The Europeanization of Eastern Europe: the External Incentives Model Revisited

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Introduction

Ten years ago, the European Union (EU) ended its Fifth or Eastern Enlargement. In its biggest enlargement round ever, the EU admitted twelve new member states, ten of which had been communist countries during the Cold War. Accession to the EU completed the new member states' long 'return to Europe', which had begun together with their democratic and market-economic transitions at the start of the 1990s.

A process of 'Europeanization' paved the way for the 'return to Europe'. Originally, the concept and the study of Europeanization were limited to the EU and its member states and denoted a two-way street (e.g. Risse et al. 2001) – or, according to Claudio Radaelli's encompassing definition, 'processes of (a) construction, (b) diffusion, and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, "ways of doing things" and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies' (2003: 30). Early scholarship on the transition countries viewed Europeanization predominantly as a domestically driven process focusing on the transformation of political institutions and processes (e.g. Ágh and Kurtán 1995). With the start of the accession process, however, Europeanization turned from an aspiration to an obligation and shifted from political institutions to public policies (Ágh 1999; Pridham 2000; Grabbe 2001). In contrast to the member states' two-way street, Europeanization narrowed to a one-way street for downloading EU policies.

Why and how does Europeanization occur and succeed? In the early 2000s, the literature drew heavily on the neo-institutionalist debate between rationalist institutionalism and constructivist or sociological institutionalism in International Relations and Comparative Politics to theorize Europeanization and to specify its conditions and mechanisms (Börzel and Risse 2000; Schimmelfennig and Sedelmeier 2005a). The specification of mechanisms of Europeanization started with March and Olsen's (1989) distinction of two institutional logics, the (rationalist) 'logic of consequences' and the (constructivist) 'logic of appropriateness'. Whereas the logic of consequences assumes that actors choose the behavioral option that maximizes their utility under the circumstances, the logic of appropriateness stipulates that actors choose the behavior that is appropriate according to their social role and the social norms in a given situation. In addition to these contrasting logics, Europeanization mechanisms differ with regard to whether the EU plays an active or passive role in the Europeanization process (Schimmelfennig and Sedelmeier 2005a; Vachudova 2005).

Combining the two dimensions, we proposed a four-fold classification of Europeanization models. The external incentives model (EIM) assumes that the EU drives Europeanization through sanctions and rewards that alter the cost-benefit calculations of domestic actors. By contrast, the social learning model posits that the normative authority of the EU and the legitimacy of its policies persuade domestic actors to Europeanize. Less interested in domestically driven Europeanization, we somewhat carelessly subsumed both the consequentialist and appropriate adoption under 'lesson-drawing' (Rose

1991). By contrast, Börzel and Risse (2012) distinguish the instrumental or functional emulation of EU policies implied in lesson-drawing from normative emulation or 'mimicry'.

In our collaborative work with many distinguished colleagues (Schimmelfennig and Sedelmeier 2005a; Schimmelfennig et al., 2006) on the Europeanization of the accession candidates of the Eastern enlargement, we found strong support for the EIM. Before the EU offered membership, Europeanization was limited and selective. Afterwards, EU conditionality became the main driver of Europeanization. The CEECs' adoption of the EU's political norms and policy rules depended mainly on the credibility of the EU's promise to admit compliant candidates and of its threat to exclude non-compliant candidates. In addition, governmental adoption costs mattered for political conditionality and the determinacy of conditions mattered for compliance with policy rules. The social learning and lesson-drawing mattered mostly in the absence of accession conditionality (Schimmelfennig and Sedelmeier 2005c: 210-211).

From the vantage point of the EIM, we were, however, skeptical regarding the future perspectives of Europeanization after accession. We pointed out that rule adoption had often remained superficial during the accession process and that implementation would stop or even reverse, when EU conditionality weakened after accession. Alternatively, even if Europeanization did not suffer after accession, its stability might result from other mechanisms – such as social learning (Schimmelfennig and Sedelmeier 2005c: 226-228). Finally, it was not clear whether the EU would be able to repeat its successful Europeanization policy after the completion of Eastern enlargement. On the one hand, the EU registered widespread 'enlargement fatigue' and started a debate on its 'integration capacity' immediately after the conclusion of accession negotiations with Bulgaria and Romania – thereby reducing the credibility of its accession promise to remaining candidates. On the other hand, the remaining candidates in the Western Balkans and Turkey suffered from more difficult legacies than the new member states, such as recent histories of ethnic conflict, weaker statehood and weaker democratic traditions – thereby increasing domestic adoption costs.

This paper is guided by the question how well the EIM holds beyond the original Eastern enlargement context. We consider two alternative contexts characterized by variation in conditions and outcomes: the post-accession phase of the previous Central and Eastern European (CEE) candidates and the pre-accession phase of the current Southeast European (SEE) candidates in the Western Balkans and Turkey. We argue that the size of the EU rewards and the credibility of the threat to exclude states change in the post-accession context but are largely the same across the pre-accession contexts. By contrast, the conditions and the credibility of the promise of membership have changed from the CEE to the SEE context.

Of course, the explanatory success of the EIM does not depend on the Europeanization success of the EU's conditionality policy. Enlargement, once widely hailed as the most successful foreign policy of the EU, appears currently as a spent force. What counts is whether Europeanization succeeds for the reasons specified by the external incentives model, where it succeeds, and fails because of the theoretically expected conditions, where it fails. This is largely the case. Credibility in particular stands out as the crucial condition explaining successes in pre-accession compliance and post-accession conditionality in SEE and post-accession sanctions against democratic backsliding.

