



les
études
du CERI

Centre d'Études
et de Recherches
Internationales

**The “Enlargement Paradox”:
Intergovernmental Supranationalism Survives
despite the Winds of Change**

Tanja Mayrgündter

The “Enlargement Paradox”: Intergovernmental Supranationalism Survives despite the Winds of Change

Abstract

In the last decade, the EU has been challenged by major phenomena, such as the entry into force of the Lisbon Treaty and the economic and financial crisis. Unlike other policy areas, where the logic of action and institutional interplays have consequently changed, enlargement constitutes a “paradox”, having largely been resistant to such impact factors. That is, “intergovernmental supranationalism” has remained the dominant feature of the enlargement polity, politics and policy. Even though the overall result has not changed, there has been change in the configuration among the intergovernmental and the supranational elements. That is, while on the one hand intergovernmental forces have increased, on the other hand, all three dimensions have primarily been hit by the “technicality turn”, consequently fostering the supranational momentum. Finally, an overall new balance has been reached under the “old” intergovernmental supranational umbrella.

La pérennité du supranationalisme intergouvernemental, paradoxe de l’élargissement

Résumé

L’Union européenne a dû faire face à de nombreux défis ces dix dernières années, qu’il s’agisse de l’entrée en vigueur du traité de Lisbonne ou de la crise économique et financière. Si la logique de l’action et les jeux institutionnels ont transformé d’autres domaines du politique, la sphère de l’élargissement a paradoxalement résisté en grande partie aux changements. Le « supranationalisme intergouvernemental » demeure pour ainsi dire la principale caractéristique de la politique et des politiques de l’élargissement. Si la finalité n’a pas changé, on observe néanmoins des évolutions de la configuration des éléments intergouvernementaux et supranationaux : d’un côté les forces intergouvernementales se sont renforcées, de l’autre le « tournant technique » a nourri l’élan supranational. Finalement, c’est un nouvel équilibre qui a été atteint, sous les auspices du supranationalisme intergouvernemental “persistant”.

The “Enlargement paradox”: Intergovernmental Supranationalism Survives despite the Winds of Change

Tanja Mayrgündter, Free University of Bozen-Bolzano

Due to the major challenges triggered by the entry into force of the Lisbon Treaty in 2009, and the economic and financial crisis, which started in 2008, it is timely to ask to what extent these factors have had an impact on EU settings, workings and outcomes. Scholarship of EU studies has already extensively discussed these changes with respect to different dimensions of EU politics, polity and policy. The EU enlargement policy is from this angle still underexplored and therefore the subject of this study. Of special interest is to what extent the enlargement machinery is driven either by *supranational* or *intergovernmental* forces, and to what degree these have changed over time. Given that formally the enlargement policy is subject to the intergovernmental principle, where the Council of the European Union emerges as the central decision-making forum, and, that in times of crisis member states might be more prone to concentrate on inner EU workings, one might intuitively assume that national interests might be given priority over community values and principles, in the short term. Contrary to this expectation, the paper's findings are that the field of enlargement constitutes a paradox, where despite the aforementioned intervening variables, its *intergovernmental supranational* foundation has basically not been shattered¹.

¹ The term intergovernmental supranationalism was first introduced by Howorth 2011.

INTRODUCTION: THE “ENLARGEMENT PARADOX”

Between 2008 and 2013, public opinion's opposition to further enlargement increased in all EU member states, from 39 to 52 percentage points on average². That is, in 2013, the majority of EU citizens were not in favor of embracing new member states, with the highest percentages in Austria (76%), France (70%), Germany (69%), Finland (65%), the Netherlands (64%) and Luxembourg (64%). The countries where the population was still in favor of enlargement were mostly new member states plus Sweden, Ireland, Portugal and Spain. The countries where this negative trend has increased most were Cyprus with 33%, the Czech Republic with 24% and Slovenia, Slovakia and Spain with 21%. Public opinion has become drastically skeptical in times of crisis, much more than the political elite. What concerns most the public here are specific issues linked to enlargement, such as migration, the Roma, security and Turkey³. For instance, in some member states the visa liberalization has caused anxieties due to the disproportionate migration flows coming from the Western Balkans, and petty crime as well, often linked to the Roma or to the Western Balkans, as in the case of France⁴. Conversely, after a period of fading interest, in 2009 and 2010, at the peak of the economic crisis, Balkan peoples' stance on EU accession has enjoyed more support than in the past. So, apart from Croatia, the majority of respondents to the Balkan Monitor's survey (for 2009 and 2010) would have voted in favor of their country joining the EU⁵. Countries of the Western Balkans, however, did not follow one particular pattern, proportions ranging from 63% in Serbia to 93% in Albania. But this EU-friendly tendency was linked to a specific issue, the EU lifting of the visa requirements for three Western Balkan countries. This issue, rather than the economic crisis, has had an impact on public opinion on EU accession in the region⁶.

Furthermore, after the Lisbon Treaty came into force, scholars also affirmed a tendency towards a “creeping nationalisation” of the enlargement policy⁷. Some years after having made this case, it can be observed that technically speaking, the policy has further evolved, offering the EU multiple opportunities to keep strict control over the process. What has not been considered in conjunction with the nationalization assumption so far is that for most aspiring countries, such as the Western Balkan countries, the accession process has actually become a two-track system. It consists of, a) the Stabilisation and Association Process (SAP) and b), once candidate status is granted, the actual accession process. And it can be observed that this first preparatory SAP track has in terms of technicality developed similarly to accession track two,

² All the following data on public opinion in the EU are based on Eurobarometer and refer to EU-27. *Source:* European Commission, *Standard Eurobarometer 69* (Spring 2008) and *Standard Eurobarometer 80* (Autumn 2013), http://ec.europa.eu/public_opinion/archives/eb_arch_en.htm.

³ Interview, DG Enlargement 2014.

⁴ *Ibid.*

⁵ Balkan Monitor 2010: 8.

⁶ *Ibid.*: 21.

⁷ Hillion 2010.

Research design and methodology

The study is subdivided into a descriptive theoretical part and an analytical empirical part. In the first section, the policy, polity, and politics dimensions relevant to the field of EU enlargement are defined by differentiating between intergovernmental and supranational elements. The enlargement policy is formally subject to the intergovernmental principle; that is, the Council of the European Union is legally enshrined as the most relevant decision-making institution. Unlike other policy areas, which are subject to the co-decision procedure, regarding enlargement, the European Parliament assumes only a secondary role and the European Commission has no initiative right. With respect to the polity dimension, 'intergovernmental' refers to those EU institutions where national interests prevail (such as the Council of the European Union and the European Council), while 'supranational' designates community institutions, such as the European Commission and the European Parliament. As regards the enlargement politics, the process is scrutinized by identifying the most relevant characteristics in the enlargement policy along the given spectrum of decision-making modes, ranging from the 'logic of consequences' (rational choice) to 'the logic of appropriateness' (constructivism). Furthermore, political factors influencing the decision-making process are explored. Finally, *intergovernmental supranationalism* is identified as the prevailing logic of action in the enlargement policy, where both community and national elements are present, with a slightly stronger propensity towards the community dimension than to the intergovernmental one.

