	690.24
Germany	636.88
South Korea	621.47
Saudi Arabia	588.81
Indonesia	568.27

*Source: World Population Review*

## 5. Conclusions

The inflation of 2021 and 2022 and the impacts of the Russia war on Ukraine had resulted in „spontaneous“ revisions of the EGD, the most important among them are the following:

- High prices served as an incentive to invest in alternatives but the links to EU transfers delay the investment, innovation.
- Plans to close nuclear power plants are being given up and nuclear energy has been accepted as a „clean“ energy resource.

- Same is true for coal thermal power plant: at least six countries of the EU, including Germany and the Netherlands delayed the facing out of their plants.
- Other fiscal challenges are mounting up as well, e.g. defense budget is expected to hoover towards 3% of GDP or more and post-war reconstruction of Ukraine is expected to cost at least EUR 0.5 trillion.
- In a move to speed up EGD, in the second week of November, the German Bundestag agreed that the country should exit the European Energy Charter, since it is believed that it slows down the transition to cleaner and more ambitious energy sector reform.

As mentioned by Popovski, the EU is best performing and most active global jurisdiction in climate change. With regard to changing the picture globally, however, it is certain that the EU progress may not change the global picture.

With regard to objectives of the EGD, the EEA report concluded that in global-scale, long-lasting and absolute decoupling may not be possible. The EU perspective looks better because of the share services in GDP but the reconstruction of the value chains and perspective onshoring to avoid geopolitical uncertainty may lead to larger material use in economies of the Union. The EEA also stated that 100 % circularity is impossible, while Europe's fundamental values are not materialistic, but still need to be agreed between the member states. The EGD (and related initiatives) require not only technological change but also changes in consumption and social practices that are difficult to impose on the citizenry.

With regard to the interplay between nudging and central planning in designing and implementing the EGD policies, it looks as if the planning and regulatory element is stronger than and prevailing over the nudging element. In terms of Richard Thaler, it is far from clear whether the EGD is providing for a sustained freedom of choice, and to what extent allows opt-outs.

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# TRANSFORMING EU ENERGY POLICY – NEW CHALLENGES AND OPPORTUNITIES IN 2022

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## ***Abstract:***

*The beginning of the 2022 brings to the European continent new geopolitical reality provoked by the war of the Russian Federation against Ukraine. In this unpredictable environment, the European Union is facing a serious challenge – how to reduce its dependence on Russian energy sources and thus limit Russia's influence on the energy market. The aim of this report is to trace the prospects for the transformation of EU energy policy. A brief reference is also made to the energy crisis in 2009.*

**Key words:** European Union, Russian Federation, energy, gas, supplies

*„We must prepare ourselves for a Russian gas cut-off  
through savings, diversification and solidarity.*

*And at the same time wage a global campaign  
for energy efficiency and savings.“*

***Josep Borrell<sup>1</sup>***

## **1. Introduction**

In February 2022, the Russian Federation invades Ukraine and initiates a brutal war on the European continent, an event that will lead to and is already causing serious negative consequences for the development of the economy, world markets, finance, as well as energy sector. Access to energy resources

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<sup>1</sup> Josep Borrell is High Representative of the European Union for Foreign Affairs and Security Policy as well as Vice President of the European Commission. Source: Delegation of the European Union to the Russian Federation (2022), Europe's energy balancing act (01.08.2022), [https://www.eeas.europa.eu/eeas/europe's-energy-balancing-act\\_en?s=177](https://www.eeas.europa.eu/eeas/europe's-energy-balancing-act_en?s=177), last consulted on 25.09.2022.

and the domination of energy markets historically has had a serious impact on geopolitical processes, and is currently being used as a „military weapon“ by Russia. This article aims to examine the main elements of the European Union’s energy policy and identify the prospects and challenges for its transformation during a specific period in the continent – the start of the military actions in Ukraine and the bilateral sanctions imposed between the EU and the Russian Federation. In this regard, the first part of the research is focused on the process of the development of this policy for a specific period of time (2000-2020), identifying the main problems faced by the Member States. Key statistical information maintained by Eurostat regarding the dependence on the import of energy resources in the member states will be examined and analysed. In the second part will be examined the development of the energy crisis on the continent in 2022 as a result of the war in Ukraine and the accompanying events – bilateral sanctions and the suspension of energy supplies from Gazprom to some member countries. In the conclusion of the current research, the new opportunities for diversification before the European Union and the prospects for the development of its energy policy are identified.

## **2. Development of the EU energy policy in the period 2000-2020**

For the sake of accuracy of the study, it is necessary to briefly highlight some main elements of the Union’s energy policy. For this reason, the distribution of competences in this area between the EU and the Member States should be considered first. The Treaty on the Functioning of the European Union stipulates that the energy policy fall within the scope of the so-called shared competence, which lays the foundations for a future transition to a more integrated common energy policy.<sup>2</sup> It should be noted that at the moment this policy is based on a number of measures aimed at achieving an integrated energy market, security

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<sup>2</sup> Consolidated version of the Treaty on the Functioning of the European Union, XXI „Energy“, Article 194:

1. In the context of the establishment and functioning of the internal market and with regard for the need to preserve and improve the environment, Union policy on energy shall aim, in a spirit of solidarity between Member States, to:

- (a) ensure the functioning of the energy market;
- (b) ensure security of energy supply in the Union;
- (c) promote energy efficiency and energy saving and the development of new and renewable forms of energy; and
- (d) promote the interconnection of energy networks.

2. Without prejudice to the application of other provisions of the Treaties, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish the measures necessary to achieve the objectives in paragraph 1. Such measures shall be adopted after consultation of the Economic and Social Committee and the Committee of the Regions.

Such measures shall not affect a Member State’s right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply, without prejudice to Article 192(2)(c).

of energy supplies and a sustainable energy sector. Nevertheless, each Member State retains the right to determine the conditions for the use of its energy resources, to choose between different energy sources and to determine the general structure of its energy supply.<sup>3</sup>

The European energy policy is based on five key objectives (listed in Box 1), which are directly linked both to the environmental protection and the fight against climate change, as well as to the development of the single market and the foreign trade policy of the Union.

**Box 1:**

**Main objectives of the EU energy policy<sup>4</sup>**

1. Ensuring energy security in Europe through diversification of energy sources and solidarity and cooperation between Member States.
2. Limiting dependence on energy imports and improving energy efficiency, including reducing emissions.
3. Creating conditions for the functioning of an integrated internal energy market, on the basis of which a free flow of energy through the Union is ensured without administrative and regulatory burdens.
4. In line with the Paris Agreement – transition to a low-carbon economy and decarbonisation.
5. Supporting the energy transition by promoting research in the field.

The focus of the present study is on the first and second objectives presented in the information box. For this reason, a review of EU energy imports over a 20-year period (2000 to 2020) has been made, with interim data for 2010 also considered. Emphasis is placed (according to the direction of the study) on the Russian Federation as the main exporter of energy sources into the Union. Statistical information is presented in the form of graphs and tables, and infographics are also used. The main source of the data is Eurostat, and at the time of the study (September 2022) a full database is available up to and including 2020<sup>5,6</sup> with interim data for 2021 and 2022 used for individual indicators.<sup>7</sup>

<sup>3</sup> See Footnote 2.

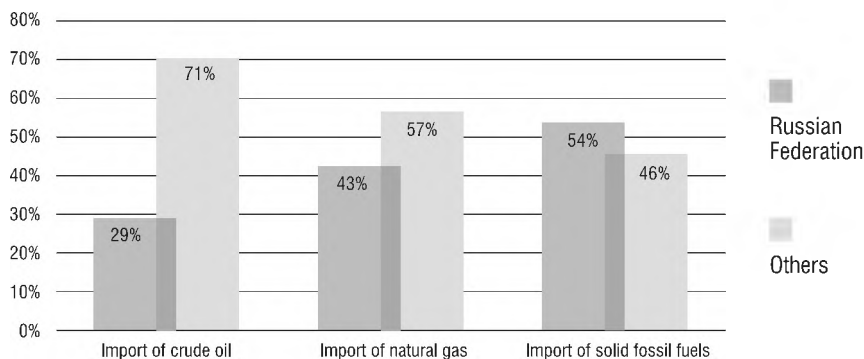
<sup>4</sup> European Parliament. Fact Sheets on the European Union, Energy policy: general principles, available online at <https://www.europarl.europa.eu/factsheets>, last consulted on 26.09.2022

<sup>5</sup> Eurostat. Date Browser. Environment and energy. Available at: [https://ec.europa.eu/eurostat/databrowser/explore/all/envir?lang=en&subtheme=nrg.nrg\\_quant.nrg\\_quanta&display=list&sort=category&extractionId=NRG\\_IND\\_ID\\_\\_custom\\_1851622](https://ec.europa.eu/eurostat/databrowser/explore/all/envir?lang=en&subtheme=nrg.nrg_quant.nrg_quanta&display=list&sort=category&extractionId=NRG_IND_ID__custom_1851622), last consulted on 24.09.2022

<sup>6</sup> Shedding light on energy in the EU, 2022 Interactive Edition available at: <https://ec.europa.eu/eurostat/cache/infographs/energy/index.html?lang=en>, last consulted on 24.09.2022

<sup>7</sup> Bruegel (the European think tank that specialises in economics). European Union demand reduction needs to cope with Russian gas cuts (07.07.2022) Available at: <https://www.bruegel.org/2022/07/european-union-demand-reduction-needs-to-cope-with-russian-gas-cuts>, last consulted on 24.09.2022

One of the key problems for the Union's energy policy is the dependence on the import of energy sources. During the period from 2000 until 2020 the main exporter of crude oil, natural gas and solid fossil fuels is the Russian Federation. Visible from the Graphic No 1 crude oil imports from Russia in 2020 are 29 %. The main part of the remaining 71% is divided between the USA, Norway, Saudi Arabia, United Kingdom, Kazakhstan and Nigeria. In terms of solid fossil fuels' import, it is again dominated by the Federation at 54%, with other leading importers being the USA (16%) and Australia (14%). The situation is identical with natural gas, where 21% is imported from Norway and 43% from Russia.<sup>8</sup>



*Graph No 1. Source of energy imports in EU in 2020*

*Source: Eurostat <sup>9</sup>*

The strong dependence of the Union (as well as the member states themselves) on the import of energy sources can also be traced from table No. 1. In 2020 dependency rate in the Union was 57%, which means that Union's economy relies on serious imports to meet more than a half of its energy needs. The rate during the last twenty years varies between 56-60%, which means that for a period of 20 years the issue of energy independence has not been resolved. Across the Member States 17 countries have dependency rate more than 50% in 2020, which reaffirms the statement above. Exceptions are member states such as Estonia, which develops its energy policy in the direction of using mainly renewable energy resources and managing the resource intensity of the economy. Proof of the effectiveness of this approach is the fact that over a period of 10 years, the country's dependency rate has decreased from 33% to 10%. Unlike Estonia, Germany, whose economy is highly dependent on imported energy sources (mainly natural gas), saw a dependency rate increase of 4% in the period 2000-2020 (although in 2020, due to the COVID 19 crisis production rate is significantly reduced). The situation is identical in Poland. The EU's policy towards the closure of coal plants also has an influence on these processes.

<sup>8</sup> Shedding light on energy in the EU, From where do we import energy?, Available at: <https://ec.europa.eu/eurostat/cache/infographs/energy/bloc-2c.html?lang=en>

<sup>9</sup> See Footnote 5 and 6



**Table No 1. Energy import dependency**

	<b>2000</b>	<b>2010</b>	<b>2020</b>
<b>European Union</b>	56%	55%	57%
<b>Belgium</b>	78%	78%	78%
<b>Bulgaria</b>	46%	40%	37%
<b>Czechia</b>	22%	25%	38%
<b>Denmark</b>	-35%	-16%	44%
<b>Germany</b>	59%	59%	63%
<b>Estonia</b>	33%	14%	10%
<b>Ireland</b>	85%	87%	71%
<b>Greece</b>	69%	68%	81%
<b>Spain</b>	76%	77%	67%
<b>France</b>	51%	48%	44%
<b>Croatia</b>	48%	46%	53%
<b>Italy</b>	86%	82%	73%
<b>Cyprus</b>	98%	100%	93%
<b>Latvia</b>	61%	45%	45%
<b>Lithuania</b>	57%	79%	74%
<b>Luxembourg</b>	99%	97%	92%
<b>Hungary</b>	54%	56%	56%
<b>Malta</b>	100%	99%	97%
<b>Netherlands</b>	38%	28%	68%
<b>Austria</b>	65%	62%	58%
<b>Poland</b>	10%	31%	42%
<b>Portugal</b>	85%	75%	65%
<b>Romania</b>	21%	21%	28%
<b>Slovenia</b>	51%	49%	45%
<b>Slovakia</b>	65%	64%	56%
<b>Finland</b>	55%	48%	42%

Source: Eurostat<sup>10</sup>

<sup>10</sup> Eurostat. Energy statistics. Energy indicators. Energy Imports Dependency. Available at: [https://ec.europa.eu/eurostat/databrowser/view/NRG\\_IND\\_ID\\_custom\\_3476581/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/NRG_IND_ID_custom_3476581/default/table?lang=en), last consulted 25.09.2022

According to the Eurostat Methodology „The dependency rate shows the extent to which an economy relies upon imports in order to meet its energy needs. It is measured by the share of net imports (imports - exports) in gross inland energy consumption (meaning the sum of energy produced and net imports).“

An eloquent example of the stated problems in the Union's energy policy are the consequences of the energy crisis that broke out as a result of the Russian-Ukrainian gas dispute, which escalated in January 2009, after Gazprom completely cut off natural gas supplies to Ukraine. Since the Ukrainian country is the transit country for gas transmission, these actions of the Russian company directly affect a number of EU member states. Faced with the threat of an energy crisis, each of the governments of the member states began to look for independent solutions to the problem. This further aggravates the situation and proves that at certain times the EU does not know how to speak with one voice. A reflection of this fact is the inconsistent and rather fragmented actions of the Union in search of energy independence and diversification.<sup>11</sup> For a period of twenty years, several of the key energy projects, such as the Turkish-Austrian gas pipeline (Nabucco-West) and the Trans-Caspian gas pipeline, have not been realized.

It is evident from what has been presented so far that at the end of 2020 and 2021, the Union still faces a number of challenges in the field of energy, which include:

- Insufficient diversification and increasing dependence on imports.
- Growing demand for energy on a global scale, leading to high and volatile energy prices.
- Security risks affecting producing and transit countries.
- Slow progress in energy efficiency.
- Growing threats of climate change and decarbonisation, including the relatively limited use of renewable energy sources.
- The lack of transparency and integration of energy markets.
- The consequences of the COVID 19 pandemic on the development of the economy and a number of sectors, including energy.<sup>12,13</sup>

### **3. New challenges in 2022 – the war in Ukraine and the emerging energy crisis**

The main objective of the research in this part is to present the challenges that have arisen in 2022 to the energy policy of the Union as a result of the war in Ukraine and the outbreak of a serious energy crisis on the continent.

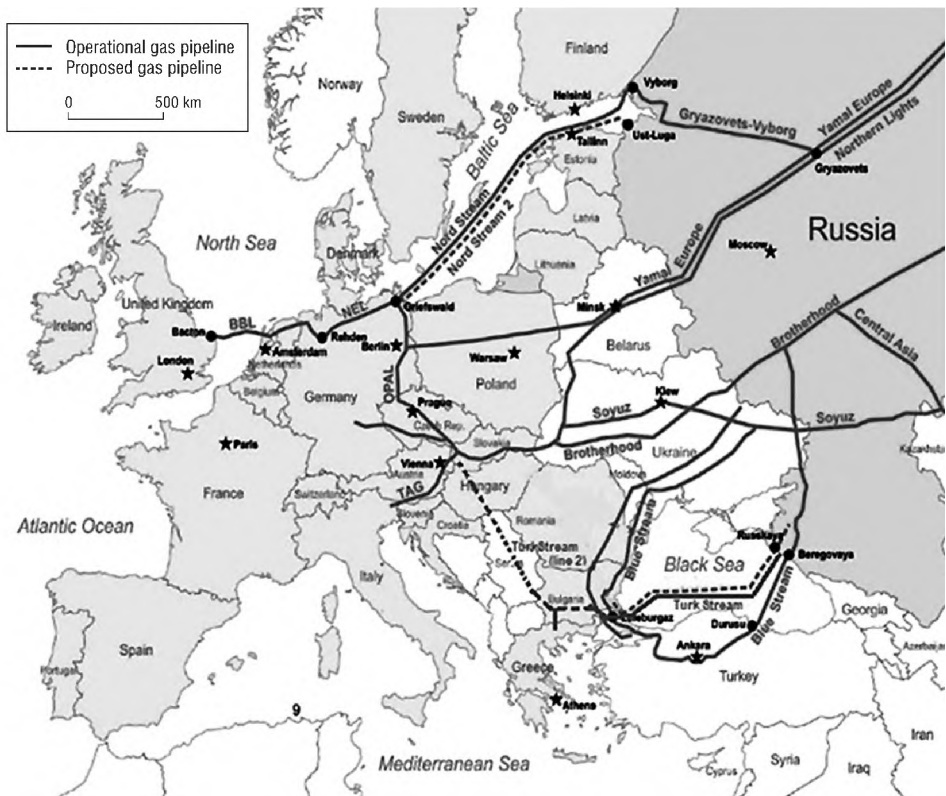
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<sup>11</sup> Oxford Institute for Energy Studies, Pirani, S., Stern, J., Yafimava, K. (2009). The Russo-Ukrainian gas dispute of January 2009: a comprehensive assessment. Available online at: <https://www.oxfordenergy.org/wpcms/wp-content/uploads/2010/11/NG27-TheRussoUkrainianGasDisputeofJanuary2009AComprehensiveAssessment-JonathanSternSimonPiraniKatjaYafimava-2009.pdf>

<sup>12</sup> European Parliament. Fact Sheets on the European Union, Energy policy: general principles, available online at <https://www.europarl.europa.eu/factsheets>, last consulted on 26.09.2022

<sup>13</sup> Center of Study of Democracy. The Great Energy and Security Climate Divide. Accelerated Green Transition vs. the Kremlin Playbook in Europe. (2022), Available at: [https://csd.bg/fileadmin/user\\_upload/publications\\_library/files/2022\\_09/Kremlin\\_Playbook\\_in\\_Energy\\_WEB.pdf](https://csd.bg/fileadmin/user_upload/publications_library/files/2022_09/Kremlin_Playbook_in_Energy_WEB.pdf)

A short description should be made first, the focus of which is the „routes“ of natural gas supply in Europe. A large number of Member States receive between 80 and 100% of the natural gas they consume from only one supplier – the Russian Federation, often through only one or two delivery routes. As it can be seen from Map No 1, through more than ten main pipelines Russian natural gas has been delivered to Europe. Some of them are direct pipelines to Member States (for example to Germany), some provide gas through Ukraine (to Slovakia, Romania, Hungary and Poland) and some through Belarus (to Poland). This exposes member states and also the European Union to a situation of dominance of a single supplier, risks of cutting delivery and high inflation as the price is not always determined on a market basis.



Original source: European Commission - European Political Strategy Center  
With additions on the original map regarding the proposed TurkStream line 2

*Map No 1 „Major natural gas pipelines from Russia to Europe“*

Source: ELIAMEP<sup>14</sup>

<sup>14</sup> ELIAMEP. Russian pipelines and EU energy security: Utilizing the externality elements of the EU's regulatory framework. Last updated May 2022. Available online at: <https://www.eliamep.gr/en/publication/>

The beginning of the war in Ukraine (one of the main transition countries) and the bilateral sanctions between Europe and Russia<sup>15</sup> brings new challenges in front of the energy policy expressed in the following:

- Economic growth in all member states has been slower and energy prices have been increasing. For this reason, many member state governments impose stricter energy-saving measures on their citizens and business. This situation is defined as „perfect storm“<sup>16</sup>, because the winter of 2022 is coming, there is the uncertainty if there will be enough volume of natural gas and moreover if its price will be affordable.
- The Russian state uses its energy resources as a weapon. There is an obligation to pay for gas in Russian rubles when the buyers are from so called „unfriendly states“ (the list of „unfriendly states“ includes all EU member states) or when gas is supplied to such state.<sup>17</sup> Second the Federation has already stopped or reduced supplies to 12 member states (this has broken several long-term supply contracts). Supplies through Nord Stream 1 were cut to 20%. In September 2022 four leaks in both the Nord Stream 1 and Nord Stream 2 pipelines in the Baltic Sea appeared (all of them in strange circumstances). There is a real risk that Russia can stop all supplies to the Union ahead of the winter, if it deems this strategically beneficial.<sup>18</sup>

During the year (2022) the European Union (and each member state) has made an enormous step forward and a serious change in its energy policy. As it was stated in April 2022 by the European Commission President Ursula von der Leyen „the era of Russian fossil fuels in Europe will come to an end“.<sup>19</sup> The following decisions and legislation are transforming the dependence to diversification:

- March 2022, the Versailles Declaration – Leaders of the member states made an agreement to overcome EU dependency on Russian gas, oil and coal imports by: „reducing overall reliance on fossil fuels faster, taking into account national circumstances; diversifying supplies and routes, including through liquefied natural gas and biogas; further developing an EU hydrogen market; accelerating the development of renewables; improving the interconnection of European electricity and gas

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<sup>15</sup> For more information about the sanctions see: Simeonov, K., Trifonova, R. Implication of Economic and financial sanctions towards Russia. The case of CEECs (forthcoming publication).

<sup>16</sup> „Schuman Report on Europe, State of the Union 2022“. Éditions Marie B, May 2022. Available online at: <https://www.robert-schuman.eu/en/european-issues/0634-europe-in-a-perfect-storm>

<sup>17</sup> Russian President's Decree No. 172 of March 31, 2022.

<sup>18</sup> BBC News. Nord Stream 1: How Russia is cutting gas supplies to Europe (29.09.2022) Available online at: <https://www.bbc.com/news/world-europe-60131520>

<sup>19</sup> Press statement by President von der Leyen following the announcement by Gazprom on the disruption of gas deliveries to certain EU Member States. Available online at: [https://ec.europa.eu/commission/presscorner/detail/en/statement\\_22\\_2685](https://ec.europa.eu/commission/presscorner/detail/en/statement_22_2685)

networks; reinforcing EU contingency planning for security of supply; improving energy efficiency and promoting circularity“.<sup>20</sup>

- May 2022 REPowerEU – it has been established a voluntary EU energy platform that supports coordinated common energy purchases for all EU countries and some European partners.<sup>21,22</sup>
- June 2022 New legislation – first about gas storage, which aims to ensure that storage facilities are filled before the cold season: underground gas storage on the territory of the Member States must be filled to at least 80% of their capacity by 1 November 2022 and up to 90% by the following winters.<sup>23</sup> Second – an agreement on a Council position (‘common approach’) on the „Fit for Target 55“ package, the EU’s plan to translate the European Green Deal targets into EU law.<sup>24</sup>
- July 2022 – EU member states agreed to reduce overall EU gas demand by 15% between August 2022 and March 2023.<sup>25</sup>
- New energy supply agreements with international partners (USA, Kanda, Norway, Azerbaijan, Israel, Egypt, Algeria).
- October 2022 – the launch of the intersystem gas connection Greece-Bulgaria – key project for diversification in the EU.

As a result of the described actions the share of the European Union’s gas supply provided by Russia dropped from over 40% in 2021 to just 20% in June 2022.<sup>26</sup> This was possible by making additional imports of liquified natural gas (LNG). Also there has been an enormous progress in buying more pipeline gas from Norway, Algeria and Azerbaijan.

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<sup>20</sup> Official website of the Council of the EU and the European Council. Informal meeting of heads of state or government, Versailles, 10-11 March 2022. Available online at: <https://www.consilium.europa.eu/bg/meetings/european-council/2022/03/10-11/>

<sup>21</sup> Official website of the European Commission. REPowerEU: affordable, secure and sustainable energy for Europe. Available at: [https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal/repowereu-affordable-secure-and-sustainable-energy-europe\\_en#repowereu-actions](https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal/repowereu-affordable-secure-and-sustainable-energy-europe_en#repowereu-actions)

<sup>22</sup> REPowerEU is the European Commission’s plan to make Europe independent from Russian fossil fuels well before 2030, in light of Russia’s invasion of Ukraine.

<sup>23</sup> Official website of the Council of the EU and the European Council. Transport, Telecommunications and Energy Council (Energy), 27 June 2022, Fit for Package 55. Available at: <https://www.consilium.europa.eu/bg/meetings/tte/2022/06/27/>

<sup>24</sup> The European Green Deal is a package of policy initiatives aimed at putting the EU on the path to a green transition, with the ultimate goal of achieving climate neutrality by 2050.

The EU is working on revising its climate, energy and transport legislation within the framework of the so-called „Fit for Goal 55“ package with the aim of bringing the current legislation in line with the ambitions for 2030 and 2050.

<sup>25</sup> Official website of the Council of the EU and the European Council. Member states commit to reducing gas demand by 15% next winter. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2022/07/26/member-states-commit-to-reducing-gas-demand-by-15-next-winter/>

<sup>26</sup> Bruegel (the European think tank that specialises in economics). European Union demand reduction needs to cope with Russian gas cuts (07.07.2022), <https://www.bruegel.org/2022/07/european-union-demand-reduction-needs-to-cope-with-russian-gas-cuts>, Last consulted on 24.09.2022

## 4. Conclusion

*„After Russia’s annexation of Crimea, we should have but didn’t develop a real EU energy union, built around diversification away from Russia and investing in energy efficiency and home-grown and climate-friendly renewables. This time the stakes are even higher: we cannot afford to make that same mistake again.“<sup>27</sup>*

Unity among EU member states is essential to address the energy crisis. Working together is the best way for EU countries to better mitigate the impact of the crisis and reduce risks. In the current context of great uncertainty regarding energy supplies and supply disruptions from Russia, solidarity between EU countries is also needed to provide support to those countries that are more dependent on Russian energy and are therefore affected in greater extent from reduction in supply. Active actions are needed in the direction of strengthening the energy sustainability and autonomy of the EU countries. Key elements in this process are: diversification and accelerating the transition to clean energy.

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<sup>27</sup> Josep Borrell is High Representative of the European Union for Foreign Affairs and Security Policy as well as Vice President of the European Commission. Source: Delegation of the European Union to the Russian Federation (2022), Europe’s energy balancing act (01.08.2022), [https://www.eeas.europa.eu/eeas/europe-s-energy-balancing-act\\_en?s=177](https://www.eeas.europa.eu/eeas/europe-s-energy-balancing-act_en?s=177), last consulted on 25.09.2022.

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# EUROPEAN POLICY MAKING AFTER COVID-19: „GOVERNANCE WITH GOVERNMENT“

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## ***Abstract***

*After 2008, the European policy process developed in the conditions of continuous crisis. This leads to a series of changes related to the specificities of the policy cycle, the role of the European Commission and national administrations, the involvement of expertise and public groups. This increases the Union's decision-making capacity, but also raises legitimacy risks.*

**Keywords:** European policy making, crisisification of policy process

The policy process and its particularities in a specific polity are not simply a consequence of the form or model of governance. Behaviourism in political science complements the understanding of the factors of governance with the behavioral motivation, knowledge and attitudes of its participants, as well as with the relations between them. Such a perspective makes possible to explain why within the same polity, even without changing the formal institutions or the key actors, the policy style changes (Howlett 1991, Howlett and Tosun 2018). Such change is not necessarily temporary or situational. It often leads to significant and lasting shifts in representation in policy communities and in the policy cycle. This in turn prompts a change in policies. In a more distant perspective, such a transition may also lead to a change in formal institutions.

A similar transition in policy style was observed in the democracies of Western Europe in the 1980s, when a relatively centralised government moved to a predominant neoliberal governance that transferred the functions of provi-

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ding public services to private organisations (Bellamy and Palumbo, 2017.). This transition, in only some countries, begins with a change in the main stakeholders and the ideas that underlie their actions. At the same time, it proceeds with different speed and radicalism in all the countries of Western Europe, regardless of the lack of significant displacement in the policy communities. At the polity level, the mentioned transition in Western Europe is analogous to the transition in Central and Eastern Europe. The latter, however, has a far deeper scope because of the change in basic political and economic relations and cannot be explained as a shift in policy style.

Processes in European public governance very often precedes what happens in the member countries. It responds much more quickly to contemporary challenges and trends for two main reasons. On the one hand, the EU does not have the institutional tradition of the nation-state and political power in it is always shared. Even if there is an aspiration for centralisation and concentration of power resources at the supranational level, this aspiration is realised with difficulty – very slowly and in small steps. Network models of governance are therefore much stronger than hierarchical ones; coordination and consultations necessarily precede, even accompany the legislative process; common objectives are often achieved through executive measures and the process of their deliberation than through the legislation. Informal institutions matter at least as much as formal ones (Moravcsik 2010). The EU is much more horizontal than any other country where, despite modern paradigms of public governance, hierarchical power relations still prevail.

Policy style has at least three dimensions. The first, but not necessarily the most important, concerns stakeholders and the relationship between them. The second refers to the ideas and values around which policy communities are built and identified. The third cover the peculiarities of the policy cycle.

After Covid-19, the style of European policy making seems to have hanged. This change began much earlier - sometime around 2008, when the world was gripped by an economic and financial crisis. Covid-19 accelerates this change and makes it obvious. During this period, with the adoption of the Treaty on the Functioning of the EU and the consolidation of European law, the Union took a major step towards strengthening supranational governance. However, the change in governance style does not follow directly from the development of formal institutions. It is only one of the factors related to it.

In European Studies, the changing policy style in the EU is expressed by the term „crisisification“ of policy-making (Rhinard 2019). The clarification of this term implies at least two questions. On the one hand, it is necessary to distinguish it from crisis management. On the other hand, this is a slow, gradual change of policy making practices, which is not preceded, and even for the moment is not accompanied by a change in formal European law.

Crisis management can be defined as a set of specific tools that authorities take to deal with a crisis in the organisation (Pearson and Clair 1998). In the

last two decades, in parallel with „crisis management“, the concept of „crisis governance“ began to be used. A clear distinction between them is not made and they are even used as synonyms. However, the last concept enriches, even revises, the techniques of crisis management by taking into account the presence among those affected by the crisis of multiple groups with different interests and perceptions (Yan, Pang and Cameron, 2006). Another implicit difference in the use of the two concepts can be deduced: while crisis management is more of a technique, governance for its application (crisis governance) consists of formal structures and rules (Christensen, Laegreid and Rykkja, 2016). However, in both cases, and in the use of both concepts, we are talking about separate, structurally distinct activities aimed at dealing with crises.

Crisisification is another thing. This is a significant change of policy-making under the influence of the state of crisis. This is again a response to the crisis, but in terms of the way policies are formulated and implemented. Crisis management – the use of crisis management tools, ends with the end of the crisis. Crisisification changes the policy process and could lead to significant shift in political relations.

In fact, crisis management and policy process crisisification are very close concepts. Distinguishing them as tool and process is true, but not quite enough. In practice, tool and process are so intertwined that the above distinction may seem misleading – the choice and application of a certain tool becomes possible only because the process allows it. However, crisisification is not simply the process that makes crisis management possible. Crisisification of policies in a substantive plan means centralisation, quick decisions on imperative measures, limitation of deliberation. If crisisification becomes a predominant feature of the policy process and exceeds the limits of crisis management, it means that informally, in practice, the political order acquires the above characteristics, regardless of formal institutions.

The crisisification of European policies began with the economic crisis of 2008, deepened with the Euro crisis, the migrant crisis and Brexit. The global Covid-19 pandemic is the latest step in this process for two reasons. On the one hand, there is no disagreement among the member countries, as well as among the European institutions, in relation to the perception of the crisis and the ways to deal with it. On the other hand – this crisis affects all individual activities and social spheres – from health, through business, culture and education, to politics and democratic representation. Covid-19 has centralised the EU and, in a sense, prepared it for the next crisis (the war in Ukraine) which comes quite unexpectedly. Toward the current crisis, the EU seems much more cohesive and with increased ability to take common decisions.

There are several manifestations of the crisisification of the European policy process.

Because of the acceptance of the need for a common response the European policy cycle becomes much faster. In fact, the „acceleration of time“ beyond

its physical dimensions is a process we are witnessing because of technological change and the rapid spread of information from competing sources. This leads to an increase in unpredictability and heightens chaos in the policy process at the expense of its rational course. As a consequence, policy selection becomes an almost unpredictable process. Crisisification works in a completely opposite way – it speeds up the decision-making process and shortens the time from creating the agenda to making the decision. Thus, the rationality of the process, oriented towards finding an optimal solution, is strengthened. However, the latter does not mean that it improves or worsens, because such an assessment is made on the basis of the extent to which the goals or desired results for which the measures are taken are accepted. The only obvious claim is that the process is changing, and because of the need for rapid response given by public authorities, the initial stages of the policy cycle almost coincide with decision-making.

The normal European policy making process is extremely slow. It involves many stakeholders who express different interests, have different types of behavior and stand behind different ideas about social development in general and the future of the EU in particular. The decision-making procedures themselves are extremely complex, due to the need to involve the key participants in the process of European policies in a way that allows finding the intersection between their positions. The institutional development of the Union is related to the search for a balance between democratic representation and rational management. The last should create minimum conditions for making and implementing shared decisions. Therefore, the process of European policies, as well as the decision-making procedures themselves, are accompanied by continuous horizontal processes: working groups, coordination mechanisms, consultations, meetings of experts, etc. They make it possible to unite the diverse political representation around a common decision and around a common idea of the development of the Union. The crisisification of EU policy-making limits the use of horizontal mechanisms, notably by reducing the time for consultation and feedback.

Along with this, the influence and role of the European Commission is growing. In times of crisis, it becomes the most powerful institution, without this being explicitly regulated in European law. According to European law, the Council of the EU, i.e. the member states, delegate executive powers to the Commission, but not in principle, but only for measures for which there is already an agreement. The only exception to this rule is competition policy, where the European Commission has direct executive power.

The „political“ role of the European Commission is not a new issue for the European studies (Nugent and Rhinard, 2019). Since it is the only institution with legislative initiative, its formal role in the process of European policies cannot be underestimated. In addition, it leads all horizontal processes of coordination and consultation with both member states' experts and influential public organisations. In some policy areas, where European law does not

provide for exclusive competence of the EU, the European Commission leads processes aimed at developing soft law and monitors and evaluates the process of its implementation in the member states (European benchmarking, Open method of coordination). Within the framework of the use of financial instruments to achieve the goals of European integration (European Structural Funds), the European Commission has a major role as the main representative of the EU in relations with both the member states and the beneficiary organisations on their territory.

The institutional development of the Commission includes the tendency to expand its direct powers as an executive body of the Union. This became particularly clear in the change of Comitology procedures with the adoption and implementation of the Consolidated Decision on Comitology in 2011. With this change in European law, some practices that varied before between formal control over the actions of the Commission by the representatives of the member states and the constructivist debate between experts on the occasion of common policies, become regulated in a way to increase the Commission power to take own decisions about the executive measures of the Union.

Crisisification reinforces these trends. In practice, the Commission becomes the sole author of the decisions, which descend to the national representatives rather as information and are accepted by the relevant authorities with little or no corrections (Rhinar 2019). This is not necessarily unfavorable because the process reorients itself towards a rational type of governance, neglecting to some extent the political debate. At the same time, such a change leads to the possibility of undesirable consequences related to legitimacy.

Crisisification-related acceleration of the policy process has a dual effect on the inclusion and use of expertise in policy-making. On the one hand, the professional administration expands its participation and influence on the initiatives. On the other hand, the participation of external expertise and public organisations is decreasing. Policy making becomes much more closed to public pressure. The effect is the same as when the role of the Commission increases – the probability of decision-making and the emergence of problems with legitimacy simultaneously increases.

Probably the most evident consequences of the crisisification of policy-making in the EU is the limitation of deliberative processes. Traditionally, the inclusion of public interests has been an institutional feature of the European policy process. There are many studies that identify the different methods of European policies. Apart from their specific institutional design, these methods also differ in the way they involve public groups. In practice, there is only one sphere in which public groups exert only external pressure on policies – that is the sphere of activity of the European Central Bank. In all other spheres, in solving all other problems, social groups based on formal powers or more often as a result of repeated practices have a reserved place (Yee 2004). The same studies explain this fact with the behavior of the Commission, which promotes

inclusion in order to increase support for European integration and common policies implementation. In the conditions of crisisification, the deliberative search for legitimacy becomes to some extent unnecessary – it is replaced from the perception of the common threat.

At least ostensibly, the crisisification of policy-making leads to a state that resembles polities with a strong central executive. The increased role of the European Commission and of expertise in the policy-making process support the above statement. Does this make the EU stronger? The answer is not obvious. Centripetal forces are a consequence of natural unification around an understanding of a common threat. There is a high probability that upon its eventual passing, centrifugal forces will emerge and that will return the EU to its traditional state of political union, in which bargaining as a result of inter-institutional and inter-organisational consultations is the necessary basis for decision-making. In any case, however, the solution to the main problem of the institutional development of the EU – the distribution of power between the supranational and the state level – currently seems to weigh in favor of the former.

The changes related to the crisisification of policy-making in the EU also affect the member states. The growth of the role of administration spans both the supranational and state levels. In condition of crisisification the inclusion of national interests in European policy process depends on national administration. If political debate gives way to expert debate, then it is the national administration that must find the place of national priorities in the process of making common policies. This is also not new for the EU. In areas where, due to a lack of common EU competence, transnational coordination is the main policy-making method, the responsibility for representing national priorities falls on the experts who participate in it. The experience of participating in similar coordination mechanisms (European Strategy for Employment Strategy, social inclusion, pension insurance, etc.) show that national administrations (not only Bulgarian one) very rarely take advantage of this opportunity. The prevailing attitudes of national administrations to implement and not to make the decisions reduce the possibilities for adequate inclusion of member states in the making of European policies. In conditions of crisisification, when expert debate dominates policy-making, a potential opportunity arises to alienate states from common decisions. This problem, and the potential risk associated with it, has no obvious solution. The situation now only strengthens the relative influence of the European Commission in making European policies.

In the 1970s, when the political unification of European countries was still only a mirage, a definition of the European Community as „governance without government“ was spread in European studies. Metaphorically speaking, at the moment, as a result of the crisisification of policy-making, the EU is becoming „governance with government“. Regardless of the complex structure of political power, in which multiple interests and representations are intertwined, the EU succeed to make policies in very complex situations. It behaves

as a real polity. This is the only good thing about crisisification of European policy process. Otherwise, the informal centralisation of European policy-making raises many questions that European studies are not yet ready to answer (KreuderSonnen 2016).

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# RURAL COHESION: A CATALYST TO THE REVIVAL OF THE EU IN A POST-PANDEMIC EUROPE

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## ***Abstract***

*30% of the EU population resides in rural areas. However, the disparities between rural regions and urban centres which have become marked since the 2008 financial crisis has further exacerbated after the recent Covid 19 pandemic. In order to have an efficient expansion mechanism, initial resilience is of paramount importance, for which the rural structure in terms of economic and political policies has to be sustainably developed. Admittedly, the rural centres close to the urban areas have developed resilience and dynamism, while the more remote rural areas have not been able to bounce back in terms of employment and productivity post-pandemic. The long-term developments of globalisation, information technology and climate change before the pandemic have made these differences within and between rural and urban areas even more pronounced. Since the EU is not just a trading block, support for such holistic reforms aimed at rural integration and empowerment should take centre stage in a post-pandemic Europe. This paper will critically analyse the Common Agricultural Policy and the Cohesion Policy of 2021-27 which needs to be revisited and critically analysed. The author will link and juxtapose these reforms with the REACT (EU Recovery Assistance for Cohesion and the Territories of Europe) to address the contemporary concern of rural integration within the EU.*

**Keywords:** Rural Area, Pandemic, REACT-EU, Resilience, European Integration, Revival

## **Disparities between rural regions and urban centres**

The European Union came into existence in 1993 with the 12 member states promising a future of peace and well-being for all its citizens. It promised the security and welfare of all, irrespective of internal borders. It also aspired

to bring about sustainable growth of the entire continent, urging different stakeholders to join hands in this collective empowerment for social justice. The core fundamentals of the European Union focussed on emphasising equality and security to ensure an aspirational understanding of European Citizenship. However, three decades into this grand alliance, the economic agreement which has expanded in its membership and subsequently its ambitions over the years is faced with a new challenge of rural cohesion. The Covid 19 pandemic which affected almost every country on this planet has been particularly unkind towards the rural areas of the EU. The fact that the mortality rate was the highest in the rural areas of Europe in the second wave suggests an abject failure of the overall rural cohesion policies of the EU.<sup>1</sup>

Today, there is a big problem of Two Europes that we can evidently see, even without referring to statistics. One Europe is this fast, urbanising, modern & cosmopolitan which the world aspires to mimic and follow. The other Europe is the rural countryside, which is more sombre, slow-paced, traditional-minded and closely attached to their nationality. Even an analysis of the voting patterns over the years in various countries will suggest that the rural population is more opinionated and polarised in their opinion about some of the most contentious issues grappling the continent. The analysis of Brexit and the rising spate of electorally successful right-wing leaders is a clear indicator of the same. Urban Europe is more liberal, pro-immigration, and pro-migration and welcomes a host of people from across the world to create a cosmopolitan melting pot culture. The rural areas are more conservative and have reservations about the increasing number of immigrants over the years. Even on major issues like European Integration and unification, the urban and rural areas have diametrically opposing viewpoints. This geographical polarisation is not just latent but deep rooted and points towards a larger systemic flaw in policymaking.<sup>2</sup> This territorial factorization is harmful as it threatens the core fabric of the EU. The most important reason why the urban and rural areas are not able to think alike over larger developmental issues is because of the lack of political commitment towards empowering the rural sectors. There is a lack of political communication and dialogue with the rural fringe. The author would like to believe that the latest spate of secessionist tendencies, frustration over the inclusion of countries in the EU, the Russia-Ukraine war and its ramifications and the inherent feeling of neglect are all connected to the one theme of neglect of rural cohesion.<sup>3</sup>

This process of division of Rural-Urban centres started in the 19<sup>th</sup> century with the advent of Industrialization. The rural areas kept going away from

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<sup>2</sup> Colibasanu, O. (2020). The Covid-19 pandemic a source for geopolitical change? The case of eastern Europe. *Europolity: Continuity and Change in European Governance*, 14(2), 55-88.