This paper does not report original research but findings of studies that explicitly or implicitly test or refer to the EIM (including some of our own studies). We start by briefly summarizing the main assumptions and propositions of the EIM. Subsequently, we turn to the post-accession Europeanization of the new member states and the pre-accession Europeanization of current candidates. The concluding section provides a comparative assessment.

The External Incentives Model

The EIM is a rational bargaining model. It assumes independent actors who enter into a negotiation, in which they exchange information, promises, and threats to achieve their preferred outcome. They compare the costs and benefits of possible deals, reject those that produce net costs and seek to achieve those that maximize their utility. Whether they are able to attain their preferred outcome depends on their bargaining power. Bargaining power is a function of asymmetric interdependence between the actors. Actors who are less in need of agreement or have better alternative options for agreement than their negotiating partners have possess superior bargaining power and are in a better position to move the bargaining outcome in their favor (Moravcsik 1993).

According to the EIM, the key instrument of Europeanization is conditionality (Schimmelfennig and Sedelmeier 2005b: 10-12). The EU sets the adoption of its norms and rules as conditions that the target states have to fulfill in order to receive a reward. The EU is free to choose both the conditions and the reward. EU conditions comprise predominantly political conditions (such as democracy and the rule of law), and regulatory conditions (pertaining to the EU's public policies). We distinguish political conditionality and *acquis* conditionality accordingly. Rewards range from financial and technical assistance to membership. In general, higher rewards are linked to more demanding conditions.

The target states are free to accept or reject the conditional reward. They accept if they perceive the benefits of the reward to be higher than the costs of meeting the conditions. The cost-benefit assessment is subject to domestic politics. Even though the EU negotiates with target state governments, these governments are constrained by domestic institutional, electoral, or interest group "veto-player" pressures that may force them to accept a deal they consider too costly or reject a deal they would benefit from. If the target government rejects or fails to meet the conditions, the EU typically simply withholds the reward (without applying additional sanctions or coercion). It pays the reward if the target government fulfills the conditions.

The EIM further specifies several conditions under which conditionality is more or less likely to be effective (Schimmelfennig and Sedelmeier 2005b: 12-17): the size and speed of rewards, the determinacy of the conditions, the credibility of the conditionality, and the size of the adoption costs.

Rewards. Conditionality is more likely to be effective if rewards are tangible or material (increase the state's welfare and power) rather than immaterial (such as mere public praise by the EU). Furthermore, effectiveness increases with the size of the reward. Membership, which comes with larger financial assistance and voting power in the EU, is a bigger "carrot" than association. Finally, time to rewarding matters. The closer the date on which the reward would be paid, the stronger the compliance pull. Distant rewards reduce the willingness of target governments to meet costly conditions.

Conditions. For one, target governments value determinacy understood as clarity. They are eager to learn what exactly they need to do to meet the conditions and get the reward. By contrast, vagueness causes target government to procrastinate, underachieve, or take the wrong measures. The EU enhances determinacy by specifying the conditions clearly and by giving regular feedback. In addition, determinacy depends on the relevance or salience of conditions for the EU. The more

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¹ The external incentives model takes the conditions and rewards as exogenously given and does not examine whether they are 'rational'. Indeed, in our other work on enlargement, we argue that some of the conditions and rewards resulted from a "special responsibility" of the EU towards the CEECs (Sedelmeier 2005) or the EU's liberal-democratic community norms (Schimmelfennig 2003).

clearly the EU signals that conditions are *sine qua non*, the more likely target governments are to prioritize and meet them.

Credibility. Conditionality potentially suffers from time-inconsistency because target governments need to meet the conditions before they will receive the reward. Credibility refers to the credibility of the EU's threat to withhold the reward if conditions are not met and the credibility of the EU's promise to pay the reward once conditions are met. Largely, credibility is a function of bargaining power. The less the EU benefits from having a target state as a member or partner and the fewer alternative options to EU membership or association the target state has, the more credible is the EU's threat. At the same time, however, superior bargaining power undermines the credibility of the promise. In addition, credibility increases with the EU's coherence and consistency. The more the EU member states and supranational institutions agree on the conditions and the reward, the more the EU speaks with one voice, and the more consistently it applies its conditions over time and across target countries, the more credible its threats and promises are. Moreover, credibility varies over time. In that sense, the distance of the reward also affects its credibility. Distant rewards put the credibility of the EU promise in doubt. As negotiations progress and the EU makes investments in supporting and preparing the target states, the credibility of the promise increases and the credibility of the threat recedes. Finally, the absence of 'cross-conditionality' by other international actors who offer comparable rewards at lower costs increases the credibility of EU conditionality.

Costs. For any given size and speed of rewards, determinacy of conditions, and credibility of conditionality, it is the size of domestic adoption costs that determines whether target governments will meet the EU's conditions. These costs can have various sources. First, target governments are unwilling to meet conditions to the extent that they expect to lose elections, coalition partners, and power as a result. In the CEE context, we found these costs to be relevant mainly for political conditionality, not in *acquis* conditionality.

Second, EU conditions may harm institutional or societal actors with the capacity to block their adoption ('veto players'). Adoption costs rise with the number of negatively affected veto players. By contrast, if EU conditions and rewards are more popular among the electorate, interest groups, opposition parties, and state institutions than in the government, the government will be more likely to comply. In the original formulation of the model, we assumed that EU conditions always create domestic costs for the candidate governments, because otherwise rule adoption would have happened in the absence of EU conditionality (Schimmelfennig and Sedelmeier 2005a). Yet governments may also derive benefit from using EU conditionality to overcome domestic resistance and push through reforms that are in their own interest.