As regards the second, empirical part, primary and secondary sources have been used. Secondary literature serves to grasp the actual 'state of the art' in the scholarly debate, but while there is a broad discussion in general in academia about the EU institutions' role and workings, as regards the decision-making process and polity dimension of the enlargement policy, literature is scarce. Therefore, primary sources gain particular importance for this study. Furthermore, it has to be taken into account that the main decision-making forum in enlargement is the Council of the European Union, which is generally considered a 'black box' on how decisions are made. Indeed, at all levels of the Council of the European Union, only limited documentation is available on the actual negotiation process and outcomes. For these reasons, scholars are generally constrained to rely mainly on agendas, formal conclusions, press reports or 'anecdotal evidence' (Naurin and Wallace 2008, 19). Therefore, especially with regard to Council studies focusing on the Committee of Permanent Representation (COREPER) and Working Group levels, leading contributions to academic discourse originate from actual participants (cf. Bostock 2002, De Zwaan 1995, Westlake and Galloway 2004) or are based on qualitative in-depth interviews (cf. Hayes-Renshaw and Wallace 2006, Lewis 2003, 2007, Sherrington 2000). These constraints are particularly relevant with respect to the enlargement policy, as access to minutes is restricted. Furthermore, these minutes do not contain voting results or information about the actual negotiation process and positions. As one interviewee put it: 'Within the (European) Council and its subsidiaries, there is a 'gentlemen agreement', that is, what is discussed in the Council remains in the Council (Interview 6). For these two reasons – the limited amount of secondary literature on the polity and politics dimension of the Council with respect to the enlargement policy and the difficulties in retrieving relevant information from primary sources such as EU documents – the empirical part mostly relies on qualitative in-depth interviews conducted with officials of the Council, the Council Secretariat, the Commission and a representative of a member state's foreign ministry. These took place between spring 2014 and winter 2014. In total, eight in-depth qualitative interviews were conducted with experienced senior officials from the Commission, Council Secretariat and state ministry, and primarily junior to mid-level officials as regards the working parties. From the perspective of the member states, the six chosen representatives are evenly distributed among old and new member states, and geographically scattered between north and south as well as east and west. In all cases, confidentiality had to be assured to the interviewees.

so contributing as well to the increased complexity and extension of the process. As a result, within the two-track system, many stumbling blocks have been created, in terms of tools (such as opening, intermediate and closing benchmarks, safeguard clauses), strategies of delay (such as calling off negotiations, delaying submission of documents), new conditionality (such as the SAP, "rule of law", "economic governance" conditionality), new mechanisms (such as High Level Dialogues) and new intermediate stages (such as European Partnerships). These developments confirm the enlargement policy having evolved towards a multistage, complex and demanding

apparatus. Additionally, Western Balkan countries have been hit hard by the economic crisis⁸. So growth in the whole region has dropped, fiscal deficits have widened sharply and public debts have opened unprecedented heights. This has been further aggravated by the economic dependency of the Eurozone and the restrictive policy response to the crisis by the EU. As a result, the reform processes have slowed down in South-East Europe, hampering the readiness of the countries for accession.

Progress has been made in the last few years however, as candidate status was granted to Albania in June 2014, accession negotiations were opened with Serbia in January 2014, and several new chapters were opened in the case of Montenegro since 2013. The progress reached confirms that the enlargement machinery has been moving ahead in recent years⁹. The skeptical EU public in times of crisis, the growing complexity of the enlargement policy, and the negative impact of the economic crisis on the Western Balkans have not decisively hampered the process. This points to the question: why this “enlargement constant” despite more difficulties?

THEORETICAL IMPLICATIONS AND THE “STATE OF THE ART”

Intergovernmental and supranational elements of EU Enlargement polity, policy and politics

Traditionally, scholarship and practitioners of EU politics make a crucial distinction between intergovernmental and supranational features of the European Union, covering different aspects of the polity, policy and politics dimensions. Hereby, polity designates the respective institutions, which – with respect to the central supranational “Community” institutions – encompass the European Commission, the European Parliament (and its committees) and the Court of Justice. The major intergovernmental decision-making agencies representing the member states are the European Council, the Council of the European Union and its preparatory bodies, and the Presidency of the Council. Intergovernmental policies, such as the enlargement policy, cover those fields that under the former Pillars Two and Three of the Maastricht Treaty and now according to the Lisbon Treaty are subject to the unanimity rule. Finally, intergovernmental or supranational politics relate to the politics of and the political dynamics in the different EU institutions, such as the decision-making modes and political impact factors in the Council and its preparatory bodies. EU scholars confirm that the intergovernmental and supranational realm distinction has increasingly blurred, and elements have begun to overlap on all three dimensions (polity, policy and politics); and as a result, they refer to the evolution of a complex EU system¹⁰. Irrespective of

⁸ Bechev 2012.

⁹ Vachudova 2014.

¹⁰ Howorth 2011, Allerkamp 2010, Puetter 2012.

the fact that in practice the dichotomy between intergovernmental and supranational becomes increasingly hazy, these ideal-typical theoretical concepts are useful to differentiate between opposing communitarian and national dynamics in EU enlargement at all levels.

Policy and polity: The Council as the main decision-making engine

According to the Lisbon Treaty, the EU enlargement policy is subject to the unanimity rule, which explains why the Council functions as the main decision-making forum. That is, the impact of the European Commission as the main supranational policy-making body is here less relevant than under the Community method, where it disposes of the initiative right. Formally, in enlargement matters, the Commission rather functions as a “technical assistant” of the Council of the European Union. Also, as a supranational institution, the European Parliament plays a secondary role in enlargement. The Council of the European Union and the European Council underlie the intergovernmental principle, representing fora where member states may assert their national interests. Despite the fact that intergovernmentalism formally prevails in enlargement – considering all decisions are to be made by the Foreign Affairs Council (FAC), the General Affairs Council (GAC) or head of state level – scholars affirm that in practice in intergovernmental policies, the institutions are increasingly involved in a mixture of intergovernmental and supranational procedures¹¹. That is, to a considerable extent, national interests have become the result of interactions between the ambassadors and supranational actors, such as the European Commission, the Presidency and the Secretariat General¹². Formally, decisions are to be made by either the FAC or the GAC, and, in the case of sensitive issues, by the European Council. As each member state has a veto over any collective decision, one might assume a process of rational bargaining in negotiations takes place, where each member state would defend its own national interests. In reality however, decisions have largely been agreed in advance and are actually shaped by the working groups and committees. These preparatory bodies are representations of national interests, but are also expected to work in a collegial mode to achieve consensus. While Beyer discovered representatives of the member states in the working groups facing dilemmas regarding the interests they are supposed to represent and adopting a supranational role¹³, Warntjen finds elements of both consensus seeking and bargaining¹⁴. Howorth¹⁵ identifies a shift from “supranational intergovernmentalism” to “intergovernmental supranationalism” as an emerging pattern in the Common Foreign and Security Policy (CSDP). This is closely related to the enlargement policy as “decisions are shaped and even taken by small groups of relatively well-socialized officials in the key committees acting in a mode which is as close to supranational

¹¹ Howorth 2011.

¹² Beyers 1998: 292.

¹³ Beyer 2007.

¹⁴ Warntjen 2010b.