<sup>3</sup> Warriner, D. (1970). Problems of rural-urban migration: some suggestions for investigation. *International Labour Review*, 101(5), 441-452.



mainstream development and thus lacked a larger political, cultural and economic impetus to grow and evolve. The 20<sup>th</sup> century and its advent of technology and modern means of mass communication tried to bridge this gap and were majorly successful in bringing rural regions closer in thought process to the urban cities. However, the 21<sup>st</sup> century threatens to offset this progress and throw the continent back to the days of the 19<sup>th</sup> century. The recently concluded pandemic played the role of an active catalyst in accelerating this rural-urban divide. Today, the rural areas have been left behind in this growth march due to a lack of exposure, fewer opportunities and several problems with no solutions in sight. The rural areas have thus become reluctant to embrace modernity and have tolerant opinions about contemporary challenges.

### Critical Analysis

There are three important issues on which rural-urban incoherence is visibly disturbing for the unity of the continent.

1. **Attitude towards Immigration** – The lack of education and exposure has moulded the rural folk, who are economically less endowed compared to their fellow citizens in the urban centres into an anti-immigrant and anti-migrant attitude. The urban citizens stay in a high population density environment of educated and professional people, thus developing tolerance and subsequently a liking for the highly skilled immigrant.<sup>4</sup>

2. **Attitude towards the EU** – There is an ongoing debate in the EU over the inclusion of new member states, in the wake of the threat to their territorial sovereignty from neighbouring nations. However, the attitude towards the inclusion of such nations into the EU fold is more conservative in rural areas. This results in a mixed mandate for such inclusionary policies, thus denting the EU's larger goal of creating a safe peaceful environment for the peripheral countries.<sup>5</sup>

3. **Attitude towards the Right Wing** – There is a rising relevance of the hard right-wing parties and ideological strains. Rural neglect has been the reason for the disconnect with the inclusionary policies of the EU, creating a rift in thought process, making right-wing leadership an attractive alternative in countries like the Netherlands, France, Germany and now the Italian change of power.<sup>6</sup>

### EU: rural integration and empowerment

At the very foundation of the European Union, the idea of differentiated responsibility was made very clear. There were some duties which were to be

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<sup>4</sup> Warriner, D. (1970). Problems of rural-urban migration: some suggestions for investigation. *International Labour Review*, 101(5), 441-452.

<sup>5</sup> Ericksen, E. (1954). *Urban Behavior*. New York, Macmillan.

<sup>6</sup> Wright, M. S. (2015). Case for randomized, double-blinded, sham-controlled class iii medical device trials. *Yale Law & Policy Review*, 34(1), 199-213.

performed by the EU solely while there were some which were to be conducted in collaboration with the various EU Member states. These ‘cohesive policies’ aimed at targeting those poor, developing countries which needed support and financial boost to continue their good work. Thus, these cohesive policies were supposed to work like a motivating agent in terms of regularising developmental planning and financial policymaking. However, over the years, these definitions of rural cohesion have been vaguely interpreted by the EU and the European Commission, leading to the non-cohesive implementation of these EU cohesive policies.

In this instance, the European Union in a post-pandemic world is facing and tackling the same concerns that it did ten years ago. The only difference is that the pandemic has accelerated the impact of these social realities leading to drastic reactions from the peripheral rural communities.

The problem of an ageing rural population has not been addressed adequately with smart family planning policies. The urban-rural divide also looks stark due to the demographic inversion seen in multiple states with a huge outflow of youngsters leaving the village to seek employment in urban centres. That leads to an increasing pay gap which is making the rich richer in the urban cities and leaving the villages poor and financially vulnerable. These vulnerabilities were exposed by the pandemic and the EU did not have adequate infrastructural readiness to tackle the same in the short run. The fact that the European Committee of Regions has been demanding an increased credit line to improve the availability of employment and allied jobs in the rural areas which can transform the backward regions into sustainable hubs of innovation has been in the pipeline for decades. The plan to modernise the rural areas has to be taken up effectively to ensure another man-made or natural calamity does not impact the rural population like the Covid 19.<sup>7</sup>

There is an immediate need for a white paper to be presented for the post-pandemic blueprint of how the European Commission is serious about rural cohesion. As this paper is being written, the 20<sup>th</sup> edition of the European Week of Regions and Cities has commenced where leaders from across the EU will be deliberating on how to calibrate the EU to tackle the old challenge of cohesion. However, there is unanimity over one thing, and that is that Europe cannot aspire for a sustainable recovery in the aftermath of the pandemic unless it gives special attention to the concerns in the rural sector.

### **Common Agricultural Policy (CAP) and the Cohesion Policy of 2021-27**

The EU’s CAP aimed to support the farmer and improve agricultural productivity, ensuring that there is a steady supply of affordable food and at

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<sup>7</sup> Wang, Y., & Weinstein-Tull, J. (2022). Pandemic governance. *Boston College Law Review*, 63(6), 1949-2006.

the same time ensuring that the farmers earn a respectable living while at same time safeguarding the environment. Over the years, the CAP has fulfilled its mandate to a certain extent, which suggests its popularity over the years. The system of ensuring systemic income support to the farmers by giving direct payments and taking care of the developmental needs of the countryside is difficult to expect from the liberal market forces. By launching innovative rural integration programs, the EU through CAP ensures that the specific needs of the rural areas are well accounted for in conventional policymaking.<sup>8</sup>

However, there have been several question marks raised over the efficacy of the CAP in rural cohesion. The CAP has not been entirely successful in stabilising the market in times of inflationary or recessionary trends. This leads to oversupply in the market, leading to the farmer suffering huge damages. The pandemic was one such instance where the CAP was supposed to protect the agricultural community from healthcare calamities, but the response was more reactive than proactive. In such a situation, the EU is planning on launching CAP 2.0 or the New Common Agricultural Policy (New CAP). However, if the anomalies of the earlier CAP are not addressed structurally, the New CAP will end up being another pale reflection of a policy, which will flatter to deceive.<sup>9</sup>

The earlier CAP was criticized as it was believed that the farmers have very limited negotiating power in the economic chain. Farmers' unions, trade unions, producers' unions etc. and other means of collective negotiation were initially encouraged but did not achieve the impact as it was expected. The promised reforms as a part of this 'new' CAP are only going to benefit the farmers with large land holdings with connections to industrial production. The farmers with small land holdings are going to be vulnerable as ever due to the lack of clarity over the distribution of subsidies. Environmentalists have also criticised it for being insensitive towards climate change and other biodiversity-related concerns. Similarly, the much-publicized Farm to Fork strategy does not find any mention in this new CAP. Important demands from the farmers like systematically phasing out at least 50% of pesticides from production cycles, compulsorily allocating 25% of farmlands for organic farming by 2030, reducing of use of fertilizers etc. are simply missing from this latest CAP.<sup>10</sup> This will alienate the rural areas even further from the urban cities. The sustained campaign by the farmers and the agrarian economy coupled with civil society has forced the EU to pause and rethink this policy. Although that is a good thing, it is not good that the primary

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<sup>8</sup> Junckerstorff, H. (1963). *International Manual on the European Economic Community*. St. Louis, Saint Louis University Press.

<sup>9</sup> Vieira de Jesus, D., Kamlot, D., & Correia Dubeux, V. (2020). Innovation in the 'new normal' interactions, the urban space, and the low touch economy: the case of rio de janeiro in the context of the covid-19 pandemic. *International Journal of Social Science Studies*, 8(5), 17-27.

<sup>10</sup> CAP and the environment. (2022, October 6). Agriculture and Rural Development. Retrieved October 10, 2022, from [https://agriculture.ec.europa.eu/sustainability/environmental-sustainability/cap-and-environment\\_en](https://agriculture.ec.europa.eu/sustainability/environmental-sustainability/cap-and-environment_en).

stakeholders in this policy on rural agrarian cohesion are not convinced by the intentions of the EU.<sup>11</sup>

## **REACT (EU Recovery Assistance for Cohesion and the Territories of Europe)**

Post the pandemic, the rattled EU launched an extremely ambitious plan called the EU REACT. (Recovery Assistance for Cohesion and the Territories of Europe). The core objective of the policy was to ensure that the disparities that were accelerated by the pandemic get arrested.<sup>12</sup> However, several questions remain unanswered about the policy, which would be discussed in this paper.

The core objective of the package was to target those regions which were severely hit by the pandemic. Based on all available parameters, it is clear that the rural areas were the worst hit during the multiple waves. However, has there been a comprehensive analysis of how equitable was this relief support distributed? Without that, it would be too premature to announce the success of the policy.<sup>13</sup>

The multiple other holistic issues which the package should have focussed on are:

### **1. Demographic Shift**

Even before the pandemic there has been a twofold shift in the rural demography of Europe. On one end the elderly population is shrinking (death due to natural causes or healthcare neglect or unprecedented events like the pandemic) and secondly, ageing. As per the European Commission estimates for 2022, the rate of shrinking of the population in rural areas is increasing at the rate of 11% while the rate reduction of urban centres is by 1%. If this increases, by 2040, almost 51%-60% of the EU population would have left the rural places.<sup>14</sup> Certain countries in Eastern and Southern EU are facing a twin challenge of an already aged population plus an exodus of migration of the remaining youngsters to urban areas. This, when added to the existing woes of connectivity issues, productivity challenges and basic low access to public services will make the rural areas an even less attractive place for anyone to live or invest. The REACT policy should be addressing this concern.

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<sup>11</sup> Junckerstorff, H. (1963). *International Manual on the European Economic Community*. St. Louis, Saint Louis University Press.

<sup>12</sup> Andrews, E. A., & Reiblich, J. (2020). Reflections on rural resilience: as the climate changes, will rural areas become the urban backyard? *William & Mary Environmental Law and Policy Review*, 44(3), 745-776.

<sup>13</sup> Peek, P., & Standing, G. (1979). Rural-urban migration and government policies in low-income countries. *International Labour Review*, 118(6), 747-762.

<sup>14</sup> REACT-EU. (n.d.). Regional Policy - European Commission. Retrieved October 10, 2022, from [https://ec.europa.eu/regional\\_policy/en/newsroom/coronavirus-response/react-eu/](https://ec.europa.eu/regional_policy/en/newsroom/coronavirus-response/react-eu/)

## 2. Economic Disparity

The GDP growth in the EU in the last two decades has been admirable. However, there are question marks over whether the benefits of that growth have trickled down towards the rural areas. Numbers have suggested that there is a huge income gap between urban and rural areas and the rural areas have played catch up even before the pandemic. To add to that, the unemployment statistics of the rural areas in the period of 2012 to 2020, just before the pandemic, do not look encouraging, compared to the cities.<sup>15</sup> That directly puts the rural population on the brink of poverty. The 2019-20 statistics released by the European Commission admit to the fact that the share of the population in the rural areas is at 22% more „risk of poverty“ or social exclusion compared to the cities on a comparative scale of 10 years.<sup>16</sup> The Covid pandemic just exposed these fault lines and the consequence was that the job losses in the rural areas were five times more than in cities. Places where tourism was a major sector of employment, especially in the Mediterranean regions suffered the most.

The REACT Program needs to be more comprehensive about the job sector in the rural areas which have taken a massive hit. The stimulus package needs to target specific employment avenues which will help generate revenue through vocational and non-vocational enterprises. Women empowerment took a setback during the pandemic as the fickle and invisible role played by women in rural economies got exposed and left them vulnerable to short-term and seasonal contracts. This left them with no social protection or other maternity benefits.<sup>17</sup>

The REACT package should have targeted such informal sector employed women.

## 3. Education: The root cause of all evil

Access to quality education at all levels of society is the key to a successful community. The people in rural areas are stuck in an unfortunate vicious cycle of underdevelopment which is as systemic as it can get. There is a massive migration of the young population from the villages to the cities, thus leaving the rural areas thinly populated. Add to that there is a low birth rate due to the lack of opportunities and effective healthcare. A combination of all three reasons leads to a lack of demand for good quality schooling. The existing educational institutions do not have adequate numbers of students, making it non-feasible to maintain an academic institution, thus diluting its

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<sup>15</sup> Nicola, F. (2011). The false promise of decentralization in EU cohesion policy. *Tulane Journal of International and Comparative Law*, 20(1), 65-122.

<sup>16</sup> REACT-EU. (n.d.). Regional Policy - European Commission. Retrieved October 10, 2022, from [https://ec.europa.eu/regional\\_policy/en/newsroom/coronavirus-response/react-eu/](https://ec.europa.eu/regional_policy/en/newsroom/coronavirus-response/react-eu/)

<sup>17</sup> McHale, V. E., & Shaber, S. (1976). Reflections on the political economy of regional development in western europe. *Journal of Common Market Studies*, 15(3), 180-198.

quality. This in turn discourages the parents of those in rural areas to send their kids to rural schools and encourages them to further migrate.<sup>18</sup>

The REACT package should have worked at breaking this vicious cycle. The financial stimulus should have worked towards linking the geographically isolated rural areas and funding services.

#### **4. Basic Infrastructure in the rural areas**

Just like how the third-world countries in the world are suffering from the lack of availability and access to the basic amenities responsible for a safe and happy life, the rural areas in the EU are suffering from problems of lack of water, basic sanitation, energy transfusion, access to microfinance and basic capital to kick-start income generation ventures. The winters are upon the EU and the ongoing Russia-Ukraine crisis has threatened to disrupt the energy supply to the various countries in the EU which are anticipating a harsh winter. In the aftermath of the pandemic, such basic life-sustaining concerns should have been taken care of by the REACT package. Only if you give such basic infrastructure to the rural citizens, will the long-term goals of taking care of the ageing population, arresting migration, realigning the labour market and providing integral social security can be achieved. The closing of borders unilaterally and abruptly during the pandemic ensured that access to basic services stopped or was distorted.<sup>19</sup>

Thus, the REACT policy should have decentralised the funding equitably across the cities and villages and ensured that the post-pandemic recovery is based on a short-term and long-term sustainable development model.

#### **5. Internet: The great divider and the unifier**

The digital divide is one of the most important reasons why rural areas have been left behind. Basic high-speed internet broadband connectivity, which has reached every nook and corner of even second and third-world countries (Including India, where the author comes from) is shockingly abysmal in rural parts of the EU. As per an OECD survey in 2020, only 1 out of 6 residents in rural EU has decent high-speed internet. This leads to the developmental potential of such areas being stunted.<sup>20</sup> New jobs cannot be created and migration cannot be arrested. As shown by an OROK report in 2021, the clear rural-urban divide was responsible for the lacklustre service delivery during the pandemic. E-Services, mobile solutions, private partnerships and other

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<sup>18</sup> Atherton, C. R. (1994). Minimizing inequality in market economy: implications for Eastern Europe in transition. *International Social Work*, 37(2), 127-136.

<sup>19</sup> Beramendi, P. (2012). The European Union: Economic Geography and Fiscal Structures under Centrifugal Representation. In *The Political Geography of Inequality: Regions and Redistribution* (Cambridge Studies in Comparative Politics, pp. 67-102). Cambridge: Cambridge University Press. doi:10.1017/CBO9781139042796.004.

<sup>20</sup> Bartolini, S. (2005). European Union Enlargement. *Perspectives on Politics*, 3(4), 926-927. doi:10.1017/S1537592705700499.

social ventures could not be disseminated due to a poorly developed digital infrastructure. As per the European Commission Report in 2021, only 59 % of rural households have a fast broadband connection.<sup>21</sup>

The REACT program should merge the earlier launched European Agricultural Fund for Rural Development (EAFRD) and the Connecting Europe Facility (CEF) with the REACT package to ensure that the ambitious target of 100% broadband connectivity by 2025 can be achieved.

## Way Forward

Conclusively, the slow and long march towards the EU's recovery post-pandemic cannot happen without having a comprehensive long-term blueprint for the EU's rural areas. The 2022-2027 period should not just focus on stimulating the rural economy but also identify how it can contribute effectively to the efforts of the Conference on the Future of Europe (COFE) and other allied efforts.

The Cohesion policies of the EU, the new Common Agricultural Policy (New CAP) and the Recovery and Resilience Facility (RRF) need to work in tandem to identify the avenues for rural empowerment. Initiatives and empowered groups like the European Committee of the Regions need to recalibrate their approach to look at the holistic picture of rural cohesion. The following can be implemented in the short term to make the rural areas an integral part of the EU rebuilding process:

1. Rural areas and their representatives must be made primary stakeholders, their ideas and potential should be given a broader stage and their stake in the European rebuilding project needs to be laid down.
2. The implementation of mutually beneficial cohesive linkage programs is recommended in order to bridge the rural-urban gap. The interdependence of the operations should make both the rural and urban centres equal stakeholders in the success of such linkage programs.
3. Even before REACT or CAP, a modern post-pandemic European Rural Agenda should be drafted with immediate effect that extensively lays down the financial outlays, resource utilisation and long-term quantitative targets.
4. In order to address the issue of accountability and stage-wise implementation of policy, there should be a Rural Pact, signed and codified in unanimity with all primary players from the rural centres. It will ensure a timeline of implementation is generated and followed. This pact should also include provisions for penalties for defaulters and rewards for successful case studies.

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<sup>21</sup> Western European Union. (1956). *International Organization*, 10(3), 510-514. doi:10.1017/S0020818300008006

5. The old CAP objectives should be recalibrated for a more penetrative impact in rural areas. Agro ecologism, crop diversification, crop rotations, ensuring soil cover, mixed crop cultivation, livestock farming, animal husbandry etc. are some areas which find mentions on paper but have not been effectively implemented at the grassroots. Time has come to ensure its implementation.
6. It has been observed that the European Parliament has taken up issues of the rural areas from time to time. However, due to ineffective political will, such initiatives have majorly remained lip service or have been relegated to the dustbowls. It is time to review the recommendations given by the European Parliament in its own 2017 report on farmlands and rural cohesion. There were guidelines laid down for responsible governance practices to be adopted by the Food and Agricultural Organisation (FAO). Steps should be taken to ensure that those guidelines and practices are indeed adopted.
7. It is pertinent to put in efforts to prevent soil erosion and to promote organic farming. This has taken off around the globe as one of the best practices to retain soil nutrition and health. The EU should reduce the excessive taxation on organic products and promote mass production and distribution through popular chains of such products. The implementation of an effective labelling mechanism on the lines of the nutritional scale could be the remedy to the said issue.

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SECOND  
PART:



EU  
ENLARGEMENT  
AND NEIGHBOURHOOD  
POLICY



# RECONSIDERING THE EU ENLARGEMENT PROCESS. ASSURANCE OF DUE PROCESS, CREDIBILITY OF PROSPECTS, EFFICIENCY OF OUTCOME

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## ***Abstract***

*The paper describes the problems of the upcoming enlargement of the European Union. For some countries, negotiations have been going on for a long time, for others they have not yet started. It is expected that in the specific case of Ukraine, negotiations and accession may be accelerated. The documents states that the accession of each candidate should take place after a regular process of preparation and negotiation has been carried out. Otherwise, there may not be enough trust to complete the process successfully. The credibility of enlargement in the eyes of European public opinion depends on the preparation of the candidates. In the eyes of the public in candidate countries, the accession process can be credible when there are clear assurances about future membership. Therefore, accession should not be understood as a one-off event, but rather as a process that starts before the official date of entry into force and even ends well after that date. However, it should go hand in hand with the extension of the benefits of membership to candidate countries early in the process and be linked to the progress of their preparations before the official enlargement date.*

**Key words:** Enlargement, accession, Ukraine, Western Balkans

The EU enlargement process has never been easy. It must satisfy many formal requirements and meet the expectations of all members of the group and of the candidate countries. This is a technically and legally complex exercise and obviously closely linked to the political process within the EU and to relations with the candidate countries. EU member states do not want enlargement to significantly change the internal rules of the EU, its arrangements and the way

it works. It is rather up to those who want to join to accept all these conditions. Therefore, acceding countries must be able to fulfill all EU requirements and obligations in order to receive the benefits of membership. In all previous cases, all acceding countries had to respect the treaties, the *acquis communautaire* and be able to adhere to EU policies. Today, the EU represents a much more complete, complex and advanced integration even compared to the time of the last major enlargement. Naturally, as the accession process also becomes more complicated, all the conditions laid down and formulated during the negotiations become more demanding for the candidate countries.

Over the decades, the enlargement process has been frequently interrupted by more or less long periods of pause which have contributed to the consolidation of the enlarged European Union. There have been recurring voices pointing out that the European Communities were established by only six countries, and that the acceptance of new members changes the nature of this group. It started with close cooperation between like-minded countries and has now moved to very formal and tightly regulated relationships that are less direct, open or friendly, and have become legally and procedurally complex relationships. This affects the nature of cooperation between members who now have a visibly different approach to many issues and a less common understanding of each other's points of view. These opinions were clearly expressed when the new candidate countries came from more remote regions with quite different political systems, being less integrated into the internal market and having a significantly lower level of development or different societal traditions.<sup>1</sup>

In many past cases, the start of the enlargement process was linked to major political changes in the candidate countries or even to fundamental changes in the political scene in Europe. This was the case with Greece, then Spain and Portugal, and obviously and above all with the enlargement to the countries of Central, Eastern and Southern Europe after the fall of the communist systems. Therefore, in each case, the political context of the new events prevailed over a kind of „enlargement fatigue“ among the current EU members which, after each new accession, was visible among the members.

It is not different today. The „enlargement fatigue“ has been visible and this phenomenon effectively slowed down or even *de facto* stopped the progress in talks concerning the new accessions after adhesion of Croatia. Currently Europe faces the new geopolitical situation and the issue of enlargement becomes elevated to the upper levels of European agenda. As the EU commission has formulated it „in times of increasing global challenges and divisions, it remains more than ever a geostrategic investment in a stable, strong and united Europe. A credible accession perspective is the key incentive and driver of transformation in the region and thus enhances our collective security and prosperity. It is a key tool to promote democracy, rule of law and the respect for fundamental

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<sup>1</sup> Bernard E.;(2022) *Geopolitics of the European Rule of Law - Lessons from Ukraine and the Western Balkans* Intereconomics, 57(4), p. 229-231

rights, which are also the main engines of economic integration and the essential anchor for fostering regional reconciliation and stability. Maintaining and enhancing this policy is thus indispensable for the EU's credibility, for the EU's success and for the EU's influence in the region and beyond - especially at times of heightened geopolitical competition."<sup>2</sup>

There is now clear understanding of the need to respond to the aspirations of countries of Western Balkans, Ukraine, Moldova and Georgia. The issue of EU new wave of enlargement became imminent and the process has de facto already started. Negotiations with some candidates, even if they have been slow in some cases, are already in place and positive political signals concerning future membership has been given to others. However, there is a difficult way forward and the process will inevitably encounter many thorny problems of political or practical nature. Besides many complications of the procedural or legal nature there are quite significant signs of political divergences concerning enlargement process, requirements, composition etc. among the EU member states. Not all the countries that now aspire to become member have been easily considered as natural candidates to join European Union. They are very diverse, having quite different backgrounds, involved in the past or currently in conflicts or disputes with some neighbors, including open war happening in the territory of Ukraine. This is not easy context. It is difficult for aspiring countries to get the process of adaptation to the EU framework efficiently running. It requires intensification of changes in the framework of closer and clearer prospects of membership. It is also problematic for some current members as they want to maintain and focus on the dynamics of very close and deep integration within the EU. There are enough difficult issues requiring intense and troubled negotiations within the existing EU already. New members inevitably will bring additional issues and change some elements of internal construction of the EU. Even if formally new members would be prepared to join the EU, the question remains whether politically it might be not too difficult to accept inevitable changes to the EU landscape and construction brought by the new members. New enlargement will have to be accepted by all the EU members and since the number of countries in the EU is large and everyone's sensitivities might play a role.

There is the question whether traditional approach to enlargement process can bring desired result. It seems that there is a need of reconsidering the enlargement process in order that it could become successful.<sup>3</sup> The issue was even taken into deliberation between the EU member states who at the Council in November 2019 have expressed a common understanding of the usefulness of examining the effectiveness of the accession negotiation process.

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<sup>2</sup> Communication from the Commission to the European Parliament, the Council, the European and Social Committee and the Committee of the Regions, *Enhancing the accession process - A credible EU perspective for the Western Balkans*, Brussels, 5.2.2020 COM(2020) 57 final, p.1

<sup>3</sup> Sapir A.; (2022) *Ukraine and the EU: Enlargement at a New Crossroads*, Intereconomics, 57(4), p. 213-217

Responding to that understanding the European Commission has formulated elements of new approach in relation to Western Balkans in 2020. It is including more structured elements of preparatory process and confidence building. This Commission approach has been published in 2020 well before the invasion of Russia into Ukraine and reaction of the EU members now considering seriously the scenario of accession of these countries to the EU. This new situation calls for looking again at the major challenges that the forthcoming enlargement might face<sup>4</sup>. The process of enlargement requires credibility for all that the new member states are considered for their merits. It should be credible for existing members in a sense that it assures that merits are fully respected and that they have been considered in the due process guarantying objectivity and undisputable preparedness to fulfill obligations of membership. It should be credible to all aspiring countries in a sense that they can be sure that their own efforts and preparations are giving entrenched chance of membership. It should also be credible in a sense that there are no countries who are offered special less demanding path to membership, as well as that the progress in preparedness of all aspiring countries are measured with the same yardstick. Consistency of approach, assessment and treatment is the key to having solid base for acceptance of the new members. But it should not be disregarded that when dealing with such a diverse group inevitably some difference will resurface and as likely result they could significantly affect or even derail this process. The EU member states might not be fully convinced that the candidate countries are prepared as it should be in their assessment and might continue to have opinions based on their long-term perception of the countries in question.

Therefore, the particular attention should be paid to politics of enlargement. The motive is different in the case of every country and have been changing every instance of enlargement. There were the moments that the reason to enlarge was the maintenance of dynamism of integration. Inclusion of like-minded and already economically integrated countries like, UK, Denmark, Austria, Finland and Sweden was quite natural step powered especially in the latter cases, by desire to complete formally what was already achieved de facto. But more recently the geopolitical reasons are taking prevalence. The economic arguments or the commonality of political values were overshadowed by the geopolitical reaction to changes happening in the candidate states. Greece, and few years later Spain and Portugal have abandoned dictatorial past and their accession was seen as a way to solidify democratic changes which have taken place not much long ago. Their economic systems, even market-based, were not densely linked to the rest of the European Community, but enlargement helped them to overcome it relatively quickly.

This geopolitical context was much stronger in the case of 2004 enlargement (Estonia, Lithuania, Latvia, Poland, Czech Republic, Slovakia, Hungary,

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<sup>4</sup> Demertzis M.; (2022) *Ukraine and what it means for European Union enlargement*, Bruegel, Comment 13; Brussels.

Slovenia, Cyprus, Malta) and any later accessions (Bulgaria, Romania and Croatia). Investment in stability of the fragile democracies having newly reestablished market economy was one of the major considerations.<sup>5</sup> This was major focus of pre-accession aid and this aspect was the substantial argument in favor of letting in countries which until recently were not necessarily considered as friendly ones.

Looking forwards it is quite clear that the geopolitical context will play even increased role. Especially that among some older EU members there is some resentments towards new member states who have been politically, economically and socially very different and who were considered as not really well integrated before their accession. Some within the EU still consider that theirs has happened too early, and some intermediate steps should have in place in order to better prepare these candidates. This might play even greater role now, as it became clear that meeting formal obligations at the time of entry is not a guarantee that in the future this country as a member will be able and willing to follow all the rules of the bloc. It is also quite clear that once country is accepted and becomes member of the EU it weakens significantly the leverage to make sure that this new member continues to implement indispensable changes and to apply fully treaties and acquis. In this context the countries of the last enlargement make in some cases lip service as they not always are considered as being indisputably reliable partners well understanding all the rules of the game.

Again, the EU Commission in the document from 2020 has underlined that „it is also clear that the effectiveness of the overall accession process and of its implementation must be improved further. While the strategic direction of the policy remains more valid than ever, it must get much better traction on the ground. It is of major importance to build more trust among all stakeholders and to enhance the accession process and make it more effective. It has to become more predictable, more credible - based on objective criteria and rigorous positive and negative conditionality, and reversibility - more dynamic and subject to stronger political steering.“<sup>6</sup>

The enlargement process has a number of features and every aspect has its importance. There is a sequence of steps, which have been normally followed in order to condition further progress. The first condition is the consideration of the country as eligible to become a member. It is to say whether member states could potentially see such a country as a future member. Without this step progress cannot happen. It cannot be always assumed that it is a formal requirement as there has been at least one case where the EU have stated that the country cannot be eligible. The countries of Central and Eastern Europe have waited with sending

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<sup>5</sup> Dabrowski M., Radziwill A.; (2007) *Regional vs. Global Public Goods: The Case of Post-Communist Transition*; Warsaw.

<sup>6</sup> Communication from the Commission to the European Parliament, the Council, the European and Social Committee and the Committee of the Regions, *Enhancing the accession process - A credible EU perspective for the Western Balkans*, Brussels, 5.2.2020 COM(2020) 57 final, p.1



an application letter until the EU have agreed so called Copenhagen decision confirming that any of these countries if willing can become a member of the EU after making sure it meets the criteria for accession.

The next natural step is therefore an application letter by the candidate country opening the process leading to accession. After application the EU Commission is tasked to prepare opinion on the candidate country which should provide an answer to which extent and if at all the country fits the EU. Such an opinion can be done as one detailed document, which was the case of Central and Eastern European enlargement, or in two phases like in the case of Croatia. If it is based on two phases the first „avis“ is relatively short and general, but it can serve as basis for decision to further the process. It then is followed by more detailed part which underlines differences between the obligation of the EU member and the state of affair in the candidate country. Some of the Balkan states are already in the negotiation phase. In the case of Ukraine, the first avis has been prepared in a very short time, opening the way for further stages of process.<sup>7</sup> The Commission document concerning Ukraine, Moldova and Georgia contains such an assessment. It includes the Commission recommendations whether and under which conditions the negotiations could start. Anyhow, at the later stage the EU member states have to decide unanimously to agree granting the candidate status, as well as to open accession negotiations. The Commission in such a case is required to prepare the draft of the negotiating framework, which also has to be accepted by all the actual members of the EU. Then the negotiations can start, they are run by the Commission but under quite careful scrutiny of member states.

The framework for negotiations is organised along the negotiating chapters (corresponding de facto the chapters of the *acquis*). In the case of negotiations held currently with some Balkan states, differently from earlier enlargements, negotiating chapters are grouped within clusters having close relationship. It might not be considered as important change, but in practice it brings significant novelties to the process. It allows to note some fundamental features of the organisation of candidate states, market economy and its ability to withstand competitive pressures, respect of the rule of law, country overall legal system and administrative capacity to cope with complicated tasks derived from the EU *acquis*. And looking at clusters rather than singled out chapters of negotiations, permits to consider linkages and interdependencies which conditions efficient adaptation across the whole area, not limited to specific legislation enlisted in the chapter. It also can allow to return to issues already assessed, discussed and agreed if it affects proper implementation of the EU *acquis* in the whole cluster. EU legislation was always the cornerstone of the negotiation process. *Acquis* and ability of its implementation has always been considered as a fundament for assessment of preparedness for membership. These fundamentals acquire

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<sup>7</sup> Emmerson M. et.al, (2022) *Opinion on Ukraine's application for membership of the European Union*, CEPS Policy Insights No 2022-16

additional importance in the context of more recent candidate countries as member states started to pay close attention to the capacity to cope with them in a satisfactory manner. The other criteria are now also under the consideration as, for example, EU members try to make sure that the incoming country is having stable democratic institutions, is consistently applying the rule of law or is able to effectively cope with corruption. It is not about having legal and institutional instruments to cope with these phenomena but rather how effective they are applied. As there is significant dose of qualitative judgments in this context it makes obtaining consent of all member states more difficult and less technical compared to earlier enlargements.<sup>8</sup>

The negotiations process is time consuming. It cannot be done quickly since sheer amount of legal, procedural and administrative solutions to review is enormous. Even with large teams of negotiators it cannot be much quicker. The most important is confidence building between all parties. Any doubt that the applicant might not be prepared in reality, or unable to apply the EU legislation, or even more importantly might be hiding important weaknesses can effectively block negotiation for long periods. In this context the political will of the applicant and the EU members plays incredibly important role. The applicant should make it politically clear that is credibly determined to address any outstanding issue, and the members should not try to claim that minor discrepancies make this process questionable. This political component of assessment might have the most significant impact on the speed and time needed to conclude negotiations.

The credibility of the engagement in the process is crucial<sup>9</sup>. From the point of view of candidates, the credibility of prospects of accession is of vital importance. The required scale of adaptations necessitates taking large, intensive and costly measures. Even if the most of it are objectively needed and could be helpful in modernisation of the candidate economy or legal and institutional system, there are still many that make full sense when a country destiny is within the EU. Political effort, administrative resources allocated to such adjustment process and determination can quickly diminish along with less clear and less immediate prospect of accession. The postponing of necessary adaptation might in addition make these prospects even less likely. For the candidate states it is related to the time frame of negotiations and certainty of prospects of accession. It is difficult to seriously engage in the process of profound adaptations in the final outcome is not certain. The scale of adaptations is very great and success of this process depends on the determination to make them happen. Some of them require significant effort and resources and they can be allocated if the outcome of negotiation is very close.

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<sup>8</sup> Sapir A.; (2022) *Ukraine and the EU: Enlargement at a New Crossroads*, Intereconomics, 57(4), p. 213-217

<sup>9</sup> Khotenashvili M.; et.al (2022) *Harnessing the EU accession perspective for consolidating democracy in association trio countries*; TEPSA. Experts Debrief; Special Issue.

All these issues are correctly addressed in the Commission paper concerning enlargement process in the case of Western Balkans. But the content of it has more universal meaning. It has to be seen in current difficult geopolitical situation. The application of Ukraine to join the EU and political reaction of the member states to it creates significant change. This has created an expectation that at least in the case of Ukraine, immediately when the war will permit there will be swift process of negotiations followed by rapid accession. It makes other candidates putting a question whether this process is really based on merits and consistent application of the EU rules is precondition for accession. If political consideration give way to put blind eye on weaknesses other candidates will intensify political activity to get similar treatment. Rapid process of negotiation can encounter the most significant barrier, i.e. the insufficient confidence of other member states in effectiveness and stability of the institutions responsible in the candidate countries for implementation of the *acquis*. The trust can be built only over longer period in which all the doubts are discharged. In the case of rapid negotiations, the knowledge about candidate country and functioning of its institutions is not sufficiently widespread to ensure solid acceptance of the outcome of negotiations, free of doubts which could derail ratification in any of the EU member states.<sup>10</sup>

This is precisely why it has to be clear that the accession can only happen in the case of the country fulfilling all the criteria and after due process permitting to make sure that the applicant is profoundly prepared and that the EU integration will not be negatively affected. The due process means that all the steps within negotiations has been taken in the approved manner and that with all necessary assurances the whole process of accession can be considered as correctly and thoroughly carried out with no omission or hidden weaknesses. It is particularly important taking into account the scale of possible mistrust among current members of the EU which could be created by the lack of sufficient knowledge of candidate's ability to apply the EU rules, to adhere to the EU policies and to perform efficiently as a future member.

There is, however, legitimate expectation on behalf of candidate states that the accession process should not be prolonged for indefinite period. There is therefore an obvious need to provide both sides of the negotiating process with some assurances of the firmness of the process. For existing EU members, it means coping with their doubts and unfamiliarity of the situation of candidates. For countries willing to accede it is the assurance of non-delayed membership, it cannot be easily resolved. In an earlier enlargement some of the difficult problems were addressed by negotiation and application of transition periods allowing to delay some adaptations by candidate countries or permitting to limit possibilities of the new entrants to enjoy unrestricted privileges of membership. This time the recourse to transition periods might

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<sup>10</sup> Bourguignon J., Demertzis M., Sprenger E.; (2022); *EU Enlargement: Expanding the Union and Its Potential*, Intereconomics, 57(4), p. 205-208

not only be necessary but in some cases of lack of full alignment they might be wider and longer than before. The accession to the Schengen Agreement or joining the Eurozone has been delayed with continued process well after accession date of many countries already acceded to the EU.

On the other hand, it should be recognised that in many areas the candidates are already emulating the EU policies and applying the EU legal framework. In such a situation it should be possible to apply phasing-in into the EU system of benefits even before accession. It will be as recognition of the preparation made allowing to enjoy benefits of membership before it actually starts. It could be useful both for the candidates and the existing members to make sure that if some candidates are well prepared, the benefits of the EU membership are accorded even before their accession. For example, there is no reason to wait until the whole accession process is finalised to create custom union and eliminate trade controls, if candidate is ready for that. Some elements of free movement of persons can also be implemented and it could start with the system of recognition of qualifications and diplomas if the education system of candidate country has achieved the EU standards.

It also relates to financial flows from and to acceding countries. In the current wave all applicants have much lower level of development and they expect that the membership will help them in overcoming this gap. It was not the case of UK, or Austria, Sweden and Finland but later enlargements involved all less fortunate economies and the cohesion policy has played significant role after accession. At least in the case of Ukraine its accession will happen in context of huge post-war reconstruction effort which could be supported by many other countries, not exclusively members of the EU. This effort will have to be made irrespective of the dynamics of the accession negotiations. And also, in this case the availability of the modernisation and cohesion finance and programs should not be made fully dependent on the accession date. They could be phased in before accession and scaled up after.

In this way candidate countries could see and experience benefits of membership before negotiations have ended. And it could allow current member states to adjust and familiarize with the new members before they become part of the EU. Enlargement in this sense would be not punctual event but a process culminating by formal date of accession and extending well after that date.

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# EU ENLARGEMENT POLICY IN 2022 – CHALLENGES OR PERSPECTIVES?

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## ***Abstract:***

*The paper focuses on the new challenges in front of the EU enlargement policy concerning on the one hand the current accession negotiations with the Western Balkans and on the other hand - the expressed willingness for EU membership of Ukraine, Moldova and Georgia as a result of the Russia-Ukraine war. The analysis emphasizes on the EU as a „transformative power“ through the „enlargement process“. It takes into consideration the new realities related to the French President Macron’s proposal for European Political Community and the rapid transition of Ukraine, Moldova and at some point Georgia, covered by the European Neighbourhood Policy to the European Enlargement Policy by obtaining candidate country status. The paper reveals how important is the doors of the EU to remain open and just ajar for the Western Balkans and Eastern partnership countries, but without creating unrealistic expectations about „fast track“ due to the „force majeure“ situations. The methods of analysis and synthesis of primary and secondary sources of information, generalisation, induction and deduction were used.*

**Key words:** European Political Community, EU enlargement, Western Balkans, Ukraine, transformative power

## **Introduction**

In 2022 – 10 years after the European Union was awarded with the Nobel Peace Prize for its contribution to the advancement of peace and reconciliation, democracy and human rights in Europe, we witness the return of war in Europe.

After years filled with consecutive crises – the severe worldwide financial and economic crisis, the migration from North Africa and Middle East, the COVID19 pandemic and the war in Ukraine, which leave *long-lasting deep scars*, related to energy, food supply, migration and stagflation, EU faces the challenge to overcome them and at the same time to remain open for future enlargements.

In these difficult times, the Union is supposed to be an „existential power“ for its citizens and member states and at the same time a „transformative power“ for its neighbors as the perspective of membership is a significant incentive for democratic, social, environmental and economic reforms in countries wishing to join the EU.

The Union has to keep the balance between the two roles of „a good steward“, by managing the risk with due diligence for the EU itself and of „a geopolitical player“, by using effectively its external action toolbox which consists of the: European Neighbourhood Policy (ENP); European enlargement policy; European development policy; EU Humanitarian Aid Policy; EU Trade Policy; Common Foreign and Security Policy.