Third, the government may be willing but lack the capacity to meet and implement the conditions for reasons of expertise and financial or administrative capacity. We found that capacity was not a major issue during the pre-accession period of the CEE countries, but this may different after accession and for other groups of candidates.

CEE after accession: the new member states

Testing the predictive power of the EIM for the post-accession period, when the candidate countries have become new member states, requires some adaptation of the explanatory factors. We discuss the factors in turn, and derive expectations for post-accession with regard to two major policy areas – the (single market) *acquis* and liberal democratic norms. We then review these policy areas in turn to establish the extent of compliance and whether compliance – and its variation across issues and new members – is in line with the expectations of the EIM.

Conditions of post-accession compliance

Rewards and credibility. Most notably, the type of incentives that EU institutions can draw on to elicit compliance changes after accession. Rather than using (conditional) rewards, EU institutions can only use negative incentives – sanctions – that vary across issue areas. In general, even the most sizable of these sanctions are far less costly than the pre-accession threat of withholding membership, which is precisely why the EIM leads to skepticism about the sustainability of incentive-driven pre-accession compliance after accession (Schimmelfennig and Sedelmeier 2005c: 226; Epstein and Sedelmeier 2008).

With regard to rewards/incentives, a key dimension in which the EMI would expect variation with regard to post-accession compliance in new member states is then across issue areas, according to the leverage that EU institutions can exercise through sanctioning non-compliance. EU institutions generally can use sanctions against non-compliance in both the acquis and the democracy areas. However, not only the size of the sanctions varies across these issue areas but also the credibility of the threat of sanctions, which in turn depends largely on the autonomy of EU institutions in the imposition of sanctions. With regard to the rules of liberal democracy, Article 7 TEU gives EU institutions potentially extremely far-reaching sanctions (it allows the Council to 'suspend certain ... rights' of a member state for 'serious and persistent' breaches). However, the autonomy of EU institutions in deciding sanctions is extremely limited, as the member states themselves determine by unanimity (minus one) whether such a breach has occurred. The sanctioning power of EU institutions is therefore comparatively far higher with regard to other areas of the (largely single market) acquis. The Commission can launch infringement cases and refer a member state to the Court of Justice of the EU (CJEU), which can impose financial penalties for non-compliance. In sum, a focus on rewards and their credibility generally leads the EIM to expect a deterioration of compliance across the board after accession. Yet it would expect compliance problems to be less severe with regard to the acquis (covered by Art. 258 TFEU) than with regard to liberal democracy.

(Determinacy of) conditions. Determinacy of the acquis is generally least problematic since the EU compliance process, including infringement procedures and adjudication, increases the clarity of rules that a member state is suspected to have infringed. By the same token, determinacy is lower for Article 7 since the determination of what constitutes a breach of liberal democratic values is carried out by the member states. (Yet the Commission's new 'rule of law framework' that mirrors the initial stages of the infringement procedure of Art. 258 might help in this respect, as does the recourse to non-EU bodies, such as the expert opinion of the Council of Europe's Venice Commission.) In sum, variation in determinacy leads the EIM to expect that compliance with the acquis (covered by Art 258) should be better than in the area of liberal democracy.

Costs. In contrast to sanctions, their credibility, and the determinacy of the EU's conditions, which vary primarily across issue areas, ² compliance costs can vary both across issue areas and new member states. With regard to compliance costs, the study of post-accession compliance is closely related to the study of compliance in the EU (and IOs more generally), where domestic compliance costs are identified as a key explanatory factor by the 'enforcement school' of compliance (see e.g. Börzel et al. 2010; Tallberg 2002). Because of its origins, the EIM is not designed to explain whether (first order) compliance problems emerge but rather how likely it is that the EU can elicit (second order) compliance through the use of sanctions. In this perspective, compliance costs are generally higher with regard to the political conditions than the (single market) acquis, since the former are

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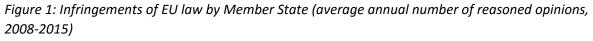
² Notwithstanding the debate whether the threat of sanctions is equally credible with regard to whether the EU big and small states, and whether the (reputational) costs of non-compliance (separate from the costs of sanctions) are more severe for smaller states, and for those with higher membership benefits.

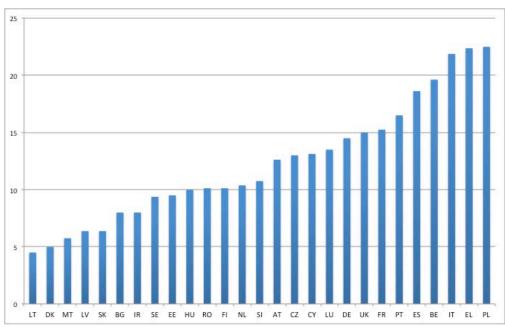
more likely to affect the basis of a government's hold on office (Schimmelfennig and Sedelmeier 2005c: 213). In addition, we expect that variation in state capacities is more important for acquis compliance, whereas political compliance is predominantly a matter of government interest.

In the following sections, we analyse post-accession compliance across the single market acquis and the EU's liberal democratic norms. In each area, we first attempt to establish descriptively the extent to which compliance problems have emerged and then analyse whether these observations fit the expectations of the EIM with regard to the compliance patterns across states. In a next step, we analyse whether the variation in compliance patterns across issue areas can be accounted for by the EIM.