¹⁵ Howorth 2011: 3.

as it is to intergovernmental. The political control [...] is only rarely exercised by politicians at the level of the European Council or Council of Ministers.”¹⁶ Generally, scholars estimate that about 70 - 80 percent of decisions are finalized at working group level¹⁷. Accordingly, members of the working groups, such as those in the Working Party on the Western Balkans Region (COWEB), work to a significant degree of socialization, leading to consensus-seeking behavior among their own fellow committee members, but also with their counterparts from the Commission¹⁸.

Jeffrey Lewis and Mai’a K. Davis Cross produced the most recent in-depth studies on the workings of COREPER¹⁹, both concluding that the logics of consequences and appropriateness can interface. The dichotomy between national and European boundaries blurs as permanent representatives successfully combine their functions as intergovernmental bargainers and socialized consensus-forming entities. Ambassadors negotiate with their capitals as much as they do with their committee members. Furthermore, COREPER is powerful as it represents the ultimate authority to give the green light to all EU policy issues before passing them to the Council for approval. Additionally, Cross claims that 90 to 95 percent of the decisions made at European Council level are determined by COREPER or the GAC²⁰.

Politics: The decision-making modes and political dimension

On one extreme of the whole spectrum of decision-making modes, rational calculations in the defense of national interests follow the intergovernmental logic, while norm compliance through internalization on the other extreme succumbs to the supranational logic. Following the patterns of March and Olsen’s “logic of consequences” (rationalist approach) and the “logic of appropriateness” (constructivist approach)²¹, Warntjen²² distinguishes among four different categories of decision-making modes²³ prevalent in the existing literature. Hereby, constructivists point to norm-guided behavior and deliberation as the dominant mode within an established informal “culture of consensus”. Scholars within the rational choice tradition instead assume that member states try to maximize their utilities using their bargaining power (distributive bargaining) and by arranging beneficial exchanges of votes (cooperative exchange).

Hereby, distributive bargaining refers to actors who are inclined to maximize their profits during negotiations, granting as few concessions as possible to their partners while attempting to gain the best possible outcome for themselves. Bargaining under unanimity leads therefore to the

¹⁶ *Ibid.*

¹⁷ Wessels 1991, Hayes-Renshaw and Wallace 1995.

¹⁸ Howorth 2011: 3.

¹⁹ Lewis 2007 and Cross 2007, 2011.

²⁰ Cross 2011.

²¹ March and Olsen 1989.

²² Warntjen 2010.

²³ Lewis 2003.

lowest common denominator²⁴. Thereby, the relative power between the bargaining partners is crucial for determining the distribution of the gains. For instance, an actor who is less dependent on reaching an agreement (situational factor) or who holds the Council Presidency (institutional factor) is more powerful²⁵. Following the cooperative exchange model, rational actors may grant concessions on issues less important to them in exchange for concessions important to them. That is, actors exploit these differences in interest to their mutual benefit²⁶. Vote trading or logrolling represents the means of cooperative reciprocity, whereby the outcome of the issue reflects the preferences of the actors weighted by salience²⁷. As regards the constructivist approaches, norm-guided behavior is triggered by a process of socialization and internalization of norms. In becoming part of the actors' identity, their behavior adapts appropriately to a certain type of situation. Representatives of the member states may therefore follow their European identity and be prone to give up national interests to advance common European interests, or, in a process of consensus building, they can be willing to reconcile their different positions²⁸. Whereas norm-guided behavior takes place unconsciously through internalization, deliberation is an intentional process, where the power of the better argument leads to "reasoned consensus"²⁹. That is, actors consciously play a given role within a respective institutional setting, assuming type I of socialization³⁰. And once collective norms of the group are accepted and become guidelines for behavior, type II internalization is reached³¹. The existing literature and data retrieved from the interviews suggest that the prevailing decision-making mode in the Council is type I of socialization. Therefore, deliberation and reasoned consensus as supranational momentum are better specified in the following.

According to Risse and Kleine³², arguing and reasoning matter in multilateral negotiations, as they often trigger surprising results, which cannot be traced back to interest-based bargaining. Participants may change their preferences endogenously during negotiations after deliberating in a collective communicative process. Arguing implies persuading actors by using the best argument based on valid causal or normative claims. Hence, argumentative and deliberative behavior is rational and goal-oriented insofar as reasoned consensus is sought. That is, contrary to Schimmelfennig's "rhetorical action" assumption³³, actors' arguments are not instrumentalized to promote their own interests by persuading others, but are consensus oriented. The precondition is thus that actors are well socialized in a community of values and norms. Argumentative

²⁴ Scharpf 1997.

²⁵ Tallberg 2003 and Warntjen 2010a.

²⁶ Sebenius 1984.

²⁷ Under unanimity, the voting power of single member states is less relevant than under the community method, as every member state has the same voting power.

²⁸ Joerges and Neyer 1997, Checkel 2003.

²⁹ Risse 2000: 9.

³⁰ Howorth 2011: 8.

³¹ *Ibid.*

³² Risse and Kleine 2009.

³³ Schimmelfennig 2001.

consensus seeking requires furthermore the ability to empathize with the interaction partners, to share a collective understanding of the world, and to recognize each other as equals within the discourse³⁴. Empirically however, it is difficult to ascertain actors' motivations, and whether arguing or bargaining actually triggered the outcome of negotiations. The underpinning logic of (inter)action can only indirectly be operationalized by identifying institutional scope conditions favoring arguments in multilateral negotiating systems, which affect process and outcome. Such an institutional condition might be effective arguing, which leads to reasoned consensus. During this process, actors may have changed their preferences endogenously in course of the negotiations, which could unexpectedly lead to a surprising or early result. The problem-solving character prevails over the lowest common denominator. Furthermore, a disproportionately strong influence of weak actors also suggests the outcome is triggered by reasoned consensus. Second, there are different institutional settings conducive to arguing: uncertainty, the degree of publicity of negotiations, the authority based on expertise and/or moral competence and the neutral chairs of negotiations. Uncertainty may be a lack of information about cause-effect relationships with regard to a specific issue or refer to appropriate behavior due to overlapping role identities (e.g. committee members are member states' representatives, but also experts in the matter). Publicity of negotiations can enhance but also be counter-productive for persuasion. That is, Checkel alludes to an attentive domestic audience³⁵, which expects its negotiators to pursue national interests. Under these circumstances, negotiating behind closed doors may be the only way towards problem solving. Lewis identifies³⁶ COREPER as a typical EU institution, where reasoned consensus is only possible as speakers argue behind closed doors, without having to fear being accused of betraying national interests. Finally, institutional settings can induce arguing, such as the trustworthiness of authority (through expertise and/or moral competence), which is a matter of personality and institutional context. For instance, with regard to the EU's comitology, its rules of procedure privilege expertise, and therefore also arguments based on knowledge rather than interest.

EMPIRICAL ANALYSIS

The polity dimension: Formal intergovernmentalism meets community institutions in practice

Formally, the Council plays a *central decision-making role* in the enlargement policy, which accentuates its prevalence as an intergovernmental institution. From a legal point of view, Article 49 of the Treaty on European Union (TEU) constitutes the basis for EU accession and puts the Council in the position of the central decision-maker. It has to give its unanimous consent to

³⁴ Risse and Kleine 2009: 5.

³⁵ Checkel 2001.