Herewith the paper will focus on the EU enlargement policy and what are the current challenges and/or perspectives in front of it. As a point of departure of the analysis, it is important to be noticed that:

- the EU is a „**sui generis**“ **organisation - unique economic and political union** between 27 European countries, not just an international organisation or a distinguished club;
- the enlargement goes always hand in hand with the issue of deepening the European integration<sup>1</sup>. Till now every enlargement gave a boost to the integration process and not a setback;
- the future EU member states are always supposed to import stability and added value to the Union. Joining the European Union means a full membership in a family, by sharing common goals, principles and values, by assuming clear responsibilities and by acting together at supranational level.

The current three challenges (without claiming to be exhaustive) the European Union is facing, which will directly or indirectly have an impact both on its enlargement policy and on the future of its integration, are the following:

- 1) Firstly - **the war in Ukraine**, triggered by the Russian aggression on 24 February 2022, creating preconditions for instability across Europe and leading to the rapid transition of some countries covered by the European Neighbourhood Policy to the European Enlargement Policy by obtaining candidate status;
- 2) Secondly - the increasingly **unattainable goal** any of the six Western Balkan (WB) countries **to join the EU in 2025**;
- 3) Thirdly - the fertile ground for **anti-European sentiment and Euro scepticism** due to the number of crises in EU, having internal and external dimensions.

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<sup>1</sup> Шикова, И. (2011), „Политики на Европейския съюз“, Университетско издателство: „Св. Климент Охридски“, София, стр. 320 / Shikova, I. (2011), „European Union Policies“, University edition: Kliment Ohridski, Sofia [in Bulgarian], p. 320

## 1. The war in Ukraine - instability across Europe and rapid transition of Ukraine and Moldova covered by the European Neighbourhood Policy to the European Enlargement Policy by obtaining candidate status

The war in Ukraine restored fears and a sense of instability in Europe and, as a result, on February 28, 2022 Ukraine, followed by Moldova and Georgia on March 3, applied for membership, which on June 23, 2022 unanimously received the support of all European heads of state and government.

The European Council has decided to grant the status of candidate country to Ukraine and to the Republic of Moldova. The leaders expressed readiness to grant the status of candidate country to Georgia once the priorities specified in the Commission's opinion on Georgia's membership application have been addressed<sup>2</sup>.

As a result:

- for the first time in the contemporary history of the EU there is a country with candidate status that is in a state of a full-scale war;
- for the first time, since ENP was launched in 2004, partner countries applied for membership falling within the scope of European enlargement policy.

As it was mentioned before, EU Enlargement and Neighbourhood Policies are both part of the EU external action toolbox. Nevertheless, it should be noted that their objectives are different:

- On the one hand – the Enlargement policy aims to unite European countries in a **common political and economic project**<sup>3</sup>. This dimension of the Union's external action has proved to be a successful instrument for promoting reform, consolidating peace and democracy across the old continent, and for strengthening the EU's global presence. Enlargement policy is based on clear conditionality and the principle of own merits. In this respect, the enlargement process is: results-oriented, merit-based and focused on meeting clearly established criteria for **EU membership**.
- On the other hand – the European Neighbourhood Policy **does not promise membership**. It was created to prevent dividing lines between

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<sup>2</sup> European Council conclusions on Ukraine, the membership applications of Ukraine, the Republic of Moldova and Georgia, Western Balkans and external relations, 23 June 2022. European Council. [online]. [viewed 10 October 2022]. Available from: <https://www.consilium.europa.eu/en/press/press-releases/2022/06/23/european-council-conclusions-on-ukraine-the-membership-applications-of-ukraine-the-republic-of-moldova-and-georgia-western-balkans-and-external-relations-23-june-2022/>

<sup>3</sup> The Enlargement of the Union. Fact Sheets on the European Union, European Parliament. [online]. [viewed 10 October 2022]. Available from: <https://www.europarl.europa.eu/factsheets/en/sheet/167/the-enlargement-of-the-union>



the enlarged European Union and its neighbors and to strengthen prosperity, stability and security for all<sup>4</sup>. **The ENP is essentially a bilateral policy** between the EU and each partner country. It is further enriched by regional cooperation initiatives - the Eastern Partnership (EaP) and the Union for the Mediterranean<sup>5</sup>. Through the ENP, the EU offers its neighbors a privileged relationship built on mutual commitment to common values.

**Table 1: Objectives of EU enlargement and Neighbourhood Policies**

Objectives of EU enlargement policy <sup>6</sup>	Objectives of EU Neighbourhood Policy <sup>7</sup>
Foster peace and stability in regions close to the EU's borders;	Stabilizing neighboring countries through economic development, employability and youth, transport and energy connectivity, migration, mobility and security;
Help improve the quality of people's lives through integration and cooperation across borders. Increase prosperity and opportunities for European businesses and citizens;	Promoting key EU interests of good governance, democracy, rule of law and human rights;
Guide, support and monitor changes in countries wishing to join the European Union in line with EU values, laws and standards.	Facilitating cooperation at regional level: Eastern Partnership, Union for the Mediterranean.

*Source: Adapted by the author, using the information provided by the European Commission*

Due to the force majeure situation with Russia's invasion on 24 February 2022, Ukraine and Moldova were given the chance with unprecedented speed to pass from the framework of partnership to the framework of future membership.

On the one hand, it was important to give hope and strong support to Ukraine. The EU expressed a real solidarity by adopting unparalleled package of sanctions – both in terms of speed and scope – financial, humanitarian,

<sup>4</sup> The European Neighbourhood Policy: avoiding the emergence of dividing lines between the European Union and its neighbours. Council of Europe, European Union. [online]. [viewed 10 October 2022]. Available from: <https://pjp-eu.coe.int/south-programme2/eu-neighborhood-policy.html>

<sup>5</sup> The European Neighbourhood Policy. Fact Sheets on the European Union, European Parliament. [online]. [viewed 10 October 2022]. Available from: <https://www.europarl.europa.eu/factsheets/en/sheet/170/the-european-neighbourhood-policy>

<sup>6</sup> EU enlargement. European commission. [online]. [viewed 10 October 2022]. Available from: [https://ec.europa.eu/info/policies/eu-enlargement\\_en](https://ec.europa.eu/info/policies/eu-enlargement_en)

<sup>7</sup> European neighbourhood policy. European commission. [online]. [viewed 10 October 2022]. Available from: [https://ec.europa.eu/info/policies/european-neighbourhood-policy\\_en](https://ec.europa.eu/info/policies/european-neighbourhood-policy_en)

military. For the first time in the EU history – a military support was granted to a third country through the European Peace Facility mechanism. The Union and its citizens pay a high price, showing empathy for the people of Ukraine. The European leaders felt a kind of obligation to give candidate status to Kiev.

However, on the other hand the following reasonable questions remain – why has the European Neighbourhood Policy not been given additional credibility and further strengthened? Why ENP was rapidly replaced by European enlargement policy at a moment when the EU itself is not prepared for enlargement of such a scale?

The EU membership is a two-way street for both the Union and the candidate countries. This implies that: \*candidate members harmonise their legislation with the *acquis communautaire* and meet the Copenhagen criteria for membership; \*the EU strengthens its capacity for enlargement, which also goes through treaties' changes.

According to the Lisbon treaty, the number of Members of European parliament should not exceed 751. The withdrawal of the UK as an EU member state reduced that figure to 705 MEPs as of 1 February 2020, allowing room for possible future enlargements of the European Union<sup>8</sup>. These 46 seats were foreseen for the candidate countries from the Western Balkans whose total populations would have allowed them the required number of MEPs.

Apart from the fact that Ukraine is in the midst of a full-scale war, this is the second largest country in Europe and the eighth in terms of population, having roughly the size of Spain, which implies the potential possession of 50+ MEPs. Joining EU is not just having one, two or more members in the European family, it affects the European policies and the decision-making process.

An important factor for future enlargements is that the new member states should not create difficulties in the integration policies implementation, the functioning of the EU institutions, the sustainable financing of the EU. The new member states should contribute not only to their own stabilisation but also to the strengthening of the EU as a community<sup>9</sup>.

At the same time the Union has to build and further develop its capacity to enlarge from institutional, socio-economic and political points of view. For this reason, in her State of the Union in 2022, the President of the European Commission underlined that: *„It is time to renew the European promise. Some might say this is not the right time... „as we are serious about a larger union, we*

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<sup>8</sup> How many MEPs? European parliament. [online]. [viewed 10 October 2022]. Available from: <https://www.europarl.europa.eu/news/en/faq/11/how-many-meps>

<sup>9</sup> Шикова, И. (2011), „Политики на Европейския съюз“, Университетско издателство: „Св. Климент Охридски“, София, стр. 320 / Shikova, I. (2011), „European Union Policies“, University edition: Kliment Ohridski, Sofia [in Bulgarian], p. 320

*also have to be serious about reform. So as this Parliament has called for, I believe the moment has arrived for a European Convention*<sup>10</sup>.“

Nevertheless, reforms require time for their strategic preparation, for their adoption and for their implementation by all Member States, with the necessary generated support of the citizens. The enlargement is a long-standing process of transformation and of constant refinement. For this reason, the European Commission, the European Parliament and the European Council shall calibrate the high expectations they have already created and the possible future disappointments related to the Enlargement policy as it takes time and is based on conditionality and reversibility clause.

The Union should also seek to preserve and further develop its Neighbourhood policy that according the former President of the European Commission Barroso „*was and still is the best way to provide security and prosperity in regions of vital importance for Europe*“<sup>11</sup>.

## **2. The increasingly unattainable goal any of the six Western Balkan countries to join the EU in 2025**

In recent years, the focus of the attention related to the European perspective of the Western Balkans has been mainly on the question – „how“ they should join the EU, not on the key question – „why“. The question of „how“ has given rise in 2017 to a New Strategy for credible enlargement perspective and enhanced EU engagement with the Western Balkans as well as to a new enlargement methodology in 2020 which aims at making the EU accession process more credible, dynamic, predictable and political.

The new methodology contains the following key elements: \*restoring confidence in the Enlargement process (the EU should renew its commitments, and the candidate countries should meet the relevant requirements and carry out the necessary reforms they have committed themselves to); \*a stronger political focus on the process (by creating clustering chapters that allow more thorough political discussions on thematic areas and opportunities for early alignment and integration into EU policies); \*predictability of the process; and \*reversibility of the process. The last element is the most delicate moment as it represents an option to make a step back in the process. „Reverse qualified majority“ or a decision-making reverse means that the European Commission recommendations will come into force unless the Council opposes by qualified majority.

In 2017 the six countries from the Western Balkans region were given - 2025 as a motivational horizon, reflecting the strong European commitment

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<sup>10</sup> State of the Union 2022 - President von der Leyen's speech. European commission. [online]. [viewed 10 October 2022]. Available from: [https://state-of-the-union.ec.europa.eu/index\\_en](https://state-of-the-union.ec.europa.eu/index_en)

<sup>11</sup> State of the Union address 2013. European commission. [online]. [viewed 10 October 2022]. Available from: [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_13\\_684](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_13_684)

to their credible enlargement perspective. Certainly, this window of opportunity is entirely dependent on the objective merits and results of each candidate country. In 2018, 2020, 2021 by means of three key declarations during the Sofia, Zagreb and Brdo summits, the EU reconfirmed its commitment to the enlargement process of Western Balkans.

During the 2022 State of the Union Address, the President von der Leyen sent a strong message: *„So I want the people of the Western Balkans, of Ukraine, Moldova and Georgia to know: You are part of our family, your future is in our Union, and our Union is not complete without you!”*<sup>12</sup>

To create or become part of a family according to the traditional „marriage vows“ means to be together for better, for worse, for richer, for poorer, in sickness and in health, to love and to cherish, until the end. Whether the motivation for EU membership would remain high if the Union is not in a good shape depends on the question „why“ the candidate countries would like to be part of the family. The EU perspective is related to a reform agenda and these reforms should be realised by the candidate countries for themselves, not for Brussels. Joining the European Union should not be seen as joining a club of the rich and prosperous, but as joining a family of liberal democracies.

The Western Balkans countries are still facing political insecurity, the presence of societies at risk of separatism, manifestations of nationalism, inter-ethnic and ethno-religious contradictions, and divergent foreign policy orientations. Of course, a distinction must be drawn between different countries. However, in each of them there are still problems such as: \*the impeded Belgrade-Pristina dialogue; \*the challenged „good neighborly relations“ between North Macedonia and Bulgaria; \*the issues related to the rule of law, corruption and organized crime in the candidate members; \*the low level of alignment of Serbian foreign policy with the Common foreign and security policy of the EU (CFSP). All these problems distance the Western Balkans candidate countries from the potential 2025 opportunity to be part of the EU.

The EU shall renew its Enlargement strategy as the focus on the current one is on the Western Balkans region without considering expansion of the Union eastward. The key question as point of departure of strategic rethinking process shall be shifted „from how to why“.

### **3. The fertile ground for anti-European sentiment and Euro scepticism due to the number of crises in EU, having internal and external dimensions.**

According to Standard Eurobarometer 97 (summer 2022), almost six in ten EU citizens (57%) are in favour of a further enlargement to the EU to

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<sup>12</sup> State of the Union 2022 - President von der Leyen's speech. European commission. [online]. [viewed 10 October 2022]. Available from: [https://state-of-the-union.ec.europa.eu/index\\_en](https://state-of-the-union.ec.europa.eu/index_en)

include other countries in future years, one third (33%) are still against, while 10% don't know or do not give an answer. It should be noticed that support is the minority view in Austria (33% in favour vs 56% „against“) and France (40% vs 46%)<sup>13</sup>.

Despite the fact that currently the public opinion is supportive about future enlargements, the constant work with citizens is a must, as there is a group of crises in EU, having internal and external dimensions that can affect this positive trend.

On the one hand, there are tensions within the Union related to the implementation of article 7 TEU procedures towards the Poland and Hungary regarding the rule of law, democracy and fundamental rights. On the other hand – all the challenges related to the post pandemic recovery, the green and digital transition, and the severe impact of the war in Ukraine on energy, food, supply chains and migration will provoke public anger and discontent if the governments and EU institutions fail to mitigate the risks and to manage adequately the crisis. All of this create a fertile ground for anti-European sentiment and Euro skepticism among citizens and political stakeholders.

The two new initiatives on the future of the European Union - the concept of a European Political Community (EPC) proposed by the French president Emmanuel Macron and a potential debate on a New European Convention have to apply the lessons learned from the past.

The debate on the New European Convention should not fall victim to the emotions about Enlargement policy, not the other way around as it happened before with the European Convention chaired by Valéry Giscard d'Estaing and the Draft treaty establishing a Constitution for Europe in 2003-2004.

The European Political Community was launched by the 27 EU member states, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Iceland, Kosovo (in line with UNSCR 1244/1999), Liechtenstein, Moldova, Montenegro, North Macedonia, Norway, Serbia, Switzerland, Turkey, Ukraine, the United Kingdom, on October 6, 2022 in Prague with the aim of: \*fostering political dialogue and cooperation to address issues of common interest as well as of \*strengthening the security, stability and prosperity of the European continent.

President Macron proposed the idea of EPC in his speech on 9 May 2022 at the closing event of the Conference on the Future of Europe, by referring to the proposal of François Mitterrand about the creation of a European Confederation in 1989<sup>14</sup>. History showed us that the initiative of Mitterrand

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<sup>13</sup> Standard Eurobarometer 97 - Summer 2022. Eurobarometer. [online]. [viewed 10 October 2022]. Available from: <https://europa.eu/eurobarometer/surveys/detail/2693>

<sup>14</sup> Speech by Emmanuel Macron at the closing ceremony of the Conference on the Future of Europe, 10 May 2022. [online]. [viewed 10 October 2022]. Available from: <https://presidence-francaise.consilium.europa.eu/en/news/speech-by-emmanuel-macron-at-the-closing-ceremony-of-the-conference-on-the-future-of-europe/>

failed, but contemporary European leaders can learn from the past. As the analysis of Jacques Delors Institute reminds: „*beyond the issue of including the USSR at the time, the idea of a „European Confederation“ fell upon deaf ears in Central Europe because it was perceived – rightly or wrongly – as a less attractive alternative to what these countries actually wanted, namely joining the Community process. This is why the new project of European political community must be unambiguously defined as being either an alternative to EU membership, or the first step towards it*“<sup>15</sup>. Nevertheless, there are still many unknowns about EPC. It was stressed by the European Council that the European Political Community is a platform for political coordination, which does not replace any existing organisation, structure or process, nor does it aim to create a new one at this stage<sup>16</sup>. Therefore, the future of this initiative and its shape remain open-ended.

The political gestures in 2022 created a lot of strong messages and expectations about the EU Enlargement policy. The year 2023 is supposed to be a year of real commitments for transforming the challenges into perspectives and for overcoming potential emergence of EU scepticism.

### **Conclusions:**

- 1) For the first time in its contemporary history, the EU has a candidate country, which is in a state of a full-scale war. Ukraine - the second largest country and the eighth most populous one in Europe that was part of the European Neighbourhood Policy and now due to the „force majeure“ situation fall within the European Enlargement Policy.
- 2) It is dangerous to increase the scope of EU Enlargement policy, giving hope but not guaranteeing prospects for either the WB or the former Eastern Partnership countries.
- 3) The EU's doors shall remain open and not just ajar to the countries of the Western Balkans and the Eastern Partnership, but without creating unrealistic expectations of rapid EU accession. The Union should seek to preserve and further develop its ENP.
- 4) Accession is not an act of simply signing a treaty, but a long-term process of integration in a way that each country can fully function and enjoy stability and development after joining the Union. It affects the European policies and the decision-making process. Therefore, the EU itself has to be institutionally, economically and politically prepared for the parallel processes of enlarging and deepening.

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<sup>15</sup> Chopin T., Macek M. & Maillard S. (2022), „*The European Political Community. A new anchoring to the European Union.*“, Brief, Jacques Delors Institute, Paris, p. 5

<sup>16</sup> Meeting of the European Political Community, 6 October 2022. European Council. [online]. [viewed 10 October 2022]. Available from: <https://www.consilium.europa.eu/en/meetings/international-summit/2022/10/06/>

- 5) Each new Member State should not create difficulties and bring problems to the European Union, but contribute to deepening of the EU development and integration.
- 6) The simultaneous launch of important processes for the future of Europe such as: \*treaties' reforms and the debate on a new European Convention, \*the enlargement to the East and South-east, \*the creation of a new platform for political cooperation in Europe, including all countries except Russia and Belarus (the so called European Political Community) without their synchronisation may hinder the success of each of them.
- 7) A new or an update of the existing EU Enlargement strategy is needed, focusing not only on the Western Balkans but also on the Eastern partnership countries and shifting the question from how to why.

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# ECONOMIC CONVERGENCE OF WESTERN BALKAN COUNTRIES TO THE EUROPEAN UNION

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## ***Abstract:***

*Western Balkan countries are at various stages of their path towards future European Union membership. Formal accession procedures aside, in this paper we take a brief look at the economic convergence between them and the EU. We use several indicators to assess and compare the degree of real convergence of each country to the union, focusing on the level of GDP per capita and the production structures at the sector level. The results reveal a moderate convergence process, with some specifics by country, that paints a cautiously optimistic outlook regarding their future in the EU.*

**Keywords:** *regional convergence; economic integration; Western Balkans; EU accession*

## **1. Introduction**

Historically, the Western Balkans have been through many troublesome periods, with many episodes of political and economic instability. In recent years both the countries in the region themselves and the European Union have been working towards their integration in an effort to ensure regional prosperity and peace. Six countries from the region – Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia – are at various stages of the political process towards future European Union membership. According to EU legislation, these candidate countries are required to meet certain criteria, related to the functioning of their political, legislative, and economic institutions, in order to eventually become members of the Union.<sup>1</sup>

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<sup>1</sup> The main criteria are laid out in the Treaty of Maastricht, art. 49, as well as the conclusions of the European Council in Copenhagen in 1993 and the European Council in Madrid in 1995.

As far as economic matters are concerned, the main requirement is that the country has a functioning market economy and that its economic agents are able to compete with others within the EU. While there are no formal quantitative criteria or thresholds in this area that have to be met, it is worth exploring the progress that Western Balkan countries have made in the economic area and assessing their current positions.

In this paper we look at the level of economic convergence between the countries from the Western Balkans and the European Union. Since they start from much lower income and price levels than those in the EU, with an economic structure that differs significantly from the Union, we could expect that over time their economies would „catch up“ to the EU. This is one of the implications of the standard Solow (1956) growth model and of Fisher's (1939) three-sector model.

Large differences between individual candidate economies (or the group as a whole) and the EU economy may signal a lack of preparedness of these economies to handle the competitive pressures that come with membership, resulting in business failures, higher inflationary pressure, and increased external imbalances, among others. On top of that, the absence of a tendency to converge or a slow rate of convergence towards the EU could be an indirect indication of existing issues in other areas – judicial, political, etc.

The importance of achieving a reasonable degree of similarity between the members of an integrated group of countries has been highlighted in numerous studies in recent years. Del Hoyo, et al. (2017), for example, claim that the very low labor mobility within the EU would not help with equalizing income levels in the union.<sup>2</sup> This would make the initial differences in income levels between individual countries more difficult to overcome. Similarly, it has been shown that there is currently no effective risk sharing mechanism in the EU (Malkin & Wilson, 2013), that would help with overcoming asymmetric economic shocks, which are themselves more likely (and more asymmetric) when there are larger differences between economies. Such issues increase the importance of real economic convergence on the road to EU membership.

In order to assess the degree of convergence of the Western Balkan countries to the EU we explore several key macroeconomic indicators that are traditionally used to evaluate convergence processes, namely GDP per capita and the production structures at the sector level. The countries that we study in this paper are Albania, Montenegro, North Macedonia, and Serbia, while the period covered is from 2006 to 2021 (2020 for the analysis of GDP by PPS).<sup>3</sup> We use annual data provided by Eurostat and all comparisons are made to EU27 averages.

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<sup>2</sup> See also Jauer, et al. (2014).

<sup>3</sup> Lack of comparable data in some areas and/or countries limits the length of the time period under review and completely excludes Bosnia and Herzegovina and Kosovo from the study.

## 2. Real convergence

First, we take a look at the level of GDP per capita at purchasing power standards in the selected countries. A simple way to identify the existence of a convergence process is to compare the growth rates of economies with different starting levels of income (GDP). If economies with lower initial levels of GDP are growing faster than economies with higher initial levels of GDP, then the GDP level of the former will be catching up to the latter, i.e., the economies will tend to converge. The Western Balkan countries start the period with GDP per capita levels that are significantly below (3 to 4 times lower) the EU average (Table 1). They subsequently grow at higher rates which allows them to reduce these gaps by about 20% (in relative terms). However, the differences remain high and further progress is necessary. If we apply a simple extrapolation from the current point forward, maintaining the average growth rates from Table 1, the average GDP level for the group of Western Balkan countries will reach that of the EU in approximately 50 years.

**Table 1. Levels and growth rates of GDP p.c. at PPS 2006 - 2020**

	2006 GDP p.c.	2020 GDP p.c.	Average annual GDP p.c. % change
<b>Albania</b>	5219.2	9108.6	4.4
<b>Montenegro</b>	8312.7	13356.4	3.8
<b>North Macedonia</b>	6907.1	11391.3 <sup>4</sup>	4.5
<b>Serbia</b>	8114.4	12758.1	3.7
<b>Average</b>	7138.4	11653.6	4.1
<b>CV<sub>WB</sub></b>	19.9	19.6	-
<b>CV<sub>all</sub></b>	70.4	57.2	-
<b>EU27</b>	23199.0	30002.7	2.1

*Source: Eurostat data and authors' calculations.*

*Note: CV<sub>WB</sub> - coefficient of variation between the four Western Balkan countries;*

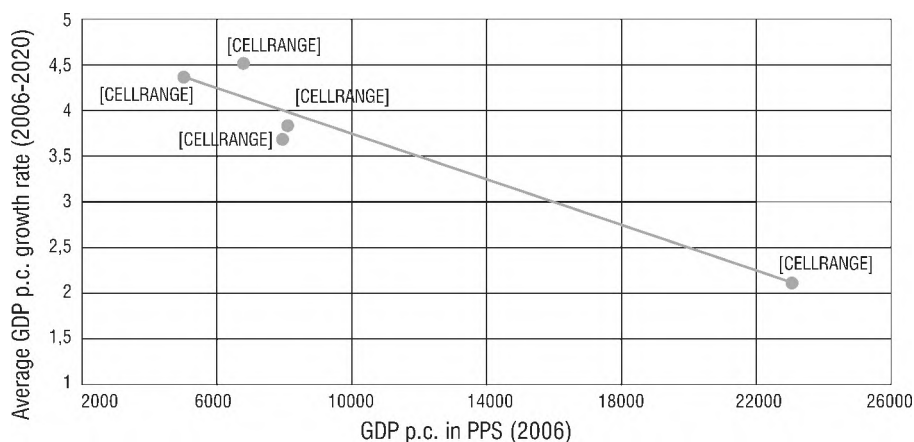
*CV<sub>all</sub> - coefficient of variation including EU27.*

Figure 1 also plots these variables for the group of Western Balkan countries and the EU27, confirming that a process of real convergence exists between them – there is an inverse relationship between the higher average growth rates of the economies and their lower starting GDP levels. This is true for the group of Western Balkan countries as well, if we exclude the EU from the comparison. It also appears that two groups of two countries each can be

<sup>4</sup> Value is for 2018 due to missing data.

identified – one consisting of Albania and North Macedonia and characterized by lower initial levels of GDP and higher growth rates, and another, consisting of Montenegro and Serbia, which is closer to the EU with higher starting GDP levels but experiences slightly slower growth.

The values of the coefficient of variation in Table 1 also indicate a moderate increase of the similarity between the four economies and the EU in terms of the level of output, but a significant gap still exists. Interestingly, there is little reduction of the differences between the countries themselves.



**Figure 1.** Initial GDP p.c. and GDP growth rates 2006-2020

*Source: Eurostat data and authors' calculations.*

The dynamics of the GDP growth rate in the countries over the selected period reveal more details about the process. Although the average rate for the group of countries is consistently above the EU27 growth rate (the only exception is 2020), there is a lot of variation among them (Figure 2). On several occasions individual countries experience growth rates that are lower than the EU, which slows down their convergence process (putting them below the regression line in Figure 1 above). This is most often the case for Montenegro, which is also the smallest among the four economies, and also for Serbia. Contrary to that, Albania appears to be maintaining the most stable growth rate, which also exceeds that of the European Union in all years.

There is also a pronounced change between the beginning of the period (2006 - 2009) and the rest of it in terms of the difference between the annual growth rates of the Western Balkan countries and the EU27. Initially, the average growth rate of the candidate economies is approximately three times higher than the EU average, but after the 2009 recession this difference falls and remains below 2 times even during the 2016 - 2019 period, characterized by the highest growth rates since 2009. This slows the convergence process and increases the time that Western Balkan countries need to catch up to the EU.

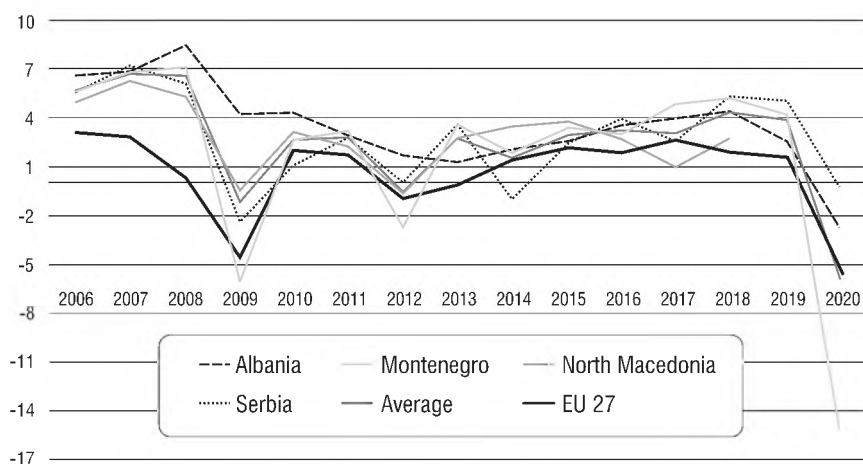


Figure 2. GDP growth rates (%) of Western Balkan countries 2006 - 2020

Source: Eurostat data and authors' calculations.

Overall, the four countries studied here tend to converge to the EU at a moderate pace, which is an optimistic outcome for their prospective future membership. The process is uneven, however, and on several occasions individual countries experience periods of divergence. The overall slowing of growth rates after 2009 also has a negative effect on it.

### 3. Production structures at the sector level

The increase in similarities in the GDP production structures of the studied countries to that of the European Union can be considered an essential characteristic of a structural convergence process. In addition, the convergence of production structures at the sector level is closely related to the progress of the real convergence process. In practice, the convergence in the relative shares of individual sector gross value added (GVA) may act as a factor for intensifying or restraining the convergence in real income.

The data for the agriculture, forestry, and fishing sector shows that in all four countries the relative share of this sector in GVA exceeds that of the EU (see Table 2).<sup>5</sup> In view of the degree of economic development of the countries in the region, this is not surprising. The most significant deviation is observed in Albania, where this share significantly exceeds the EU value. For the period 2006-2021 on average, the weight of agriculture, forestry, and fishing in GVA in Albania amounts to 21.2%, while the respective weight for the EU is 1.8%. Furthermore, there are no significant changes in the relative importance of this sector in Albania in the last year of the period compared to the first, with the difference in shares amounting to only 0.2 percentage points. In the other

<sup>5</sup> This is also typical for the EU countries from CEE; see Velichkov & Damyanov (2021), Raleva & Damyanov (2019).

three countries – Montenegro, North Macedonia, and Serbia, similar values are observed in the shares of agriculture, forestry, and fishing, which on average amount to 9.1%, 10.7%, and 8% for the interval. In all three countries, these shares in 2021 are lower compared to 2006, with the largest decrease registered in Montenegro – about 2.1 percentage points, while the decrease in Serbia is rather negligible – 0.4 percentage points.

**Table 2. Relative share of individual economic sectors in GVA (%)**

	<b>Agriculture, forestry and fishing</b>		<b>Industry</b>		<b>Services</b>	
	2006	2021	2006	2021	2006	2021
<b>Montenegro</b>	10,0	8,0	21,6	18,3	68,3	73,8
<b>North Macedonia</b>	10,3	9,0	24,9	25,3	64,7	65,7
<b>Albania</b>	20,5	20,3	29,2	25,0	50,3	54,7
<b>Serbia</b>	8,2	7,8	34,6	30,3	57,2	61,9
<b>EU-27</b>	1.9	1.8	27.4	25.7	70.8	72.5

*Source: Eurostat data and authors' calculations.*

In the industry sector, it was found that the differences of the four Western Balkan countries with the EU are less pronounced compared to those in the agriculture, forestry and fishing sector. The divergences with the EU in the average values for the percentage share of industry in GVA for the period 2006-2021 are relatively large in Montenegro, where this share is about 6.2 percentage points lower than the corresponding share for the Union. At the same time, a higher share of this sector in GVA was registered for Serbia compared to the EU, with the average excess for the time interval being about 5.7 percentage points. Although Montenegro and Serbia show relatively close values with an opposite deviation sign to the EU in the relative importance of the industry sector in GVA, these differences have positive macroeconomic projections in Serbia and negative for Montenegro. This is due to the fact that the industry sector includes such productions for which a higher GVA is inherent. In addition, this sector is characterized by higher levels of capital and technology, which has a favorable impact on labor productivity.<sup>6</sup> In view of this, the larger share of industry in Serbia also could be condition for a higher rate of economic growth in this country in the long run, which could contribute to a more pronounced convergence of real incomes to the EU. It is also interesting to note that there is a decrease in the weight of industry in the GVA in Serbia over time. This leads to a closer convergence of the industry's share with that of the EU.

Regarding the share of industry in Albania and North Macedonia, the average values for the observed time period show an insignificant deviation compared

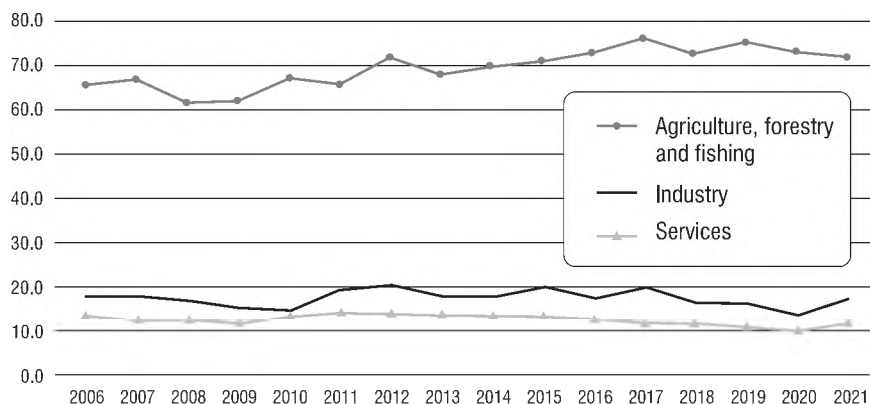
<sup>6</sup> For a detailed analysis of labor productivity in North Macedonia see Stefanova, K. (2021).

to the European Union. In Albania during the first half of the period (between 2006 and 2013) this share is higher than the corresponding share for the EU, while in the rest of the years it is lower. For North Macedonia, between 2006 and 2012 the weight of industry in GVA was lower than that of the EU, between 2013 and 2020 it was higher, and in 2021 it was again lower. Specificities in the relative share of the industry sector by year in both countries are a reason to state that in Albania the tendency is more towards a decrease of this share, while in North Macedonia – towards an increase. This also corresponds to the observed relatively strong decrease in the share of this sector in GVA in Albania in the last year of the period compared to the first year – by about 4.2 percentage points, and accordingly with a slight increase in this share in North Macedonia – by about 0.4 percentage points. It can be noted that the continuation of this trend in Albania over time can be perceived as having a certain restraining effect on the long-term economic growth in the country, while in North Macedonia it is a prerequisite for its acceleration.

The relative share of GVA in the services sector in Montenegro is characterized by relatively close levels over the period to those in the EU, with an average deviation of about one percentage point. Significantly larger deviations are typical for the remaining three countries of the region. The deviation of this share is most significant in Albania, where on average for the time interval the share of services is about 19.7 percentage points lower than that of the European Union, amounting to 52.7%. This difference is due to the abovementioned high weight of agriculture, forestry and fishing in GVA in Albania. In Serbia, the average share of the service sector in GVA is 60.6%, which is about 11.9 percentage points lower than the EU value. The indicated deviation is due to the higher relative importance of the other two sectors compared to the EU. In North Macedonia, the share of services in GVA for the period 2006-2021 on average is about 8.7 percentage points lower than that for the EU. This corresponds to the reported higher weight of agriculture, forestry, and fishing in GVA in North Macedonia compared to the weight for the EU. It should be noted that all four countries witnessed an increase in the share of the service sector in the last year compared to the first year of the studied time period. However, the share of services in Albania in particular remains significantly lower than the EU value, which can be defined as a characteristic of the economy that is not inherent in highly developed economies. Taking into account the high relative weight of agriculture, forestry, and fishing in GVA, it can be noted that Albania occupies a leading position in terms of differences with the EU in two of the three economic sectors.

The outlined trends in the relative share dynamics of the three economic sectors in GVA of the studied economies also project their influence on the obtained values for the coefficients of variation (see Figure 3). The lowest values are observed for the service sector. This is indicative of the strongest homogeneity across economies in terms of the relative importance of this sector in GVA. In addition, there is also a tendency to reduce the existing differences, with the magnitude of the coefficient of variation decreasing from 13.5% in 2006 to 12%

in 2021. This is in line with the increase in the share of services, whose average magnitude for the four Western Balkans countries increased from 60.1% in the first year to 64% in the last year.



*Figure 3. Coefficient of variation between different economies (%)*

*Source: Authors' calculations based on Eurostat data.*

Higher values are typical for the coefficient of variation for the industry sector compared to that for the service sector. Its average value for the period amounts to 17.5%. At the same time, however, the dynamics of the coefficient of variation over time does not show a clear trend of increase or decrease. This indicates that the differences between individual economies in terms of the relative importance of the service sector to GVA are relatively stable over time. The reason for this is the existing heterogeneity in the changes in the share of this sector over time in individual economies.

The most significant differences between Montenegro, North Macedonia, Albania, Serbia and the EU are observed in the weight of the agriculture, forestry and fishing sector in GVA. On average for 2006-2021 the period, the coefficient of variation amounts to 69.2%. In addition, the value of this coefficient increased from 65.6% in 2006 to 71.6% in 2021. This is due to the fact that, despite a certain decrease in the share of agriculture, forestry and fishing in Montenegro and North Macedonia, for the big outlier in the studied set of economies in terms of this share, namely Albania, a highly pronounced stability of the level of the share of agriculture, forestry and fishing in GVA over time is inherent.

## 4. Conclusions

The Western Balkan countries studied here are undergoing a moderate convergence process towards the European Union during the 2006 - 2021 period. Their per-capita outputs are growing at an average annual rate that is just under twice that of the EU27, which has helped reduce the gap by about 20% in relative terms. There are negative developments as well, however. The slower



growth after 2009 and the unevenness of the process in some countries make it more difficult for the economies to reach the level of the EU. Overcoming these difficulties will probably require a lot of additional effort and they can benefit from the EU's stronger involvement in the process.

From the analysis of the production structures at the sector level, it is clear that the most significant differences to the corresponding values for the EU in the share of agriculture, forestry and fishing in GVA, as well as in the share of services, are observed in Albania. They find expression in the higher share of agriculture, forestry, and fishing relative to the EU and the lower share of services relative to the EU. Regarding deviations in the weight of industry in GVA, the largest discrepancies with the EU are observed in Montenegro and Serbia. Montenegro has a lower weight compared to the EU, while Serbia has a higher weight. The latter can be defined as having a favorable impact on economic growth in Serbia and negative in Montenegro. The reason is that the industry sector is characterized by higher GVA and higher productivity. The latter could induce relatively stronger convergence of Serbia with the EU in terms of real income.

For the countries of the Western Balkans in general, there are certain changes in the production structures at the sector level, which lead to their stronger convergence to those in the EU. At the same time, stronger convergence of certain sectors corresponds to the manifestation of positive effects for long-term macroeconomic dynamics, and convergence in other sectors has a restraining effect on growth. The above also projects certain peculiarities in the course of real convergence processes.

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# IS THE HETEROGENEITY OF THE EU MEASURABLE?

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## ***Abstract***

*Can we visually measure and present how heterogeneous and different has become the EU at the different stages of its development? Can we create something like the „EU's heterogeneity index“, or is it more appropriate just to talk about an „attempt to measure EU heterogeneity“? Surely such an attempt, if succeeded, would contribute substantially to the debates on the future of the EU, making them more thorough, professional and comprehensive. In recent years, we have witnessed the creation of numerous indexes, many of which are trying to measure difficult or even impossible at first glance values such as happiness, life satisfaction, human development. Such an attempt would be entirely in line with this trend and its aim should be to present a real picture of the EU's changes in recent decades, as well as to make predictions about its development in the future. In the best of the cases, it could also find the approximate value after which the EU is no longer a sustainable and viable political project.*

**Key words:** EU, heterogeneity, index, measurability

Heterogeneity, diversity, mixedness, inequality... One could go on a lot with the synonyms of the most obvious and visible characteristic of the EU in its current state, but the most important thing in this case is not just to certify an obvious fact, but to try to make an attempt to measure it or demonstrate it visually. The task is too ambitious and difficult, which is why we should not even call such an attempt an „index of EU heterogeneity“, but rather simply an „attempt to measure EU heterogeneity“, but if we still use the term „index“ in the present paper, it should be understood largely under condition.

First of all, can we measure at all such a phenomenon or similar characteristic of an organization? Certainly, the issue is controversial and interesting, but

since in recent years we have seen the creation of numerous indices for various phenomena, many of which try to measure difficult or even impossible at first glance values such as happiness<sup>1</sup>, life satisfaction<sup>2</sup>, overall human development<sup>3</sup> etc., we believe we are entitled to such experience. It would be entirely in tune with the trend of creating various indices in recent decades. Examples of this are numerous, and here specifically for the EU we can also recall the catch-up index<sup>4</sup>, referring to the catch-up processes between the individual EU member states, grouped in cluster-like entities.

Apart from the general tendency to create indices for different social, political and other phenomena, the arguments in favor of such an experience lie mostly in the overall political, academic and expert debate, which in recent years has been oriented towards the heterogeneity, diversity and heterogeneity of the EU as the main factor in finding suitable formulas and opportunities for its development. Surely such an experience would contribute immensely to making this debate more thorough, professional and comprehensive, while providing new tools for how the EU should be governed in the future. The closest to the idea that we want to develop and present here is perhaps an already created index of heterogeneity, but it concerns only the individual countries in the EU and their attitude to the EU integration processes. To this we can add the fact that there is no known index or attempt to measure EU heterogeneity in its entirety in the scientific literature, while the EU is referred to itself, i.e. to compare different stages of its development. Quite naturally, there are various indices<sup>5</sup>, or rather comparisons, which aim to make visible the differences and similarities between the EU and other similar organizations, but they are also incomplete, not least because of the **sui generis** character of the EU. In general, however, the various characteristics of the EU, positive or negative, are difficult to measure with quantitative indicators.<sup>6</sup>

The motivation and the need to create an index that tries to visually represent the degree of heterogeneity of the EU would be very useful in getting an overall idea of its state, as well as an argument in making analyzes of its state. Moreover, its main idea is that the individual indicators should be balanced between the variable and non-variable characteristics of the EU, so that it simultaneously reflects both its stable base and the different characteristics of its development, which in turn give an idea of the degree of this heterogeneity in every one moment.