Post-accession compliance with the (single market) acquis

In order to establish the extent of compliance problems in this broad issue area, we compare the compliance record of the new members against those of the old members. Although it is not straightforward to identify what extent of non-compliance would count as evidence for the prediction of the EIM that compliance will suffer after accession (worse than the worst-performing old member states? Worse than the median old member state?), the actual compliance record of the new member states makes the assessment more straightforward: most new member states outperform most new member states; the main exception is Poland that has become a compliance laggard in the enlarged EU (see figure 1 below).





The infringement record of the new member states thus clearly seems to contradict the expectations of the EIM (see also Sedelmeier 2008, 2016; Börzel and Sedelmeier 2017: 203). These aggregate results are also confirmed in studies of specific policy areas. Studies of the new members' compliance in specific policy areas do not find much evidence of a deterioration (e.g. Blauberger

2009; Leiber 2007; Sedelmeier 2009, 2012; Toshkov 2008) and studies that compare old and new members do not find more severe problems in the latter (e.g. Steunenberg and Toshkov 2009; Toshkov 2012; Zhelyazkova et al. 2017b).

At the same time, concerns have been raised that the new members' unexpectedly good record primarily captures formal compliance that masks undetected problems with behavior compliance in the application of EU rules (Falkner et al. 2008; Dimitrova 2010). Although the infringement data cover not only formal transposition of EU law, but also its correct application, there might be reasons to fear that undetected non-compliance with regard to bad application is more salient in the old than the new member states (Sedelmeier 2008: 818-19). However, studies of the application of EU directives do not find that it is generally more problematic in the new, than in the old, member states (Zhelyazkova 2016, 2017).

The findings with regard to post-accession compliance with the (single market) acquis thus generally appear to contradict EIM. At the same time, we have to bear in mind that according to the EIM, (continued) compliance is more likely with regard to the (single market) acquis, then with regard to areas of political conditions. Moreover, although it is difficult to derive predictions from the EIM how compliance costs should affect cross country variation in compliance at the aggregate level of the (internal market) acquis, some of the cross-country patterns are plausible from the perspective of the EIM. The observation that Poland is a compliance laggard, while a number of smaller new members are among the compliance leaders fits with the argument that powerful states need to care less about the reputational costs of non-compliance (Boerzel et al. 2010). The study by Sedelmeier (2016a) provides some qualified evidence for the importance of administrative capacities for post-accession compliance: despite generally less efficient public administrations than in the old member states, those new member states that created during the pre-accession more sophisticated specific administrative capacities for the implementation of the acquis (Dimitrova and Toshkov 2007; Zubek 2009) perform better after accession.

In sum, conditionality might have a lasting – and positive – impact on compliance with regard to the (single market) acquis (Sedelmeier 2016), but the resulting compliance pattern is generally not well captured by the EIM even if some of the more specific patterns fit more clearly.

Post-accession compliance with liberal democratic conditions

Early studies of the development of liberal democracy in the new member stats found no evidence of 'backsliding' (Levitz and Pop-Eleches 2010). More recent evidence suggests that the new member states have experienced some backsliding in general (Boerzel and Schimmelfennig 2017), but in most cases, it can be argued that this does not amount to clear non-compliance with EU rules. At the same time, there are cases in which backsliding clearly breaches liberal democratic rules. In Hungary (since 2010) and Poland (since 2015), governments of new member states have concentrated power and undermined pluralistic democratic completion (see e.g. Bánkuti et al. 2012; Scheppele 2013; Kelemen 2017; Kelemen and Orenstein 2016) while in Romania (in 2013), it openly defied the rule of law, albeit only temporarily (Isumen 2016; Pop-Eleches 2013).

While a deterioration of liberal democracy in the new members is in line with the expectations of the EIM, it cannot easily explain why these most serious cases of backsliding occurred in these particular countries (apart from the opportunity for limiting liberal democracy without blatantly breaching the rule of law that the parliamentary (super)majorities offered to the Hungarian and Polish governments). However, the EIM correctly predicts the inability of EU institutions to redress backsliding in Hungary and Poland due to the lack of credible sanctions. And while the EIM struggles

to explain why the Romanian government generally complied with the demands of the presidents of the Commission and the Council to cease its breaches of the rule of law (Sedelmeier 2014), it correctly predicts compliance is more likely in the case of the Romanian government, which broke the rule of law to impeach a deeply unpopular president unlikely to win re-election in the election scheduled for the following year, than in the cases of Hungary or Poland: the influence of EU institutions decreases, the more a government's hold on power depends on its illiberal practices (Sedelmeier 2017). Moreover, the EIM also correctly predicts that the influence of the EU in the Hungarian case is strongest with regard to those selective issues in which illiberal practices also infringed EU legislation that allows for the use of the compliance procedures under Article 258 TFEU, such as the retirement age of judges (Sedelmeier 2014). At the same time, eventual compliance with these issues did not redress the damage that initial non-compliance did to liberal democratic practices (e.g. judges forced into early retirement were compensated rather than reinstated), let affect the more serious underlying issues.

In sum, post-accession compliance with regard to liberal democratic principles confirms the expectations of the EIM both with regard to a certain deterioration of compliance in general, and specifically the inability of the EU to redress non-compliance in Hungary and Poland, due to the lack of credible sanctions and high compliance costs for the governments concerned. There are specific aspects of the compliance patterns that are not easily explained with external incentives, but the broader patterns, including the greater severity of compliance problems in this area than in the area of the (single market) acquis fit well with the predictions of the EIM.