³⁶ Lewis 2007.

the application, and, after consulting the Commission and receiving the assent of the European Parliament, to the country admission as well. Hereby, the European Council specifies the criteria of eligibility. The accession treaty, in which the conditions for admission are stipulated, is then subject to approval and ratification by all member states and the applicant state. However, the role of the institutions has evolved, putting the Council in the formal decision-making center at all steps of the two-track accession process – that is, in the SAP and the accession process itself. So from the first moment when the application is handed over, the Council keeps formal control over the procedure. Based on unanimity, the Council decides when to ask the Commission for its opinion on the application, if accepting the application, if and when to grant candidate status, when and under which conditions to open and close accession negotiations and chapters, the terms of the accession treaty as well as the timeline on signature and ratification. And these fundamental decision-making rules have also been transferred into the pre-accession SAP track, which works on the same principle. Additionally, the Council works on the basis of unanimity also in its preparatory bodies, in the Permanent Representatives Committee, representing the ambassador level, and in its subjacent working groups.

Due to the formal decision-making power, one might assume the Council is in the position to lead the policy. In an *anticipatory* way however, other supranational institutions, such as the European Commission and the Council Secretariat, *shape the decisions* to be made by the Council as well, namely through an agenda setting, expertise, mediation and leadership role. Intergovernmental as well as supranational institutions play important roles at each level in the Council. For instance, the working parties such as the Commission are well ‘socialized’ with the values and norms of enlargement, and sit in key positions at all levels of the Council. This dominant role is strengthened by the fact that, similar to other policy areas, most decisions are prepared at working party level. Only in the case of sensitive issues are decisions actually made at political level, i.e. the ambassador or higher Council levels. And in accession track one, the SAP, as the community institution of the Commission, has even more decisive influence in the process than in accession track two. Other intergovernmental institutions, such as the Presidency and the national Parliaments, may also influence the decisions of the Council. The impact of national Parliaments now claiming their national interest more assertively is a rather new phenomenon, since their role has been strengthened by the Lisbon Treaty. As will be shown in more detail, in practice, the overall weight of the intergovernmental and supranational institutions is rather balanced in enlargement.

• **The Council: Supranational and intergovernmental entrenchment**

In practice, the Council does not dominate the enlargement policy using its leverage whenever national interests are at stake, as member states’ influence especially is shared by the Commission. According to the common working procedure, the Commission publishes its progress reports annually and recommends, to the members of the Council, the next steps to be taken, such as granting candidate status or opening accession negotiations. Only on the basis of the documents compiled by the Commission is this further discussed in the enlargement working groups, the COREPER and the Council. After consultations, the Council may set delays or further conditions, but the real policy shaper and key driver of the policy is actually

the Commission³⁷. Still, the Commission does not act in a vacuum, as it has to accommodate the demands of the member states, but it has also its own interests. For instance, the former Commissioner for Enlargement Stefan Füle had a strong interest in further enlargement. In practice, there is a strong entrenchment between the Commission and the Council not only at the inter-institutional level, but also at the intra-institutional level – that is, within the main decision-making institutions. Both aspects are assessed here.

With regard to the enlargement policy, the decision-making structure of the Council is similar to the ones in the other fields, which basically consists mainly of a three-level system including the working party level, then the COREPER and finally the Council. Rarely do decisions go up to the highest authority, the European Council. In the enlargement policy there are currently two working parties, the Working Party on Enlargement (COELA) and the Working Party on the Western Balkans Region (COWEB)³⁸. The result of the efforts of these two working parties goes to COREPER, which can be denominated as a “clearing house” of the Council, at the level of ambassadors, where decisions are to be prepared for the political level³⁹. All decisions have finally to be made at the political and ministerial levels. This is GAC for accession track two, the FAC (chaired by the High Representative of the Union for Foreign Affairs and Security Policy (HR)) when SAP countries are concerned. So the whole SAP goes through COWEB and the FAC. There is a difference between GAC and FAC, as the former represents the ministers of Interior while the latter covers the ministers of Foreign Affairs. And usually, GAC decisions are stricter than FAC decisions. Since the Lisbon Treaty, an independent structure belonging to the European External Action Service (EEAS or EAS), namely the Political Security Committee (PSC), has dealt in parallel with security issues. In this institution, security issues are discussed and decided, while important issues advance to FAC. So EAS deals with bilateral issues, such as those of Turkey, Serbia and Montenegro; these developments also influence their overall progress in the accession path.

The intergovernmental supranational character of the Council is already evident at its lowest level, the working party level, where most decisions are prepared. Here, the Commission is in a pivotal position on the one hand, but on the other, members of the working parties are community oriented but also representatives of their member states, from which they get advice. The working party is a preparatory body, where the Commission always participates and presents its recommendations. The member states discuss the recommendations and prepare the decision to be made, first at the level of ambassadors (COREPER) and then at the level of the Council. At the working party level, the delegates of the member states represent the country concerned, get instructions from the capitals, and express their position. Most issues are dealt with at this level and not at COREPER level, especially due to the technicality and complexity of the issues⁴⁰. At the working party level however, the member states are not the main policy “shapers”, as this is foremost the task of the Commission. So at group level the Council elaborates and sets

³⁷ General Secretariat Council 2014.

³⁸ The Working Party on the Western Balkans deals with all the acceding countries where accession negotiations have not been opened yet, while the Working Party on Enlargement deals with the candidate countries, for which accession negotiations have already been opened.

³⁹ General Secretariat Council 2014.

⁴⁰ General Secretariat Council 2014.

specific conditions, such as conditions on opening or closing single chapters, but apart from that, it is mainly the Commission that shapes the policy through the documents it compiles. So, the Commission formulates reports, agreements and recommendations, such as screening reports or common positions on provisionally closing a chapter. Afterwards, for review, the working parties report back to their capitals about the texts filed by the Commission, which in the case of the single *aquis* chapters are sent for consultation to the ministry they concern. Usually, the Council agrees on the Commission's recommendations with some adjustments⁴¹. Due to the unanimity rule and intergovernmental nature of the policy also present at this level, negotiating and compromise finding at group level become striking. If an agreement can be reached, it will be handed over to COREPER. Otherwise, a limited agreement without those issues that are still open will then be further discussed by COREPER. These issues are not technical but political in nature, such as granting candidate status, and can only be taken at political level. If there is a large majority, member states in COREPER usually agree, but formal decisions are made at the Council level⁴². Depending on the policy area, ambassadors are assisted by (expertise-giving) counselors, other (national interests representing) state diplomats and the working group representatives, who sit next to them giving policy advice. Ambassadors always make the decision and centralize the decision-making structure before reaching the Council level. The Council encompasses the respective ministers, in the GAC the Ministers of the Interior and in the FAC the Ministers of Foreign Affairs. Member state representatives from the Council's working party participate in these meetings providing advice to the Minister, who makes the final decision. As unanimity is needed at every step and it is impossible to always negotiate with 28 member states on complex issues, the Council often contracts in the formation of an intergovernmental conference. For instance, when opening negotiations on a chapter, member states may nominate a delegation representing the Council, which at ministerial level might be a Minister, or at deputy level an ambassador. Doing so, decision-making power is transferred to single members of the Council. Within the institutional hierarchy at the lowest working party level, most decisions are prepared, while COREPER and the Council always make decisions on sensitive political issues.