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<sup>1</sup> Home | The World Happiness Report

<sup>2</sup> OECD Better Life Index

<sup>3</sup> Human Development Index | Human Development Reports (undp.org)

<sup>4</sup> The Catch Up Index - thecatchupindex.eu

<sup>5</sup> König, Jörg and Ohr, Renate; „The European Union - a heterogeneous community? Implication of an index measuring European Integration“, Department of Economics, Georg-August-Universität Göttingen, June 2012

<sup>6</sup> *ibid.*

Our aim is to find the most accurate quantifier of change both after each successive enlargement of the EU and to make a direct comparison between the original version of the 6-nation EU and its state now. The aim is also to get a real idea of the change of the EU, as well as to make predictions about its development in the future, ideally the approximate value of such an index could be found, after which the EU is no longer sustainable and vital political project. Here the debate can also develop around how accurate the value in question should be, as in our opinion it should hardly be found given the high degree of political subjectivity and motivation in each subsequent enlargement.

It should be clearly emphasized that the idea and the name of the index, namely that it reflects the degree of heterogeneity of the EU, should in no way suggest that we present heterogeneity necessarily as something positive or that we can allow the speculative idea of its decay. The different values of this attempted index do not mean that the EU cannot become more homogenous again (or that we should not strive for it) and are not intended to point in just one direction. Quite the opposite – as with all indicators, or at least those that reflect variable components, they will be able, figuratively speaking, to move in both directions and thus reflect the current state of heterogeneity in the EU.

The great challenge when attempting such a measurement comes from several directions – first of all, what exactly should be the individual components (indicators, values...) through which to represent the heterogeneity of the EU? Theoretically, they are endless – the heterogeneity of the EU has numerous dimensions (political, economic, legal, value, demographic, geopolitical, etc.) and each of them can accordingly be represented by numerous separate indicators. Following the geometric progression effect, we can easily calculate that the sum of indicators can be of the order of several tens. Next, not all indicators can find values that are convenient for presentation or comparison, for example, it is difficult to compare numbers with percentages. In compiling such an index, it is assumed that its individual indicators can be compared with each other, as well as easily reflect changes. It should also not be forgotten that there are many indicators for which it is difficult to find data for past periods of the EU's development given our desire to track the increase in heterogeneity at any point in its development. In other words, we will try to adhere to the two main characteristics of the indicators that we mentioned, namely **reliability** and **measurability**. It is difficult and too subjective to determine the specific number of indicators, as it should be large enough to be able to reliably represent the heterogeneity of the EU, and at the same time small enough to have a certain operability and visibility.

In the next table we represent the exemplary indicators that could serve for measuring the EU heterogeneity. However, the final indicators that we selected to be included in the index are given further in table N 2. The table below present just the potential ones, confirming once again the list is far from exhaustive and could be prolonged.

**Table N 1. Potential exemplary indicators for measuring EU heterogeneity**

Indicator	Essence / Motivation	Remarks / Comments
The ratio between the percentages of added territory and population and the percentages of reduced purchasing power	The ratio between the percentages of added territory and population during the next expansion, respectively the percentages of decrease in the average income, measured in purchasing power parity (PPP), is calculated.	An indicator that would well show the contradiction between increased quantity at the expense of reduced quality as a standard of living. The shortcomings - it is mainly a static indicator, showing the problems at the time of enlargement, but not enough in view of the dynamic development.
Correlation between the main policies of the EU (EEC) at the time of its creation and the current moment - based on the Treaties.	The indicator measures the relationship between the main policies of the EU at the time of its creation and its current state.	This is mainly a functional indicator, as the heterogeneity of the EU is also due to many new added and developed policies. The difficulties come both from finding a stable base and from defining the policies themselves.
The difference between the averages of the three richest and the three poorest countries in PPS	The present just the richest and the poorest country can be not enough representative and therefore more countries could be included.	This potential indicator does not differ substantially from those with one country/one region, but however the increased accuracy and representativeness should be taken into account.
The difference between the averages of the three richest and the three poorest regions in PPS. They could be more than three, given the great number of regions in EU.	The same argument like for the above indicator could be enumerated.	The same like above.
Degree of economic and financial interdependence between individual member countries	Percentages or absolute values of intra-Community trade, investment or financial flows between individual member countries to demonstrate the degree of heterogeneity.	The great difficulty with this indicator is the determination of the exact values of the economic interdependence between the member countries - trade, finance, investments, percentage of high added value in exports. Also, values can be taken for individual countries, but it is difficult to translate this into an EU-wide value.

First of all, the individual indicators in the index should reflect the main heterogeneity factors of the EU, which we believe are the **economy**, **value identity** and **geopolitics**. Why exactly these factors are the subject of another and very extensive research, which is not the subject of the present work, and here we will content ourselves with listing a few other main factors that reflect the increased heterogeneity of the EU in question. Among other things, two of these factors (without the value identity) can be relatively easily converted into specific values, respectively indicators, to be tracked over time. Understandably, another, no less important question follows, namely, what values we can and should choose to reflect and quantify these factors. For example, the economy can be represented by dozens of types of values, each of which can claim to adequately represent the heterogeneity of the EU. However, guided by the mentioned principle that the entire index should be maximally operational and neat, it is obvious that we will have to limit ourselves to a reasonable number of values. Moreover, before and during the first years of the admission of the new member states from the former Eastern Bloc, it was believed that it was the economy that was the main factor of heterogeneity in the EU, but this has changed in recent years, both because of the relatively successful process of economic equalization and because of the severe value gaps between the western and eastern parts of the continent.

To the factors of heterogeneity already developed in detail, we will add one main **horizontal indicator** that cannot be missed, namely the increase in the number of member states. The motivation for the inclusion of this basic indicator hardly needs in-depth analysis and evidence – the increase in the number of EU members presupposes everything that follows, and in this sense it can be said that this indicator is indisputable. Seemingly purely mechanical, the increased number of states presupposes other fundamental changes such as decision-making and the achievement of consensus. This underlying indicator should be a kind of support for the whole index – it has not direct link to the individual heterogeneity factors, but is a major prerequisite for this, namely the number of countries or, more precisely, their dynamics. The number of countries in different stages of EU enlargements relative to the basic number of 6 countries will be the first indicator.

Also, in order to trace the change of heterogeneity from the very beginning of the European integration, we believe that it is necessary to establish a stable basis against which to calculate the degree of heterogeneity both in the individual stages of the development of the EU, as well as its present and future condition. In view of history, the most appropriate platform for this is undoubtedly the prototype of the EU - the three communities created at the end of the 1950s, namely ECSC, EUROATOM and EEC, and here we are mainly interested in the profile of the six founding countries, and namely the three Benelux countries, Germany, France and Italy. Regardless of the different thematic scope of the three communities, their founding countries are the same and, moreover, they were relatively homogeneous in economic, value, geopolitical and every other sense. Certainly, there were economic differences

between the individual countries then, and not small ones, but for us in this case the political, ideological, geostrategic and generally historical arguments are predominant. In addition, the differences at that time, to the extent that they existed, were mainly in terms of the economy and much less in the other factors of heterogeneity – the value system and geopolitics, the population of these countries also had a high degree of consciousness of belonging to the main European values, as well as they all unquestionably belong to the same geopolitical region. In other words, we can tentatively accept these six countries, if not as one, then at least as a prototype and a successful platform on which to develop the measurement of EU heterogeneity. In other words, we conditionally assume that for this „purely Western European project“, as Günther Verheugen calls it<sup>7</sup>, the value is constant and constant, i.e. that the differences between them were minimal or rather negligible. As already mentioned, we will not look for and reflect the degree of heterogeneity at the time, as this would greatly complicate the construction of the index.

The determination of the following indicators (except for the one on the value system) at first glance seems easy, since there are clearly defined factors to which the individual indicators should be adapted. For economics, it has already been mentioned that data is abundant there due to its very nature, mostly related to various quantitative ratios. On the other hand, however, this also entails risks due to the large selection of possible indicators, and here the assessment should be primarily analytical as to which indicators are most adequate in this case. In economics, there is indeed a large set (and choice) of indicators that can reflect heterogeneity relatively objectively. As is well known, the indicator that is most often used in discussions about the admission of new member countries is the gross product per capita, measured in the indicator PPP – Purchasing Power Parity. It measures the total and individual wealth of individual nations and is used in all the main economic measurements concerning the development of the EU and the allocation of funds from the cohesion and structural funds. Thus, the first indicator in the field of economics will represent the difference between the highest and lowest value (in EURO) of PPP in two Member States, respectively as the richest and the poorest. These countries may be different at different times, but the indicator should remain unchanged. In addition, and for greater accuracy, the second indicator on the economy will be similar, but instead of a ratio between countries, it will represent the ratio between the richest and poorest regions in the EU. After the creation and gradual improvement of the European regional policy of the EU, the ratio between poverty and wealth of the regions has also become one of the main economic indicators for its development.

Undoubtedly, the most difficult point in the attempt to measure the heterogeneity of the EU is to define an indicator that would reflect the blurring

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<sup>7</sup> Verheugen, Günther; „Europa in crisis. For a re-establishment of the European Idea“, Kiepenheuer&Witch, 2006, Original title: „Europa in der Krise. Für eine Neubegründung der europäischen Idee“, 78

of the EU's value system. Belonging to a different (sub)culture, the different understandings, traditions, mores and feelings that are directly projected both in the state administration and in the socio-political landscape is really difficult to measure and there are very few reliable indicators that can serve as basis in this direction. The reliable valuation of the value system is indeed a great challenge for all researchers, but in our case it is imperative to try to overcome it. The well-known division of cultural models by the Dutch sociologist Trompenaars<sup>8</sup>, supplemented by his colleague Hofstede<sup>9</sup>, as well as by their Bulgarian colleague Minkov,<sup>10</sup> although is interesting and original, is practically inapplicable in our case - first of all, it concerns only models of doing business, and does not refer to overall management or development of the public sector or of international organizations in particular, moreover, its scope is much larger and concerns the models in the USA, China and other continents. Also, Trompenaars' model has virtually no application or valuation to individual European countries, as it does not count them among its separate cultural models, nor does it make any reference to the EU as a whole or to its individual regions.

Another option for finding an indicator for measuring European values could be the attitude towards corruption, measured by the attitude towards it in various sociological surveys, as well as by the perception of corruption, which is traditionally measured by the organization Transparency International.<sup>11</sup> Undoubtedly, the phenomenon of corruption and the perception of it is one of the main problems related to the dilution of the value system, which in addition steadily increases its values from West to East and from North to South. However, it is not the only indicator of (non)belonging to European values, and it would not be possible to measure the questionable blurring of the EU's value system, one of the main factors of heterogeneity, only through the attitude towards it. In this situation, the possible solution that we can offer is similar to the comparison in economics with the comparison of the two (most) extreme values. In this case, however, what is important is exactly what indicator will be chosen, is it adequate to measure the value system, and can reliable data be found for current and past values? The numerous surveys of public opinion in Europe, carried out by the European sociological-analytical service Eurobarometer, allow us to find the answer to the question of what percentage of residents in individual countries (do not) express their belonging to European values or what percentage of them consider themselves European or not. Accordingly, convert the difference between the highest and the lowest percentage into an indicator to put in the „indicator values“ column. When defining this indicator, we are fully aware of

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<sup>8</sup> Trompenaars, Fons, „Riding the Waves of Culture“, London, The Economist Books, 1993

<sup>9</sup> Hofstede, Geert, „Riding the waves of the commerce: A test of Trompenaars' „model“ of national cultural differences“, Institute for Research on Intercultural Cooperation, Maastricht and Tilburg, Netherlands, 1996

<sup>10</sup> Minkov, Mihail, „Why are we different?“, original title in Bulgarian: „Защо сме различни?“, изд. „Класика и стил“, София, 2007

<sup>11</sup> Home - Transparency.org



its high relativity, but on the other hand, it is absolutely necessary to include it in the overall assessment of the heterogeneity of the EU. This is also important from another point of view - belonging or not to European values is not necessarily tied either to the wealth of a given nation, or to whether the country is a founding member of the EU or joined at a later stage. Despite the difficulties with defining an indicator when measuring the value system, it is relatively easy to give a reliable indicator that reflects the geopolitical diversity in the EU - the distinction of geopolitical sub-regions in the EU is relatively clear and stable over time and can help to reflect of the heterogeneity of the EU. Each geopolitical sub-region, regardless of how economically developed it is, brings different and often unpredictable problems to the EU, concerning subsequent border areas, stretched external borders, possible border disputes with nearby countries, etc.

The individual indicators representing the whole experience of creating an EU heterogeneity index can be summarized in the following table:

**Table N 2. Measurement of EU heterogeneity - main indicators**

Indicator	Substance	Explanation / Motivation
Base of measurement - unity	The EU in its original form - the EEC, composed of the 6 founding countries (Belgium, the Netherlands, Luxembourg (Benelux), France, Germany and Italy) represents a conditional unit 1.0, or we assume that its heterogeneity is reduced to the greatest possible minimum. 1.0 is actually the six countries combined, but in reality the total base value is 5.0, as we assume a value of 1.0 for each of the five indicators.	Certainly there were differences between the 6 founding countries then, if we also take into account the presence of the relatively undeveloped Italian South, but we conditionally assume that the differences are minimal, besides everything else the EU was not created by a single country that could be taken as a model, but of 6, which we take as a whole.
<b>Indicator 1</b> Number of countries	The change in the number of countries in percentages or times compared to the original 6.	An indisputable main indicator of the increased heterogeneity in the EU, which must be included.
<b>Indicator 2</b> Economy - greatest disparity state PPS	The difference in times between the richest and the poorest EU member state, measured as an average of the two countries in Purchasing Power Parity (PPS).	The European Statistical Office Eurostat should be used as a source.
<b>Indicator 3</b> Economy - Greatest disparity PPS regions	The difference in times between the poorest and richest regions within the EU, measured in Purchasing Power Parity (PPS) averaged across all regions.	The European Statistical Office Eurostat should be used as a source.

<b>Indicator 4</b> System of values	The difference between the highest and the lowest positive response to the question: „Do you feel belonging to the European value system?“	As mentioned, this is one of the most difficult indicators to formulate. As a reference, however, we think that it is most logical to take the values from studies related to European value affiliation. The Eurobarometer will be used as a source.
<b>Indicator 5</b> Geopolitics	The increased number of geopolitical sub-regions within the EU	The classification of geopolitical sub-regions follows the logic of the enlargements of the European Union (see below)

**Table N 3. The heterogeneity in EC after the first round of enlargement in 1973**

Initial value		Changes in indicators		Remarks / Comments
Indicator 1 Number of countries - <b>1</b>	Initial general value <b>5</b>	(new) Number of countries - <b>1,5</b>	General value after the 1973 enlargement <b>11,21</b>	General number after the enlargement (9) compared to the initial number (6) <b>9 / 6 = 1,5</b>
Indicator 2 - economy (countries) <b>1</b>		Greatest difference in PPS (countries) <b>2,3</b>		According to OECD data the highest values for a country was Luxembourg - 7 269.3 USD and the lowest - Ireland 3 147 USD. The proportion was <b>2,30</b>
Indicator 3 - economy (regions) <b>1</b>		Greatest difference PPS (regions) <b>4,1</b>		The poorest region in the enlarged EC in 1973 was nord-western Ireland with a value approximately 1 500 USD and the richest is London with a value approximately 6 217 USD. The proportion is <b>4,1</b>
Indicator 4 - system of values <b>1</b>		Greatest difference system of values <b>1,31</b>		Due to the lack of data on belonging to the European idea, in this indicator, the maximum difference from the results of the referendums on EU membership of the individual (new) countries is taken as a reference. This is the difference between the result in Ireland - the highest (83.1%) and Denmark - the lowest (63.3%)
Indicator 5 - geopolitical regions <b>1</b>		Number of geopolitical regions <b>2,0</b>		1 geopolitical region (NW Europe) is added, regardless of the fact that 1 country outside it (Denmark) joins, as well as the fact that the UK subsequently leaves the EU.

**Table N 4. Current value of the EU heterogeneity (Index of heterogeneity) - 2022**

		Changes in indicators		Remarks / Comments
Indicator 1 Number of countries - <b>1</b>	Initial general value <b>5</b>	Number of countries - <b>4,5</b>	General current value of heterogeneity <b>24,6</b>	General number of EU current member-states (27) compared to the initial number (6) <b><math>27 / 6 = 4,5</math></b>
Indicator 2 - economy (countries) <b>1</b>		Greatest difference in PPS (countries) <b>5,14</b>		Luxembourg - Bulgaria, values of PPS 79 300 / 15 400 The proportion is <b>5,14</b>
Indicator 3 - economy (regions) <b>1</b>		Greatest difference PPS (regions) <b>6,06</b>		Richest Region - Brussels / Poorest - Nord-western Bulgaria values in PPS 61 300 / 10 100 The proportion is <b>6,06</b>
Indicator 4 - system of values <b>1</b>		Greatest difference system of values <b>1,9</b>		The largest difference in responses on the question „Do you feel an appurtenance to the European values?“ - Hungary (76%), France (40%) <sup>12</sup>
Indicator 5 - geopolitical regions <b>1</b>		Number of geopolitical regions <b>7,0</b>		Currently we fix the number of EU geopolitical regions of <b>7<sup>13</sup></b> .

As a conclusion, we are firmly convinced that such of indicator should exist and be developed in the future. The difficulties in its elaboration are linked first and utmost with the selection of indicators and the impossibility to find equal data for every one period of its existence.

Nevertheless and despite under conditions, we tried to establish and present it. The heterogeneity of the European Union became its main feature in the last decades and it has to be deeply explored and researched. The establishment of such an index beyond any doubts belongs to this exploration and development of the European political sciences and will contribute to the development and deepening of the academic and political debate for the future of EU.

<sup>12</sup> Special Eurobarometer 508: Values and identities of EU citizens - Data Europa EU

<sup>13</sup> The division we use follows strictly the logic of the EU enlargements, namely we accept the first 6 countries as one (1) region, adding a new region(s) for every one subsequent enlargement, in general 6, namely: Nord-West Europe / Mediterranean / Scandinavian / Baltic / Visegrad / Balkans. The few exceptions of countries joining the EU outside „their“ region like Cyprus or Austria do not change the general picture.

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# 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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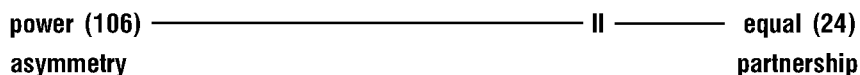
<sup>1</sup> The interviews were conducted in a joint study carried out by a research team from the Jean Monnet Centre of Excellence at the Faculty of Philosophy at Sofia University „St. Kliment Ohridski“ and the Bulgarian Diplomatic Institute at MoFA. The project was carried out by the: Prof. Ingrid Shikova, Prof. Georgi Dimitrov, Assoc. Prof. Mirela Veleva, Lubomira Popova, Biliana 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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# EU ENLARGEMENT IN THE WESTERN BALKANS: FABRICATING REFORMS IN PUBLIC ADMINISTRATION

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## ***Abstract***

*Previous EU assistance for the Western Balkans has been delivered through various programmes: PHARE; ISPA and SAPARD; CARDS; as well as the IPA assistance packages. In recent years, EU Institutions have provided a large part of region's total grant aid as part of its pre-accession process, supporting institutional reform in the candidate countries. When supporting national strategies or sector policies, EU budget support plays a unique role to help countries meet their strategic objectives. Specifically, from 2014, when first was introduced this new modality, for Albania they were allocated 272 ml Euro and for Kosovo 69.5 ml Euro in Sector Reform Contracts. This new financial instrument has contributed in pushing first and second generation reforms in important sectors as public finance management, public administration, employment and skills etc. The paper examines which are the key factors influencing the absorption capacities of Sector Budget Support by using annual data for Albania and Kosovo, considering their similarities and differences. This study aims to analyse the relationship between the country specification and the amount disbursed from sector budget support financial assistance. This article investigates which are the main determinants affecting the structure of financial funds granted by Europe Commission for Albania and Kosovo, and which are the lessons learned during the implementation of this new instrument for the region. Thus, the findings of this study can help public servants and academics to build wealthy strategy to ensure a diversified financial aid for countries which inspire to join soon Europe Union.*

**Key Words:** sector budget support, absorption capacities, financial aid, integration process, key factors

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<sup>1</sup> This designation is in line with UN Security Council Resolution 1244/99 and the International Court of Justice Opinion on the Kosovo declaration of independence.



## **1. Albania and Kosovo trying to connect the dots – Is European Union closer or further away?**

It has been around two decades from the official launch of the enlargement process for the countries of Western Balkans. Yet, with the exception of Croatia, none of other countries have managed to join the EU. The process of Albania's integration into the European Union (EU) is considered the most strategic national priority, which leads the country's governing agenda. But now that Albania is getting closer to the EU, the EU is moving away even more<sup>2</sup>. Albania's application for EU membership was submitted on 2009 and that year, the Council approved Albania's application and invited the European Commission to submit its opinion. One year later, the Commission assessed that before accession negotiations could be formally opened, Albania still had to achieve a necessary degree of compliance with the membership criteria. Finally, the good news: Albania was awarded candidate status in 2014<sup>3</sup>. But the path was not so simple until the opening of accession negotiations with Albania on July 2022.

Kosovo has a Stabilisation Association Agreement in place since 2016. It also engages actively in a number of sector-based regular policy dialogue with EU. Since 2017, the country has been implementing a set of political and economic priorities agreed with the EU Commission under a European Reform Agenda document. The present government has publicly confirmed its intentions of submitting the membership application in 2022. One of the challenges remain visa liberalisation for Kosovo citizens. The Commission's proposal to lift the visa requirements for Kosovo citizens is still pending in the Council. The Commission maintains the assessment it made in July 2018 that Kosovo has fulfilled all visa liberalisation benchmarks. The European Parliament reconfirmed its support for the Commission's proposal for visa liberalisation<sup>4</sup>. The accession process has become increasingly complex as time went by. Implications of the revised methodology for Kosovo are that the fundamentals are expanded to cover economic reforms and public administration reform versus the much narrower focus in chapters 23 and 24 in the case of Croatia and negotiating frameworks of Serbia and Montenegro. In future negotiations there will no longer be an opening of individual chapters, they will be opened for the whole cluster only after the opening benchmarks have been met by the country.

Previous EU assistance for the Western Balkans, including Albania and later on also Kosovo, has been delivered through various programmes: PHARE; ISPA and SAPARD; CARDS; as well as the IPA assistance packages. In recent years, EU Institutions have provided a large part of region's total grant aid as part of its pre-accession process, supporting institutional reform in the candidate

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<sup>2</sup> F. Fabbrini, Reforming the EU Outside the EU? The Conference on the Future of Europe and Its Options (2020) - European Papers, Vol. 5, 2020, No 2, pp. 963-982 [www.europeanpapers.eu](http://www.europeanpapers.eu)

<sup>3</sup> Council of European Union, Council conclusions on Albania, 2014: <https://www.consilium.europa.eu/en/policies/enlargement/albania/>

<sup>4</sup> Kosovo Report 2021, [https://neighbourhood-enlargement.ec.europa.eu/kosovo-report-2021\\_en](https://neighbourhood-enlargement.ec.europa.eu/kosovo-report-2021_en)

countries. When supporting national strategies or sector policies, EU budget support plays a unique role to help countries meet their strategic objectives. From 2014, when this new modality was introduced, in Sector Reform Contracts for Albania are allocated 272 ml Euro while for Kosovo 69.5 ml Euro.

## **2. Sector Budget Support in Albania and Kosovo**

Starting from 2000, the budget support has become an increasingly important instrument in the European Commission's development cooperation (DC). Between 2000 and 2004 commitments for budget-support operations more than doubled, recently reaching a level of nearly 21 % of new European Development Fund (EDF) commitments<sup>5</sup>.

Actually, budget support is a financial assistance modality of Instrument of Pre-accession Assistance (IPA) for Candidate and Potential Candidate Countries. Financial assistance under IPA II has introduced some novelties, and it has emphasized the sector approach, with the aim to contribute better to sector reforms and overall process of bringing countries closer to the EU standards. Budget support started implementation in the context of moving under the IPA II „sector approach“, by focusing on support to sector reform strategies rather than on financing individual projects. It involves close dialog and cooperation, as aid modality it is different from budget support funds, it is not a blank cheque as it is based on eligibility criteria and conditions. There are no targets for the amount of EU budget support to be programmed at either national or global level in pre-accession countries, nevertheless the combination of IPA instruments is preferred. The specific objectives, which are later monitored and evaluated, should be defined in line with two important principles:

1. Consistency with EU enlargement policy.
2. Alignment with beneficiary countries own policies, priorities and objectives.

Budget support, in the enlargement context and in the perspective of EU membership, is applied by European Commission in three contractual forms<sup>6</sup>:

1. Sustainable Development Goals (SDGs) Contracts
2. Sector Reform Performance Contracts, and
3. State and Resilience Building Contracts

This new financial instrument has contributed in pushing first and second generation reforms in important sectors as public finance management, public administration, employment and skills in Albania and Kosovo.

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<sup>5</sup> Schmidt P., „2006“, *Budget Support in the EC's Development Cooperation*, Studies / Deutsches Institut für Entwicklungspolitik, Bon, p. 1. [https://www.idos-research.de/uploads/media/Studies\\_20.pdf](https://www.idos-research.de/uploads/media/Studies_20.pdf)

<sup>6</sup> European Commission, Directorate-General for International Cooperation and Development, Directorate-General for Neighbourhood and Enlargement Negotiations, Budget support guidelines, Publications Office, 2018, <https://data.europa.eu/doi/10.2841/59418>

### 3. Sector Budget Support in Albania

In Albania, sector reform performance contracts represented around 40% of the total IPA II envelope<sup>7</sup>. Budget support programmes have in fact provided valuable contributions to the implementation of key reforms as part of the EU accession process and to meeting the requirements for the approximation of the acquis. Budget support is also part of the EU's strategy to support Albania's efforts to cope in the medium and long term with the double impact of the earthquake (November 2019) and Covid-19 pandemic, and the related socio-economic crisis.

The first budget support operation in the Western Balkan region was approved in 2014 for Albania. Since then, a total of nine sector budget support operations have been approved for Albania to support reforms. With regards to enlargement, the Sector Reform Performance Contracts (SRC) contributed to the alignment to the acquis. There are nine contracts signed with the total target amount EUR 272.25 million accorded by EU. The target amount for the period 2015-2021 is EUR 201,749,998, out of which EUR 134,486,254<sup>8</sup> are disbursed in Treasury Single Account (TSA). The absorption capacity for the period 2015-2021 is 80%<sup>9</sup>.

The general overview of SBS in Albania is presented in the table below:

**Table 1. A. Status of SRCs disbursement in Albania (2015-2021)**

No.	Budget Support Action	Financial Agreement (a)	Target amount by end of 2021 (b)	Requested by MOFE (c)	Confirmed by EUD (d)	Offset	Disbursed in TSA	Absorption capacity (d-b)
1	Public Finance Management	40,000,000	40,000,000	33,500,000	31,250,000	578,310	30,671,690	78%
2	Public Administration Reform	28,000,000	28,000,000	21,000,000	20,300,000	527,141	19,772,859	73%
3	Employment and Skills	27,000,000	27,000,000	23,500,000	23,500,000	650,003	22,849,997	87%

<sup>7</sup> Law No. 37/2015 On the Ratification of the Agreement Framework between the Republic of Albania, represented by the Council of Ministers of the Republic of Albania, and the European Commission for the implementation rules of EU financial support for Albania, in the framework of the Instrument for Pre-accession Assistance (IPA II)

<sup>8</sup> Ministry of Finance and Albania, as per December 2021; <https://financa.gov.al/3014-2/>

<sup>9</sup> The calculation is made based on the fact that 134,486,254 Euro is the amount disbursed out of 166,249,998 Euro (target amount for which the respective disbursements were made by end of 2021).

5	Transport with Focus on Road	21,000,000	21,000,000	17,105,760	16,312,500	126,058	16,186,442	78%
6	EU for Justice	34,000,000	14,999,998	14,583,331	13,000,000	-	13,000,000	87%
7	EU for Social Inclusion	50,650,000	22,150,000	22,150,000	15,650,000	48,045	15,601,955	N/A <sup>10</sup>
8	EU for Economic Recovery	26,000,000	26,000,000	21,068,060	10,000,000	327,650	9,672,350	N/A
9	EU for Good Governance	36,000,000	13,000,000	10,219,048			-	N/A
<b>Total</b>		<b>272,250,000</b>	<b>201,749,998</b>	<b>171,566,199</b>	<b>136,812,500</b>	<b>2,326,246</b>	<b>134,486,254</b>	<b>80%</b>

*Source: Ministry of Finance and Economy, date 31.12.2021*

Comparing to the other countries in the Western Balkan, it can be said that Albania has a history and can be considered a champion not only in numbers but also in the sectors covered through this financial instrument.

Strengthening the Public Finance Management (PFM) system was the first budget support priority, thus the first EU BS operation to be approved in Albania in 2014. As a general condition for all BS programmes, focusing on PFM would also enable subsequent budget support operations. The SRC for PFM was in place between 2014 and 2019. The overall objective of the PFM SRC was to contribute to sustainable growth and to maintain macro-economic and fiscal stability. European Commission's Communication 'Enlargement Strategy and Main Challenges 2014-2015'<sup>11</sup> recognizes the public administration reform (PAR), as one of the fundamental pillars of the enlargement process. PAR was also recognized as one of the five key priorities<sup>12</sup> for Albania's accession following the granting of the EU candidate country status. This was a good reason to design the PAR Sector Budget Support for Albania. The aim of the PAR Sector Reform Contract was to contribute to enhanced transparency, accountability and efficiency of Albania's public administration, by putting greater focus on the needs of the citizens and businesses, in view of establishing good governance practices and creating a solid basis for implemen-

<sup>10</sup> The absorption capacity for rows 7-9 is not calculated since any variable tranche disbursement has been made yet. The amount of fixed tranches is disbursed if the general conditions are met.

<sup>11</sup> EUR LEX (2014), <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A52014DC0700>

<sup>12</sup> These key priorities are: public administration, rule of law, fight against corruption, organised crime and fundamental rights.

tation of the EU acquis, thus addressing the developmental risks of government effectiveness. For this contract all tranches are requested, but from the aggregate table it can be noticed the low performance in its implementation.

Albania didn't stop. There was an appetite for more sectors to be reformed. Unemployment remains one of the major socio-economic challenges in Albanian society as labour market participation remains low and the informal economy is still significant. Between 2014 and 2020, the Government of Albania (GoA) has demonstrated a strong commitment to reforming the labour programs aiming to support the jobseeker's employability through improving the quality of Vocational Education and Training and building capacities of the relevant institutions. It is the best contract performed even though one of the most difficult contracts, including impact performance indicators. These types of indicators are always the most difficult to be achieved compared with outcome and output indicators.

Roads and motorways represent the predominant mode of land transportation in Albania and provide essential links for freight and personal mobility in the country. The overall objective of the Sector Reform Contract to Support Transport with Focus on Roads is to contribute to an efficient transport system, integrated in the region and in the EU network, which promotes economic development and the citizens' quality of life by focusing on the road transport.

In 2018, the European Commission<sup>13</sup> sent a clear message. In the path toward EU, Albania accession depends on progress made in certain key areas, such as judicial reform and fight against corruption and organised crime. Several government measures aimed at the modernisation of public administration and its performance, thus contributing to the prevention of corruption, included regulatory reforms and constitutional amendments. The overall objective of the Sector Reform Contract for the fight against corruption in Albania was to assist the Government of Albania in implementing the inter-sectorial strategy against corruption with the aim to create transparent and high integrity Albanian institutions that enjoy citizens' trust and ensure a quality and incorruptible service.

Following on the Anti-Corruption SRC and a legislative reform undertaken in 2016 that included Constitutional amendments adopted unanimously by the Albanian Parliament and followed by the adoption of a series of organic laws which outlined the organisation and functioning of the overall justice system, the Albanian Government adopted the Cross Sector Justice Strategy and its Action Plan 2017-2021. European Commission supported this new framework and emphasized the need for a holistic approach, through strengthening of the rule of law and the reduction of corruption in government agencies and the judiciary. The overall objective of the Sector Reform Contract is to assist the Albanian Government in strengthening rule of law, law enforcement, as well as lower corruption level in government agencies and judiciary.

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<sup>13</sup> Council of Europe Union, Enlargement and stabilization and association process - Council conclusions, page 17, June 2018. <https://www.consilium.europa.eu/en/meetings/gac/2018/06/26/>

Considering the impact in the country public finances and the efficiency to mobilize large amount of funding quickly and with low transaction cost through sector budget support, there was a preference for applying this financial instrument. For this reason, Government of Albania continued to negotiate the implementation of other sector reform contracts. The Social Protection Strategy integrated measures to empower and support people living in poverty, people with disabilities, children, women, elderly, youth, ethnic minorities and other vulnerable categories. The overall goal was to build a social protection system to combat socio-economic inequalities, with policies and mechanisms to protect all vulnerable or excluded individuals through prevention programs and social reintegration combined with employment schemes. The overall objective of this contract is to expand coverage, inclusiveness and effectiveness of social care services, pre-university education and employment opportunities for youth and adults in Albania, including populations at risk of exclusion. Albania suffered two major events that hit the country and harmed its economy: i) the 2019 November earthquake, and ii) since 2020, the Covid-19 pandemic. The Government of Albania established a phased approach to reopen the economy following overall Covid-19 lockdown measures. It was structured to achieve two main specific objectives: i) Macroeconomic effects and disruptions of the economy are reduced; and ii) Business resilience and safety nets for unemployed people are strengthened in the short to long term. As a continuation of the Public Finance and Public Administration, the EU for Good Governance programme was included in the Annual Action Programme for Albania for the year 2020, with the overall objective to contribute to a more capable and responsive public sector towards citizens needs and businesses as well as to advance and respond to demands of EU integration processes.

#### **4. Sector Budget Support in Kosovo**

Kosovo as most of the Western Balkan countries benefited from Sector Budget Support (SBS)<sup>14</sup>, actually named Budget Support<sup>15</sup>. Up to date, there were two Sector Reform Performance Contracts (SRPC) and one State and Resilience Building Contract (SRBC). There were three PAR pillars supported by SRPC in implementation of the PAR strategic framework.

The first SRPC was in support to Public Administration Reforms in Kosovo (PAR), aiming to support the process of reforming the administration in Kosovo, through increased accountability, transparency and effectiveness of public administration, with greater focus on the needs of citizens and businesses. In 2017 Kosovo Government and the European Commission successfully negotiated and signed the Sector Reform Contract for Public Administration Reform for a

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<sup>14</sup> Reference: DG Enlargement Sector Budget Support Guidelines, January 2014.

<sup>15</sup> European Commission, Directorate-General for International Cooperation and Development, Directorate-General for Neighbourhood and Enlargement Negotiations, Budget support guidelines, Publications Office, 2018, <https://data.europa.eu/doi/10.2841/59418>

period of three years covering 2018-2020. Due to the Covid-19 pandemic situation in 2020, the Government of Kosovo and the European Commission renegotiated the indicators for 2020, which included a revision of the targets of the indicators as well as the timeframe, by extending the implementation deadline to 2021. One of the key changes to the revised SRC-PAR for 2021 includes reducing the reform targets for 2021 across all indicators, as a response to the situation created from the Covid-19 pandemic in order to make their achievement more realistic, and one out of eight indicators (indicator eight) was entirely removed and its financial weight distributed to other indicators. In the recent XII PAR Special Group meeting<sup>16</sup>, the European Commission and Government of Kosovo discussed future plans and progress towards ensuring a professional civil service, with more accountable organization and higher legal certainty regarding service provision towards citizens and business. It was acknowledged and welcomed particularly the government's commitment in undertaking positive key steps forward in rationalizing agencies, as well as aiming to improve services by adopting a comprehensive reform programme on prevention and reduction of administrative burden and adoption of the first set of special laws harmonized with the Law on General Administrative Procedure in order to ensure legal certainty.

The second SRPC was supporting implementation of PFM Reform Strategy, aiming to contribute to the sound financial management and improved service delivery in Kosovo through improved fiscal discipline, operational efficiency, effective allocation and transparent use of public funds. In June 2016 was approved the Public Finance Management Reform Strategy (PFMRS) 2016-2020 and Action Plan 2016-2018. These two documents have been drafted with the support of OECD / SIGMA project funded by the EU. The strategy was accompanied with the Passport of Indicators and Risk Analysis. The objective of Kosovo Government was to provide a modern system of Public Financial Management (PFM), in harmony with international standards and best practices. Therefore, strategy addressed the findings of the evaluation reports in the field of PFM, such as PEFA, SIGMA, TADAT, and NAO reports. In order to harmonize the strategic framework in PAR that will cover the time period 2022-2026, the Transitional Action Plan in MFP for 2021 was drawn up. The transfer of financial resources was following the realisation of agreed conditions for payment to support the implementation of a national sector policy. Budget support transferred to Kosovo Treasury, after fulfilment of four eligible criteria and achievement of variable tranches, was not conditioned and it was consequently used in accordance with the public financial management system of Kosovo.

It is worthy to mention flexibility of budget support in pandemic Covid-19. Due to the Covid-19 pandemic situation in 2020, the Government of Kosovo and the European Commission agreed with assessment that in PFM, in the current circumstances, the targets of indicators 1, 2, 3, and 4 foreseen for 2020

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<sup>16</sup> Press release PASG meeting, [https://www.eeas.europa.eu/delegations/kosovo/eu-and-kosovo-held-12th-public-administration-reform-special-group-27th\\_en?s=80#:~:text=PRINT-,EU%20and%20Kosovo%20held%20the%2012th%20Public%20Administration,Group%20on%2027th%20September%202022&text=The%2012thmeeting%20of%20the%20EU,Minister%20of%20Interior%20Affairs%2C%20Mr.](https://www.eeas.europa.eu/delegations/kosovo/eu-and-kosovo-held-12th-public-administration-reform-special-group-27th_en?s=80#:~:text=PRINT-,EU%20and%20Kosovo%20held%20the%2012th%20Public%20Administration,Group%20on%2027th%20September%202022&text=The%2012thmeeting%20of%20the%20EU,Minister%20of%20Interior%20Affairs%2C%20Mr.)

to be neutralised while target 5 to be revised. The financial weight of the four above-mentioned neutralised targets was reallocated to the respective remaining indicator targets 5 to 8. In addition, agreement was reached with the introduction of an additional fixed tranche recovering the funds not disbursed under the first and second variable tranche, to alleviate the liquidity shortfall of the budget.

The budget support had positive impact on implementation of PAR as a whole, in particular the third pillar of PAR Public Finance Management. It is worthy to mention that the SIGMA 2021 monitoring report for Kosovo<sup>17</sup> assesses: „The overall trajectory for Kosovo in the public financial management (PFM) area is upwards. Kosovo’s area average of 3.3 (out of maximum 5), is one of the highest compared to its neighbours in the region and has increased from 2.9 in 2017“. The fourth PEFA Performance Assessment Report 2022 (period 2018-2020), in final stages to be official, scores high the PFM in Kosovo.

The State and Resilience Building Contract (SRBC), was the third budget support, aiming to increase resilience and transparency in times of crisis and mitigate the socio-economic impact of the Covid-19 crisis in Kosovo. Following is the table showing all three budget supports:

**Table 2. Status of SRCs disbursement in Kosovo in million € (2017-2022)**

No	Budget Support Action	Financial Agreement a	Budget Support b	Budget Support disbursed in Treasury c	Budget Support expected to be disbursed	Absorption becapacity c-b
1.	IPA II 2016, Part II, SBS for Public Administration Reform (PAR), SRPC	25.00*	22.00	9.03	1,575,500.00	41.0%
2.	IPA II 2017, Part II, EU Support for PFM Reforms, SRPC	25.00**	21.00	21.00	-	100%
3.	IPA II 2019, Part II, EU4 Resilience - Kosovo, SRBC	26.50	26.50	25.75	-	97.2%
	<b>TOTAL</b>	<b>76.50</b>	<b>69.50</b>	<b>55.78</b>		<b>80.25%</b>

\* Including Complementary Technical Assistance component, amounting 3 million €

\*\* Including Complementary Technical Assistance component, amounting 4 million €

<sup>17</sup> SIGMA „Monitoring Report, The Principles of Public Administration - KOSOVO“, November 2021, page 131: <https://sigmaweb.org/publications/Monitoring-Report-2021-Kosovo.pdf>



## 5. Challenges during the implementation

**Albania** is the first country benefiting from the financial instrument of Sector Budget Support, by having the largest number of Sector Reform Contracts in the Region. The benefits from the implementation of the instrument of budget support have been numerous, both in the improvement of the sectors for which the financing agreements have been signed, as well as in the institution level such as capacity building. Even though Albania is „in love“ with this financial instrument, the managing structure in the country have encounter many challenges during the implementation. Specifically:

An important process in the implementation of SBS is the process of monitoring the overall policy or reform performance as well as the agreed indicators that are part of the strategic document on which sector policy/reform is based. Hence the establishment of monitoring mechanisms is crucial. In Sector Reform Contracts, Monitoring and Evaluation are clearly defined. But restructuring of the institutions raise the challenge of lack of coordination between institutions. The culture of monitoring and evaluating policies in the Albanian administration needs to be strengthened.