SEE in pre-accession: the current candidates

Already before completing its Fifth Enlargement, the EU had begun to expand its enlargement policy beyond the CEE candidates. In 1999, it started the stabilization and association process with the countries of the Western Balkans and promoted Turkey to "official candidate" status. At the Thessaloniki European Council of 2003, the EU confirmed and reinforced the membership perspective for the Western Balkans, already declared in 1999. In 2005, the EU started accession negotiations with Croatia, which became a member in 2013, and Turkey; Macedonia achieved official candidate status. Since then, the EU has entered into accession negotiations with Montenegro (2012) and Serbia (2014), and accorded Albania (2014) official candidate status.

Conditions of pre-accession compliance

Rewards. As for the size of the reward, the conditions of conditionality do not differ from the CEE candidates. The EU promised all official and potential candidates full membership. As in Eastern enlargement, the EU has not specified any ex ante timeline either but stuck to its official line that candidate would join when they are ready. The duration of eight years between Croatia's start of accession negotiations and actual membership matches Eastern enlargement. Commission President Jean-Claude Juncker deviated from this stance when he announced that there would not be any enlargement during his tenure (2014-2019), but then he was merely stating the obvious. It was clear that none of the candidates of 2014 would be able to join within the coming five years. Yet Juncker's announcement was one of many signals and indications of a reduced credibility of the promise in the EU's conditionality.

Credibility of the threat. Let us start with the credibility of the EU's threat to withhold membership in case of non-compliance, however. In SEE, the credibility of the threat does not differ significantly

from CEE. Asymmetrical interdependence works strongly in favor of the EU, and while the EU has an interest in the stability and integration of the region, this interest will keep the EU engaged, but does not create an unconditional push towards enlargement (Vachudova 2014).

If anything, the Western Balkan countries are less relevant and attractive for the EU economies and more dependent on external support given their smaller size and lower level of economic development than the CEECs. Whereas the Western Balkans account for around one percent of EU imports and 1.5 percent of EU exports, the EU accounts for almost 75 percent of the Western Balkans' total trade. In spite of growing engagement of China and Russia, these potentially rivalling economic powers remain distant second and third partners for the Western Balkans (China 5.5% and Russia 4.7%). From the perspective of the external incentives model, this inferior position limits the cross-conditionality that China and Russia could exercise. Whereas Turkey is in a stronger position, being a large and growing economy and one of the EU's main non-EU trading partners, it still only for a little over four percent of the EU's total external trade. Moreover, the EU is Turkey's most important trade partner, covering more than 40% of its total trade.

Credibility of the promise. By contrast, the credibility of the EU promise to admit the candidates if they fulfill the conditions has suffered in comparison with Eastern enlargement - especially in the case of Turkey. Turkey is the most internally contested country among the EU's candidates. According to the Eurobarometer surveys, Turkey is the least preferred among the EU's (potential) candidates for membership. The share of those opposed to Turkish membership has ranged between 55 and 59 percent between 2005 and 2010, and majority opposition is independent of whether or not Turkey fulfills the EU's conditions (Dagdeverenis 2014: 7-8). Moreover, Turkey is a distant outlier when it comes to transnational trust among Europeans (Klingemann and Weldon 2013). The fundamental cultural resistance revealed in the data is mirrored at the party level in the principled opposition of both radical and many center-right parties towards Turkish membership. When the EU decided to start accession negotiations with Turkey, Austria and France announced to hold a referendum on a future accession treaty – a very common procedure in new member states but hitherto not in old member states. Constitutional revisions in 2005 and 2008 introduced the obligation for France to hold a referendum on any further EU enlargement following Croatia (unless parliamentary approval exceeds 60 percent). From the point of view of candidate countries, accession referendums in member states increase the number of veto players beyond the member state governments and thus reinforce their uncertainty about eventual membership.

In addition, the EU's institutional commitment to Turkish membership has been weaker than in the case of other candidates. First, the Negotiation Framework of 2005 declares the accession negotiations as "open-ended" and includes the possibility of permanent derogrations. Second, the admission of a divided Cyprus to the EU imported the Cyprus conflict into the accession process with Turkey. The Turkey sceptics in the EU achieved to make the continuation of accession negotiations dependent on Turkey's implementation of the Additional Protocol of the Ankara Agreement that would extend the customs union to the new member states, including Cyprus. When Turkey failed to comply, the EU reacted by partially blocking the negotiations. Around half of the negotiation chapters are currently frozen, mostly based on vetoes from Cyprus and France.

Whereas Turkey is an extreme case, support for EU enlargement has generally eroded over time (Toshkov et al. 2014). 'Enlargement fatigue' has been the dominant mood since 2005. In the 2015 Autumn Eurobarometer survey (EB 84.3), the share of those opposed to further enlargement

³ http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc 111477.pdf. The numbers refer to 2016 values.

⁴ http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc 113456.pdf.

reached 51 percent. Even though Western Balkan countries do not face any principled or culturally motivated opposition among mainstream member state governments and parties, particular bilateral conflicts with Western Balkan countries, which have little to do with the formal membership conditions, have inhibited the accession process. The most important example is the state name dispute between Greece and Macedonia, which has led Greece to block the start of accession negotiations since 2009. In addition, several EU member states do not recognize Kosovo. Institutionally, the abolishment of a Commissioner for Enlargement in the Juncker Commission and the merger of the portfolio with the European Neighborhood Policy sent a signal of reduced commitment and urgency, too.

In sum, then, the credibility of the EU's promise to grant membership to compliant candidates is currently lower than it was during Eastern enlargement. This reduced credibility is a result of the unfavorable public opinion towards future enlargements, the increasing threats of referendums, the lack of consensus and coherence among the member states, the existence of substantial bilateral conflicts between individual member states and the candidate countries, and the weakened institutional commitment of the Commission.