With regard to the SAP, the Commission has even more influence on the policy than in the actual accession process due to the strengthened role in proposing the next steps to be taken, drafting agreements, conducting negotiations, conducting monitoring and giving recommendations. According to the Council's procedural rules⁴³, upon the proposal of the Commission, the Council adopts a European Partnership with each Western Balkan country individually. The Commission drafts the accords of the European Partnership, monitors its implementation and gives respective recommendations in its progress reports. The Council, on the other hand, decides whether to approve or to modify the proposals by the Commission. According to Council Regulation (EC) 533/2004 the Council is to decide on the principles, priorities and conditions to be contained in the partnerships as well as any adjustments. It furthermore also establishes the financial assistance

⁴¹ Gidisoglu 2013.

⁴² General Secretariat Council 2014.

⁴³ European Commission 2007a.

for the pre-accession countries, the Instrument for Pre-Accession Assistance (IPA). Similar are the workings organized with regard to the Stabilisation and Association Agreements (SAAs)⁴⁴. The Council authorizes the Commission to open negotiations for a SAA on the basis of agreed negotiating directives. The opening of negotiations for a SAA may depend upon compliance by the specific country with the relevant political and economic conditions set by the Council, such as for instance the collaboration with the International Criminal Tribunal for the Former Yugoslavia and regional cooperation. A series of official rounds of negotiations and several technical meetings follow, where the Commission conducts all negotiations in close cooperation with the Council's Working Party for the Western Balkans Region. The SAA is then to be initialed by the Commission and the SAP country. Finally, the Commission also drafts the agreement to be signed and proposes to the Council when to complete the negotiation process, and to sign and conclude the agreement⁴⁵. Ratification by all member states of the European Union is then a prerequisite for the entry into force of the Agreement. The Stabilisation and Association Council (SA Council) assesses upon recommendation of the Commission the degree of implementation of the SAA's objectives and gives recommendations. The positions to be adopted by the Community within the SA Council and its preparatory body, the Stabilisation and Association Committee, shall be determined by the Council upon proposal by the Commission, or by the Commission itself. The Commission also presides over the Stabilisation and Association Committee while the Presidency of the Council presides over the SA Council. To sum up, with regard to the SAP, the SA Council represents the political body that may set further conditions and makes final decisions on progress with strong and clear messages to the SAP countries, but the main actor involved in the SAP is the Commission.

• **The Commission: The main policy shaper and driver of the enlargement policy**

As the policy is based on intergovernmentalism, formally, the Commission has no initiative right, unlike in co-decision policy areas. And according to the TEU, the role of the Commission is limited to the delivery of opinions on a membership application and to technical-administrative assistance of the Council. Indeed, from the stage of the SAP until accession, it supports the Council and prepares the decision to be made by the Council. Furthermore, it keeps the Council and the European Parliament informed especially by the documents it draws up, such as the strategy papers and progress reports. However, due to its tasks that have been augmented and inter-institutional evolution of the decision-making procedure, in practice the Commission has become the actual *leader of the policy*.

During the different stages in core accession track two, the most important tasks of the Commission are the delivery of an *avis* on the membership application upon request by the Council and the conduct of the negotiations of single chapters of the *acquis*. During the ratification stage, the Commission's task is instead limited to technical assistance and provision of information, while

⁴⁴ European Commission 2001.

⁴⁵ The procedure for the signing and the conclusion of the agreement are different for the three European Communities (European Community, European Atomic Energy Community and European Coal and Steel Community). For instance, on behalf of the European Community there is a separate Council decision on the signing of the agreement and the agreement can only be concluded after having received the assent of the European Parliament.

becoming the guardian of the treaties during the implementation stage. Most important here is the role of the Commission in the negotiation stage as it represents the core element of the accession path. And although the Council is formally responsible for the negotiations, the Commission, and more precisely the Enlargement Commissioner and Directorate General (DG) Enlargement, are the main actors involved in setting benchmarks, assisting, monitoring and reporting the transposition of the EU legislation by the acceding country, and managing the accession treaty. But the Commission not only assumes a central role in the most important stage of the accession path; in practice, the Commission assumes a key role at all stages⁴⁶. So, the Commission has advanced to what an interviewee has labeled the actual ‘champion of enlargement’, the main engine in the policy debate really pushing forward enlargement⁴⁷. That is, the Commission is given the responsibility to advance the technical negotiations of the countries concerned, to screen the countries, to follow their progress, to make reports and to give recommendations, and it sits in the Council at all levels. Further evolution of the policy has brought about an extension of the activity range of the Commission, such as inventing new enlargement-related methodology and becoming a mediator between and counselor and adviser of member states and accession countries. Due to its pivotal position and the possibility to set the terms of the debate, the Commission exercises a leadership role, shaping and managing the political and policy agenda⁴⁸. The Council makes decisions mainly on the basis of the proposals of the Commission, which in fact find broad acceptance. So, for instance, since strategy papers were invented in 1998, almost all strategies have been adopted by the Council, and the new approach is that this is done word-by-word, as for instance with regard to the economic governance agenda⁴⁹. And once negotiation talks start, the Commission assumes a crucial role accompanying the country throughout the reform process, developing very close relations with the Commission. Furthermore, by doing so, the Commission accumulates information and knowledge about progress, which is then to be shared with the member states. The Commission is a crucial source of information for the member states, but not the only one, as embassies also provide information to the capitals. Usually information from the two sides is contrasted. Also, the Commission works in close relationship with the embassies and the Heads of EU delegations. Information circulates relatively freely and is shared by both the Commission and the member states.

The Commission, however, is also an agent of the member states, as it reflects the position of the member states. Similarly to any other policy area, in order to avoid a policy vacuum, the Commission acts upon demand by the member states. Consequently, the Commission considers the position of the member states from the beginning on to make sure its proposals not being rejected. Therefore, the Commission needs to assess to what extent the proposal is realistic or not. For instance, it was the Commission that proposed the so-called “new approach” to Chapters 23 and 24 of the *acquis*. These now have to be opened on the basis of very structured action plans, knowing that member states would not have accepted the opening of accession negotiations

⁴⁶ Gidisoglu 2013.

⁴⁷ General Secretariat Council 2014.

⁴⁸ Gidisoglu 2013.

⁴⁹ DG Enlargement 2014.

with Montenegro and Serbia without such an attentive approach, and knowing that without this initiative by the Commission, member states might have imposed even tougher conditions⁵⁰. Also, the internal workings of the Commission contribute to the Commission being an agent of the member states, so furthering inter-institutional decision-making. The enlargement policy is a very horizontal policy covering all policy areas of the EU; therefore, in the internal preparatory phase all the other DGs are involved, with whom a consensus must be found. The output of this coordination with the other services of the Commission finally means also to have an agenda agreed with the member states. Important documents, such as progress reports, are comprehensively drawn up together with the other DGs, even if the strong expertise of the DG Enlargement would make this unnecessary⁵¹. Before the Commissioner's final decision, the documents are discussed in the meetings of the heads of cabinet of the Commissioners, where there are sometimes tough debates when it comes to the conclusions to agree on orientations, but mostly on formulations only. Regarding Turkey, there have never been substantial disagreements⁵². Especially at these higher levels, rather than technical issues, politically sensitive ones are discussed. The working program and political agenda on enlargement are also to a large extent determined by the highest level of the Commission, the College. Within the College, however, the Commissioner for Enlargement and the President of the Commission have a predominant role, which allows them to influence the policy as well⁵³.