An important element for success of this instrument is effective coordination between all stakeholders, specifically between technical secretariats and budget counterparts. A well-defined calendar for monitoring and disbursement process will be very helpful for coordination of all responsible institution for SRC implementation and will contribute in increasing the disbursement of variable tranches.

A challenge faced is that some leading institutions have a reactive approach during contracts implementation. The responsible units manage the issues once they emerge or being encountered, without appropriate arrangements on how to, what to, when to, and whom to report. It is suggested that institutions shall have a proactive approach, which includes planning for the future, taking into consideration the potential problems that may disturb the implementation processes. It is about recognizing the future threats and preventing them with requisite actions. The proactive approach will lead to more effective and efficient implementation.

Sector Budget Support is implemented in different countries and in several sectors in each country. Sharing good practice and learning between SBS stakeholders would be a great opportunity to learn from others and to be prepared for risks or challenges that are not yet faced. Also, to learn from best practices in order to maximize the disbursement ratio and to implement the sector policies more effectively.

Following are **Kosovo's** challenges identified during the period 2016-2022 related to Budget support. Under the assumption that there is political will, budget support is complex process, taking in account the need for strong involvement of large number of partner country stakeholders (Government, national oversight bodies, civil society organisations, private sector, and other stake-

holders) and of EC organisational structures (relevant DG, EU delegation). It requires involvement of all stakeholders in regular dialogue on policies and their financing, objectives and results, consistent with the principles of ownership, transparency and accountability. Financial transfers, following the fulfilment of initially eligibility criteria<sup>18</sup> are covering the following: National/sector policies and reforms (public policies); Stable macro-economic framework; Public financial management; and Transparency and oversight of the budget. There are also agreed conditions for payment set out in the contracts (variable indicators). This requires regular qualitative monitoring and reporting as well as performance and results assessment. Budget support aims also capacity development support which in many cases require changes.

The first challenge was related to drafting of credible and relevant strategic framework, in line with best practices and international standards. In the time the strategic framework was prepared, there was no integrated tools or manuals in the field of drafting strategies. It has to be mentioned that OECD/SIGMA published in 2018 the „Toolkit for the preparation, implementation, monitoring, reporting and evaluation of public administration reform and sector strategies“<sup>19</sup>. The Kosovo Government approved in 2018 „Administrative Instruction (GoK) No. 07/2018 on Planning and Drafting of Strategic Documents and Action Plans“ and in 2019 „Manual for Planning and Drafting Strategic Documents“.

As budget support was new instrument, launched only in IPA II, there was no experience and institutional memory in Kosovo while there was same experience in EU. Therefore, there were some challenges in having proper institutional setup and human capacities to deal with requirements of this new tool. Even though the SBS was followed by complementary Technical Assistance, in initial stage there was lack of know how in both parties. There were often cases of joined participation in SBS trainings of both partner country and EU representatives (with emphasis on Contracting Authorities).

Dealing with new instrument was challenge for both sites. Having in mind that there was negative effect of Covid-19 pandemic, challenge was to have proper coordination between representatives of partner country and EU. It is worthy to mention that there were review and, in some cases, change or neutralisation of Variable Indicators as part of financial agreements, but there was no review of the strategic framework, perhaps due to short time and complexity. The challenge was to coordinate regular work on reaching SBS requirements and TA support needed. There were cases when similar projects had different rules/practices as per deployment of assistance. As a result of Covid-19 pandemic, lack of capacities and delay in TA support, there was negative impact on reaching all agreed objectives in time and achieving full implementation of reforms.

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<sup>18</sup> European Commission, Directorate-General for International Cooperation and Development, Directorate-General for Neighbourhood and Enlargement Negotiations, Budget support guidelines, Publications Office, 2018, Page 18; <https://data.europa.eu/doi/10.2841/59418>

<sup>19</sup> SIGMA, 2018: <https://sigmaweb.org/publications/strategy-toolkit.htm>

## **6. How several characteristics of Budget Support are a potential good fit with the dynamics of EU accession negotiations for Albania and Kosovo?**

Budget support involves the transfer of financial resources to the National Treasury<sup>20</sup> of a partner country, following the fulfilment by the latter of the agreed conditions for payment set out in the contract. Transfers are made in euros to a government account held at the Central Bank and then converted into local currency to the National Treasury Account. Budget support funds must be included in the State budget and fiscal accounts as grants. Once the transfer has taken place, budget support funds are used in accordance with the partner country's own public financial management systems. Even though the budget support is „reward for work done“, it ensures partner countries to allocate budget for reforms, and efficiency to mobilise large amount of funding quickly and with low transaction cost (also in contexts of crisis). Actually, this is the case in both countries.

Budget support contracts are subject to the following four eligibility criteria<sup>21</sup> covering:

- National/sector policies and reforms („public policies“);
- Stable macro-economic framework;
- Public financial management;
- Transparency and oversight of the budget.

These criteria need to be met both when a contract is approved, and at the time of each budget support disbursement. The assessment of the eligibility criteria generally involves: first the assessment, during identification and formulation; and secondly the assessment, during implementation, of progress made in implementing the policy and strategy and achieving the objectives. It is an excellent exercise in order to assess the overall progress of the country.

Country ownership and donor coordination ensure a direct link to government national and/or sectorial strategies. This instrument is directly linked to reforms and developmental results. In fact, for Albania there are 9 and for Kosovo 3 sector budget supports implemented through EU funds. This requires the existence or building of effective country systems to collect information and statistics.

Policy dialogue between beneficiaries and cooperation partners is an essential activity under budget support. It constitutes one of the main inputs of budget support contracts, alongside the transfer of funds and capacity strengthening. Policy dialogue is one of the most important parts of the budget support. For

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<sup>20</sup> Budget Support Guidelines, Tools and Methods Series, September 2017. [https://international-partnerships.ec.europa.eu/funding/funding-instruments/budget-support\\_en#related-links](https://international-partnerships.ec.europa.eu/funding/funding-instruments/budget-support_en#related-links)

<sup>21</sup> Budget Support Guidelines, Tools and Methods Series, September 2017. [https://international-partnerships.ec.europa.eu/funding/funding-instruments/budget-support\\_en#related-links](https://international-partnerships.ec.europa.eu/funding/funding-instruments/budget-support_en#related-links)

this reason, there is a specific mechanism in order provide a framework to take stock of the implementation of the partner country's policies and reforms, as well as of donors' commitments.

Strengthened legal and policy frameworks are key to the enlargement process. The objective of the EU's assistance is to support those countries in their progressive alignment with the EU law, standards, policies and practices and to build their capacity to adopt and implement those rules and standards. For Albania now which is on the current agenda for future enlargement of EU, and for Kosovo as potential candidate.

An orientation towards achieving policy outcome and impact targets leads to more targeted and focused assistance. Budget support aims to strengthen the capacity of partner countries in a sustainable way by using the country's policy and public finance systems, improving the accountability of the government towards its citizens, rather than creating parallel structures administered outside the budget by third parties. For Albania as well as Kosovo, this is the case when very important reforms are implemented and significant progress is marked.

## **7. Conclusions**

It is important to mention the challenges encountered so far in the implementation of Sector Budget Support: lack of alignment and accountability between monitoring structures due to restructuring of the institutions; teams do not always work together with their budget counterparts to ensure better implementation; reactive approach of some leading institutions during the implementation; missed opportunity for involved stakeholders to share good practice, learning and time consuming.

Lessons learned in Kosovo shows that Budget Support is effective in moving forward reforms and legislative alignment with *acquis* as well as resilience in difficult times when all stakeholders are actively engaged.

Government of partner country need to establish and continuously backup Budget Support related structures. The key element in absorption of budget support are civil servants engaged daily in implementation of required reforms and activities.

Properly drafted, consulted and costed strategies ensures satisfactory achievement of objectives, which are precondition for successful absorption of sector budget support. PFM of partner country plays key role in achieving three out of four eligible criteria.

For successful absorption of budget support, there is a need for close and constructive cooperation between partner country and EC, but also donor community, CSO-s and developing partners. Coordination between beneficiary and managing authority of budget support is crucial in absorbing complementary Technical Assistance support. Flexibility is needed in difficult times, as it was during Covid-19, through open and constructive dialog which ensures best results for both sides.

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THIRD  
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# THE CONFERENCE ON THE FUTURE OF EUROPE: FACING CHALLENGES FROM CITIZEN'S PERSPECTIVES

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## ***Abstract:***

*The article examines the Conference on the Future of Europe (CoFoE), discussing the process that combines bottom-up participatory features and top-down elite decision-making mechanisms and questioning whether the CoFoE has set a new model of citizens' participation in Europe. Starting with an analysis of the architecture of the Conference, this article will first highlight its participatory tools; in a second step, it will briefly present the proposals presented to the leaders of European politics. Hence it will focus on some critical remarks. In the conclusion, the article draws some critical conclusions regarding the actual outcomes.*

**Key words:** Conference of the Future of Europe, European identity, Democracy, EU reform, integration process.

## **1. Introduction**

On 9 May 2022, the Conference on the Future of Europe (hereinafter also CoFoE), formally ended and the outcomes of the largest pan - European democratic consultation experiment were collected in a final report addressed to the Presidents of the European Parliament, the Council and the European Commission: 49 proposals and 326 detailed recommendations on very different topics to improve EU. The CoFoE has been an invitation to all citizens to 'make their voice(s) heard' for the development of the Union and it is by far the most comprehensive case of citizens' participation<sup>1</sup> the EU has ever undertaken.

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<sup>1</sup> In accordance with article 16 of the Conference Rules of Procedure the transnational debate was open to European citizens as well as political actors (European, national, regional public authorities), social partners, civil society representatives and key stakeholders, (hereafter, briefly referred to as European citizens).



The Conference on the Future of Europe, which was scheduled to start in early 2020, was postponed due to the serious health situation caused by Covid 19<sup>2</sup>; in addition to the pandemic, an interinstitutional dispute over the leadership of the Conference has delayed its launch<sup>3</sup>. As a result, the Conference, which originally was aimed to run two years (from May 2020 until the first half of 2022), has been significantly shorter.

On 10 March 2021, European Parliament President, Prime Minister of Portugal, on behalf of the Council of the EU, and European Commission President signed the Joint Declaration on the Conference on the Future of Europe<sup>4</sup>. The purpose of this out-of-box-initiative was to relaunch the project of European integration in an unprecedented way: for the first time, the EU reform proposals were not discussed at government level, but were analysed and redefined ‘from the bottom’<sup>5</sup>. In this view, CoFoE constituted the first European experiment in transnational participatory democracy, going beyond prior models of technocratic or deliberative constitutional change<sup>6</sup>.

In compliance with the principle of democratic participation enshrined in Art. 11 TEU, Art. 1 of the Rules of Procedure of the Conference states that:

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<sup>2</sup> It was originally put forward in spring 2019, originating in an idea of French President Emmanuel Macron inspired by the model of local committees channelled into the En Marche!. On 16 July 2019 the proposal was fully taken on board by the new European Commission President in her political guidelines for the 2019-2024 term before the EP. Moreover, the proposal for a Conference on the Future of Europe was also strongly backed by the EP, which quickly set up an hoc working group (WG), representing all political parties. The proposal in favour of a Conference on the Future of Europe was also endorsed by the European Council. About the historical rationale of the CoFoE see Fabbrini, F. (2019) and Von Ondarza, N. & Alander M., (2021).

<sup>3</sup> At the end the three institutions agreed to act as co-guarantors of this initiative.

<sup>4</sup> Joint Declaration of the three institutions on the Conference on the Future of Europe, „Engaging with Citizens for Democracy-Building a More Resilient Europe“, 10 March 2021 states: „to reflect on our Union, the challenges we are facing and the future we want to build together with the objective of strengthening European solidarity“. Available at <https://www.europarl.europa.eu/sed/doc/news/flash>.

<sup>5</sup> The CoFoE can be seen as an innovative experiment to renew the EU, yet the initiative also evokes two precedents: the Conference of Messina and the Convention on the Future of Europe. See Fabbrini, F. (2021). Moreover, previous experiences of democratic consultations include the European Citizens’ Dialogues and the European Citizens’ Consultations. The former, set up as early as 2012 by the Barroso Commission, were re-proposed by the Juncker Commission, which had contributed to the debate on the future prospects of the Union with its 2017 White Paper. The Citizens’ Consultations were to be a bottom-up process of legitimisation of the Union’s future priorities, to be debated in the different Member States, albeit with the involvement of the institutions, and especially of the Commission.

<sup>6</sup> Drawing on the experience of already existing participatory structures (such as the European Citizens’ Initiatives, the Petition Tool, citizen dialogues or the Commission’s public consultations), the CoFoE, for its institutional organization, attempted to achieve something unprecedented, namely to create a forum for participatory democracy on a transnational scale. See more details in Fabbrini, F. (2021).

„The Conference is a ‘bottom-up’, citizen-centered process that allows Europeans to express their views on what they expect from the European Union“<sup>7</sup>.

The need to undertake a deep reflection on the EU’s future in order to step forward a new integration process has been forced by the pressure of the most recent events, namely the 2020 pandemic crisis and the war in Ukraine: to the persisting problems, such as the asylum and migration policy or the banking union, or the central structural deficits in the Eurozone, new questions added specifically related to EU competence in health policy, common defence, EU role in the future international scenario<sup>8</sup>.

Thus the Conference is seen as an opportunity, on the one hand, to strengthen input legitimacy through citizen participation and, on the other, to deepen integration, including an expansion of EU competences and greater powers for the EP.

## 2. Architecture and work of the Conference

Not only the mission, but also the governance structure of the CoFoE was outlined in the Joint Declaration adopted in March 2021. The debate has been structured on different levels designed to channel and filter from the bottom up the output of the democratic deliberations<sup>9</sup>.

Three tools were keys for the citizen’s participation: 1) a Multilingual Digital Platform (MDP) where all Europeans had the opportunity to share ideas for the future of the EU; 2) European Citizens’ Panels (ECPs) and 3) decentralized national citizens’ panels (NCPs).

On the basis of the input is the MDP, a collector of ideas and proposals clustered in 9 macro-themes: climate change and environment; health; a stronger economy, social justice and employment; the EU in the world; values and rights, rule of law, security; digital transformation; European democracy; education, culture, youth and sport; other ideas. It was the main hub for citizens’ contributions and information on the different parts of the Conference and an interactive tool to share and debate ideas and input from the multitude of

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<sup>7</sup> On 9 May 2021, the Executive Board endorsed the Rules of Procedure of the Conference, established in accordance with the Joint Declaration on the Conference on the Future of Europe and laid down the foundations and principles of the Conference. The Rules of Procedure provided the framework for the work of the different Conference structures and their interaction. Available at [https://ec.europa.eu/info/strategy/priorities-2019-2024/new-push-european-democracy/conference-future-europe\\_en#about-the-conference](https://ec.europa.eu/info/strategy/priorities-2019-2024/new-push-european-democracy/conference-future-europe_en#about-the-conference)

<sup>8</sup> „The Conference on the Future of Europe represents an important opportunity to reflect on the integration process in the aftermath of a devastating pandemic and in the midst of the „deepest economic recession in [the EU’s] history“. European Commission, *Remarks by Commissioner Gentiloni at the Press Conference on the Spring 2020 Economic Forecast*, Brussels, 6 May 2020, [https://ec.europa.eu/commission/presscorner/detail/en/speech\\_20\\_822](https://ec.europa.eu/commission/presscorner/detail/en/speech_20_822).

<sup>9</sup> The pivotal ingredient to enabling a genuine interaction among participants and to reaching a constructive dialogue is the deliberative process.

events organized at national level by citizens and national, regional or local authorities under the umbrella of the Conference.

The ECPs are the key element of the Conference: they were meant to facilitate open, inclusive, transparent and structured debate; they were the filters for translating proposals into recommendations to be presented to the Plenary of the Conference and to the Executive Committee. The topics set out in the Platform were divided and discussed in four panels, each consisting of 200 citizens from the 27 Member States<sup>10</sup>. In addition to those Member States were encouraged to also establish national citizens' panels<sup>11</sup>.

The CoFoE is an hybrid political process where randomly selected representatives of European citizens coexisted with representatives of the institutions of the Union, national parliaments, the governments of the Member States seated in the Conference Plenary.

The Plenary was composed of 449 individuals, representatives of the Economic and Social Committee, the Committee of the Regions, the social partners (representatives of trade unions), civil society, representatives of regional and local authorities, representatives of the national parliaments, of the Council (two per Member State), of the Commission and of the European Parliament<sup>12</sup>.

Following the discussions on the recommendations of the ECPs at national and European level and the contributions gathered by the MDP, the Plenary Session addressed its proposals, deliberated by consensus, to the Executive Committee<sup>13</sup>.

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<sup>10</sup> CoFoE's five criteria for inclusive panels are nationality, urban/rural, socio-economic background, gender and age. The ECPs were thematically divided along four cross-cutting clusters - focusing on (I) a stronger economy, social justice, jobs; education, youth, culture and sport; digital transformation; (II) European democracy; values and rights, rule of law, security; (III) climate change, environment; health; (IV) EU in the world; migration. In this framework, European citizens convened for three panel sessions, both in person and online, over a span of six months between September 2021 and March 2022, and - also with the support of experts invited to speak as witnesses - deliberated on the topics at hand and advanced a number of orientations for future debate.

<sup>11</sup> Only six Member States - including five of the six founding members of the EU, and the three largest EU countries (Germany, France and Italy) - effectively hosted national citizens' assemblies, while the others limited themselves to organizing more traditional engagement and dissemination events.

<sup>12</sup> In its composition it fulfilled not only the principle of participatory democracy, but also the principle of representative democracy. To facilitate its deliberation, the Plenary structured its work in nine working groups - corresponding to the nine topics addressed by the Conference. Representatives from the European citizens' panels were selected as chairs and spokespersons of the working groups, and with the support of the Common Secretariat (a technical body with staff from the Commission, EP and Council) they prepared elaborated proposals.

<sup>13</sup> This body is co-chaired by three members each of the three EU institutions, assisted by four institutional observers. It included representatives from the national parliaments of Member States holding the EU Council Presidency (the so-called Presidential Troika of COSAC - Conference of Community and European Affairs Committees of Parliaments of the European Union); delegates from the Committee of the Regions, the European Economic and Social Committee and the social partners, were invited as permanent observers. Its task was to steer the work of the Conference and to draw and publish the conclusion of the Conference Plenary.

As mentioned above, on 9th of May 2022 the final outcome of the discussions, debates and events was presented in a report addressed to the three Presidents of the EU institutions, who, according to Article 23 of the CoFoE regulation, undertook - each within the scope of their competences and in accordance with the Treaties - to rapidly examine how to effectively follow up the 326 measures including concrete objectives<sup>14</sup>.

A feedback event to keep the momentum of the conference alive and to fully inform citizens about the progress on the follow up has been scheduled for 2 December 2022.

### 3. The proposals

What are the preferences of European citizens and their expectations towards the EU? An analysis of the recommendations is revealing.

Surprisingly, no significant proposals aimed at reducing or containing the competences of the EU institutions emerged on the platform: on the contrary all in all, the substantive input from the Plenary plead for a more sovereign federal EU. From the 49 proposals<sup>15</sup>, some 10% of citizens' panel recommendations clearly require Treaties' change for their implementation. This includes, for example, the request for qualified majority voting instead of unanimity in several areas, a right of initiative for the European Parliament, introducing a new EU citizenship statute, EU-wide referenda, transnational electoral lists, creating a European Health Union, the harmonisation of fiscal policy within the EU, the

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<sup>14</sup> After the closing ceremony in Strasbourg, the European Commission on 17 June 2022 adopted a Communication setting out how it can follow up on the outcome of the Conference (Communication on the Conference on the Future of Europe 17 June 2022 [https://ec.europa.eu/commission/presscorner/detail/it/IP\\_22\\_3750](https://ec.europa.eu/commission/presscorner/detail/it/IP_22_3750)) and more recently on 14 September 2022, in her State of the Union address, President Ursula von der Leyen outlined flagship initiatives which the Commission plans to undertake, in the coming year, in response to citizen's recommendations ([https://state-of-the-union.ec.europa.eu/index\\_en](https://state-of-the-union.ec.europa.eu/index_en)); in early June, the **European Parliament** adopted a Resolution proposing amendments to the Treaties under the ordinary revision procedure (<https://www.europarl.europa.eu/news/en/press-room/20220603IPR32122/parliament-activates-process-to-change-eu-treaties>). At the **European Council** meeting on 23-24 June, leaders stated that the EU institutions should ensure that there is an effective follow-up to the final report (<https://data.consilium.europa.eu/doc/document/ST-10033-2022-INIT/it/pdf>) and also in the General Affairs Council of the 20 September, Ministers exchanged views on the follow-up to the CoFoE (<https://www.consilium.europa.eu/it/meetings/gac/2022/09/20>).

<sup>15</sup> In details within the 9 macro-areas selected, 'Climate Change and the Environment' includes 6 proposals (1-6), which divided into 57 specific measures; Health', includes 4 proposals (7-10) and 24 measures; „Stronger economy, social justice and employment' suggests 60 measures, divided into 6 general proposals (11-16); there are 8 proposals on 'EU in the World' (17-24), divided into 45 specific measures. 'Values and rights, rule of law, security' presented 6 proposals (25-30) corresponding to 24 measures; „Digital Transformation" 5 proposals (31-35) broken down into 40 measures. 'European Democracy' is the most ambitious in terms of innovative demands: there are 5 proposals (36-40) and 33 measures; finally 'Migration' includes 5 proposals, (41-45) and 16 measures and 'Education, Culture, Youth and Sport' 4 proposals, (46-49) and 24 measures.

EU taxes on large corporations, the changing the names of EU institutions, European minimum wages, strengthening the Parliament's right of inquiry. Moreover, citizens are ahead of governments in seeing the need for a stronger EU foreign and security policy.

By contrast, the vast majority of Conference proposals and initiatives can be implemented using all the possibilities offered by the current Treaties framework.

Citizens want the EU to use its regulatory powers to prepare Europe for the future by advancing the energy transformation, creating incentives for more sustainable agriculture, strengthening labour protections, improving data protection, promoting convergence in Europe, and introducing stricter and more sustainable import standards.

All the citizens' panels also expressed the wish for the Union to improve its public communication on policies and legislative projects, and to communicate general information about its work in a more comprehensible form<sup>16</sup>. The wish for greater participation in the EU's political processes was also explicitly expressed, and it was suggested that the innovations introduced for the Conference be continued as a permanent citizens' forum<sup>17</sup>. On the one hand, the citizens' recommendations clearly imply that the EU's existing major projects, such as the Green Deal, the digital agenda and the European Health Union, enjoy legitimacy<sup>18</sup>.

#### **4. Critical remarks**

Does the CoFoE represent a new push for European democracy? Has it set a new model of citizens' participation in Europe?

Certainly, the Conference was conducted with transparency, discussions were open to all and disseminated via streaming; yet, as the EU project grows in complexity, simple transparency initiatives are insufficient.

The results of democratic participation, emphatically presented by the EU media as triumphant, are not in the numbers<sup>19</sup>: reality is that throughout the

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<sup>16</sup> For example, the citizens' panels proposed in various contexts establishing an online tool operated by the EU and offering: general information about EU institutions and policies; verified political information and counter-disinformation; fact checks; online referendums; and discussion with politicians.

<sup>17</sup> In those terms the President of the Commission announced her will to translate this experience into a permanent consultation forum, allocating resources for the 'institutionalisation' both of the citizens' panels (which should be able to submit recommendations to the Commission, before the latter formulates legislative proposals) and of the online platform (which could flank the Convention convened by the European Council for the reform of the founding treaties pursuant to Article 48 TEU).

<sup>18</sup> Ondarza, N.v. & Elander, M. (2022)

<sup>19</sup> Referring to the specific efforts to gain public visibility through media, see Michailidou, A. & Trenz, H. (2022).

Conference, only a very small fraction of citizens was aware of what happened, and even fewer have actively engaged with it<sup>20</sup>.

Looking at the CoFoE's structure, the most innovative element, aimed at effective transnational participation and lively community debate, is the MDP. Although an innovative tool, which broken down the linguistic barriers, just some 53000 Europeans contributed within the one year of its existence. This number is too small to name the platform a success. The national events have been very heterogeneous as it was left to the Member States how to organize them. The ECPs were far from perfect: the broad topics, a lack of time, ambiguities about their intended purpose as well as a weak interlinkage with the national panels were clear obstacles<sup>21</sup>.

Limited visibility, low degree of digital participation, complex procedures and uncertainty about the CoFoE's ability to produce tangible political results were clear hindrances which affected a broad participation.

Beyond those technical reasons the CoFoE remained largely invisible in the broader public sphere, overshadowed by pandemic and war. Unnoticed and conceived as yet another EU bureaucratic exercise.

Nevertheless, the Conference represents a successful sociological experiment of participatory democracy which can and should be repeated in different formats in the future: the participatory toolbox of the EU is set to be expanded.

More effective avenues are still needed to develop a stronger common European identity.

For the future it would be better, to focus on more concrete and capillary instruments<sup>22</sup>, that directly and constantly involve a citizens and civil society such as for example EU citizen forums that include political parties' representatives; network of democracy facilitator hubs across Europe to help and encourage local initiatives feed into the European level of decisions, consultations and opinions to be formulated in 'Have your say' platform<sup>23</sup>.

In other words, the efforts in the future should foster horizontal connections between democratic forums across borders, not only vertical connections through Brussels.

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<sup>20</sup> In fact, out of a population of about 447.7 million inhabitants, the sum of those who participated in the debate (both through the platform and through participation in the events) is less than 780,000, a small number in absolute terms and even more modest when one considers that it would not even be enough to propose a popular legislative initiative under art. 11(4) TEU and 24 TFEU. Considering that the results of these citizen participation formats have hardly been incorporated into the EU's decision-making processes, it is hard to believe that the level of citizen involvement in CoFoE will have game-changing significance and will lead to a genuine reform.

<sup>21</sup> Hierlemann, D., Zabel, M.(2022).

<sup>22</sup> Young, R. (2022), Raspadori, F.(2022).

<sup>23</sup> Through which the Commission already questions, on specific issues, variously qualified categories of citizens (entrepreneurs, students, environmentalists, trade unionists, etc.)

## 5. Conclusion

The CoFoE was organized as a citizen-focused, bottom-up exercise designed to gain input from citizens on the key questions facing the EU. As already noted, the combination of random and institutional representation is a key feature of the Conference: the hybrid process lies in the involvement of the institutions of the EU and the Member States in informal consultative democratic processes with the participation of (a limited number of) European citizens who are aware that they belong to a community with a common destiny. Due to its institutional organization, the Conference does not cover the so-called democratic deficit of the Union since it does not change the Union's institutional framework and the rules governing its operation and its relations with the Member States.

However, the Conference should not be underestimated as a process of political democratic participation because it showed that a dialogue between Europeans is possible, even if it often remains latent and needs strong political initiatives to emerge.

Whilst it should definitely serve as an inspiration for future experiments in bringing citizens' participation deeper into the EU policymaking process, there is still room for improvement regarding the organization of the process itself<sup>24</sup>.

In the end, the Conference have created a watershed moment for European democracy even when many did not expect so at its conception<sup>25</sup>. It has been a useful tool for raising public awareness, however it has been a too ambitious project<sup>26</sup> that is unlikely to lead to changes in the Union's architecture within a reasonable time.

The risk is that the failure to translate the demands coming from the grassroots into concrete action will have a boomerang effect: promising an elaborate mechanism for citizens' involvement, and then not taking their proposals seriously could keep them away from sharing in the EU project and would ultimately only demonstrate how great the distance is between the EU citizens and Brussels.

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<sup>24</sup> Galante L., Nicolaidis K. (2021).

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# DYNAMICS IN IDENTITY ISSUES: THE ROLE OF INTERPRETATIONS OF HISTORY

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## ***Abstract***

*Identity is considered a central category of the analysis regarding the difficulties of the transition, the specifics of the political instability and the provocations before the current development of Bulgaria. The question is whether it is too late for identity issues? False interpretations of the past substituted identity pillars. The paper discusses identity in the frame of political culture theory and reflection on three aspects of the experience of belonging in the formation of attitudes. They are the historical memory as a result of the socialisation product of history education; dimensions of identity such as emotional attachment to society and the given country; and modern speculations with the concept of national interest. Through them, the question of the meaning of identity is posed in view of the behavior and results for the environment and the sustainability of the European identity.*

Key words: identity, political culture theory

The theme of identity is an old one. Apart from its recent resurgence, classical authors in political theory have addressed it with their landmark publications. It has not actually stopped reminding of its importance by linking it to various categories in the analysis of the development of societies. It can be said that it is a plural concept and reflects different meanings. If we accept that identity is a strong motivator for behavior, then understanding the processes that lead to its various dimensions is important for delineating social trends based on the expected behavior of citizens.

The limitations of the analysis of this topic in the report are reduced to the meanings of the historical narrative for the formation of memory as one of the

key categories for identity. To the extent that citizens live and realise themselves within their states, the dimensions of identity issues, and in particular those of national identity, are of great importance. Whether or not the reference group to which a person relates has a positive dimension in the face of the larger community nation-state can lead to one behavior or another. If the answer to the question „who am I“ does not have a clear profile, then no other crisis can be solved (in the sense of Verba and Pye). Various anomalies can appear - overexposure, alienation, underestimation of the country's self-image and the vision of its role in the world.

The importance of the affective attitudes of citizens towards their country is particularly indicative in the concept of Simon Anholt, where it is one of the important factors measuring the rank of a given national brand (see Anholt, 2005). According to the way he defines branding, these are those elements which allow a product, company or service to have an identity and be recognised. Long before him and in a completely different subject of his research, Hobsbawm wrote: „the creation of traditions was enthusiastically practiced in numerous countries and for various purposes... It was both practiced officially and unofficially, the former - we may loosely call it ‘political’ - primarily in or by states or organised social and political movements, the latter - we may loosely call it ‘social’ mainly by social groups not formally organised as such, or those whose objects were not specifically or consciously political, such as clubs and fraternities, whether or not these also had political functions. The distinction is one of convenience rather than principle. It is designed to draw attention to two main forms of the creation of tradition in the nineteenth century, both of which reflect the profound and rapid social transformations of the period.“ (Hobsbawm, 1984:263)

Arguably, what Hobsbawm calls „fictional tradition“ describes one of those states of directed identity which, in the sense of everyday life, may have an innocent meaning (for example, the belief that the chorus of drunken men in the icy waters of the river in the morning of January 6 - Jordan's Day, in Kalofer, is a centuries-old tradition, although it dates back to the beginning of the 2000s), but in periods of deep social changes it can be subject to dangerous manipulation. Such, for example, are the perverse narratives of the past that produce distorted memory. The lack of education in the school curriculum about the recent past leaves room for a replacement of the narrative about it. Thus, many modern youths do not know and do not understand basic facts about the features of the era of the totalitarian society of socialism. Polishing the image of such an era in a spontaneous way by old nostalgics or experienced propagandists does not launch restoration policies. The effect of this identity manipulation is to erode the values of a united Europe and the very idea of a society with individual freedom. In Hobsbawm's own words, „The term ‘invented tradition’ is used in a broad, but not imprecise sense. It includes both ‘traditions’ actually invented, constructed and formally instituted and those emerging in a less easily traceable manner within a brief and dateable period - a matter of a few years perhaps - and establishing themselves with great rapidity. (Hobsbawm, 1984: 1)

A feature with a Bulgarian address, referring to issues of identity, are the exercises in public speech on the topic of „national interest“. Certain political forces present themselves as spokespeople for this interest. The content of this „national interest“ is recognized in three forms. 1) Politicians talk about the Bulgarian national interest in the spirit of anti-American rhetoric and anti-EU. 2) The Bulgarian national interest is launched anachronistically as territorial historical retribution. His arguments are in the belonging during certain historical periods of given territories as part of the Bulgarian state, as well as on the basis of historical roots of the ethnic origin of some part of the given population. 3) To the extent that they engage with the topic of national interest, politicians remind that it is in progress and sustainable development. However, these messages are plotless and therefore not well highlighted in the „national interest“ messages.

Research links the question of identity to that of individuality and social capital. It says that according to research data, the thinner the identity, the louder it is proclaimed. (Jens Eklinder-Frick, Lars Torsten Eriksson, and Lars Hallén, 2015:3). However, as far as the purposefully constructed identity as a basis for further political behavior and a prerequisite for choice is concerned, the question turns from domestic political to geopolitical. A complex and old society like that of the United Kingdom was tricked and manipulated into changing its status from an EU member state to an independent one with all the negatives that come with it. The activation of the Eurasian axis in supranational politics has its own interests and activity, which seeks niches for useful action based on impact on reference groups among different local audiences. In this context, questions of identity and the actively produced lines of formed identity in a situation of chronic political instability highlight possible threats to the meanings of European identity. The European identity is not an alternative that seeks to replace the national one, but in fact builds on it by enhancing the potential of the latter, while guaranteeing the synergy between the member states to the larger scale of this supranational union.

Playing with questions of identity, sought in a historical perspective, is a distinct feature of the years of transition, when a sustainable change from a totalitarian to a democratic political system is assumed. Let us recall that in the early years of the transition, when the participants had their own memories of the previous era, the warped narrative was not really possible. The memories of the time of socialism were not in the historical past, but in the past perfect tense. While then, however, the passion of the participants in the processes of change was directed towards institutional and normative change, the adherents of the party that began to lose ground to the communist ideology and its infrastructure and subjectivity structures of the secret services of the communist state security found their transformed forms of the messages, through which to command the imagination and attitudes of the public. It can be said that the infrastructure was preserved by getting rid of the already discredited ideology of Marxism-Leninism. The slogans of material equality and class equalisation were replaced by the until then pursued idea of respect for the national,

gradually pushed to provincial nationalism along the lines of the anti-Western rhetoric of Eastern Orthodox Christianity (in both cases favoring modern pro-Russian rhetoric).

It needs clarification that the main ideologeme of the socialist society, derived and legitimised by the statements in Marxism-Leninism was about the class essence of society as a source of misfortune and injustice due to the different position of individuals and groups in relation to the means of production and participation in the distribution of profit from the production process and trade. Justice in the categories of this ideology is derived from the launched thesis of society's movement towards material equality, which is achieved through violence by the proletariat as the subject of wage labor over the owners and their depersonalisation through their physical removal or taking away the result of their labor (in terms of Locke). According to the concept of Karl Marx, the highest democracy is the dictatorship of the proletariat. The definition seems to be an oxymoron, as it introduces the rule of the people on the basis of a declaration of will replacing it as a dictatorship. The failure of this economic and social model led to its natural collapse. The bankruptcy of the state itself and a severe prolonged crisis made this ideologeme practically irretrievable in its authentic sense. However, the subjects of this status quo and their supranational structure in the form of the network of communist state security services controlling large financial resources preserved their positions by reviving them in new ideologies in the field of identity. In this way, the ideology of proletarian internationalism, zealously supported by those in power during the time of socialism, was replaced by the folklorisation of Eastern Orthodox rituals and the deformation of history through heroisation and fragmentation. The reflection of these phenomena in the different types of identity seeks a manifestation on the orientation of the modern Bulgarian society towards the global collisions between the European value framework and the renewed provocations of Eurasian imperialism.

In the context of this analysis, let's focus on the results of a pilot sociological survey that we conducted in the early 1990s. The changes that had just taken place led to a great euphoria not only in the behavior of the people through the public manifestation of desires for changes in the rallies in the squares, but also in the immediately sought-after opportunity for free scientific research. As very young sociologists, we were excited and had no obstacles to deal with survey in its full sense. We had read, we knew modern methodologies and we wanted to try how they work in our environment based on their adaptation by our scientific teams. So, a team with colleagues Cv. Markov and M. Stefanova from the Research Laboratory of Political Life at Sofia University, we decided to conduct a pilot study of just such an adapted methodology. It dealt with the topic of adolescent political socialisation. This survey was the result of our own research curiosity.

On this basis, a specific tool was formed - a questionnaire for a direct group survey. We conducted the pilot study as a direct group survey with

students from Sofia University and Sofia Technical University. These survey cards were duly processed and the results obtained prompted us to call attention to them and the possibility of a comprehensive study. The reason for referring to this long-ago episode, although these were just results of a pilot study among the specific group of student youth, is the content of the results obtained. All the questions that were supposed to measure the sense of national identity had extremely low scores. Even those that measured emotional attachment to country based on friendship, kinship, and other emotional categories that imply an individual's attachment to one's environment – the reference community in all matters – occupation, life prospects, education, friendship, future, etc. – all questions had less than 10% positive identity with their country. Some of the questions showed even less than 5% positive attitudes towards the country in the respective categories. Our analysis of these data was that they are basis for the formulation of a hypothesis of a powerful wave of alienation that has the potential for large-scale emigration. It is also a sign of disinterest in ongoing processes.

We sought a public presentation. It is interesting to mention that in the then early period of change all communications were easy and direct. Thus, it became possible to contact the stars of the news show Team 2 – Asen Agov and Neri Terzieva – with one phone call through the BNT headquarters without any protections. Asen Agov answered and accepted us for a conversation. So, we were invited to report on the data and look for sponsors for a nationally representative study. In any case, sponsors were not found, but the data are indicative.

The reason we return to this episode is because of the significance of this data on questions of identity. They are indicative of the upcoming behavior of citizens in the political process – large-scale emigration. Events unfolded in this way. We believe that one of the main reasons is due to the alienation with which the Bulgarian citizens came out of socialism, transposed to an attitude towards their own country regardless of its changed political system and failed transition. The lack of interest of the members of a society is part of the characteristics of its transition to the desired changes. In fact, this phenomenon is highly adaptive and is an important constant in the characteristics of citizens in the post-social Bulgarian society. This is individual salvation and a sign of difficult-to-reverse segmentation and disintegration of Bulgarian society. The consolidation sought today according to a nationalistic benchmark does not represent an alternative, but is rather an expression of the same crisis, but manifested in a new way. Nationalism is also not integrative, but disintegrative and encapsulating a society. Such conditions are usually associated with subsequent difficulties in economic indicators and the transfer of the identity crisis into the economic and again into the political.

As Fukuyama says in his essay on identity, „Human societies cannot escape identity or identity politics... This moral idea tells people that they have an authentic inner self that is not recognised and suggests that the outer society may be false and oppressive. It focuses people's natural demand for recognition

of their dignity and provides a language for expressing the resentment that arises when such recognition is not forthcoming.“ (Fukuyama, 2019:22) Although the passion in his analysis is more towards overview of intellectual history and to be a kind of belated attention to the importance of the category for identity, which has not ceased to be a focus of analysis by many other thinkers, is nevertheless a large-scale attempt to highlight the heuristic value of the concept of identity in analysis of the political process.

Why am I going so far back with data from a pilot study at the dawn of transition. Obviously because of its relation to the topic of this article. I think it is eloquent and indicative of the potential of identity data. It corresponds to the importance of the sense of national identity in the processes of change and solving crisis issues in a given society. Ignoring this question from the perspective of the distance of time highlights the short-sightedness of underestimating the concrete states of identity in a given society. Something more. Misunderstanding, underestimating the attitudes of the public and treating it as a constant in the political process is part of the crises that developed further. They are the basis for apathy and subsequent processes of social disintegration. The catch-up of identity deficits (socio-political due to the regime of socialism, transposed as national alienation) occurs as a spontaneous or purposeful process of socialisation in the categories of national memory. One of the parameters building identity is the way in which these attitudes are formed based on memory.

Memory as a collective product is not a spontaneous process. If contemporaries' memory of past processes can be assumed to have a relative objectivity, then narrative-based memory is a completely different phenomenon. Insofar as the systemic institutional approach to this issue stems from the educational programs, the most important in this regard are the programs of literature and history, which treat values, attitudes and direct the attention of each succeeding generation to the past through a specific type of narrative. Every story in every country tells of heroic moments from its past. The question is whether this narrative is reduced to only this, or whether the effect of selective reading and selective narrative is obtained, and whether, above all, this narrative is not fragmentary, selective in such a way as to form a distorted view (intentionally or not) of the past, of causal - the investigative connections and the perception of the importance of a given country in the region, historically and at the given moment. On the other hand, the lack of a story about problematic periods and unfavorable decisions and events has the same result - it deforms the memory and hence the ideas and values formed.