(Determinacy of) conditions. Because the EU's acquis increases over time, the conditions to be met by candidate countries evolve, too. However, the EU has only developed gradually in the past ten years. Major changes were limited to the euro area, to which new member states do not belong upon accession. Yet the EU has also repeatedly revised its enlargement strategy and conditions. First, the candidates of the Western Balkans are subject to the 'Copenhagen Plus' criteria, which relate to specific problems of the region, including full cooperation with the International Court-Tribunal on Yugoslavia (ICTY), the implementation of peace agreements, and the resolution of bilateral disputes. Indeed, the EU has not only been engaged in Europeanizing existing states as in CEE (and in Turkey) but in building and transforming states in the first place as a precondition even for association. According to Bieber (2011), the EU conditions related to state-building not only suffered from a lack of clear criteria but also from a cacophony of voices from other actors involved in the peace and institution-building process.

Second, the EU has put stronger emphasis on democracy and the rule of law. Again, this emphasis on general political principles not specified in the EU acquis was susceptible to low determinacy. Yet the 'new approach' in EU enlargement strategy has increased both salience and precision. EU conditions in this area are now more detailed and better operationalized (by the introduction of specific opening, interim, and closing benchmarks) than during the Fifth Enlargement. The relevant negotiation chapters 23 and 24 are now opened at the beginning of the negotiations and remain open until their very end, thereby giving the candidate states a longer time to adopt and implement EU conditions and the Commission a better chance to monitor compliance. In addition, the Commission can link the opening of other chapters to progress in the rule-of-law chapters.

Moreover, the EU upgraded the economic and administrative reforms it asks from the candidates (Dimitrova 2016; Zhelyazkova et al. 2017a). Finally, the EU announced that it would not treat the Western Balkans as a single "enlargement round", but judge every candidate on its own merit. This approach strengthened the credibility of the EU's conditionality, as less compliant candidates could not hope to hide behind the more compliant ones.

Consequently, the EU's conditionality has become both more demanding and (partly) more determinate. The EU has broadened the set of conditions, especially by expanding the 'enlargement acquis' beyond the regulatory public policy rules and into fundamental state-building, rule-of-law, administrative and economic reforms; it has improved the precision of its conditions in some of these areas; and it has strengthened its monitoring, feedback, and sanctioning mechanisms. Whereas higher determinacy of the conditions should improve the likelihood of successful Europeanization,

more demanding conditions might increase the adoption costs and delay membership, thereby undermining the effectiveness of conditionality.

Costs. As in CEE, EU membership has been highly popular in SEE at the beginning of the process. Whereas Turkish public support for membership has significantly cooled down over time, it has retained majorities in the Western Balkans overall (Toshkov et al. 2014). As in the previous enlargement, the popularity of EU accession generally lowers the domestic adoption costs and induces governments to engage in Europeanization and pursue accession progress.

Political and administrative adoption costs, however, are generally higher for current candidates than in CEE. The SEE countries have started their transition and Europeanization from a lower level of fit. Many of them were still struggling with issues of statehood and state transformation at the start of the process; Bosnia-Hercegovina and Kosovo still are. With regard to both democracy and governance capacity, the gap between the CEE countries and the EU has been considerably smaller than the gap between SEE and the EU. With the exception of Croatia, the Western Balkans states are among the poorest and least developed countries in Europe. Indeed, according to most indicators, the CEE countries have been closer to the EU than SEE has been to the CEE (Börzel and Schimmelfennig 2017).

First, the governments of the region on average need to give up more power and rent-seeking opportunities and accept more constraints in order to meet the EU's conditions, in particular in the domain of the rule of law, in which the EU has strengthened its conditionality. Second, they need to meet the Copenhagen-Plus conditions that relate to recent ethnic conflict, concern identity-sensitive issues, and thus involve potentially high political costs for governments to comply (Freyburg and Richter 2010). Overcoming such costs requires substantial and imminent rewards (Schimmelfennig et al. 2006; Schimmelfennig 2008). Finally, political conditions, which generally create higher adoption costs, dominate SEE pre-accession. Whereas violations of political conditions have been limited to a few countries in CEE and have mostly stopped before the accession negotiations started, they affect virtually all SEE countries and continue to affect the enlargement process well into the accession negotiations.

In sum, the EU offered the SEE candidates the same membership reward as the CEE countries. It preserved the high credibility of its threat to withhold this reward in case of non-compliance and even strengthened the determinacy of its conditions and its monitoring process. On the other hand, however, the credibility of the EU's membership promise has weakened and political and administrative domestic adoption costs have increased in general. Based on the external incentives model, we would therefore expect Europeanization to slow down and lose effectiveness. Governments that perceive a high uncertainty of obtaining membership are likely to be unwilling to accept the considerable political and administrative costs that full compliance would entail.

The Europeanization of the Western Balkans and Turkey

How has the Europeanization of the current candidates proceeded and what do the outcomes tell us about the fit of the external incentives model? I will start with an overall assessment based on general indicators of liberal democracy and governance capacity.

Figure 2 shows the democracy and governance trajectory of the entire region (Western Balkans and Turkey) since 2003, the year in which the Western Balkan countries obtained a firm membership perspective. All indicators show an increase in the initial years of the period. The Freedom House Index improves overall until 2009, then stagnates at the threshold of the "partly free" and "free"

categories for the subsequent years, and is in decline since 2013. The Worldwide Governance Indicators (WGI) for liberal democracy (voice and accountability as well as rule of law) confirm this overall impression. By contrast, the values for governance capacity (government effectiveness and regulatory quality) improve more steadily. As a result, 'good governance' – as measured by the mean of all WGI indicators – has slowly improved across the region overall but points in a negative direction in 2015. In general, SEE has not been able to close the gap in democracy and governance capacity either with the old member states or with the CEE new member states during this period (Börzel and Schimmelfennig 2017), and it has made greater and more durable improvements in governance effectiveness and quality than in liberal democracy.