Usually, the negotiation stage is given the greatest importance in the accession track, as it has a decisive impact on the candidate states and the EU. In terms of preliminary conditions to have access to this core element, the SAP cannot be attributed minor significance. Taking into account that the great bulk of the work is to be accomplished in accession track one, this makes it necessary to give a deeper insight into the Commission's role here. The SA Council meets at the ministerial level once a year, as the SA Committee does. So while the Council is a political unit, the two lower levels, the SA Committees and its subcommittees, are preparatory, more technical bodies led by the Commission. At the lowest level, there are the subcommittees, which meet at least once a year and are subdivided into different policy areas (trade, customs, environment, transport, energy, agriculture, justice and home affairs). In these fora the Commission explains the EU legislation, counsels on the approximation process and monitors the transposition result achieved by the SAP country. During these meetings the Commission conducts rather technical and detailed discussions directly dealing with the partner country, which also put the institution in the position to accumulate expertise first-hand. At this lowest level, to keep the member states informed, minutes are drawn up and co-signed by the Council. At the second level, the Stabilisation and Association Committee, the Commission coordinates its position beforehand with the other services of the Commission, such as the DG Environment or the DG Justice, in order to find a common position before negotiating with the counterparts. Here, finding consensus and a common denominator with all DGs involved also means reaching a member

⁵⁰ DG Enlargement 2014.

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ Gidisoglu 2013.

state-agreed agenda. The Director of the DG Enlargement usually chairs SA Committees, and the counterpart of the SAP country is in principle the minister responsible for European integration, who is assisted by other government officials. This is a stocktaking exercise on the reforms that have been undertaken by the SAP country. All preparatory phases aim at discussing the issues and acquainting the partner country with the Commission's view, until final decisions are made at a political level, the Council. The SA Council meets annually at the ministerial level and in presence of the Commission, which is again chaired by the Commissioner for Enlargement (or the High Representative if security issues are involved). However, after its inter-service consultation among all DGs and final drafting with the heads of cabinet of the Commissioner, the Commission is actually put at the center of the preparatory SAP track. At this level, final decisions on progress reports are made. Finding consensus on the progress reports is often accompanied with debates, however usually on formulation only⁵⁴. The greatest bulk of the work is here, in the SAP machinery, which is mainly accomplished between the Commission and the accession country. The member states influence the Commission's work in an anticipatory way. As the Commission knows it needs the consent of the member states, it proposes only drafts that may find acceptance by the member states. So, in the SAP as well, when supporting the country to formulate what to do and to achieve, the Commission makes proposals only in a manner that is acceptable to member states⁵⁵.

Taking into account that the preparatory bodies of the Council in the SAP machinery are run by the Commission (and not by member states), and in light of work intensity and transformation at this stage, the Commission assumes even more importance in accession track one than in accession track two. By contrast, the inter-institutional relations between the Commission and the Council are in both accession tracks rather balanced, but slightly to the advantage of the Commission. That is, the Commission assumes a pivotal role with regard to the European Partnership, the SAAs, the accession negotiations and the accession treaties, proposing all decisions to be made, conducting negotiations, contracting, assisting the adoption and implementation of EU legislation, monitoring, reporting and recommending further steps to be taken. Agreement with the Council is necessary in both accession tracks. Considering that the Council usually adopts the recommendations of the Commission, frequently with some adjustments, such as further conditions or delays, the Commission is indeed a key driver and main shaper of the policy.

• Leadership role of the Presidency of the Council

The Presidency of the Council is another institution in a position to exercise influence on the policy by accelerating or slowing down negotiations. Even if formally the role of the Presidency is an integrative one, in practice it actually acts more as an intergovernmental institution. According to Tallberg⁵⁶, the Presidency contributes leadership in the Council by means of mediation and agenda setting, but is biased rather than impartial. He demonstrates in a series of case studies from

⁵⁴ DG Enlargement 2014.

⁵⁵ *Ibid.*

⁵⁶ Tallberg 2008.

1999-2002 that the rotating Presidency has transformed into a real power platform, illustrating that several Presidencies succeeded in influencing enlargement outcomes to their own national advantage. Indeed, during the Presidency of the Council, which rotates every six months among the twenty-eight member states, the enlargement policy can be influenced by member states' national policy. So the Presidency together with the Commission sets the timetable and agenda of the meetings, and the member state in the Presidency also represents the Council at the ministerial level⁵⁷. Presidencies can define priorities for their mandate, which may translate into a stronger commitment towards enlargement. For instance, enlargement was a priority for the Swedish, Irish and Cypriot Presidencies. It is especially for smaller countries a possibility to have a stronger voice, putting them in a leadership role. But the process may either be boosted or be slowed down. So for instance, during the French Presidency (under Sarkozy) in 2008, the process decelerated, while conversely the Irish Presidency in 2013 pushed very much for progress in the region of the Western Balkans⁵⁸. Presidencies usually try to achieve a great deal during their mandate, which is why there is time pressure potentially contributing to premature conclusion of decisions, such as when opening a new chapter. As a consequence of the benchmark method however, the Presidency's influence has been limited⁵⁹. That is, the benchmark method allows for measuring exactly and continuously the level of progress, so that the actual achievements are very clear. De-politicization takes place due to the increased technicality of the procedure.

• The European Parliament's secondary role

On a formal level, the supranational institution of the European Parliament intervenes in the enlargement agenda; it must give its consent to the SAAs and the accession treaties and further it holds budgetary power allocating the amounts to the IPA. However, even if because of the required consent to the accession treaty the EU Parliament has a certain importance, the role of this institution in the enlargement policy is decisively smaller than the one of the Council or the Commission. This is an intergovernmental policy and therefore the EU Parliament has less impact than in other policy areas. Members of the EU Parliament hold joint parliamentary meetings, the Parliament's Committee on Foreign Affairs follows the relations with the acceding countries, and the Parliament expresses its position, but it does not participate in the decision-making process. So there may be parliamentary questions, exchanges with the Council, the EEAS, the Commission, and governmental and non-governmental stakeholders, and the EU Parliament makes reports in the form of annual resolutions on the basis of the Commission's reports. Furthermore the European Parliament has delegations maintaining regular bilateral relations with the Parliaments of the Western Balkans, which discuss issues relevant to the SAP and the EU accession process. But there are no co-decisions and it does not vote, except with regard to the SAA and the accession treaties. And there has never been a situation yet where the Parliament has refused a treaty.

⁵⁷ There is a difference between the two working parties of the Council, as in COELA the agenda is set by the Presidency of the Council, and in COWEB by the Vice-President of the Commission.

⁵⁸ General Secretariat Council 2014.

⁵⁹ COELA 2 2014.

• **Skeptical national Parliaments: Growing drivers**

National Parliaments as mouthpieces of national public opinion are the main intergovernmental institutions, whose relevance has increased in recent years. Member states in which Parliaments have a stronger voice are Germany, the Netherlands, Great Britain, Denmark, France and Slovenia. And there are ever more member states that would only finalize their position once the Parliament discusses the issue in the country. This is the case of the government in Germany, the UK and Denmark, but there are also countries like France and the Netherlands that involve the Parliament ever more. So, there is an anticipatory debate in the national Parliament about a proposal of the Commission and based on that, the government makes decisions. Exemplary is for instance the French constitutional modification of Article 88-5 of the French Constitution in 2008, which foresees the ratification of future accession treaties by referendum, except in cases where each house of the Parliament holds a three-fifths majority⁶⁰. Other member states, such as Austria, the Netherlands and the United Kingdom, have followed this pattern, introducing stricter legal obstacles, such as referenda or qualified majority requirements in Parliament. And especially with respect to a possible future EU accession of Turkey, member states such as Austria threaten to subjugate the decision to a popular referendum⁶¹.