It is possible that this narrative is self-reflexive in isolation from general processes and thus distorts memory in yet another way. As is well known, history rests on gradual development. The behavior of each country in each historical period is part of the general picture with contributions in art, science, in relations. But it is also reflected in the destruction - conflicts and all other elements of historical interactions. The notion of self without relation to others disrupts knowledge of general processes. Narrating through events in black

and white strokes like our victories are our positive memory and our losses are a source of hatred and prejudice towards others is the point I will focus on.

In 2005, a seminar was held at the Institute of History of the Bulgarian Academy of Sciences, entitled „Historians for History“. For the purposes of my participation, I conducted a small survey by asking, in a three-question blitz survey, freshman post-secondary students questions that went like this: What ten events shape feelings of national pride, shame, and anger. This was an open question with a requirement to rank them. The overall picture reflected, in my analysis, the outcome of how students learned history in their secondary education. The sense of national pride is strongly brought back, with most of the episodes being from the post-modern Bulgarian state. The sense of national anger is towards neighbors - wars, losing battles and loss of sovereignty. The sense of national shame was brought into modern times by the current news flow - the ills in politics, sports and the whole list of negative-nihilistic talk and narrative about modern processes. This is also subject to selective reading. Everything good is back in the past. Bad is in the present and evil is outside of us all around. This is not to say that everyone responded this way, but the dominant responses painted such a picture. This is not a representative survey and not indicative of the general population of learners. But it is indicative, a symptom of a problem that is subject to study and constant attention to its dimensions.

References to these two old studies have the same meaning for this text. They say that the lack of a systematic relation to the past leaves room for deliberate or simply ill-considered referencing of the past to new generations who construct a deformed image of themselves. The collective memory turns out to be manipulated and attitudes are built on its basis, on the basis of which various political actors can address the public in its capacity as voters.

If the first two processes were spontaneous and did not rest on a deliberate narrative, the third final aspect is precisely that. This is what I started with and this is what I will end with - this is the replacement of the ideology of proletarian internationalism, annoying with its imposition in the years of socialism, and replacement with what these structures prohibited at the time of the socialist system they served. The subject of such prohibitions were the knowledge of certain historical episodes and their suppression at the expense of socialist ideologues as the only characteristics of identity. The other object of prohibition by those in power under socialism is religion, declared the opium of the peoples. In turn, after the end of the social, namely, religion, and more precisely only Eastern Orthodoxy, was launched as the new all-encompassing ideology, according to which alignment is assumed. The meaning of identity is the reference made to Russian Orthodoxy, pan-Slavism as a counterpoint to Euro-Atlantism and the European value identity of Bulgarian society.

In 2011, the author Gaspare Nevola titled the very first point of the introduction to his book about the concept of identity and more precisely about the

flourishing politics of identity (The flourishing of identity politics today). (Nevola, 2011: 3) If we look back, we will recall that at the dawn of the concept of political culture in the analyses of their comparative studies, the authors draw conclusions in the sense that if there is a crisis of the sense of national identity in a society, then no other crises can be successfully resolved. The context of such a conclusion is the research they conducted in the 1960s, when they were looking for benchmarks of stability of democracies in countries with very different history, culture and current state of affairs. Although issues of identity are not literally brought up as an independent category in the analysis, they can meaningfully be recognised in the concept of the theory of political culture both in its initial period (Almond and Verba, 1963; Elazar, 1966), through its reassessment in the 1980s in *The Civic Culture Revisited* (Almond, Verba et al, 1980), as well as through subsequent developments in independent concepts by political scientists such as Ron Inglehart on post-materialist values (Inglehart, 1990), Aaron Wildavski on cultural rationality (Wildavski, 1990; Tanev, 2001.), as well as in the very idea of social capital of Robert Putnam (Putnam). The notion of identity is increasing its presence in public discourse and in scholarly analysis. It became the subject of attention as an independent field of study by established classics such as Fukuyama. (Fukuyama, 2018). The framework of these 60 or so years of active development of middle-level theories in the social sciences, resting on precise methodology and positive application, managed to elevate comparative research based on data with validity at the level of national samples and uniform methodology succeeded to move political science and political sociology to a high level of explanatory analysis, yet practical politics was not greatly influenced by it. In fact, tensions based on identities, ways of life and traditional cultures are everywhere. In the same place, Nevola says that „There are many types of collective identity...Crucial in our argument are the concept of „political identity“ and its „territorial“ dimension.“ (Nevola, 2011: p. 5)

The modern world is troubled and caused by the coincidence of many different crises. Loss of quality of life and complexities in every person's everyday life create conditions for tension and easy explanations of complex processes. There is a rise in populist politics and an increasingly fierce battle for political supporters in the field of identity. These will probably be lengthy processes and defending the integrity of the European value environment as a consolidated community living in peace and cooperation requires efforts and systematic care. Questions of identity and dynamics in its metamorphoses imply a systematic concern for the state of the national historical memory as content and meaning in the motives of behavior. It is unlikely that our future will be a construction of poorly interpreted Middle Ages and 19th century battles pushed as a national interest. It is likely to remain the peaceful space, in which there is a place to deploy the bright identities of all participating European peoples, who understand that the common European identity does not come at the expense of the loss of national profiles. This is the immediate concern of all interested parties, because it is this community of European integration that has been the greatest source of prosperity and future for all.



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# POPULISM, ONTOLOGICAL SECURITY AND THE SENSE OF BELONGING AT TIMES OF WAR AND ENERGY CRISIS

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## ***Abstract***

*Conflicts and uncertainty usually bring about encapsulation within primordial identities (related to the notion that nations or ethnic identities are fixed, natural and thus sustainable) and deepening the sensitivity about „self“ and „other-ness“. The logic and necessity for survival develops a specific psychological set-up pertinent to ontological security, border-thinking permeating all levels of public and individual life: cognitive, identity-related and material. The migration crisis after 2015 just strengthened this line of thinking and arouse populist rhetoric.*

*Scepticism about the EU runs deeper and wider than populism. The vigour and dynamism of populism has triggered the end of the permissive consensus which allowed the EU and member states' governments to carry out business with limited challenge from their citizens, especially in those policy domains of less interest or impact on citizens' lives. Challenges today arise from nearly every aspect of foreign policy: war and trade sanctions, energy supplies volatility, trade, development aid, immigration and external migration policies, belonging to the international community and its institutions, alliances and organizations. It is more difficult than ever for politicians and policymakers to sustain credibility and provide societal integrity.*

**Keywords:** populism, populist parties, ontological security, migration, identity

Conflicts and uncertainty usually bring about encapsulation within primordial identities (related to the notion that nations or ethnic identities are fixed, natural and ancient) and deepening the sensitivity about „self“ and „other-ness“. The logic and necessity for survival develops a specific psychological set-up pertinent to ontological security, border-thinking permeating all levels of public and

individual life: cognitive, identity-related and material. The migration crisis after 2015 just strengthened this line of thinking and arouse populist rhetoric.

Populist securitization is a conduit through which populist leaders formulate, execute, and justify their realist policy-making. The relevance of a populist government is anchored on the ability of its populist leader to convince the voters that the primary objective of his foreign policies is to secure the interests of the state and its citizens. Populist securitization is a specific symbiosis of leaders who are desperate to keep and execute power and society, which feels uncertain about its survival and future and is susceptible to any risks. Thus, populist securitization is a self-propelling mechanism.

Populism is a contested concept in the literature. Scholars have suggested various approaches to populism, focusing among others on mass movements, economic policy, leadership style, and mass mobilisation. One of the most broadly shared understandings of populism refers to the antagonism of the common people and the elite, but also as a rhetorical strategy or discursive frame. As such, it is a 'strategic tool' that actors select in specific contexts, or it is a 'speech-level phenomenon' that actors deliberately turn on and off. Populism is not so much defined by 'policy content' as by its structural feature, that is, its appeal to „the people“ against both the established structure of power and the dominant ideas and values of the society.

Populism has been rising in Europe since the 1990s. However, the origins reach back to the early 1970s. In a global comparison, Europe is today one of regions where populism is most prevalent. The rise of populism in Europe is closely connected to the emergence and electoral success of right-wing populist parties, with the French *Front National*, founded in 1972, being one of the earliest examples. However, populist parties have also emerged from the mainstream, in the form of neoliberal populist parties, such as *Forza Italia* and from the left, mainly in the wake of the financial and economic crisis, with examples being *Syriza* in Greece and *Podemos* in Spain. Central and Eastern Europe has been the birthplace of the ideologically more moderate 'centrist populism'. Overall, populism in Europe is characterised by its diversity. In the meantime, it has reached the centres of political power: in 2019, over one third of European populist parties were part of a national government. But even where they were not, their electoral success is likely to have shaped policies of the mainstream parties. In addition to the national level, populism has also taken root at the European level: in the European Parliament, the European Council and the Commission, the rise of populism presents a challenge for the EU's political system and decision-making.<sup>1</sup>

Political analysts, journalists, and scholars have begun to draw a close connection between people's personal insecurities and the rise of populism on

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<sup>1</sup> Pintsch, A., D. Hammerschmidt & C. Meyer (2022) Introduction: The Decline of Democracy and Rise of Populism in Europe and Their Effect on Democracy Promotion, *Cambridge Review of International Affairs*, 35:4, 405-423, DOI: 10.1080/09557571.2022.2082797

the left and right of the political spectrum. The loss of faith in mainstream political parties is particularly strongly associated with their response to the global financial crisis that has led to widespread public spending cuts, speeding up the re-stratification of communities, and lowering the living standards disproportionately.

Populism as a concept and ideology appeals to the ‘common’ or ‘ordinary’ person by drawing a dividing line between the good common people and the bad corrupt elite. The politics of populism merge the power struggles and emotional contexts that involve who (or what) gets to be considered ‘common’ or ‘ordinary’, and who does not. Populism is often related to nativism, a revolt against elites and sometimes the media or the press. Though its meaning may depend on the operative contexts, boundary-making practices, especially those relating to the emotionally charged processes of nationalism and patriotism, are inevitably implicated in populist politics.<sup>2</sup>

The concept of ‘ontological security’ provides understanding of political behaviour and the connection between individual anxieties and populist politics. Ontological security is the ‘security of being’, the need for continuity and a sense of predictability in our cognitive and social worlds. Ontological security builds on the intellectual heritage of psychology and sociology, but it has been taken up as a concept relevant to understanding the behaviour of nation states in the discipline of International Relations since the mid-2000s, uprooting the concept from its use in reference to individuals and groups. What makes this concept so useful, including for understanding the complex phenomenon of populism, is precisely that it can be applied at various levels of analysis – from individuals and smaller, more micropolitical settings, to broader political communities, regions, and the world.<sup>3</sup>

Kinnvall and Svensson stipulate that populist mobilisation and the polarisation of everyday insecurities are preconditioned by structural and affective changes. This means not only the centrality of emotions, but also the reproduction of structural power and power relations at both a local – individual and social – and a global level. Collective emotions as ‘patterns of relationships’ and ‘belonging’ are related to crisis narratives and ontological (in)security that are rooted in widespread perceptions of ominous and uncontrollable change at the global level. These dynamics, and their impact on everyday populism and the populist ‘mind’, are exploited through fantasy and emotional governance. While emotional governance can refer to everyday emotionally charged utterances and statements made by politicians and other prominent figures, it can also be read in a Foucauldian sense as techniques of surveillance, control, and manipulation. In the latter sense the term refers to the ways in which society governs

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<sup>2</sup> Pintsch, A., D. Hammerschmidt & C. Meyer (2022) Introduction: The Decline of Democracy and Rise of Populism in Europe and Their Effect on Democracy Promotion, *Cambridge Review of International Affairs*, 35:4, 405-423, DOI: 10.1080/09557571.2022.2082797

<sup>3</sup> Steele, B., A. Homolar, *Populism and Ontological Insecurities* (2019) <https://www.inthelongrun.org/criviaws/article/populism-and-ontological-insecurities>

emotions through the cultural and institutional processes of everyday life, meaning the ways in which it affords individuals with a sense of what is regarded as appropriate and inappropriate behaviour and the circumstances in which certain emotions (e.g. fear, hatred, and contempt) become acceptable. Populist agents seek to project a fantasy narrative that concurrently reinforces reified notions of belonging and alters norms regarding what is deemed to be acceptable behaviour.<sup>4</sup>

Covid-19 pandemic created a widely dispersed state of uncertainty. Quarantine, closed borders, and drastic restrictions of individuals' day-to-day lives are political responses that have fashioned a new 'normality' that undermines and unsettles the ordinary routines that create a sense of continuity and provide answers to questions about 'doing, acting, and being'. However, the pandemic is only the latest iteration in terms of the appeal of populist movements around the world. To gain a deeper understanding of how populist politics and sentiments emerge, we – in addition to wider socio-economic and political change – need to recognise the role of group-identification and the yearning to belong, the role of leadership and social media narratives, and emotional attachments to cultural memories and desires. People gain a sense of belonging through attachments to justifying ideologies, and they experience an increase in self-esteem and status as their personal and social ties are felt to be valorised and to matter. At the same time, such attachments can also engender a sense of danger, excitement, and risk – which, in turn, are often tied to desires to engage in acts of vengeance or revenge. Leaders are likely to use populist narratives to instil a sense of togetherness among individuals whose interests are not necessarily concordant. By employing the power of imagination, myth, and fantasy, and by capitalising on ontological insecurity and existential anxiety in times of uncertainty, populist leaders can reach a large subsection of society.<sup>5</sup>

The European Union faces many crises and risks to its security and existence. Though not many of them threaten directly the lives of EU citizens, they all create a sense of anxiety and insecurity about the future for many ordinary Europeans. These crises include obvious challenges of sovereign debt and fiscal austerity; refugees from conflicts in Afghanistan, Iraq, and Syria; the rise of populist far-right parties across Europe; as well as the uncertainty of a possibly disintegrating European Union (EU) as a result of the „Brexit“ process. But behind these challenges lie less visible insecurities about economic prospects, social wellbeing, and a widespread expectation that the EU is unable to answer the challenges of twenty-first century global politics. In other words, the greatest security challenge facing people across Europe is not physical, despite the threats of Putin's War in Ukraine, but a sense of fear and anxiety that seems to permeate everyday lives of many European citizens and denizens. Scholars of European security struggle to explain the linkages between the relatively low physical risks to contemporary

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<sup>4</sup> Kinnvall, C., & Svensson, T. (2022). Exploring the Populist 'Mind': Anxiety, Fantasy, and Everyday Populism. *The British Journal of Politics and International Relations*, 24(3), 526-542. <https://doi.org/10.1177/13691481221075925>

<sup>5</sup> Ibid.

EU citizens and the feelings of fear, anxiety, and threat felt by European populations. Similarly, scholars of the European Union have been largely unable to move beyond a focus on institutional, legal, and policy challenges to the Union to account for pressures from anxious and fearful individuals and groups in search of existential answers to their real and imagined predicaments as shown in recent opinion polls.<sup>6</sup>

An ontological security approach provides leverage for understanding how fears and anxieties at group, state, and EU level have psycho-sociopolitical effects that shape political movements, policy debates, and European security. International issues such as European integration, global issues such as financial instability and precarious refugees, as well as global issues such as agricultural failure and climate change, all densely interweave collective unconscious processes and identity-making notions of self and other. In other words, the EU experience of economic, social and political processes of mutual accommodation and inclusion by European states and peoples encompasses the generation and addressing of ontological (in)security within and between the EU and its member societies in ways that speak loudly about global politics more broadly.<sup>7</sup>

Kinnvall and Mitzen refer to Giddens who brings the concepts of ontological security and existential anxiety to bear on understandings of modernity and globalization more generally as he moves ontological security to the societal level and as he is careful to take into account a more structural understanding of the concept. Giddens considers ontological security as having a 'sense of place' as the world is changing, a 'place' that provides 'a psychological tie between the biography of the individual and the locales that are the settings of the time-space paths through which that individual moves'. He distinguishes between routine situations and critical ones, where the former constitutes the core of ontological security, while the latter involves those instances when the certitudes of institutional routines are threatened or destroyed. This also describes, to speak with a number of critical security scholars, the disjuncture between a normal, routinized order and the exceptional, critical order in which securitization becomes about exceptional politics imbued with national security concerns.<sup>8</sup>

Ontological security scholars posit individuals are not merely concerned with their physical security but also with their sense of being. Nation-states play a vital role in addressing this need, providing a stable environment and a national narrative that individuals are embedded within. This leads to an interest in the maintenance of national identity and subjectivity, which can have a tremendous impact on state behaviour and it especially accelerates the outreach of populist parties.<sup>9</sup>

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<sup>6</sup> Kinnvall, C., I. Manners and J. Mitzen, *Ontological (In)security in the European Union*, EUROPEAN SECURITY 2018, VOL. 27, NO. 3, 249-265 <https://doi.org/10.1080/09662839.2018.1497977>

<sup>7</sup> Ibid.

<sup>8</sup> Kinnvall, C. & J. Mitzen. (2018). *Ontological Security and Conflict: the Dynamics of Crisis and the Constitution of Community*. *Journal of International Relations and Development*. 21. 10.1057/s41268-018-0161-1.

<sup>9</sup> Bolton, D., *Targeting Ontological Security: Information Warfare in the Modern Age*, *Political Psychology*, Vol. 42, No. 1, 2021 doi: 10.1111/pops.12691 0162-895X

The crisis of advanced representative democracies is crucial to understand the rise of populism, especially in the European context. The EU plays a major role in managing interdependence, the additional supranational or intergovernmental levels of decision-making are contested and seen as illegitimate, as a dislocation of legitimacy and responsibility. It is at the European level that the nexus between internal and external policy plays out the most, and it is seen as far away from the people – „take back control“ was the slogan of the Brexiters during the referendum campaign. In Europe right-wing populists especially have been winning larger shares of the vote in recent legislative elections, according to a Pew Research Center analysis of data drawn primarily from ParlGov, a clearinghouse for cross-national political information. Recent elections in Italy and Sweden have been resounding successes for right-wing populist parties, underscoring the growing electoral strength that such parties have displayed in Europe in recent years. In Spain, the share of the vote going to populist parties roughly doubled between 2015 and 2019 – when the country’s most recent legislative election took place – rising from around 13% to around 25%. This was especially the case among populists on the right, with the Vox party seeing its vote share grow from around 10% to around 15% during that span. In the Netherlands, right-leaning populist parties garnered around 16% of the vote in 2021 – a high not seen in nearly a decade of parliamentary elections.<sup>10</sup> In both Hungary and Poland, right-wing populist parties have surged to power, making enormous gains in the last two decades. In Hungary, Viktor Orban’s Fidesz party has been in power since 2010. In Poland, the ruling Law and Justice Party (PIS) roughly quadrupled their vote share between 2001 and 2019, from around one-in-ten votes to around four-in-ten.<sup>11</sup>

In Belgium and France, while the overall share of voters supporting populist parties has grown substantially in recent years, there have been gains for both right- and left-leaning populist parties. The right-leaning Flemish Interest party won around 12% of Belgium’s vote in 2019, marking one of its most successful elections since 2007. But the left-leaning Worker’s Party of Belgium has also been ascendent, winning around 9% of the vote in 2019, up from less than 1% in 2007. In France, the share of voters casting first-round ballots for a populist party has risen from around 10% in the 1980s to around 44% as of the 2022 election. On the right, the National Rally party – previously called National Front – has steadily increased its vote share in parliamentary elections since 2007 and, under Marine LePen’s leadership, became one of the two parties in the second round of the last two presidential elections. La France Insoumise, a populist party on the left, garnered around a quarter of the first-round parliamentary bloc in 2022 – though it did so as part of a far-left bloc alongside the Socialist Party, the Greens and the French Communist Party.<sup>12</sup>

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<sup>10</sup> Silver, L., Populists in Europe - especially those on the right - have increased their vote shares in recent elections, Pew Research Center [www.pewresearch.org](http://www.pewresearch.org) (6.10.2022)

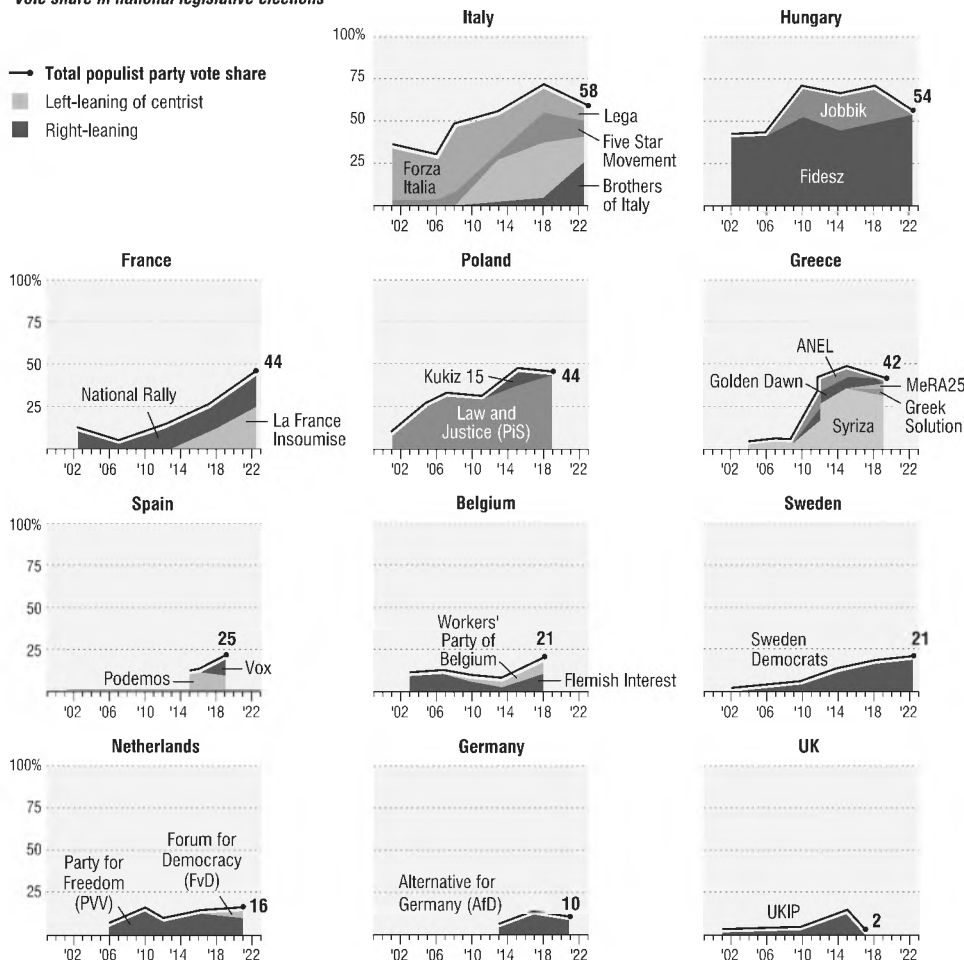
<sup>11</sup> Ibid.

<sup>12</sup> Silver, L., Populists in Europe - especially those on the right - have increased their vote shares in recent elections, Pew Research Center [www.pewresearch.org](http://www.pewresearch.org) (6.10.2022)

Germany and Greece somewhat buck the trend. In Germany, support for the right-leaning Alternative for Germany (AfD) fell nationally in the country's most recent election in 2021, knocking it from its claim as the largest opposition party and the third-biggest party overall, though it remains a force in eastern Germany. And in Greece, while populist parties still garner a large share of the vote, their popularity has been falling slightly in recent years. Left-leaning Syriza is significantly more popular there than right-leaning parties, including Greek Solution and Golden Dawn.<sup>13</sup>

## Populist parties have increased their vote shares in many recent European elections

*Vote share in national legislative elections*



Note: Data presented is only for 2000-2022: some of these parties have competed in elections and won vote share for longer than that period. Party list vote is used for Germany; first-round results are used for France. For more on European populist parties, see Appendix. Source: ParlGov, Swedish Election Authority and the Guardian.

**PEW RESEARCH CENTER**

<sup>13</sup> Silver, L., Populists in Europe - especially those on the right - have increased their vote shares in recent elections, Pew Research Center [www.pewresearch.org](https://www.pewresearch.org) (6.10.2022)



Despite their electoral gains in many countries, most populist political parties in Europe – on the right and left – are broadly unpopular, according to Pew Research Center surveys. In fact, outside of Hungary, where the ruling right-populist party Fidesz is seen favourably by 55% of the public, no party receives favourable ratings from a majority of the public.

Though Pew Research Center survey did not include populist parties in Bulgaria, this type of parties there (though only reaching margins of up to 10% of the overall votes with declining trends afterwards) were also present on the political landscape in the last decade. (See Stoyanov and Ralchev, 2020)

The frequently made correlation between economic crisis and the rise of populism does not stand empirical testing; there are cases in which populism has grown without economic crisis (in Scandinavian countries and the Netherlands), and cases in which economic crisis has not facilitated the rise of populism (Ireland and Portugal). Greece saw a populist party grow under economic pressure, but the ongoing migration crisis there has not caused a xenophobic populist backlash beyond a few episodes. Golden Dawn, and extreme right-wing xenophobic, but not populist, party lost attraction with the refugee influx.<sup>14</sup>

More recently, the German AfD showed a surge when switching from its original anti-Euro rhetoric to an anti-immigration one during the refugee influx, reaping some short-lived electoral benefits from it during 2016. Indeed, fears of immigration have probably been the easiest sentiment to mobilize and manipulate. Yet this does not mean that cultural identity is the cause of populism; it has merely proven to be an area where rage and anger can be instrumentalized into vocal opposition, and has been successful at paralyzing policy responses of governments.<sup>15</sup>

Alongside globalization, Europeanization has widened the scope of foreign policy and at the same time domesticized it: external issues have become more relevant at home and domestic issues have become more relevant in foreign policy. The crises of national democracy which have helped the rise of populism in European states reverberates at the EU level because the EU and its external policy is an easy target for populism. Hence the impact on areas which had so far gone largely unnoticed by European publics. Europeanization and cooperation among EU Member States complicates policy-making and its accountability. Not only are national democracies undergoing crises, but their linkages to accountability at the EU level are unclear. Institutional engineering by widening the powers of the European Parliament, strengthening co-decision or improving transparency have not provided sufficient solutions when the malaise is deep. The dislocation of decision-making to supranational levels, albeit carried out by legitimately elected representatives, has made European politics and policies another easy target. In essence, the EU is seen as illegitimate, regardless

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<sup>14</sup> Balfour, R., (2022), *The (Resistable) Rise of Populism in Europe and its Impact on European and International Cooperation*, Europe Programme, German Marshall Fund of the United States, Brussels, [www.gmfus.org](http://www.gmfus.org)

<sup>15</sup> Ibid.

of the content of the discussions held in Brussels. So, populism has an impact on the EU, while the EU is seen as a cause of populism.<sup>16</sup>

**Most populist parties in Europe -  
on the ideological right and left - do not have majority support**  
% who a favorable view of...

	L/R		2021 %	2022 %	'21-'22 change
Hungary	Right	Fidesz*	46	55	Δ 9
France	Left	La France Insoumise	33	39	Δ 6
Spain	Right	Vox	23	26	Δ 3
Sweden	Right	Sweden Democrats	27	29	Δ 2
France	Right	National Rally	25	27	Δ 2
Belgium	Right	Flemish Interest	21	22	Δ 1
Germany	Right	AfD	15	15	0
Hungary	Right	Jobbik*	13	13	0
Spain	Left	Podemos	28	27	▽ 1
Italy	Right	Lega	28	23	▽ 4
Greece	Left	Syriza	25	20	▽ 5
Italy	Right	Forza Italia	36	30	▽ 6
Greece	Right	Greek Solution (EL)	22	16	▽ 6
Poland	Right	Law and Justice*	45	38	▽ 7
Netherlands	Right	Party for Freedom (PVV)	31	24	▽ 7
Italy	Center	Five Star Movement	38	29	▽ 9
Netherlands	Right	Forum for Democracy (FvD)	25	15	▽ 10
Italy	Right	Brothers of Italy	-	32	-

\* Hungary and Poland were not surveyed in 2021; data shown is from 2019 and change shown is 2019-2022.

Note: Brothers of Italy was not asked about in 2021. For more information on European populist parties, see Appendix

Source: Spring 2022 Global Attitudes Survey

PEW RESEARCH CENTER

<sup>16</sup> Balfour, R., (2022), The (Resistable) Rise of Populism in Europe and its Impact on European and International Cooperation, Europe Programme, German Marshall Fund of the United States, Brussels, [www.gmfus.org](http://www.gmfus.org)

Scepticism about the EU runs deeper and wider than populism. Populism's force and rage has triggered the end of the permissive consensus which allowed the EU and member states' governments to carry out business with limited challenge from their citizens, especially in those policy domains of less interest or impact on citizens' lives, such as international relations. Challenges today arise from nearly every aspect of foreign policy: war and trade sanctions, energy supplies volatility, trade, development aid, immigration and external migration policies, belonging to the international community and its institutions, alliances and organizations. It is more difficult than ever for politicians and policymakers to sustain credibility and provide societal integrity.

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# „EURO-“<sup>1</sup> OR RUSSIA: PARADOXES OF BULGARIAN EUROSCEPTICISM

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## Introduction

Bulgaria and Russia have long-standing relations. The attitude towards Russia has been crucial in shaping the political system of Bulgaria. One of the earliest cleavages, dating back to the 1878 Liberation of Bulgaria and subsequent years, but detectable under various forms even today, is that of Russophiles vs. Russophobes. Neither can historical superimpositions exclude the state socialism period and the decades when Bulgaria was situated within the Soviet sphere of influence. It is no coincidence that Russia's influence on Bulgarian current politics is allegedly hard to exaggerate and that it is being exerted via disparate avenues, mechanisms and dependencies of political, economic and cultural order. The war in Ukraine has given prominence to these issues and has made them the principal compass in the political debate of today. Topics in the political agenda are highlighted along the „pro-“ vs. „anti-“ Russia line.

This article offers an analysis of Bulgarian Euroscepticism with its paradoxes, as reflected by this particular line of opposition.

## What is Euroscepticism?

Euroscepticism is a difficult concept to define. One of those concepts, which embody the rule that one knows their meaning unless one has to explain them, or as written by some of its famous researchers, „*something that has proved profoundly elusive*“<sup>2</sup>

The term came into use in the mid-1980s in the United Kingdom in connection with certain Members of Parliament within the Conservative party who had reservations about the course of European integration [as designated] in the post-Single European Act and were sceptical about Europe<sup>3</sup>. Researchers have outlined several problems.

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<sup>1</sup> „Euro“ here signifies not the monetary unit but the prefix which has established itself in front of roots referring to EU and its institutions.

<sup>2</sup> Leruth et al. 2018, p. 4

<sup>3</sup> Spiering 2004 in Leruth et al. 2018, p.4

The first is that the term ‘Euroscepticism’ was coined by non-academics using academic jargon. The second is that the suffix „ism“ suggests some underlying ideology. The third is that from being something specifically British, its original scope quickly changed: *„From that narrow and precise germ, the phrase grew in use, first to sweep across much of the British political system, and then across the entire continent. Since the advent of the 1992 Maastricht Treaty, a key turning point in terms of the crystallisation of opposition towards the EU, it has become a transnational and pan-European phenomenon, and the term Euroscepticism has become common political language in all EU member states (FitzGibbon et al. 2017). More recently with the advent of the Great Recession and the Eurozone crisis, Euroscepticism has become increasingly ‘embedded’ within European nation states (Usherwood and Startin 2013)“<sup>4</sup>.*

This, in its turn, poses several subsequent problems. Euroscepticism, in similarity to populism, as I have already said, does not represent an ideology in itself, although it is an „ism“. For that reason it can be found to coexist with other ideologies, and in this sense also among representatives of both right and left parties, if this classical distinction is to be employed: *„Euroscepticism has become de-aligned from left – right, as both the far left and far right oppose Europe“<sup>5</sup>.* Furthermore, if originally Euroscepticism was largely a marginal phenomenon, characteristic of parties outside the status-quo, today it can be detected also among the mainstream parties. Here also there is a visible resemblance with populism.

Classical typology proposes two forms of Euroscepticism: a ‘hard’ and a ‘soft’ one. Styczynska summarizes these two types: *„Soft Eurosceptics do not oppose European integration in general, but criticise selected aspects of the European Union and are associated with „qualified“ and „contingent“ opposition. Hard Euroscepticism refers to a general rejection of membership of the European Union, rejecting the entire European project“<sup>6</sup>.* This typology, however, has drawn a lot of criticism: Kopecký and Mudde (2002) suggest four types of party standpoints on Europe: Euroenthusiasts, Europragmatists, Eurosceptics, and Eurorejects<sup>7</sup>, but due to its complexity their model did not meet with broad popularity, especially in media analyses. Of course, there were also other attempts at typologization: *– Other definitions include that of Conti, [introducing] the differentiation between hard Euroscepticism, soft Euroscepticism, no commitment, functional Europeanism and identity Europeanism. Some scholars [have] proposed a more concise [categorization of] attitudes [pertaining to] European integration, such as Vasilopoulou, who mention[s] three categories of attitudes - rejecting, conditional and compromising - or Sorensen, who focused on public-based Euroscepticism, identifying economic, sovereignty, democratic and socio-political types of Euroscepticism“<sup>8</sup>.*

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<sup>4</sup> Leruth et al. 2018

<sup>5</sup> de Wilde et al 2018

<sup>6</sup> Styczynska 2015, p.3

<sup>7</sup> Kopecký and Mudde 2002

<sup>8</sup> Styczynska 2015, p.3

This range of endeavours to distinguish between various types of Euroscepticism are a further evidence of this phenomenon's complexity. There are a number of inherent features of the phenomenon to be distinguished as they are displayed in various contexts. However, I cannot agree with Natasza Styczynska that one of the best approaches is for it to be studied within the individual national states<sup>9</sup>. Bulgarian Euroscepticism, however, except in the national context of Bulgaria, should also be viewed through an external but in an unlimited extent interiorized dimension - that of Russia.

### **Euroscepticism *a la* Bulgare**

In 2015, Natasza Styczynska<sup>10</sup> published an article under the title „(Non) Existence of Bulgarian Party-Based Euroscepticism – Why Should We Care?“. The provocative title has its prehistory, which I would like to revisit now before giving an answer to the question posed by the author.

The change of leadership in the Bulgarian Communist Party of November 1989 launched the notorious „transition period“. These changes proceeded in a manner which largely explains why Bulgaria emerged from communist rule with a very strong nomenklatura elite and a weak and poorly organized opposition<sup>11</sup>. Not surprisingly, Bulgaria was one of two countries where former communist party, re-styled as Bulgarian Socialist Party (BSP), won the first democratic elections<sup>12</sup>.

In the 1990s, the principal political encounter developed between the former communists and the democratic opposition (the Union of Democratic Forces – UDF). A third actor – the ethnic-Turk „Movement for Rights and Freedoms“ (MRF) – plays a significant role in determining political outcomes by making strategic alliances on either side<sup>13</sup>.

Several regular and interim governments took turns in power before 1997. In the meantime, Bulgaria signed a 1990 Trade and Partnership Agreement and a 1993 Association Agreement with the EU, making official its intention to join the EU in 1995 (Kostadinova, 2020). Researchers recall, however, that there was not much promise in the initial steps taken by the country and its integration made a slow progress, lagging behind Central European former communist states<sup>14</sup>.

Following 1997 pre-term elections, a government was formed by pro-democracy forces, which initiated the real effort of Bulgaria's EU integration. *„The [accession negotiations] started in 2000 and the country made a significant effort to progress*

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<sup>9</sup> Styczynska 2015, p.3

<sup>10</sup> Ibid.

<sup>11</sup> Zankina 2017

<sup>12</sup> Ibid.

<sup>13</sup> Zankina 2017

<sup>14</sup> Stoyanov&Kostadinova 2021, p.4

during this process, and to compensate [for] the time lost during previous government [terms]“ (Kostadinova, 2020). As a result of this effort, in 2000 Bulgaria obtained a visa-free regime with EU member states, with its effect being evaluated by researchers as fostering civil support for the integration<sup>15</sup>.

On the overall, parties in Bulgaria in this period shared a positive stance on EU-related issues; they were, on the average, in favour of European integration<sup>16</sup>. This is also true in the case of the BSP. As noted by Dandolov, *„Representing an additional testimony to the existence of a permissive consensus in Bulgaria with respect to EU membership are the classifications by Taggart relevant to the late 1990s and early 2000s – in this theorist’s categorization of various political parties within diverse countries, not a single one in Bulgaria was [perceived] to warrant the label of a „hard“ or even a „soft“ Eurosceptic“*<sup>17</sup>.

2001 marked the end of the bipolar model. In 2001, several months before the parliamentary elections, former king Simeon of Sachs-Coburg Gotha returned to Bulgaria and founded a political party named after himself – NDSV<sup>18</sup>. The formation unexpectedly won the election of the same year with 43% of the votes and headed a coalition government with the MRF (Zankina, 2017). During the term of this coalition government, Bulgaria became a NATO member (2004), and received confirmation from the European Council that its EU accession is to be made effective as of 2007<sup>19</sup>. In 2005, following prolonged negotiations, the BSP formed a coalition government with NDSV and MRF, which also completed its full term of office. Bulgaria became an EU member in 2007.

The last parliamentary elections before Bulgaria’s EU accession marked an important change in the country’s party politics: this was the first time a national-populist party, „Ataka“, succeeded in achieving representation in the National Assembly<sup>20</sup>.

Nevertheless researchers like Styczynska highlight that *„Bulgaria [is apparently] the only EU country without a clearly defined Eurosceptic political party – European elections of 2007, 2009 and the last ones of 2014 were treated as a „litmus test“ of the current government’s popularity without pointing at Eurosceptic political actors. Treated as a domestic issue for the opposition in the EP campaign, the elections served as a measure for the possibilities of winning the next parliamentary elections“*<sup>21</sup>.

Nevertheless, one has to clarify that the 2005-founded political party „Attack“ employs a radical political discourse, targeting not just the minorities, but the establishment as well – national and international, including the EU.

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<sup>15</sup> Stoyanov&Kostadinova 2021, p.4

<sup>16</sup> Ibid.

<sup>17</sup> Dandolov 2014, p. 180

<sup>18</sup> Abbreviates for National Movement Simeon II.

<sup>19</sup> Stoyanov&Kostadinova 2021

<sup>20</sup> Ibid.

<sup>21</sup> Styczynska 2015, p.2

Let us go back to the title of Styczynska's article – „(Non)Existence of Bulgarian Party-Based Euroscepticism – Why Should We Care?“. The problem with the nonexistence – if we agree that Euroscepticism is predominantly nonexistent – is that this nonexistence is based not on the negation of the European in itself, but on the overall lack of interest in European issues, in the European Union and the functioning of its institutions. If we have a look at that type of Euroscepticism that is available, we will see that it largely denies the European on account of something else.

The paradoxes with Bulgarian Euroscepticism are numerous but I will highlight several of them. The first one is that resistance to EU appeared not before but with the actual EU membership. The second is that despite its EU membership Bulgaria has failed to interiorize European topics in its political agenda. This, however, does not prevent the emergence of Eurosceptic parties. The third is that the more Bulgaria's Eurointegration advances, the more anti-Europeanized the establishment in Bulgaria becomes. This also takes place largely through the process of normalization of populism and its institutionalization.

### **Populism and/or Euroscepticism**

Although there are many similarities between populism and Euroscepticism, one should differentiate them with regard to their better understanding. A theoretical distinction is to be made at this point between the varieties of populism which are featured on the Bulgarian political scene. On the one hand, there were several waves of anti-elitist, but pro-European – at least on the discursive level – political parties or projects. The first wave relates to the emergence of NDSV. The second is marked by the advent of GERB after 2009, which has been in power in various configurations for the recent twelve years. The most recent relates to the emergence of various pop-up political projects following the 2020 protest wave, such as the „We Continue The Change“ party, which headed the coalition government formed in late 2021.

On the other hand, one can note certain nativist or national-populist political entities. In the first years after 1989, nationalist formations gravitated around the two major blocs – democratic right (inheritors, for example, of pro-fascist ideas from before 1949) and the successor of the Communist Party (the circles in the communist regime responsible for the so-called „Revival process“<sup>22</sup>). However, national populism became an important factor with the emergence of „Attack“.

This analysis is concerned precisely with the second type. One can cite numerous examples of the relationship between national populism, Euroscepticism and pro-Russian positions. This kind of political actors presents viewpoints involving socio-economic as well as socio-cultural argumentation.

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<sup>22</sup> Policy of forced assimilation practiced by the Communist Party in the 1980s.



## The Russian dimension

A recent Eurobarometer survey has shown that, compared against the rest of European respondents, Bulgarians are least sympathetic to Ukrainians (39%) and least inclined to blame Russia for the war (27%). Additional data from an ESTAT survey indicate that 68% of Bulgarian society are in favour of neutrality in the Russia-Ukraine conflict, whereas adherents of support to Ukraine against Russia represent a minority.

Populist Euroscepticism in Bulgarian context should be viewed in terms of Russia – Europe contraposition, especially in the current situation. The first and most salient exponent of this tendency, is „Attack“.