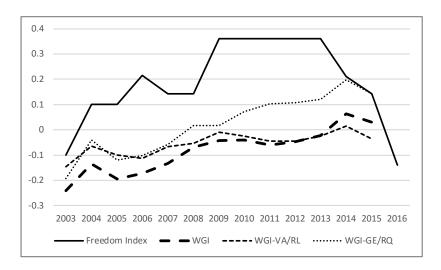


Figure 2: Regional democracy and governance trajectory for the Western Balkans (without Kosovo) and Turkey

Note: WGI = mean of six Worldwide Governance Indicators; WGI-VA/RL = mean of 'voice and accountability' and 'rule of law' indicators; WGI-GE/RQ = mean of 'government effectiveness' and 'regulatory quality' indicators. The Freedom House Index is inverted and adapted to the range of the WGI indicators for better comparability; the value in the graph equals 3 minus the original Freedom House Index.

Figure 3 shows the trajectory of each indicator by country. First, the data confirm that the EU has been largely consistent in rewarding the countries of the region for their progress. Croatia, the only new member state, clearly comes out top-of-the-league in all panels. Serbia and Montenegro, the two Western Balkan countries currently in accession negotiations, rank behind Croatia but ahead of the other Western Balkan countries according to Freedom House (upper left panel) and the liberal-democracy indicators of the WGI (upper right panel). At the time, when Turkey started accession negotiations, its democratic performance was better, too, than that of the Western Balkan countries except Croatia, according to the WGI. Turkish democracy has lost ground since, whereas its governance capacity has remained better than that of the Western Balkan non-members. Albania, Bosnia-Hercegovina, and Kosovo, which have not had official candidate status during this period (Albania gained it in 2014), have ranked lowest with regard to both democracy and governance capacity. Thus, the credibility problems that EU conditionality has in the region do not stem from inconsistency.

Second, EU accession conditionality has not been able to induce sufficient and sustainable progress in the political development of its candidate countries. The fact that Bosnia-Hercegovina and Kosovo have remained at the bottom of the league with regard to democracy and governance testifies to the

strength of statehood as a core condition of Europeanization (Börzel 2013) and the failure of EU conditionality in state-building (Bieber 2011). The cases of failure are clearly overdetermined, combining distant and uncertain rewards with particularly high domestic adaptation costs owing to powerful internal (and external) veto players and low state capacity.

Turkey and Macedonia are the two countries whose membership perspective has become least credible because of significant bilateral conflicts with EU member states and – in the case of Turkey – principled public and partisan opposition, both rooted in national and cultural identities. The effects can be seen in the trajectories of the two countries' liberal-democratic performance. Initial progress gave way to regression when it became clear that the EU would not reward their efforts in the near future.

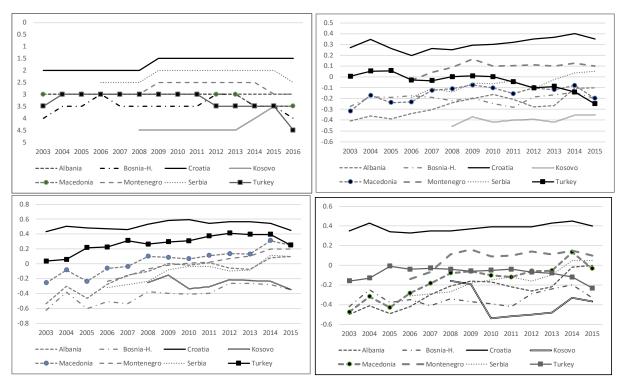


Figure 3: The Democracy and Governance Trajectory of the Western Balkan Countries and Turkey

Note: upper left panel based on Freedom Index by Freedom House; upper right panel based on the mean of 'voice and accountability' and 'rule of law' WGI indicators; lower left panel based on mean of 'government effectiveness' and 'regulatory quality' WGI; lower right panel based on WGI mean.

In Turkey, a combination of external incentives and reduced political costs triggered the initial reforms, which earned Turkey the start of the accession negotiations (Kubicek 2011; Müftüler-Bac 2005; Schimmelfennig et al. 2006). The official candidate status of 1999 raised the credibility of Turkey's membership perspective; the electoral victory of the AKP brought a party to power that had a strong self-interest in constraining and reforming the Kemalist state. After 2005, perceptions of EU double standards gained ground in Turkey, the political consensus behind the reform process broke down, and the Turkish government reoriented its international relations away from the EU focus (Kubicek 2011). Whereas the process of Europeanization has not come to a full stop after 2005, it has been limited to selective policy areas, driven by the government's domestic political interest (Cengiz and Hoffmann 2013; Yilmaz and Soyaltin 2014) or socialization and anticipatory compliance in policy

networks (Aydin and Kirisci 2013; Bürgin and Asikoglu 2017). This confirms the finding that, in the absence of credible conditionality, Europeanization may still occur as a result of social learning and lesson-drawing. Since 2010, however, a process of retrenchment or "de-Europeanization" has become dominant (Yilmaz 2016). The Turkish case shows most clearly how the decrease in the credibility of the EU's conditional membership promise has resulted in a decrease of the EU's influence on the country's general political development.