Generally, national Parliaments are involved in all member states, they are informed through regular parliamentary visits by EU diplomats and heads of government, and are briefed on the policy-making and the developments of the integration process. Finally, if there is no popular referendum foreseen, national Parliaments have to adopt any accession treaty. After the entry into force of the Lisbon Treaty, the role of the national Parliaments has been further reinforced and, indeed, they have become more attentive. The German Bundestag, for example, has to agree on candidate status, opening accession negotiations and the accession of a new member state. This procedure has been applied since the Lisbon verdict by the German Constitutional Court in 2009. Following the German Constitutional Court judgment on the Lisbon Treaty, the amended German ratification law implies an increased involvement of the Bundestag in EU affairs to the extent that a common position between the Bundesregierung and the Bundestag has to be striven for, albeit final decisions shall be made by the Bundesregierung. For instance, skepticism has been expressed in the Bundestag on Albania's candidate status in June 2014⁶². In general, there is a basic consent in all Parliaments on the EU perspective on the Western Balkans. So far, an agreement has always been reached with the Commission, also because the majority of the Parliament always depends on the government. That is, the Parliaments have never blocked a decision by the government so far. Turkey, instead, is part of another debate. There are many controversial positions in many national Parliaments, which may lead to controversial debates between

⁶⁰ For an English version of Article 88-5 of the French Constitution, see: <http://www.assemblee-nationale.fr/english/> (accessed 13 April 2015)

⁶¹ See for example the interview of Chancellor Faymann with the national broadcasting and radio agency ORF on 27 February 2013: <http://orf.at/stories/2169053/> (accessed 13 April 2015)

⁶² COELA 2 2014.

different parties, especially nationalist and conservative parties that are more restrained on the issue. The general level of public awareness in the national Parliaments today did not exist five or six years ago⁶³. Today, national Parliaments are much more involved in the decision-making process. This shift of public awareness is also reflected in the EU Parliament, but, besides its end vote, it does not participate in the main decision-making process.

The politics dimension: Reasoned consensus around moving targets

Due to the universal unanimity rule in the Council, power is transferred to the single member states, which could theoretically any time and at any level block the whole process with their veto power⁶⁴. But vetoing at any Council working level is rare and has not become more frequent in times of crisis, and voting in general is not a common method in use⁶⁵. That is, in the Council, generally, formal vetoing under unanimity is systematically avoided in intergovernmental practice⁶⁶. In enlargement unanimity is required at all levels, but exactly for this reason, workings, in order to function, hinge primarily on consensus. That is, in the decision-making process all institutions of the Council aim at reaching an agreement, which leads capitals to work towards common positions with their counterparts. The common knowledge that any member state can potentially block the process has an anticipatory impact on the workings of the decision-making process. And contrary to expectations, all interviewees of the EU acknowledge, enlargement represents a rare example of intergovernmental policy where all parties involved are exceptionally highly engaged in reaching consensus for the scope of the policy to advance, much more than in other intergovernmental policy areas. This points to the *strengthened deliberative character* of the decision-making mode, where reasoned consensus “to advance the policy” is sought. That “single member states are just not in the position to reject an accession country” means that, actors are well socialized in the values and norms inherent to the principles of the enlargement policy⁶⁷. There is a collective understanding that to candidate and potential candidate countries the EU accession perspective cannot be denied. Indeed, “Avoiding isolation, accommodating difference, and reaching agreement along the lines proposed by the permanently involved Commission and rotating Council Presidency are [generally] dominant features of the Council’s political culture.”⁶⁸

Furthermore, with reference to the Western Balkans, all member states are equally involved and engaged in the policy. As all capitals have to agree on the policy, everybody develops

⁶³ General Secretariat Council 2014.

⁶⁴ There are some exceptions to the unanimity rule where a qualified majority is sufficient, such as in case of accession negotiations with a candidate country (Gidisoglu 2013).

⁶⁵ General Secretariat Council 2014; DG Enlargement 2014; see also Aus 2008: 101.

⁶⁶ See also Heisenberg 2005, Hayes-Renshaw et al. 2006.

⁶⁷ General Secretariat Council 2014.

⁶⁸ Aus 2008: 100.

an own position using the same channels. And especially at the working party level, usually no distinction is made between big and small countries. The realist assumption “the bigger, the stronger, the more influence” generally does not hold here. All member states, when they have important issues, participate. With regard to the Western Balkans, member states have issue-related priorities. As consequently ad-hoc coalitions are built around moving targets, the role of single states wanes in the enlargement policy. “A common view in the literature on the Council has traditionally been that there are no ‘fixed’ alignments of member states in the negotiation processes, but that coalitions shift from issue to issue. [...] This assumption has produced a picture of the Council as an ad-hoc problem-solving machinery, focusing on the concrete issues of the day and debating each issue on a case by case basis.”⁶⁹ Most alignments are indeed ad-hoc formations, depending on the topic and on the country concerned. Positions are coordinated beforehand against other groups with different positions, but all these issues are solved most of the time. So usually bilateral issues, despite being numerous, do not cause substantial problems to the advancement of the policy. Alignments constantly shift even if some losing patterns can be observed. For instance, the new member states together with Austria and Germany are very keen on the region of the Western Balkans. There are some countries such as the UK and Italy that are traditionally more open to enlargement, Italy being a direct neighbor of the region and the UK connecting EU membership with a loose association. Another group of countries is more outspoken and engaged on some crucial issues, such as the UK, France, Germany, the Netherlands and Sweden. Indeed, most initiatives in enlargement regard the rule of law agenda, on which German, French, Dutch and British and also the Nordic proponents are very vocal. Germany and France might be more influential in terms of agenda setting, but consensus seeking is a prevalent feature of the decision-making process. Baltic states usually do not stick to a strong position, but it depends on the agenda, the country and the situation. Some more structured coordination also takes place among different states, such as among Poland, Hungary, the Czech Republic and Slovakia in the Visegrad group, which might coordinate their position before meetings. Some states have similar positions with regard to specific policy areas, such as in the case of minority issues and good neighborly relations, such as Romania, Hungary, Greece and Slovakia. But this does not mean that positions are necessarily agreed among each other beforehand. The strong collaborative nature present in the Council might be fostered by the fact that deliberation takes place behind closed doors, which may enable giving preference to community scopes over national interests. At all four Council levels, the “gentlemen’s agreement” that either the negotiation process or the single positions of the negotiators are disclosed is a strict and established informal rule.

According to Schneider and Cedermann⁷⁰, European integration is a result of negotiations between drivers and brakemen, that is, between those who want to slow down and those who want to speed up the integration process. Accordingly, this explains the puzzling stop-and-go pattern of the integration process. Smeets claims that routine interactions in the Council

⁶⁹ Naurin and Wallace 2008: 5.