Founded in 2005 following a merger of several nationalist and far-right parties, „Attack“ made use of a TV channel and a newspaper of the same title and its far-right ideology did not take much time to spread<sup>23</sup>. „Attack“ won seats in the Bulgarian Parliament at the 2005, 2009 and 2013 elections. Reprising his office as prime minister following GERB 2017 re-election, Boyko Borisov (GERB) formed a coalition with the United Patriots (UP) featuring three (including „Attack“) far-right and pro-Russian parties. „Attack“ became the first political party after the fall of communism to openly contest the legitimacy of the MRF and its increasing participation in the higher echelons of the political system, bringing an ethnic slant to corruption and other issues of the political order, etc<sup>24</sup>. Alongside nativist (anti-minority) and anti-establishment / anti-corruption („against the status-quo“) rhetoric, „Attack“ openly took a stand against NATO and the EU (Foundation, 2017). „Attack“ leader Volen Siderov has demonstrated repeatedly a pro-Russian stance and a personal attitude to Vladimir Putin. Most indicative of this posture was choosing Moscow as the place to launch his 2014 Europarlament electoral campaign. A 2017 ECFR survey positioned „Attack“ first among thirty other anti-West parties (Gressel, 2017).

Following the decline of the undeniably pro-Russian „Attack“, recent years have seen the advent of „Vazrazhdane“ („Revival“), whose ties to Russia and its economic circles have been repeatedly targeted by media investigations.

The party leader is a figure known in public circles by his sobriquet „Kopeykin“, while political scientist Evgeny Dainov wrote about him: *„Kostadinov makes no secret of his wish to see Bulgaria leave the EU and NATO in order to make a new, „Euro-asiatic“ [geopolitical] choice and thus regain the status of a „transdanubian governorate“ of Moscow“*<sup>25</sup>. Sociological agencies have recorded increasing support for „Vazrazhdane“, which managed for the first time to secure entry into the Parliament on another in a succession of pre-term elections in the end of 2021.

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<sup>23</sup> Dandolov 2017

<sup>24</sup> Dandolov 2014

<sup>25</sup> Dainov 2022

Oriented within the same pro-Russian spectrum is the most recent actor to emerge on the Bulgarian political scene – „Bulgarian Ascent“, founded by the President’s former advisor and his appointment for interim Prime Minister, General Stefan Yanev.

Worthy of still greater attention is empowered pro-Russian Euroscepticism, whose most remarkable exponent is the incumbent President and former air-force pilot, General Rumen Radev, who stated overtly during his last electoral campaign (2021) that Crimea is Russian. Radev won his first term in office in 2016 and even then, the opinion circulated in certain public circles that he was named directly by Moscow despite his USA specializations and the fact that he had served as a NATO general. Authoritative Western editions also subscribe to this view, e. g. a Deutsche Welle<sup>26</sup> article from May 2022 states that his nomination has been discussed with Leonid Reshetnikov, a retired intelligence general and chairman of the Russian Institute for Strategic Studies, in hopes that Radev would succeed in reorienting Bulgaria from the West toward Russia. Both at discursive level and in many of his standpoints, Radev has confirmed these hypotheses. He gained popularity by appropriating the 2020 democratic anti-government protests abandoning institutionalism and his constitutional powers and appearing at the protest forum. Radev actually has been the one-man ruler of Bulgaria via interim cabinets since the spring of 2021.

Pro-Russian positions were voiced by functionaries in the left-wing BSP, which explicitly and adamantly took a stand against the provision of military assistance to Ukraine and threatened to affect the disbanding of the government coalition, of which it was a member. Both Radev and the BSP are prominent exponents of conservative positions, for example on such topics as migration and sexual minority rights, opposition to the Istanbul Convention, etc.

## Conclusion

Although the early years of Bulgaria’s democratic development were marked by a consensus regarding the state’s European course of development and EU membership, the West-vs-Russia axis has remained in one way or another among as the principal public lines of division. These cleavages and their political manifestations have intensified following the actualization of Bulgaria’s EU membership with the emergence of the first openly anti-European and pro-Russian party, „Attack“. Other identical political actors have emerged in recent years, such as „Vazrazhdane“ and „Bulgarian Ascent“. Similar trends of reversal or return to the pro-Russian roots and embracing of dominantly conservative anti-liberal tendencies are also observable in other parties similar to BSP. Particularly alarming is the fact that politicians of such pro-Russian, anti-European and anti-democratic views occupy leading positions in the state, President Radev being the most demonstrative example.

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<sup>26</sup> Deutsche Welle 2022

Thus, a little more than 15 years from Bulgaria's EU accession and the emergence of the first openly anti-European and pro-Russian party, the state is de facto governed by individuals with anti-European and pro-Russian stance.

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# TODAY'S EU: „SEXY“ OR „DULL“?

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## **Abstract**

*To increase the number of EU „fans“, the EU institutions must use and re-use all the means at their disposal. Everybody is lacking that breath of fresh air given by interesting and charming politicians or nice scandals with a twist where the EU is always the main character. The EU could continue promoting famous educational programmes like Erasmus, to bring back the glamour to European identity and culture. But the Europeans, starting with the youth, need more accessible language, attractive but unsuccessful campaigns like „Europe is sexy“, real communication through the social media platforms of the European institutions. „Sexy“ is associated with generally attractive or interesting, as opposed to „dull“, which refers to not interesting or exciting in any way. Which side does today's EU belong to?*

**Keywords:** *EU narrative, European identity, dull, sexy.*

The main idea of the article is to introduce the reader with a new perspective over the power of EU „narratives“. As members of the European Union, we share a common identity, values, dreams and a list of priorities. Nevertheless, the EU has a major problem in developing citizen-oriented and barrier-free information and communication.

In his article dedicated to the narrative turn of European Studies, Bouza Garcia (2017) reminds us that the EU needs ‘something else’ to gain the hearts and minds of Europeans for the project. In the present times, the so-called „something else“ is still missing.

EU narratives are the best way of reaching the public since they „are made of people's memories of the past, experience of the present, and above all imagination of the future. Narratives underpin and bind communities; they make them move“ (Chenal, 2012, 23, footnote 1, as cited in Bouza Garcia, 2017, p. 288).

Are we prepared for more complex narratives and ready to forget the EU motto: united in diversity? The pilot project „New Narrative for Europe“ (NNfE) from 2013, with participants from the scientific, academic, political and artistic environment, questioned what a new narrative could look like and the need for a „new renaissance“ or a shift in thinking about the direction of Europe (NNfE, 2017).

The idea of a new narrative created a series of controversies online, especially between two contributors to *Social Europe*, a famous leading European digital media publisher. Massimiliano Santini (2018) mentions that „we need a new, rigorous, and pragmatic narrative that uses metaphors and myths to make people feel at home again in a globalised Europe“. He underlines this idea by using a stronger language: „the solution may be in elaborating and putting forward a new narrative. It's the narrative, stupid!“

Peter Scherrer (2018) offers a series of counter-arguments, using the same strong language. „Please, not a new narrative! That would be stupid! To cut it short: what Europe needs is credibility, not a new narrative. [...]. Europe has to deliver more quickly and in a comprehensible way what people need in a globalised Europe. When Europe stands for solutions and action, it will have created its best possible narrative. When the action creates these narratives, they will be convincing and sustainable. Europe certainly does not need a new narrative – it needs credibility“.

That is just an example that we do not have a single narrative pro or against European integration in today's European public spheres. According to de Wilde (2021), this is a bad perspective for the European Commission and other EU actors wondering how to best present themselves and the cause of European integration in the public sphere.

Themes like peace, prosperity, or protection seem unlikely to be viable options for legitimating European integration, since they are already taken for granted by the EU citizens.

No single narrative theme, or frame, lends itself clearly to build a pro-European narrative on since they are all contested and thus associated with different political agendas (de Wilde, 2021, p.24).

The new narrative for Europe is a work in progress. It is advancing towards *humanizing the institutions*, offering a mind and body of Europe. The EU is starting to lose its boredom or dullness and to advance towards the so-called sexiness, searched by the younger generations through subjects of greater importance than the internal market, like youth unemployment, climate change, blue business immigration, data security.

This article is mainly based on exploratory research. The exploratory research proves that the terms associated with the European Union: sexy and dull can be the focus for future research, but the problem is at a preliminary stage since the lack of qualitative primary and secondary sources cannot offer conclusive results.

Due to the approached subject, the information provided by the secondary sources (online sources, EU official publications and speeches, etc.) cannot be considered outdated.

According to the Merriam-Webster Dictionary (n.d.), the term *dull* is defined as „tedious, uninteresting“, while *sexy* stands for „generally attractive or interesting (appealing)“.

Online articles attract the attention on the EU and its status of dullness. A. Mullerleile (2011), a political analyst, shares his tips for future EU journalists: „facts are overrated [...]. If you have an idea for a good EU story, don't let facts ruin it. Plus, nobody will check if a EU story is true. Everyone knows that the EU is boring and evil. Moreover, the single aim of the EU is to produce unnecessary regulation (generally known as 'red tape')“.

The European Union has always been considered the land of the dull. According to Brookins (2021), „it is the boring men and women of European finance ministries who hold the continent's fate in their hands [...]. The future of the EU will be the biography of the boring. Fixing the EU internal economic problems, whether through green spending or the diplomatic struggle, will do more for the EU of world power than of its geopolitical schemes. In the EU, dullness is fate – and it is the Dull Men who shape it“.

In the EU, dullness or boredom cannot be considered a flaw. „With relation to politics, however, although it too is prone to accusations of boredom inducement, such charges seem to be essentially irrelevant since it is assumed that politics' purpose is not to amuse or entertain; politics is a serious business“ (Rot, 2011, p. 2).

„The EU is not an all-powerful superstate dictating every aspect of public policy to helpless politicians. It is a rules-based club, which can exert sufficient political pressure on members to make responsible policy choices within a pre-agreed framework. But that doesn't sound very sexy, does it? It's not. But it is working“ (Taylor, 2006).

Margot Wallstrom, former vice-president of the European Commission, wrote for *The Independent* on 8 May 2009, that „EU doesn't really do passion. If you try to market the EU as an aphrodisiac, it would rate up there with a nice pair of socks. If anything, the EU flag stands for boring reasons over passion [...]. And yet, the EU does stuff that is highly relevant to us. So, this is my Happy Europe Day card. No need to wave a flag. But when you think about the positive and useful everyday work that European countries now do together, maybe it's a nice idea to remember the day in 1950 when one man, looking out over a continent that had been the world's greatest battlefield only five years ago, suggested that he might have a way of making sure it never happened again“.

Before the Covid pandemic, this very boredom was celebrated as a virtue rather than condemned as a manipulating mechanism. Historian Timothy

Garton Ash, for instance, claimed in an outdated article, entitled „Europe must decide if it wants to be more than Greater Switzerland“ that, to a large extent, Europe being „nice, boring and irrelevant“ is „a great achievement“ (Ash, 2009, as cited in Rot, 2011, p. 4).

Associating a common term like *sexy* with the European Union can be considered a rookie mistake by a media specialist. Using words like „EU is (still) sexy“ in official speeches, publications, campaigns produced an insufficient veil of reactions among the targeted audiences: the youth. Andreas Kaplan (2018) published an article in *Prospect Magazine* asking whether it is time to sex up the EU? He offers a series of relevant but unsuccessful methods for transforming the image of the EU into sexy, fun and exciting (e.g. *The Young Europeans of Isure* and the campaign „Europe is sexy“; the German TV channel *Tele5* and the campaign „Europe ist geil“; the *Party of European Socialists* and the election spot „Let’s make Europe vibrate“).

Still two elements draw my personal interest: the famous speech of Herman von Rompuy, President of the European Council at the State of the European Union, at the First Annual Forum, *Revitalising the European Dream* (2011) and the project *12 Ideas for the Future of Europe. New Narrative for Europe Communications Campaign* (2017), where the word *sexy* is associated with power, desirability, closeness to its citizens.

As mentioned above, Herman von Rompuy declared in his speech (2011) that „as long as a club attracts new members, it is in good shape. Europe is still sexy“. We should mention here that the former president of the European Council sees the EU as an attractive actor in the sense that it functions as a model for external actors.

The EU is attractive and a „good example – concerning democracy, human rights protection, violent conflict prevention, environmental responsibility, global consciousness (etc.) – and thus the EU functions as an important actor for global agenda setting. Also, the European socio-economic model and good relations with the EU are a source of material advantages“ (Rohrbacher & Јеннукoвб, 2011, p. 195).

The *12 Ideas for the Future of Europe. New Narrative for Europe Communications Campaign* (2017) did not manage to attract the desired attention. The participation was low due to the lack of good promotion and the obtained ideas remained lost in translation. One memorable quote, related to civic engagement, managed to raise the attention over the importance of bringing the EU closer to its citizens. „The problem is always the same: there’s a need to reach out [to] more European citizens, make them feel like the EU is ‘sexy’ and not something old and boring. Promote what the EU is doing for them, what affects them directly in their daily lives!“

Kaplan (2018) also draws the attention over the problems of content and some success stories that can remind the EU citizens of their appealing qualities. Topics and subjects can be sexy if the right channels and language

are used. The EU needs more colour and glamour. Success stories like Eurovision, the removal of mobile phone roaming tariffs, the simplicity of studying abroad via ERASMUS+ are a good basis for the increase in Europe's sex-appeal.

The major problem remains communication. The information must be clear and accessible to all interested parties. These ideas have not changed during the years. Numerous EU documents mention the importance of communication, still with no relevant outcomes.

In 2007, Dutch politician, Ivo Opstelten, proposed the Committee of Regions to „make Europe sexy: ditch the jargon and make communication a priority“. „Is it any wonder that so many people find the EU a turn-off? There's far too much institutional language and it's getting in the way of building a bridge with our citizens. We shouldn't be communicating about the institutions or how decisions are made; we should be explaining to the public how decisions will affect them and what opportunities Europe can create for them“ (CoR, 2007).

After 2020, the EU communication strategy improved, using to the higher limit the current social media platforms. The narrative „Make your voice heard!“ of the European Year of Youth 2022 brings a sexy look to the European identity. Unfortunately, past research shows that EU citizens do not relate to the current social media usage of European institutions. The content of the latter appears again as too technocratic and distant and therefore has little to no appeal, particularly for the younger generation (Kaplan, 2018). This applies to the present times.

Sexy or dull no longer matters for EU citizens, if communication is not used in the appropriate manner. Any particular single narrative is unlikely to be successful or able to penetrate the public sphere sufficiently. Values are contested, meaning various actors have an opportunity to challenge openly whether certain policies actually pursue the aims they claim to pursue. They have that opportunity and make active use of it (de Wilde, 2021, p. 23).

The bridge between the EU and its citizens must be done in partnership. The EU would do well to adopt an opportunistic and versatile approach. The methods must be appealing and sexy for the younger generations and nice and boring for the older generations. As Jacques Delors said, no one will fall in love with Europe if we cannot communicate. To paraphrase M. Wallstrom, European Union is not dull or sexy, it remains a challenge and „a mission irresistible“ (2009).

A European narrative cannot remain detached, independent, from the actual visions and sentiments in European society. Therefore, a novel, open and pluralistic narrative is needed, which can address the great challenges of current times. The spine of a new narrative should lie in the core values of the EU like human dignity, freedom, democracy, equality, solidarity, the rule of law and respect for human and minority rights (Blokker, 2022), which is appealing, attractive and seeks to ground firmly in European society itself.



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# COUNTERING DISINFORMATION IN BULGARIA: WHAT IS ACHIEVED UNDER THE EU FRAMEWORK AND WHY NOT MORE?

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## ***Abstract***

*The EU efforts to create a disinformation-proof media ecosystem are fundamental to Europe's recovery. Especially in the light of the current events like the Covid-19 pandemic that led to an infodemic and the war in Ukraine that is accompanied by information war, the capacity of the EU to maintain access to quality information in all Member States is a primary task.*

*In some countries the vulnerability of the society to disinformation narratives has reached high levels. The degree of coherence and similarity in the implementation of the European Approach to combating disinformation between the Member States is not sufficient. The low media literacy and the low trust in media are additional obstacles to the EU revival in time of crises. Therefore, this paper is focusing on Bulgaria as one of the EU Member States facing greater challenges in the field.*

*Despite the existence of common EU tools for countering disinformation like the Code of Practice, the Rapid Alert System, etc., the results in Bulgaria are still very limited. This paper argues that in order to be possible for countries as Bulgaria to achieve more in the field, further political, institutional and coordination efforts should be made among the separate Member States, but also at supranational level to better implement EU instruments to tackle disinformation.*

*The study used a descriptive and analytical method research.*

**Key words:** Countering online disinformation, implementation of the EU instruments, Bulgaria, Code of practice, Rapid alert system

Despite the measures taken at European level and the announcement of a European approach for countering disinformation, the EU and its Member States continue to seek effective solutions to upgrade their policies for tackling this complex problem. This is an essential topic especially in the light of the current events like the Covid-19 pandemic that led to an infodemic and the war in Ukraine that is accompanied by an information war. The EU efforts to create a disinformation-proof media ecosystem are fundamental to Europe's recovery. The capacity of the EU to maintain access to quality information in all Member States is a primary task for Europe, but it seems that it is not the case in all EU countries.

This paper argues that Bulgaria does not have its own national approach to tackle disinformation and the main tools that the country has are provided at European level. There is a lot more that can be done in order to effectively implement these instruments in order to achieve greater results.

This report has two main research objectives: first, to summarize and systematize the EU's actions in countering disinformation by the introduction of EU policy framework as well as the tools provided; second, to analyse what is achieved under this common European framework in Bulgaria and what is the overall situation related to countering disinformation in the country.

The study used a descriptive and analytical method research. The report examines and analyses the actual situation up to September 2022. This paper is focusing on the European instruments to counter disinformation that are already put in place.

## **1. Introduction of the EU framework and tools**

In 2018, the EU recognized online disinformation as a problem which goes beyond disinformation campaigns and propaganda coming from third countries. Since then, the specific steps towards tackling disinformation show that the EU perceives this phenomenon as one of the major challenges towards a more responsible and adequate media environment in the digital age. The EU has not only given a new working definition on disinformation<sup>1</sup>, but has also made efforts to build an innovative and comprehensive European approach to address it, including measures of a various nature.

At supranational level, the EU foresees the co-regulatory backstop against disinformation<sup>2</sup>. In December 2020, the European Commission (EC) proposed a legislative package to reform the rules governing digital world in the EU: the

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<sup>1</sup> „Disinformation is understood as verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public, and may cause public harm“. See COM(2018) 236 final. *Tackling online disinformation: a European Approach*.

<sup>2</sup> Ognyanova, N. (2021) „*Nyama da ima Ministerstvo na istinata v ES*“: *po sledite na edno obeshtanie*. In: *Sbornik s dokladi ot mezdunarodna konferentsia*. UI SU“Sv. Kliment Ohridski“, Sofia, pp. 151-172

Digital Services Act (DSA) and the Digital Markets Act (DMA). In essence, this regulation represents the first of the two main pillars of the European counter-disinformation approach. The second one is the self-regulatory instrument – Code of practice, which was adopted in 2018 and further developed and strengthened in June 2022.

The European policy in countering online disinformation is expected to be further developed by various other mechanisms in the field of security or in support of media literacy, quality journalism and research, including through funding of EU projects<sup>3</sup>. The EU support for tackling disinformation in the period 2015-2020 alone is estimated to be around 50 million euros<sup>4</sup> and this number is increasing in recent years.

Since the DSA has been adopted but has not yet entered into force at the time of writing this report, the paper focuses on the European instruments to counter disinformation that are already put in place such as the Code of practice, the Rapid Alert System (RAS) and the implementation of the project for European Digital Media Observatory (EDMO) that are part of the Action Plan against disinformation<sup>5</sup> endorsed by the European Council in December 2018. (Table 1)

**Table 1. Instruments put in place by the EU  
for tackling disinformation until September 2022**

	<b>Nature of the instrument</b>	<b>Who is responsible?</b>	<b>Objectives</b>
<b>Code of Practice on Disinformation</b>	Self-regulatory instrument	EC, The Signatories <sup>6</sup>	<ol style="list-style-type: none"> <li>1. Demonetisation of disinformation.</li> <li>2. Transparency of political advertising.</li> <li>3. Ensuring the integrity of services.</li> <li>4. Empowering users.</li> <li>5. Empowering researchers.</li> <li>6. Empowering the fact-checking community.</li> <li>7. Transparency and regular updates of relevant data of the implementation of the Code's measures.</li> <li>8. Strengthened monitoring framework.</li> </ol>

<sup>3</sup> Yurukova, M. (2022) *Dezinformatsiya online: strategii za prodivodeistvie v ES*.

<sup>4</sup> European court of auditors. (2021) *Special Report 09/2021: Disinformation affecting the EU: tackled but not tamed*.

<sup>5</sup> JOIN(2018) 36 final. *Action Plan against Disinformation*.

<sup>6</sup> The Signatories are online platforms, players from the advertising ecosystem, fact-checkers, civil society, research, and other organizations with specific expertise on disinformation, incl. Google, Meta, Microsoft, TikTok, Twitter etc. The full list could be seen on the European Commission website.

<b>Rapid Alert System</b>	Coordination tool	EEAS, EC, Member States	<ol style="list-style-type: none"> <li>1. Public information and awareness raising activities.</li> <li>2. Flagging serious cases to online platforms.</li> <li>3. Empowering researchers, fact-checkers and civil society.</li> <li>4. Coordinated response.</li> <li>5. Coordinated attribution.</li> </ol>
<b>European Digital Media Observatory</b>	EU-funded project	Consortium, National/ regional digital media research hubs	<ol style="list-style-type: none"> <li>1. Creation of a multidisciplinary community composed of fact-checkers, universities, researchers, media organizations and other relevant stakeholders.</li> <li>2. Establishing a European hub to fight online disinformation, incl. national/ regional digital media research hubs across Europe.</li> <li>3. Contribute to a deeper understanding of disinformation and facilitating the fight against it.</li> </ol>

Despite the measures taken, when it comes to implementation of the European approach in the separate Member States differences have been reported in various analyses<sup>7</sup>. In some countries the vulnerability of the society to disinformation narratives has reached high levels during the Covid-19 pandemic and the war in Ukraine. The degree of coherence in the implementation of the European approach to combating disinformation between the Member States is still low. The low media literacy and the low trust in media are additional obstacles to the EU revival in time of crisis. Countries such as Bulgaria tend to face greater challenges in the field. This is why this paper is focusing on the practical implementation of the EU policy in Bulgaria.

## 2. Practical implementation in Bulgaria

### 2.1. Specifics of countering disinformation in the Bulgarian context

Bulgaria has one of the fastest internet connections in the world.<sup>8</sup> The importance of information provided by digital news<sup>9</sup> or by other Internet sources

<sup>7</sup> European court of auditors. (2021) *Special Report 09/2021: Disinformation affecting the EU: tackled but not tamed*. Yurukova, M. (2022) *Dezinformatsiya online: strategii za prodivodeistvie v ES*.

<sup>8</sup> Bulgaria ranks 3rd in the EU and 7th in the world in terms of the fastest average speed of mobile Internet. See Speedtest Global Index. (2022) *Global Median Speeds August 2022*. Available at: <https://www.speedtest.net/global-index>

<sup>9</sup> In Bulgaria, the main sources of news are online, including social media, with only 15% paying for news content online. See Newman, N. et al. (2021) *Reuters Institute Digital News Report 2021*. University of Oxford.

continues to grow<sup>10</sup>. However, the freedom of speech in Bulgaria remains more threatened<sup>11</sup> in comparison to other European countries, and the media and digital literacy level is still lower<sup>12,13</sup>. This suggests a higher degree of vulnerability to disinformation. Additionally, during Covid-19, the country's low vaccination rates have been linked to the success of disinformation narratives online. From a geopolitical point of view, the strong Russian influence and the historical connection with Russia stand out as a key specificity in Bulgaria, leading to the high effectiveness of Russian propaganda in the country.

In Bulgaria, the policies and legal framework related to the digital environment in a broad sense are completely influenced by the EU. The country formally fulfils its commitments under the EU framework, but neither understands nor seeks to understand or work substantively for the effective implementation of the European approach at national level.

At the moment, Bulgaria is one of the inactive countries regarding the preparation of policies in the field at supranational level. In Bulgaria, there is no comprehensive policy regarding disinformation at national level. There is no clear and unified position of the Bulgarian institutions or representatives on the topic of how to manage the digital media system. Therefore, the proactive participation of the country in the processes of constructing the European approach is an impossible task. The absence of data on how the disinformation is spreading in Bulgaria, as well as the lack of recognition and knowledge of the practical dimensions of European tools, related to online disinformation, marginalize the country's participation in the pan-European discourse. They are insurmountable prerequisites for ineffective application of countermeasures developed at supranational level. The level of commitment of Bulgarian institutions when it comes to implementing the European instruments is low<sup>14</sup>, as this paper will show in the text below.

At the beginning of April 2022, the „Bulgarian Coalition against Disinformation“ initiative was launched with the support of the Representation office of the EC in Bulgaria. The initiative was announced as a cooperation with

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<sup>10</sup> According to the Media Trust Report of EBU, Bulgaria and Poland stand out as the EU countries with the highest trust in social media and in the Internet in general. The Index shows that between 2020 and 2021 that this trend is increasing in Bulgaria. See European Broadcasting Union (2021) *Trust in media 2021*.

<sup>11</sup> According to Freedom House's 2022 World Index of Freedom of Speech, Bulgaria has the status of a free country, but nevertheless ranks last among the EU Member States. See Freedom house, *Freedom in the world 2022: Bulgaria*, Available at: <https://freedomhouse.org/country/bulgaria/freedom-world/2022>

<sup>12</sup> Bulgaria ranks last in EU in terms of media literacy. See Lesenski, M. (2021) *Index na mediinata gramotnost 2021: Dvoina zaplaha: Ustoichivost na falshivi novini po vreme na „infodemiyata“ ot Covid-19*

<sup>13</sup> According to the Digital Economy and Society Index, the general level of basic digital skills in Bulgaria is the lowest in the EU. See European Commission (EC.) (2021) *Bulgaria country report. In: The Digital Economy and Society Index (DESI)*.

<sup>14</sup> Yurukova, M. (2022) *Dezinformatsiya online: strategii za prodivodeistvie v ES*.

more than 60 partners, with focus on two main topics - Ukraine and Covid-19. No additional information on its implementation could be found, nor what would be the expected results<sup>15</sup>.

The existing initiatives of the civil society, related to media literacy and the political will for change in the field demonstrated in the spring of 2022 within the relatively short-lived elected government<sup>16</sup>, are not enough to compensate for neither the deficits in implementing the European approach, nor for the lack of a coordinated state policy on the subject. This argument is valid especially when there is no continuity in the policies of the different governments in the country.

In this sense, the application of the European approach in Bulgaria is a natural consequence of the realities in the country. It further reinforces the universal, and valid for all other countries, reasons for increasing differences between the Member States that are outside the scope of this paper.

## **2.2. Legal framework for countering disinformation in Bulgaria**

The Constitution of the Republic of Bulgaria and country's general legal framework of communication rights did not initially differentiate online from offline content.<sup>17</sup> However, in practice, the current regulation does not provide a comprehensive and adequate toolkit so that this principle is guaranteed and adequately protected.

The legal framework for countering disinformation in Bulgaria, although not yet produced, is, in a broad sense, part of the legal framework of the digital environment as a whole. Currently Bulgaria does not have specific legislation for combating disinformation, unlike some EU countries, such as Germany and France, where national legislation exists: in the first case, for managing the digital space, and in the second, for limiting the online spread of fake news during elections. In this sense, the adequate application of the European approach is of even greater importance for Bulgaria than for countries that have their own policies and counterstrategies measures in the field.

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<sup>15</sup> Yurukova, M. (2022) *Dezinformatsiya online: strategii za prodivodeistvie v ES*.

<sup>16</sup> At the beginning of April 2022, following statement by the Minister of e-Government Bozhidar Bojanov in front of the MPs from the Parliamentary Committee on Internal Security and Public Order, it became clear that the Bulgarian state was expected to take specific actions to counter disinformation online. They include: creation of a unit for monitoring and analysis of what is happening in social networks and the media; an institutional structure responsible for exchange of information between ministries and regular correspondence with „Meta“ („Facebook“). In the context of the war in Ukraine, Bulgaria has blocked more than 45 thousand malicious Russian IP addresses. Minister Bojanov pointed out that at the moment there is no single state body that has explicit powers in relation to hybrid threats and disinformation in particular in Bulgaria. See Yurukova, M. (2022) *Dezinformatsiya online: strategii za prodivodeistvie v ES*. But after the collapse of the government in June 2022, there is no public information on whether anything is happening with these initiatives that were associated with the figure of the now former Minister of e-Government.

<sup>17</sup> The provision of different punishments for illegal content (pornography) offline and online can be pointed out as an exception that confirms the rule.



Beyond the supranational strategies and policies in relation to disinformation, there have been three unsuccessful attempts to regulate the matter in Bulgaria. However, their objectives did not correspond to those of the DSA. The regulatory tool chosen by the EU aims to protect and ensure freedom of expression in the digital environment by introducing restrictions to the extent to achieve this objective. That was not the case with the three legislative initiatives in Bulgaria proposed in the spring of 2020 in Bulgaria that were not passed by the Parliament after all. They chronologically precede the drafts of DSA and DMA, but yet they did not respond to the main principle for such regulation – to guarantee freedom of speech online. Unlike the European legislative initiative, which tries to comprehensively cover the functioning of online services, taking into account the extreme difficulty of finding balances between incompatible interests as well as between the protection of different rights, the Bulgarian legislative proposals were superficial.

First in 2020, there was an attempt to limit freedom of expression, through the Act on the measures and actions during the State of Emergency in relation to Covid-19 adopted by the National Assembly. An amendment of the Criminal Code was proposed according to which the transmission of „false information about the spread of an infectious disease“ should be considered a crime. These provisions were not adopted due to a partial veto by the head of state, President Rumen Radev. The second legislative initiative was submitted by MPs the parliamentary group „United patriots“. The proposed amendments and additions to the Law on Radio and Television provided new sanctions in the Penal Code for spreading false information; this legislative proposal was rejected by the Parliament. The third legislative initiative foresaw changes and new sanctions in the Personal Data Protection Act. It was supposed to add a text identical to the one of the previous proposals for „disinformation in the Internet environment“.<sup>18</sup>

Despite their failure, the attempts to push through legislative initiatives, that were in essence trying to limit freedom of expression and to provoke censorship under the pretext of fighting fake news, are extremely indicative of the risks that regulation of online content in Bulgaria hides. It also shows the lack of understanding of how the Internet is working by the Bulgarian policymakers.

All three proposals had significant shortcomings, including a superficial view of what the effective measures for countering disinformation should look like. Most importantly, they risked violating freedom of speech and provided conditions for censorship in the Bulgarian media environment. While the failure of the three proposals is widely seen as a success for the freedom of speech in the country, they are still a strong indicator for structural problems when it comes to media policy making. Once again, they remind us that the protection of freedom of expression should not be taken for granted, and countering disinformation can be used as a pretext by certain interest groups to restrict this freedom.

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<sup>18</sup> Yurukova, M. (2022) *Dezinformatsiya online: strategii za prodivodeistvie v ES*.

### 2.3. Code of Practice on Disinformation and the Bulgarian specifics

The Code of Practice is the first global disinformation self-regulatory initiative adopted with the consent of its signatories. The ability of the online platforms to self-regulate across the EU countries in a similar, if not identical way becomes a key element to counter disinformation and it is a test for the effectiveness of the Code of Practice. Different institutional and academic analyses indicate both the lack of uniform implementation of the Code by its Signatories and also the divergent implementation in the EU Member States<sup>19</sup>.

In the case of Bulgaria, two are the biggest obstacles that lead to a lower engagement of the platforms regarding the content moderation in the country. First, the Bulgarian market is a relatively small and therefore, it is of lower business importance compared to other bigger markets such as Germany, France, Italy and others.

The second remark is related to the language. Bulgarian language is spoken primarily in the borders of the country and the capacity of the platforms to moderate content in languages used by smaller amount of people is questionable. Some analyses are concluding that content written in English is processed many times faster and better than information published in the other languages of the Union.<sup>20</sup> Facebook is almost a week slower to flag false content that is not in English.<sup>21</sup> Based on the data and conclusions drawn in different academic papers, although there is no such data specifically for content in Bulgarian, a reasonable assumption could be made that marking false content by Facebook in countries like Bulgaria is most likely slower in comparison to other bigger European markets. Accordingly, it affects a relatively small segment of disinformation content.<sup>22</sup>

These observations regarding the self-regulation instrument are extremely important for the process of forming EU strategies in the future. This process must take into account the national specifics and the differences in the implementation of the European approach in EU countries. It turns out that at the moment it does not involve well enough separate EU Member States, although in its latest proposals, the EC made an attempt to strengthen their role. Even in their monthly reports, the Signatories provide common data for the whole EU. Data for the specific countries is missing. The platforms are taking various actions, projects or initiatives but this is happening only in some EU countries, and this is making an additional differential between the Member States.

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<sup>19</sup> Ibid. See also European court of auditors. (2021) *Special Report 09/2021: Disinformation affecting the EU: tackled but not tamed*.

<sup>20</sup> AVAAZ. (20 April 2021) *Left Behind: How Facebook is neglecting Europe's infodemic*.

<sup>21</sup> Ibid.

<sup>22</sup> Yurukova, M. (2021) *ES v protses na tursene na resheniya za spraviyane s dezinformatsiyata online - vuzmojni podhodi*. In: Sbornik s dokladi ot mezhdunarodna konferentsia. UI SU „Sv. Kliment Ohridski“, Sofia, pp. 151-172

In addition, platforms are expected to make commitments outside of the Code as well. According to the EU Action plan, online platforms and RAS contact points should cooperate. However, there is no information if this is happening or not. In this context, the European court of auditors (ECA) recommended not only increasing the participation of EU Member States in the RAS, but also more active involvement of the platforms when it comes to implementation of the approach to counter disinformation in the EU and within this instrument<sup>23</sup>.

## **2.4. Rapid Alert System in practice**

RAS is under the responsibilities of the European External Action Service. It is the only coordination format where an exchange of information regarding disinformation between various structures of the EU and the Member States occurs. Although the concept of RAS first appeared in the Action Plan against disinformation, the actual mechanism was set up in March 2019, before the MEP elections. The System was used for the first time to tackle disinformation related to Covid-19. The Rapid Alert System is a crucial element of the EU's overall approach for tackling disinformation and is one of the four pillars of the Action Plan.

The Rapid Alert System is set up among the EU institutions and Member States to facilitate sharing of insights related to disinformation campaigns and coordinate responses. RAS is based on open-source information including insights from academia, fact-checkers, online platforms, and international partners. The system allows: early and fast signalling of disinformation campaigns; regular sharing of analysis, trends and reports; developing coordinated responses; discussing good practices for dealing with disinformation and time and resource efficiency. In addition to the daily sharing of information and analysis, the System includes the ability to issue the so-called high priority „alerts“. The assessment of whether a disinformation campaign is significant enough to trigger such an alert is of the responsibility of the relevant EU Member State or institution. There is no established action protocol and in practice each case is assessed individually.

The main idea of RAS is that EU institutions as well as the network of 27 national contact points provide information to the system. These contact points with their active quality work are becoming crucial for the results of these intergovernmental coordination tools. Therefore, they are responsible for their government's participation and sharing of information and best practices within RAS. So, if they are not active or not sharing information, this limits the potential outcomes of this tool.

RAS has been assessed as a useful information sharing tool that is not developing its full potential<sup>24</sup>. According to an analysis of a study carried out

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<sup>23</sup> European court of auditors. (2021) *Special Report 09/2021: Disinformation affecting the EU: tackled but not tamed*.

<sup>24</sup> Ibid.

by the ECA, the System does not significantly affect the development of the policy for countering disinformation at national level in the EU Member States<sup>25</sup>. The meetings of the national contact points are held quarterly, but participation of different Member States varies. The ECA's report concludes that engagement within the System is restricted to a limited number of Member States (about one third). These countries also tend to lead the actions within its scope<sup>26</sup>.

The public monitoring of RAS shows significant deficiencies in the implementation of this mechanism. First, public information on the implementation of the instrument is limited. There is a lack of public and official information about the appointed contact points in the separate countries<sup>27</sup>. Therefore, civil control, accountability and transparency of the processes related to RAS work are made practically impossible. In this sense, this paper finds that most of the objectives of the System (*Table 1*) are ineffectively accomplished and that the mechanism should be further evaluated and improved.

In Bulgaria as in other EU countries, there is no clarity about the entity responsible for fulfilling the commitments made within the framework of RAS. There is also lack of information about the activities of the contact unit<sup>28</sup>. The lack of public information on the topic is additionally related to the political situation in Bulgaria. For less than 18 months in the past 2 years, 4 parliamentary elections have been held in the country. Since 2018, when the EU measures for countering disinformation online intensified, until September 2022, Bulgaria changed 2 elected governments and 3 caretaker governments. The political instability and frequent changes in executive power have led to a further lack of clarity about the responsibilities of different institutions, including related to RAS.

## 2.5. European Digital Media Observatory

The creation of EDMO is an element of the Commission's detailed Action Plan against disinformation. The plan aims to reinforce capabilities and strengthen cooperation between Member States and the EU in four key areas: improving detection; coordinating responses; working with online platforms and industry; raising awareness and empowering citizens to respond to disinformation online.

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<sup>25</sup> European court of auditors. (2021) *Special Report 09/2021: Disinformation affecting the EU: tackled but not tamed*.

<sup>26</sup> Ibid.

<sup>27</sup> The EEAS replied to an official question of a Bulgarian researcher that „because the Rapid alert system is a closed, government-only network“, they cannot „provide any specific information about members of the Rapid alert system or its concrete work“. See Yurukova, M. (2022) *Dezinformatsiya online: strategii za prodivodeistvie v ES*.

<sup>28</sup> In comparison in some EU countries, there is a public speaking about the work of the contact points and the coordinated activity at the government level within the System.

At the moment, there is a different level of representativeness from country to country in EDMO. So far EDMO hubs operate in Belgium and the Netherlands; Belgium and Luxembourg; Slovakia, Czech Republic and Poland; Spain and Portugal; Denmark, Sweden, Norway and Finland; Ireland; France and Italy. Almost half of the countries in the EU are not covered by the work of EDMO so far. It is evident on the site of EDMO that Bulgaria is one of them. Yet, the EC has launched calls for proposals for new hubs and it is expected that Bulgaria will be covered soon as well. The creation of new hubs would extend the reach and the geographical coverage of the EDMO network across the EU and would help, at least formally, with the reduction of some of the disparities among EU countries.

## **2.6. Need for more media literacy in Bulgaria**

Media literacy is primarily the responsibility of the Member States and the EU has competence to support, coordinate or supplement their actions.

In Bulgaria, media and digital literacy are not well integrated in the educational system. Main effort in this field is made by civil society organisations. Although there are some good practices, they are not yet sufficient and thus, it is not a comprehensive solution.

Despite the emphasis in the Action Plan against disinformation on the need to raise awareness and strengthen society's resilience to disinformation, there is a lack of coherent media literacy strategy in the EU. There are significant differences among the separate EU countries as well.

For example, the EU Member States do not participate evenly in the EU initiative „Media Literacy Week“. By March 2019, over 320 events were organized under the initiative. Their amount reached 360 by the end of September 2020, with almost half of all activities held in France, closely followed by Belgium. There is also a small number of Member States, which have not hosted any events at all. Bulgaria is one of them, accompanied by the Czech Republic and Slovakia<sup>29</sup>.

A good recommendation is the introduction of a uniform methodology for reporting the development of media literacy in the Member States within the EU-funded projects. This will allow comparison between countries and undertaking targeted efforts in order to reduce the differences.

## **2.7. Launching fact-checking in Bulgaria**

Fact-checking was one of the first solutions against disinformation that appeared after the raised concerns for the negative effect of the spread of false information online within EU.

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<sup>29</sup> European court of auditors. (2021) *Special Report 09/2021: Disinformation affecting the EU: tackled but not tamed*.

In Bulgaria, as of September 2022, there are four specialized fact-checking projects. Three of these are media outlet's projects: the „FACT CHECK“ platform of the information-analytical website mediapool.bg (launched in 2016, but not functioning constantly until now); PROVERI.AFP by Agency France Presse in Bulgaria (launched in March 2021) and the Fact and Claims Verification Team of the Bulgarian National Radio (BNR) (launched in December 2021). The fourth project, called Factcheck.bg, is an initiative of the Association of European Journalists - Bulgaria (AEJ-Bulgaria) (launched in May 2021).

Until September 2022, two of these initiatives (PROVERI.AFP and Factcheck.bg) were verified signatories of the code of principles of the International Fact-Checking Network at Poynter.

The existing fact-checking organizations in Bulgaria are relatively new, especially in comparison to other European countries. These four initiatives are a step in the right direction of improving the quality of information at national level. Their value is even higher in the context of Bulgaria. According to some researchers, the number of media in the country that fact-checks their materials is „small and grossly insufficient to meet society's needs for reliable, accurate and verified information“<sup>30</sup>.