Besides Croatia, Macedonia has been an early and eager "Europeanizer" in the Western Balkans. After its membership application in 2004 and obtaining candidate status in 2005, Macedonia engaged in high legislative activity to bring its institutions and policies in line with the EU, earning the country a series of recommendations by the European Commission to start accession negotiations, only to be vetoed by Greece. Since 2010, Macedonia's rule adoption has slowed down, interrupted by a short period of heightened activity when the High Level Accession Dialogue appeared to be able to overcome the name dispute in 2012/13 (Nechev 2017). During the same time, the Macedonian government of Nikola Gruevski stepped up state capture, revealed in the 'wiretapping scandal' of 2015 and causing prolonged political crisis. In a remarkable statement after the formation of the new Zaev government in June 2017, EU Commissioner Johannes Hahn admitted that the EU's handling of the name dispute between Macedonia and Greece 'was clearly not helpful for stabilizing the country' and that the EU 'should have learned their lesson and … find a solution at last to start negotiations'.⁵

Finally, the EU is still able to elicit and compliance with its demands, even if they involve high political costs, if it offers important and imminent intermediate rewards in return. To give a few examples, when the EU made the start of accession negotiations specifically dependent on the arrest of suspected war-criminal General Gotovina, Croatia cooperated with the ICTY (Schimmelfennig 2008). When the closing of accession negotiations approached, Croatia demonstrated resolve in the fight against corruption by arresting former Prime Minister Sanader (from the same party) in December 2010 (Noutcheva and Aydin-Düzgit 2012). When the EU made clear in 2011 that Serbia's path to membership would be blocked without a constructive dialogue with Kosovo, the Serbian government complied and was promptly rewarded with a recommendation of the Commission to award official candidate status (Economides and Ker-Lindsay 2015). Whereas in Easter enlargement the critical occasions for applying leverage on politically costly issues were limited to the starting and closing of accession negotiations (Schimmelfennig et al. 2006), the EU has now created many more such 'windows for leverage' (O'Brennan 2014), from the start of association negotiations to the decisions on closing benchmarks for individual negotiation chapters. These 'micro-conditionalities' have, indeed, helped to move the integration processes forward incrementally – especially in the cases of Croatia and Serbia, which were not durably blocked by bilateral conflicts with the member states.

In the same vein, the EU has sought to compensate the distant and uncertain reward of membership with a series of smaller, sectoral agreements that would commit the Western Balkan countries to adopting a specific set of policy rules in return for short-term rewards in areas such as energy and border policy (Renner and Trauner 2009). Moreover, the visa liberalization for the Western Balkans demonstrated the effectiveness of tangible, credible, and imminent rewards in mobilizing compliance (Trauner 2009).

In sum, the major difference between CEE and SEE enlargement is the combination of higher adaptation costs with a lower credibility of the EU's conditionality. The SEE countries started from a much greater distance from EU standards, faced additional prerequisites of accession but were given a much more distant and uncertain membership perspective. This discrepancy slowed down

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⁵ «EU sees 'momentum' on Macedonia name dispute», *EU Observer*, 12 June 2017, available at https://euobserver.com/enlargement/138199.

Europeanization in the entire region, especially in those countries that suffered from weak statehood and were entangled in bilateral conflicts with a member state. Yet credibility clearly stands out as the most important weakening EU conditionality. As the development of Turkey in the early 2000s and several instances of Croatian and Serbian compliance demonstrate, compliance is possible even in highly politicized issue areas if only conditionality is credible.

Conclusions

In the Eastern enlargement process, the EIM largely explained compliance with EU norms and rules as a result of the right constellation of conditions. Rewards were high and credible, domestic adoption costs moderate, and in the few cases, in which political costs were high, they could be overcome by even higher imminent rewards. In the two post-Eastern enlargement contexts we have examined in this paper, however, conditions have changed. Table 1 offers an overview disregarding variations in some conditions across countries and disregarding determinacy, which is generally a secondary influence.

	Incentives	Credibility	Costs	Compliance
CEE pre-accession	++	+	+/-	+
CEE post-accession (acquis)	-	+	+	+
CEE post-accession (democracy)	+	- (threat)	-	-
SEE pre-accession	++	- (promise)	-	-

Table 1: General configurations of conditions in CEE and SEE accession contexts

In the post-accession period of the new member states, the membership reward had been consumed and could not be matched by any (credible) EU sanctions for non-compliance. Otherwise, conditions vary significantly between the issue areas of the market acquis and the EU's liberal democratic norms. The defiant stance of the EU's 'illiberal democracies' vis-à-vis potential EU sanctions in the area of democratic norms fits the prediction of the EIM based on low credibility and high domestic costs — and in spite of a significant loss of membership rewards if sanctions were actually applied. By contrast, higher credibility and lower costs make post-accession acquis-related sanctions more conducive to compliance. Given the considerable change in the reward structure, the strong compliance record of the new member states is nevertheless puzzling from the EIM perspective. The main difference in the configuration of conditions in the CEE and SEE pre-accession contexts is the lack of credibility of the membership reward. As predicted by the EIM, it has led to a generally lower level of compliance. Moreover, compliance has varied across time and countries in line with variation in the credibility of EU rewards.

In general, the comparative evidence highlights the importance of credibility. Even if incentives (rewards and sanctions) are strong in principle, they fail to affect rule adoption and compliance if they lack credibility. In addition, highly credible incentives have proven capable of overcoming considerable domestic costs in the pre-accession periods. Ceteris paribus, credibility is the core resource of EU conditionality. Its decline is the most important factor in the decline of the Europeanization effects of the EU's enlargement policy.

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