## Conclusion and recommendations

The European approach for countering disinformation online has its own specifics, which make it unique, innovative and fundamental to the search for governing models in the digital space. The national specifics of Bulgaria provide valuable insights to the impact of the EU approach towards tackling disinformation and its implementation.

The analysis leads to a conclusion that there is a lack of coherence in the implementation of the EU approach to counter disinformation between EU Member States. Taking steps to limit the differences of countering disinformation in the countries should become main goal both at the supranational and national level in order to ensure conditions and prerequisites for its effective implementation throughout the Union.

In conclusion, Bulgaria does not have any additional or specific instrument to countering disinformation except for these provided at European level. This paper argues that even these mechanisms have not been effectively implemented in Bulgaria and the existing tools can be better used in order to achieve their goals both at EU and at national level.

Despite the existence of EU tools, the results in Bulgaria are insufficient. Disinformation narratives persist in the society. The lack of information among

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<sup>30</sup> Angelov, B. (2021) *Proverkata na fakti v online mediate v Bulgaria*. In: Sbornik s dokladi ot mezdunarodna konferentsia. UI SU „Sv. Kliment Ohridski,“ Sofia, pp. 215

the citizens about public and institutional initiatives related to tackling online disinformation stands out as a major trend. The absence of a common vision and coordinated concept regarding the national approach for guaranteeing a quality media content and information in the digital age continues to be the greater challenges for the country. There is a need for comprehensive strategy for protecting freedom of speech in a post-truth era that also includes mechanisms for countering disinformation. Bulgaria should include critical thinking, media and digital literacy as important parts of the education process. The country should learn how to better use the EU tools. More political, institutional and coordination efforts are needed in order to better implement EU instruments for tackling disinformation in Bulgaria. This way Bulgaria will successfully be a full-fledged participant in the processes at European level.

However, in order to be possible for countries like Bulgaria to achieve more in the field, further efforts should be made at national level by the Member States, but also at supranational level by the EU institutions. In a sense, shared responsibility with clear commitments is required. Furthermore, the lack of feedback provided by the Member States regarding the implementation of different EU instruments for countering disinformation is a major obstacle for successful fulfilment of the European approach. There is a necessity for more monitoring, analyses and evaluation of the commitment of EU countries when it comes to implementation of the common framework.

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# EU POLICY ON ACCESS TO CULTURAL HERITAGE AND THE PROTECTION OF THE PUBLIC DOMAIN

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## ***Abstract:***

*In November 2021 the European Commission issued a recommendation putting the digital platform Europeana at the heart of a common data space for cultural heritage. The Commission recommended that Member States accelerate the digitisation of all cultural heritage monuments, sites and artefacts for future generations, protect and preserve those at risk and stimulate their reuse in areas such as education, sustainable tourism and cultural creative sectors. There are however other sectoral policies and regulations at EU level that present a serious hindrance to the goal of mass digitisation and re-use, one of which is the strong rightsholder-centric approach of EU copyright law.*

*The paper uses the normative, systematic and comparative legal methods to analyse the legal framework allowing the digitisation and exploitation of content in the public domain and the legal obstacles users, including institutional ones, have to surmount in doing so. It focuses on the solution for the protection of the public domain given by Article 14 of Directive (EC) 2019/790 on the copyright in the digital single market, its transposition in Bulgaria and the extent to which this new mechanism is likely to succeed in addressing the problems related to the effective use of public domain works and other subject-matter.*

**Keywords:** EU legislation; cultural heritage; public domain; digitisation; copyright

The harmonisation of the regulations related to digitisation, preservation and ensuring public access to European cultural heritage is one of the priorities of the EU legislator. In its Digital Agenda<sup>1</sup> of 2010, the European Commission has stated that the Union shall aim to optimise the benefits of information

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<sup>1</sup> European Commission (2010). *A Digital Agenda for Europe*, COM(2010)245.

technologies for economic growth, job creation and the quality of life of European citizens as part of the Europe 2020 strategy, and that one of the key areas targeted by the Digital Agenda is the *digitisation and preservation of Europe's cultural heritage*, which includes printed publications (books, magazines, newspapers), photographs, museum exhibits, and archives. Efforts in this direction started as early as 2006 with the Commission Recommendation of 28 August 2006<sup>2</sup> aimed at optimising the economic and cultural potential of Europe's cultural heritage with the help of the Internet. A major step in the efforts to digitise and preserve Europe's cultural heritage was the launch of the European digital library *Europeana* in November 2008, the publication on 10 January 2011 of the „New Renaissance“ report by the *Comité des Sages* on making European cultural heritage accessible online<sup>3</sup>, as well as the Commission's proposal of 24 May 2011 for an Orphan Works Directive, which also led to the adoption of Directive 2012/28/EU<sup>4</sup>. Later in 2011, the Commission issued a new Communication recommending the introduction of an updated set of measures for the digitisation for the purposes of digital preservation and the making of cultural heritage available online, as well as the promotion of the development of digitised materials by libraries, archives and museums to ensure that Europe maintains its world leadership in the sphere of culture and creative content and makes the best use of its wealth of cultural material. Last but not least, the Commission recommended that digitised material should be *re-used* for commercial and non-commercial purposes, such as developing educational and training content, creating documentaries, tourism applications, games, animations and design tools<sup>5</sup>.

Subsequently, as part of the *European Data Strategy*, the European Commission committed to developing sectoral data spaces in strategic fields<sup>6</sup>. More recently, in November 2021, the Commission issued a new recommendation clarifying that *Europeana*, the European digital cultural platform, will be the basis for building the common European data space for cultural heritage. It will also build on the current *Europeana Strategy 2020-2025*<sup>7</sup>. According to the recommen-

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<sup>2</sup> European Commission (2006). *Commission Recommendation of 24 August 2006 on the digitisation and online accessibility of cultural material and digital preservation*, OJ L 236, 31.8.2006.

<sup>3</sup> European Commission, Directorate-General for the Information Society and Media, Lévy, M., Niggemann, E., De Decker, J., (2011) *The new renaissance: report of the Comité des Sages on bringing Europe's cultural heritage online*, Publications Office. Available at: <https://data.europa.eu/doi/10.2759/45571>

<sup>4</sup> Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works Text with EEA relevance, OJ L 299, 27.10.2012.

<sup>5</sup> European Commission (2011). *Commission Recommendation of 27 October 2011 on the digitisation and online accessibility of cultural material and digital preservation* (2011/711/EU).

<sup>6</sup> European Commission (2020). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A European Data Strategy*. COM/2020/66 final. Brussels, 19.2.2020.

<sup>7</sup> Europeana (2020). *Europeana Strategy 2020-2025*. Available at: [https://pro.europeana.eu/files/Europeana\\_Professional/Publications/Europeana%20Strategy%202020%20-%202025.pdf](https://pro.europeana.eu/files/Europeana_Professional/Publications/Europeana%20Strategy%202020%20-%202025.pdf)

dation, this will allow museums, galleries, libraries and archives across Europe to share and re-use digitised images of cultural heritage, such as high-quality scans of paintings as well as 3D models of historic sites. The Commission recommends Member States to *accelerate the digitisation* of all cultural heritage monuments, objects and artefacts for future generations, to protect and preserve those at risk and to *stimulate their re-use in areas such as education, sustainable tourism and cultural creative sectors*. The Commission encourages Member States to digitise by 2030 all monuments and sites at risk of destruction and half of those heavily visited by tourists. Furthermore, within the Directorate-General for Communications Networks, Content and Technology (DG CNECT) an Expert Group on the common European Data Space for Cultural Heritage (CEDCHE)<sup>8</sup> has been set up.

The ambitions for mass digitisation of cultural heritage and its broad re-use, however, are bound to clash with the regulation of intellectual property rights and the strong interest of rightsholders prevailing at all levels of EU policymaking. Public institutions, public mission organizations such as cultural heritage institutions (CHI), as well as private re-users routinely deal with a variety of protected subject-matter when carrying out certain activities – copying in-copyright works, distributing copies, communicating them and making them available to the public, adapting and remixing them etc., which all constitute acts of exploitation of the works within the meaning of copyright law and are, by definition, entirely within the control of the rightsholder. In order to use copyrighted works and other protected subject matter, users, including institutional ones like memory institutions, must either have the express permission of the authors and other rightsholders, either individually or through collective licensing, or take advantage of the copyright exceptions and limitations available in the law.

## Protection of the public domain

By design, all copyright regimes share a number of inherent limitations on the exclusive rights of the author and of other rightsholders (performers, producers, etc.) that are conceived to encourage the dissemination of works and ensure the preservation of a robust public domain. Such limitations are e.g. the fixed duration of copyright protection, the originality requirement, the so-called „idea-expression“ dichotomy, and the first sale or exhaustion doctrine<sup>9</sup>.

In this sense, copyright protection should not be permanent and absolute. In most cases in Europe, it extends to the lifetime of the author, plus seventy

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<sup>8</sup> European Commission (2021). Commission Decision C(2021) 4647 of 29.6.2021 setting up the Commission Expert Group on the common European Data Space for Cultural Heritage and repealing Decision C(2017) 1444.

<sup>9</sup> According to Gibeau, the exhaustion doctrine is an independent criterion for determining the limits of the scope of copyright. See Guibault, L. (2002). *Copyright Limitations and Contracts. An Analysis of the Contractual Overridability of Limitations on Copyright.*, Kluwer Law International, The Hague.

years after their death. When protection ceases, the work enters, by default, *the public domain* so that anyone can freely reproduce, publicly distribute and communicate or adapt it. Thus, part of the public domain consists of works that were once copyrighted but the copyright protection over them has expired. However, it also includes works or elements of protected works that are not protected at all. The principle according to which copyright protection is only granted to original works also helps maintain the strength of the public domain. A related requirement is the principle according to which copyright protects only the form of expression and not the underlying ideas. Anyone may communicate or reproduce the ideas contained in protected materials, provided that the form of expression is not also reproduced.

What do these limitations mean in terms of mass digitisation and re-use of cultural heritage? Surely, notwithstanding the difficulties with the clearance of intellectual property rights over in-copyright works, at least the use of non-original material and works over which the protection has already expired should be unproblematic, right? Wrong!

In view of the above-mentioned elements of the limitations on the rightsholder's monopoly over the use of the work there is, first of all, a tendency for *the term* of copyright and related rights protection to be periodically extended. This trend is particularly strong and visible in the policies of the World Intellectual Property Organisation (WIPO), but curious cases on national level can be mentioned as well. An anecdotal example in this respect is the so-called *Micky Mouse curve*<sup>10</sup>, in which commentators observe a modification of the term of copyright protection in the US every time the copyright over the image of the iconic Disney character is about to expire<sup>11</sup>.

There is also no shortage of attempts to protect the subject of expired copyright by other means. In 2017, the European Free Trade Association (EFTA) Court finally rejected the application of the Municipality of Oslo to register the sculptures of several Norwegian artists, including the famous works of Gustav Vigeland, as three-dimensional trademarks after the copyright over the works in question had expired and they had become public domain<sup>12</sup>. The supranational court reasoned that the registration of a public domain work as a trademark was contrary to public morality<sup>13</sup>.

The restrictions over the user's faculty to fully enjoy public domain works may also be the consequence of a conflation of the concepts of a perpetual

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<sup>10</sup> Di Fiore, R. (2020). Disney and his copyright: will his characters live „happily ever after“? *MediaLaws Journal*. Available at: [www.medialaws.eu/disney-and-his-copyright-will-his-characters-live-happily-ever-after/](http://www.medialaws.eu/disney-and-his-copyright-will-his-characters-live-happily-ever-after/).

<sup>11</sup> Schlackman, S. (2014). *How Mickey Mouse keeps changing Copyright Law*. Available at: <https://alj.entrepreneur.com/mickey-mouse-keeps-changing-copyright-law/>.

<sup>12</sup> Judgment of the EFTA (European Free Trade Association) Court of 6 April 2017 in Case E-5/16.

<sup>13</sup> Rosati, E. (2017). *Can a public domain artwork be registered as a trade mark or would that be contrary to public policy and morality?* The IPKat Blog. Available at: <https://ipkitten.blogspot.com/2017/04/can-public-domain-artwork-be-registered.html>.

*moral right of integrity* of the work and the *economic right to adaptation*. For example, the Bulgarian Ministry of Culture recently fined Byzantia Publishing House for publishing an adapted version of Ivan Vazov's novel „Under the Yoke“<sup>14</sup> without first seeking an express authorisation from the Ministry<sup>15</sup>, even though the adaptation and/or remix of public domain works should be free to the public. Despite the fact that the Ministry's decision imposing an administrative sanction to the publisher was initially annulled by a panel of the Sofia District Court, the Sofia City Administrative Court subsequently confirmed it definitively. In a communication dated 18 March 2022, the Ministry issued an opinion that „[t]he decision strengthens the role of the Ministry of Culture as the guardian of the original texts of the classical works of Bulgarian literature *from infringement*, regardless of the *purposes of the adaptation*“<sup>16</sup>, which, in my view, demonstrated a misunderstanding of the role of the right of integrity<sup>17</sup> as well as the nature and scope of the public domain.

In many cases, the integrity of the public domain has been compromised by legislative means on the national level. For example, in some countries there is the so-called *paid public domain*<sup>18</sup>. Under this mechanism the state, despite the expiry of intellectual property rights in certain works, continues to maintain a permissive regime for the use of the latter, obliging users to pay royalties for their use of out-of-copyright works.

The free use of public domain works can also be restricted by cultural heritage laws, especially popular in South-European countries. A special quasi-copyright regime for works of cultural heritage is also contained in the Bulgarian *Cultural Heritage Act* (CHA). Recent amendments of 2019 conditioned the reproduction in whole or in part, in image or otherwise, of newly discovered and/or newly excavated archaeological cultural property on the „compliance with the requirements of the Copyright and Neighbouring Rights Act“ (CNRA)<sup>19</sup>. Unfortunately, neither the explanatory memorandum to the Amend-

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<sup>14</sup> Lilova, S. (2020). *Adaptation of out-of-copyright works*. Available at: <https://gglaw.bg/prerabotka-na-proizvedeniya-s-iztekli-avtorski-prava/>.

<sup>15</sup> According to art. 34 in connection to art. 15, para 1, p.5 of the Copyright and Neighbouring Rights Act, the Ministry of Culture safeguards the unwaivable and perpetual moral right of the author to the integrity of the work.

<sup>16</sup> See Ministry of Culture (2022). *Ministry of Culture wins lawsuit against Byzantium Publishing for the novel Under the Yoke*. Available at: <http://mc.government.bg/newsn.php?n=8157&i=1>.

<sup>17</sup> According to Art. 6-bis of the Berne Convention, the author shall be entitled „to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honor or reputation“. In this sense, the role of the right of integrity is to preserve historical authenticity and the author's reputation, not to introduce post-term control over any and all adaptations and remixes. See the Berne Convention for the Protection of Literary and Artistic Works, last amended on September 28, 1979. Available at: <https://wipolex.wipo.int/en/text/283698>.

<sup>18</sup> See Marzetti, M. (2018). *The law and economics of the 'Domaine Public Payant': a case study of the Argentinian system*.

<sup>19</sup> See Article 179 of the Cultural Heritage Act.

ment Law nor the minutes of the deliberations within the National Assembly's Committee on Culture provide any clarity on the rationale behind the deliberate introduction of this explicit reference to the CNRA and the legislator's arguments in support of it.

## Article 14 of the Copyright Directive of 2019

Another aspect of the restriction of the public domain is the existence in certain Member States of the EU of specific rights over non-original works, such as so-called „other photographs“<sup>20</sup>. Specificities in the EU *acquis* concerning protection of photography allow in practice for countries to grant separate protection over photographs that do not meet the originality standard for photographic works<sup>21</sup>. This particular aspect of „hidden“ restrictions over the usability of public domain works is a potential issue concerning the re-use of digitised content. By claiming rights over non-original photographs or other non-original items, some organisations have been able to claim intellectual property rights over the digitised copies of public domain works.

In the context of the expansion of intellectual property rights, recent years have witnessed an increasing number of voices raised in support of and initiatives dedicated to the protection of the public domain<sup>22</sup>.

Directive (EU) 2019/790<sup>23</sup> addresses and offers some, albeit partial, solution to the problem of certain cases of expansion of intellectual property rights in works that are not *original*. Article 14 of the Directive effectively introduces a prohibition for Member States to grant protection over faithful reproductions of visual works in the public domain.

The background to the introduction of the provision in EU law is linked to the special protection that non-original photographs enjoy in some European countries and to a high-profile case starring the Wikimedia Foundation in Germany. The reason for Wikimedia's involvement in a copyright infringement lawsuit was that in 2016 a user of *Wikimedia Commons* uploaded to the reposi-

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<sup>20</sup> In a 2014 report, Thomas Margoni conducts a comparative study of protection, available in EU Member States over non-original visual material, that can create another layer of IP rights over digitised copies. See Margoni, T. (2014). *The Digitisation of Cultural Heritage*. Available at: <https://ssrn.com/abstract=2573104>.

<sup>21</sup> *Ibid.*, p. 28. According to Margoni's report, Germany, Spain, Italy, Austria, Denmark, Finland, and Sweden, plus Iceland and Norway, have such additional rights in their national legislation.

<sup>22</sup> See, e.g., Communia Association for the Public Domain's 2010 *Public Domain Manifesto*. Available at: <https://publicdomainmanifesto.org/manifesto/>. See also Europeana's Public Domain Charter - Europeana (2010). *Public Domain Charter*. Available at: <https://pro.europeana.eu/post/the-europeana-public-domain-charter>. Both documents contain declarations to the effect that the public domain is the rule and copyright - the exception.

<sup>23</sup> Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, OJ L-130/92 of 17 May 2019.

tory digital reproductions of several paintings, mostly from the 18th century, which were part of the collection of the *Reiss-Engelhorn-Museen* in Mannheim, Germany. Reiss-Engelhorn brought and won several lawsuits for infringement of the museum's rights in the reproductions as non-original photographs protected by a special twenty-year right<sup>24</sup>. The case, however, prompted Wikimedia to launch a campaign to abolish similar legal mechanisms that may exist at the national level and compromise the public domain as well as help some cultural heritage institutions monopolise access to art.

Thus, Article 14 obliges Member States to provide that, when the term of protection of a work of visual art has expired, any material resulting from an act of reproduction of that work cannot be not subject to copyright or related rights, unless the material resulting from that act of reproduction is original in the sense that it is the author's own intellectual creation.

### **The Bulgarian solution**

As for the national transposition of Article 14, Bulgarian law does not currently contain provisions introducing an additional layer of protection by means of related rights over visual works with expired copyrights, that are in the public domain. Consequently, there are no intellectual property rights to be removed from the Bulgarian legislation in implementation of the directive. However, the rationale behind Article 14 is such that the national law should also block current quasi-copyright legislative solutions, the abovementioned regime under the Cultural Heritage Act being one, as well as protect the public domain from the emergence of similar restricting mechanisms in the future.

In this sense, the approach of the Ministry of Culture in the transposition proposal seems to miss the point of the legal intervention of the directive. The Bulgarian proposal for the amendment of the national Copyright and Neighbouring Rights Act, which implements Directives 2019/789 and 2019/790<sup>25</sup>, published for public consultation in September 2021, contained a largely formal transposition without much practical value, while leaving the actual problem open.

Firstly, the current provision of Article 3, paragraph 2, p. 2 of the Copyright and Neighbouring Rights Act, that reads:

*„Subject to copyright are also: 1. Translations and adaptations of existing works and works of folklore; 2. arrangement of musical works and works of folklore; 3. periodical publications, encyclopaedias, collections, anthologies,*

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<sup>24</sup> Beck, B., von Werder, K. (2016). *Wikimedia Loses German Copyright Case Over Photographs of Public Domain Paintings*. Available at: <https://www.allaboutipblog.com/2016/07/wikimedia-loses-copyright-case-over-photographs-of-public-domain-paintings/>.

<sup>25</sup> Bulgarian Ministry of Culture (2021). *Draft proposal for the Amendment of the Copyright and Neighbouring Rights Act*. Available at: <https://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=6348>.

*bibliographies, data bases and other similar items that include two or more works or materials.*“

is to be amended and supplemented by replacing the word „also“ in the main text with the phrase „the following works“ and by adding „including works of expired copyright“ at the end of p. 1. In my view this addition is redundant and potentially confusing. Out-of-copyright works are still works and thus are included within the scope of the provision as per the current wording of „translations and adaptations of existing works and works of folklore“.

Next, according to § 2 of the draft proposal, a point 5 is to be added to the existing Article 4 of the Copyright and Neighbouring Rights Act, which lists works that are *not subject to protection*. The addition should explicitly exclude from copyright protection materials obtained by reproduction of out-of-copyright works under Article 1, points 5 to 9 of the law. The list of visual works in the text of paragraph 5 excludes cadastral maps and state topographic maps, although they are visual works by their very nature. The absence of public domain audio-visual works in the list is also controversial.

More importantly, however, under Article 14 of Directive (EU) 2019/790 public domain protection is introduced in respect to both copyright and related rights.

For a work to be protected by copyright, it has to fulfil a certain *originality standard*. In both theory and practice, there is traditionally no doubt<sup>26</sup> that the potential materials, subject of copyright, are neither exhaustively enumerated nor limited in terms of spheres of human activity. Moreover, in the context of the *knowledge-based* society, new and novel forms of unconventional works are emerging, such as graffiti, DJ sets, culinary presentations, magic tricks, the „bible“ or TV shows, etc.<sup>27</sup> The criterion, contained both in international instruments and in the Bulgarian Copyright and Neighbouring Rights Act, attributing copyright to *works of literature, art and science*<sup>28</sup>, is to be considered an indicative, rather than a determinative criterion as to whether a work may be subject to copyright or not. It suffices for a work to be fixed in a tangible medium of expression and to be original. According to the EU *acquis*, a work is original if it is the author's own intellectual creation<sup>29</sup>. Accordingly, an

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<sup>26</sup> See Aplin, T. (2009). Subject Matter. *Research Handbook on The Future of EU Copyright*. Edward Elgar Publishing. See also Samuelson, P. (2016). Evolving Conceptions of Copyright Subject Matter, 78 U. Pitt. L. Rev. 17.

<sup>27</sup> Bonadio, E., & Lucchi, N. (2019). How Far Can Copyright Be Stretched? Framing the Debate on Whether New and Different Forms of Creativity Can Be Protected. *Intellectual Property Quarterly* (2019).

<sup>28</sup> For an analysis of this criterion see e.g. Kamenova, Tsv. (2004). *International and National Copyright*. BAS, p. 69, and Draganov, J. (2016). *Objects of intellectual property*. Sibi, p. 86.

<sup>29</sup> See e.g. Judgment of the Court of Justice of the European Union in Case C-5/08, Infopaq International A/S v Danske Dagblades Forening [2009] ECLI:EU:C:2009:465, and Judgment of the Court of Justice of the European Union in Case C-145/10, Eva-Maria Painer v Standard VerlagsGmbH and Others [2011] ECLI:EU:C:2011:798.



intellectual creation is the author's own if it reflects the personality of the author<sup>30</sup> and if the author has succeeded in expressing his creative ability in an original manner by making free and creative choices<sup>31</sup>. In this respect the futility of introducing express legal rules in the sense that non-original visual materials or faithful reproductions are not subject to copyright is quite self-explanatory, since these materials, by their nature, do not meet the originality threshold.

Despite the requirements analysed above, modern copyright protection is increasingly moving away from the core concept of creative work protection. The instruments of intellectual property are increasingly concerned with regulating social relations peripheral to their sphere, with the purpose of economically stimulating certain ancillary roles in the production chain of the creative industries, such as producers and publishers. Neighbouring or related rights are the tools used to grant copyright-like protection to non-creative subject-matter. An example in this respect is the EU regulation of databases, which introduces a coexisting (i) copyright for the author of the database and (ii) a *sui generis*, in its essence – a neighbouring – right in favour of investors in the database production process (databases makers)<sup>32</sup>. A fresh example in this regard is the introduction of a new right for press publishers<sup>33</sup> for the sole purpose of receiving licensing revenue from online search engines and news aggregators<sup>34</sup>.

It is important to note that the implementation of Article 14 of the Directive within the current Bulgarian proposal covers copyright exclusively, without tackling the repeal of quasi-copyright regimes or related rights that may encroach on the public domain. In terms of the legislative technique used by the Bulgarian government when extending copyright rules to related rights, the correct implementation of Article 14 of the Directive would necessitate the introduction of references to Article 4 in the respective referencing provisions for the related rights concerned. There are no such references in the current law, nor are they foreseen by the proposal.

In addition, if Bulgarian law provides for a related right that risks extending to works in the public domain, this would be the new neighbouring right on press publications. The reference to Article 4, however, is omitted in the draft provision of the new Article 90h to be introduced by the transposition proposal. As such, adding to Article 90h a reference to Article 4 of the CNRA in its entirety is a mandatory minimum to ensure a consistent implementation of

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<sup>30</sup> See Article 6 and Recital 16 of Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the term of protection of copyright and certain related rights (OJ 2006 L 372).

<sup>31</sup> Judgment of the Court of Justice of the European Union in Case C-604/10, *Football Dataco Ltd et al. vs. Yahoo UK Ltd* [2012] ECLI:EU:C:2012:115.

<sup>32</sup> Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996).

<sup>33</sup> See Article 15 of Directive (EU) 2019/790.

<sup>34</sup> See Lazarova, A. (2021). Re-use the news: between the EU press publishers' right's addressees and the informatory exceptions' beneficiaries. *Journal of Intellectual Property Law & Practice*, 16(3) 236.

Article 14 of the Directive. Such approach would also address concerns that the new press publishers' right may lead to monopolisation of journalistic information that does not contain creative elements.

A much more appropriate and systematic approach to transposing the provision of Article 14 of the Directive into Bulgarian law would, in my view, be the introduction of a general provision in the form of paragraph 2 of Article 34 of the Copyright and Neighbouring Rights Act, which would explicitly specify that no related rights may arise in faithful copies and reproductions of works which are in the public domain, unless the copies or reproductions themselves are original as a result of the creative input of their author.

## **Conclusion**

With the rise of the digital information society, copyright plays an increasingly central role and has a major impact on our access to knowledge and culture, education, research and innovation. At the heart of the concept of the existence of cultural heritage institutions is their mission to preserve cultural heritage and provide citizens with access to it. The current strategic objectives of the European Union also include the extensive re-use of cultural heritage by a wide array of actors, including commercial ones. In this sense, tensions inevitably arise between the activities of re-users, including institutional ones, such as libraries, archives, galleries and museums, on the one hand, and the interests of rightsholders in the creative industries, on the other, as well as a certain tension around the public mission of cultural heritage institutions to preserve and disseminate works. This tension has also an overreaching effect on the use of public domain works, which, albeit free of copyright, can be subject to quasi-copyright regimes or a variety of neighbouring rights able to hinder the free use, including mass digitization and re-use in digitised form, of such works.

In view of the foregoing, the solution proposed by Article 14 of Directive (EU) 2019/790 is a drop in the ocean as far as addressing all the issues relating to the effective use of public domain works is concerned. The provision does not offer a systematic approach concerning the protection of the public domain. On the contrary, it should be borne in mind that, in parallel with the regime of Article 14, the Directive creates new potential problems with regard to the use of works and other subject-matter that are not creative or subject to copyright proper. For example, Article 15 introduces a new related right over press publications, which threatens to extend over news – a content traditionally expressly excluded from copyright protection. Article 17 contains another mechanism that creates a real risk of limiting free use of public domain material by platform users.

All these potential complications must be taken into account by the national legislator in order to ensure the effective access to cultural heritage. In particular, the Bulgarian government should adopt a more holistic approach

to the protection of public domain, so that the national implementation of Article 14 would not only formally forbid copyright protection over out-of-copyright works but reflect the spirit of the EU provision by safeguarding the unrestricted access to and enjoyment of our cultural heritage.

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# FACILITATORS OF INTERNATIONALISATION AT THE DOCTORAL DEGREE LEVEL

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## ***Abstract***

*This paper focuses on the process of internationalisation in European higher education and research by discussing strategic supranational commitments and institutional practices effecting change in the delivery and execution of doctoral degree programs in sync with the imperative of globalisation.*

**Key words:** doctoral degree, internationalisation, European Higher Education Area, European Research Area

## **Internationalisation in academia**

Scientists and higher education institutions have responded to the demands of globalisation by embracing the processes of internationalisation<sup>1</sup>. Globalisation has manifested not only in an increasingly integrated world economy and an overwhelming presence of information and communications technology but also in the emergence of an international knowledge network where English plays a key role<sup>2</sup>. Internationalisation in academia has become a strategy where academic systems, institutions and individuals undertake policies and practices to cope with the global academic environment<sup>3</sup>. The process of internationalisation entails the integration of an „international, intercultural, or global dimension into the purpose, functions or delivery of post-secondary education“<sup>4</sup>. This commonly accepted definition has been revisited as „the **intentional** process of integrating an international, intercultural or global dimen-

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<sup>1</sup> Altbach, P., Reisberg L., and L. Rumbley (2009)

<sup>2</sup> Ibid.

<sup>3</sup> Altbach, P. and Knight, J. (2007)

<sup>4</sup> Knight, J. (2003)

sion into the purpose, functions and delivery of post-secondary education, **in order to enhance the quality of education and research for all students and staff, and to make a meaningful contribution to society**<sup>5</sup>. The scholars who suggested this definition stress on their understanding that internationalisation needs to become more inclusive by focusing more on the curriculum and the learning outcomes rather than on the elitist and exclusive mobility strand<sup>6</sup>. This call for an inclusive strategy emphasises that internationalisation should not be a goal in itself but a means to enhance the quality of education and research.

## **Internationalisation in European higher education and research**

Dwelling on the achievements of the most prominent supranational initiatives in education and research at European level, the Erasmus mobility program, reinforced and streamlined by the Bologna process, and the Marie Curie fellowship program, the European Union has stepped up its strategic approach to internationalisation by pledging commitment to support and implement the European Education Area and the European Research Area<sup>7</sup>.

The European Heads of State and the European Commission endorse the purpose of the European Education Area as development of „a holistic approach to EU action in education and training“ and the creation of „a genuine European space of learning“ for the benefit of all stakeholders<sup>8</sup>. In its Communication on achieving the European Education Area<sup>9</sup>, the Commission outlines an ambitious plan to attain the objectives of the EEA by engaging in the full roll-out of European higher education alliances, university consortia with integrated study programs and curricula that enable students to obtain a degree by combining studies in several EU countries, thus making transition between education systems easier. This initiative is to ensure a seamless transnational cooperation and incentivise higher education institutions in Europe to adapt and train „the future generations in co-creating knowledge across borders, disciplines and cultures for a resilient, inclusive and sustainable society“<sup>10</sup>. The Commission emphasises its support for these strategic partnerships with a view to providing opportunities for a wider cohort of participants to take part in mobility, including in blended online and physical exchanges, and thus bring about the creation of „a pan-European talent pool“<sup>11</sup>. These commitments are endorsed in the Council Resolution on a strategic framework for European cooperation in education

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<sup>5</sup> de Wit, H., Hunter, F., Howard, L. and E. Egron-Polak (2015)

<sup>6</sup> Ibid. p. 29

<sup>7</sup> [https://ec.europa.eu/education/education-in-the-eu/about-education-and-training-in-the-eu\\_en](https://ec.europa.eu/education/education-in-the-eu/about-education-and-training-in-the-eu_en)

<sup>8</sup> [https://ec.europa.eu/education/education-in-the-eu/european-education-area\\_en](https://ec.europa.eu/education/education-in-the-eu/european-education-area_en)

<sup>9</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0625>

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

and training<sup>12</sup> where the further development of the European Education Area is assigned an overarching political priority. The Council fosters the role of higher education institutions as central in the „knowledge square“<sup>13</sup> where universities fulfil their four missions: education, research, innovation and service to society, with a pronounced focus on enhancing the relevance of higher education to the labour market needs.

The Council Conclusions on the New European Research Area<sup>14</sup> call for the development of enhanced synergies and interconnections between the European Research Area and the higher education elements of the European Education Area. The New ERA is defined as an „impact-driven area“ where researchers, knowledge and technology circulate freely to ensure excellence and a competitive edge of the European research and innovation ecosystems. The Council highlights the importance of a continued openness to international collaboration for achieving the goals of the new ERA and supporting Europe’s role as a global leader. Likewise, in its Communication on the new ERA<sup>15</sup>, the Commission specifically stresses on the role of ERA in establishing a global leadership in research and innovation and becoming a pole of attraction to talent. It recognises that researchers and innovators need incentives to work together and reaffirms its commitment to facilitate access to funding for cooperation and sharing of data and support state of the art research infrastructure. The Commission particularly notes that it is paramount to create conditions that attract and retain the best researchers in Europe in the global competition for talent. There is an awareness that the imbalances between the number of PhD graduates and tenure track positions in the public science systems exacerbate the negative tendency of talent outflow. A European Framework for Research Careers is thus envisaged to help alleviate the situation by implementing measures that reinforce inter-sectoral mobility, strengthen academic-business cooperation and encourage entrepreneurship in researchers.

Internationalisation of European higher education and research has become a strategic commitment. In the European Research Area Policy Agenda<sup>16</sup> the Commission has assigned a high priority to achieving „a truly functioning internal market for knowledge“. Among the many actions the Commission has pledged to undertake toward the free circulation of researchers, staff, knowledge and technology, we can highlight the implementation of an open science cloud for knowledge and research sharing and the ERA4You initiative which aims at a balanced circulation of R&I talent, better access to mobility funding programs, support for attracting and retaining research talent.

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<sup>12</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=uriserv:OJ.C\\_.2021.066.01.0001.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=uriserv:OJ.C_.2021.066.01.0001.01.ENG)

<sup>13</sup> Ibid.

<sup>14</sup> <https://data.consilium.europa.eu/doc/document/ST-13567-2020-INIT/en/pdf>

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## **Internationalisation in European higher education and research institutions**

Internationalisation is considered an institutional imperative in a global context<sup>17</sup>. The current discourse on internationalisation in higher education institutions revolves around the concept of comprehensiveness<sup>18</sup>. Comprehensive internationalisation „shapes institutional ethos and values“ and „not only impacts all of campus life but the institution’s external frames of reference, partnerships and relations“ and it is, therefore, essential that commitment and action be „embraced by institutional leadership, governance, faculty, students, and all academic service and support units“<sup>19</sup>.

Surveys on the state of internationalisation in higher education in Europe show that it has become mainstreamed at institutional level<sup>20</sup>. The overarching objective declared by European educational institutions is achieving excellence in teaching and learning and thereby preparing students for a global market of products, services and ideas. The surveys highlight several important points made by the respondents: a) increasing international student mobility is a key focus in their institutions; b) international research collaboration and international strategic partnerships are given priority among their internationalisation activities. The surveys show that supranational European actions and regional/national-level policy are perceived as key influencers of their institutions’ policies on internationalisation.

### **Doctoral studies in the context of European internationalisation**

In the Berlin Communiqué<sup>21</sup> the Ministers for Higher Education acknowledged the need for a synergy of the EHEA and the ERA toward a Europe of research and innovation. Doctoral studies were included as the third cycle in the Bologna Process. Research, research training and the promotion of interdisciplinarity were highlighted as foundational to the quality and competitiveness of European higher education. Toward that end, educational institutions were highly encouraged to cooperate and enhance mobility at the doctoral and postdoctoral levels across Europe. In 2005, the European Commission released the European Charter for Researchers<sup>22</sup> where it provided recommendations for enhancing the competitiveness of doctoral training and committed

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<sup>17</sup> de Wit, H., Hunter, F., Howard, L. and E. Egron-Polak (2015)

<sup>18</sup> Hudzik, J.K. (2011)

<sup>19</sup> Ibid. p. 6

<sup>20</sup> [https://www.europarl.europa.eu/RegData/etudes/STUD/2015/540370/IPOL\\_STU\(2015\)540370\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2015/540370/IPOL_STU(2015)540370_EN.pdf)

<sup>21</sup> [http://www.ehea.info/Upload/document/ministerial\\_declarations/2003\\_Berlin\\_Communique\\_English\\_577284.pdf](http://www.ehea.info/Upload/document/ministerial_declarations/2003_Berlin_Communique_English_577284.pdf)

<sup>22</sup> [https://euraxess.ec.europa.eu/sites/default/files/am509774cee\\_en\\_e4.pdf](https://euraxess.ec.europa.eu/sites/default/files/am509774cee_en_e4.pdf)

to actions for overcoming any obstacles to geographical and intersectoral mobility at the doctoral degree level.

The supranational commitments to the EHEA and the ERA outlined above and in the previous sections of this paper have steered institutions into implementing an approach to internationalisation of their doctoral degree in line with the goals set at European level. Naturally, institutional strategies vary in breadth and focus. A recent qualitative study on the emergence of a European academic identity among doctoral researchers<sup>23</sup> underpins institutional aspects conducive to the researchers' identification as European researchers. Certain doctoral schools have devised coursework to include an international dimension with a view of assisting student-researchers with building diversified competences<sup>24</sup> – intercultural, entrepreneurial and technology skills, foreign languages, critical thinking, an interdisciplinary mindset, among others. Other institutions have actively sought opportunities for joint supervision of doctoral students and have established *co-tutelle* arrangements. International teaching staff is another institutional asset perceived as a contributor to the student researchers' identification as European researchers. Inter-institutional collaboration as well as funding instruments for doctoral mobility have been highlighted as fundamental drivers of internationalisation of the doctoral degree in other publications too<sup>25,26</sup>.

For the purposes of this paper, we have conducted a review of university websites in European countries of the Nordic<sup>27</sup> region to see what doctoral services are being offered and whether internationalisation is on the agenda in their doctoral programs<sup>28</sup>. The universities are situated in a geographical region with shared cultural features and a history of close socio-economic interaction and co-operation.

The results of the review show an impressive degree of similarity in approach and actions. In every one of the studied universities, internationalisation of the doctoral degree is given a very high priority. To start with, the information about PhD studies on the websites is written in the global lingua franca English, making it accessible to a wide international audience, and is presented in a very detailed and engaging manner, making it appealing to a contemporary digitally versed generation. An interesting tool observed on most of the websites is the availability of a blog and chat section where domestic and international PhD applicants are encouraged to directly interact with doctoral researchers at the university. The space dedicated to blogs is rich in content. It provides

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<sup>23</sup> Stoicheva, M. & and N. Tsvetkova (2021)

<sup>24</sup> Ibid.

<sup>25</sup> <https://uni-foundation.eu/uploads/2018%20International%20cooperation%20guide.pdf>

<sup>26</sup> [https://ec.europa.eu/education/education-in-the-eu/about-education-and-training-in-the-eu\\_en](https://ec.europa.eu/education/education-in-the-eu/about-education-and-training-in-the-eu_en)

<sup>27</sup> Finland, Sweden, Denmark

<sup>28</sup> [www.jyvaskyla.fi](http://www.jyvaskyla.fi), [www.tuni.fi](http://www.tuni.fi), [www.aalto.fi](http://www.aalto.fi), [www.helsinki.fi](http://www.helsinki.fi), [www.uu.se](http://www.uu.se), [https://ki.se](http://ki.se), [www.lunduniversity.lu.se](http://www.lunduniversity.lu.se), [www.ku.dk](http://www.ku.dk), <https://international.au.dk>, [www.en.aau.dk](http://www.en.aau.dk)

an insider perspective, creates an affable and unconstrained mean of communication, and thereby serves its purpose to attract both national and international applicants and facilitate their inclusion in the research community. This is an important element in the current global competition for talent.

There is a strong emphasis that PhD studies at these institutions is international in its nature. The thesis can be written and supervised in English, the teaching and research staff is international, the PhD cohort comes from various countries, the PhD curriculum is devised in such a way as to ensure an international involvement of the student researcher. International exposure is stated not only in the form of a strong recommendation for doctoral students at these universities. In two of the Danish higher education institutions there is an explicit requirement that aspiring graduates must complete a study abroad while at the PhD program in order to participate in another active research environment. In their effort to internationalise their doctoral programs and provide mobility opportunities for students, the universities have established bilateral collaborative agreements on doctoral education with higher education and research institutions worldwide. These agreements go beyond the traditional European and Nordic cooperation and mobility funding programs and indicate the institutions' strong commitment to global engagement at the doctoral level. It is important to also note here that the universities specifically offer customised transferable skills training to help doctoral students in their international activities and network-building. The overall impression is that these universities have implemented an approach to delivering their doctoral programs that is in sync with their stated intentions of ensuring that PhD students develop an international outlook and succeed in a globalised work environment. This review shows that the strategies to enhancing internationalisation in higher education and research at EU level have been embraced by these Nordic universities.

### **Concluding remark**

Political engagement at highest EU level with the process of internationalisation indicates that it is assigned a cornerstone place in the development of the European higher education and research area. This paper shows that the facilitators of the internationalisation of doctoral programs are rooted in the supranational commitments to support this process through policy adoption and funding instruments. The deployment of these facilitators can be observed in the strong institutional engagement to implement practices that effect change in the delivery and execution of their doctoral programs in sync with the imperative of globalisation.

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