⁷⁰ Schneider and Cedermann 1994.

underlie the same logic⁷¹. Accordingly, the negotiation process in the Council is determined by those who want to advance an issue (drivers), and those who prefer to preserve the status quo (brakemen). The driver typically presents a politically sensitive claim at working party level and aims at steering it up through all levels of the Council if an agreement could not be found there, up to COREPER and finally to the Minister level for actual decisions. Conversely, the brakeman is keen on keeping the issue from the agenda. But while in the past alignments among drivers and brakemen took place between enlargement-friendly and enlargement-weary member states, except for Turkey, where France, Germany and Austria are the strongest opponents, now a shift can be observed towards *issue-based alignments*. Member states are no longer generally or country-specifically in favor of or opposed to hasty enlargement. Rather, all participants agree on the enlargement project as such, but especially with regard to the Western Balkans, they intervene when they have important issues at stake. And usually, there are not many issues that cannot be solved at working party level, which are mostly related to formulation. If the problem persists, it goes up to higher levels, where usually the problem is solved. The conflict level in the Council is however low. For instance, what to expect from Serbia on the normalization of its relations with Kosovo was discussed at the working party level, then in COREPER, where a solution was found and finally confirmed by the GAC. Basically, there was the position of Germany and the UK on the one hand, and of Spain on the other⁷².

• **Bilateral issues**

There are some *bilateral issues* where capitals might claim their position more assertively. These issues either have a strong domestic impact or relate to the neighborhood of the acceding country. Where member states use their leverage today to further their own interests may be linked to rule of law, minorities, economy, security and the neighborhood. However, these issues have not become a major burden for the aspiring countries so far. There have been bilateral issues, such as a minority issue between Hungary and Serbia, as the latter refused to adopt legal guarantees to protect the Hungarian minority in the autonomous province of Vojvodina in Serbia. This dates back before Serbia getting candidate status, but putting pressure on Serbia, this could be resolved swiftly⁷³. Bilateral issues mostly come up at the last minute before drafting the December Council Conclusions and are raised by several states. These issues usually go to higher levels, to COREPER (apart from those which concern the PSC) and the Council. There can be in-depth discussion and finally it comes to a political leadership decision. For example, the candidate status of Albania was discussed until the very end of the Council meeting, but the track records of the progress reports (valid causal claims) of the Commission were convincing so that finally candidate status was granted (surprising result). That is, usually consensus seeking is finally given preference over national interests, although due to the unanimity principle, all sensitivities are considered and during the decision-making

⁷¹ Cf. Smeets 2013.

⁷² COELA 1 2014.

⁷³ COWEB 3 2014.

process bilateral issues are more assertively claimed at all Council levels. For instance, before having opened accession negotiations with Croatia, a border dispute arose with Slovenia, which was a more persistent issue, but within ten months, it was able to be resolved without having had a decisive impact on the accession timeline and prospect. Another example regards an economic issue with the Czech Republic, where a Czech company had suffered from losses due to Albania's non-compliance with the respective agreement. But at the Council level this problem was solved. Some issues can be settled at working party level, where deliberation is very intense. Where the aim is to reach a SAA, such as in the case of FYR Macedonia, the working party can come to an agreement.

National interest in the realm of the *domestic impact and neighborhood* give more intergovernmental momentum not only to the process within the Council, but also in the inter-institutional relationship between the Council and the European Commission. In these policy areas, the leadership role of the Commission is curtailed by the Council, which indirectly acts as a driver. That is, member states have also their own enlargement policies and interests. But this is not new. So during the fifth enlargement the fears of heightened East-West migration worker flows negatively affecting wages and local workers' employment in the receiving countries led to the introduction of transitional arrangements for the free movement of workers. This was basically imposed by Germany (and Austria), allowing member states to restrict the free movement of workers from most of the new member states for a maximum of seven years after accession. Today, the areas of rule of law, economic governance and minority protection have developed in "Commission plus" areas. That is, as the Commission does not act in a vacuum and has to accommodate the demands of the member states, in an anticipatory way it only proposes next steps to be taken, which the Council would agree on. Therefore, it is also an agent of the member states, as it reflects the position of the member states. In order to avoid a policy vacuum, the Commission acts upon demand by the member states in order to avoid the proposal being rejected. The Commission assesses the extent to which the proposal is realistic or not. Reasoned consensus between the institutions is the overall aim, however the outcome may here come closer to the lowest common denominator than in other fields.

More striking in this regard are some very *sensitive bilateral issues*, where consensus has not been reached so far and some (potential) candidates to a stalemate or hampered their progress decisively. That is, with regard to very sensitive issues, capitals do not shrink from making use of their veto power. The most striking examples today are hereby the name dispute between FYR Macedonia and Greece, the unresolved question of Kosovo's status caused by its non-recognition by Serbia and five member states, and the Cyprus-Turkey case.

— *Macedonia-Greece*

The name dispute between Greece and FYR Macedonia originates from the dissolution of the Federal Republic of Yugoslavia. After having gained independency in 1991, the country attributed itself the constitutional name of Republic of Macedonia. Greece's resistance to that, fearing territorial claims to its northern province of Macedonia, led to the internationally accepted provisional name Former Yugoslav Republic of Macedonia (FYR Macedonia). Under this name

the intention to become a member of the EU led to candidate status in 2005. However, as the claim to historical roots reached increased levels, Greece insisted not advocating opening accession negotiations until a solution to the dispute was found. Since then, the bilateral issue, now handled under the category “regional cooperation and good neighbourly relations”, has not advanced. More precisely, since 2009, despite the Commission’s positive evaluation, the Council has been blocking the opening of the accession talks⁷⁴. To date, not much progress has been reached on this contentious issue, and indeed led to reform fatigue in the country. The unchallenged leadership in FYR Macedonia might contribute to the standstill, despite seeking higher international involvement and somehow mediating with Greece. The former Commissioner for Enlargement Füle initiated a High Level Dialogue to find a “symbolic” way to continue the integration process on five key issues, and the echo is positive in the country⁷⁵. But there emerged other good neighborly relations issues with Bulgaria two years ago. It is perceived by Bulgaria that Macedonia claims important historical figures actually originating from Bulgaria. Tension furthermore relates to minorities, language, culture and historical references. To settle the dispute, the 1999 respective bilateral agreement on good neighborly relations should be renewed in both Parliaments, but has not come to a conclusion yet. That is, today, even if the name dispute is settled, the reform backlog, together with new upcoming bilateral issues, puts a possible advancing of the country in the near future in question.

— *Cyprus-Turkey*

The protracted conflict between Turkey and Cyprus has deep historical roots and dates back to the nineteenth century, before culminating in the Turkish invasion of Cyprus in 1974. Since then the northern part of the island has been under Turkish military occupation. The EU inherited this bilateral dispute when Cyprus joined the EU in 2004 after the island failed to reunite beforehand. So the Turkish part became excluded after the referendum over reunification was defeated by the Greek Cypriots’ “no”. The sovereignty of the Republic of Cyprus is not recognized by Turkey, which causes a fundamental burden followed by subsequent failure in meeting contractual obligations, such as the non-implementation of the Ankara Protocol denying access to products coming from the Republic of Cyprus, or, in the energy sector, the lack of respect for the limits to Cyprus’ Exclusive Economic Zone. These are the reason why eight chapters are frozen and no chapter has been provisionally closed yet. Nonetheless, accession negotiations started with Turkey in 2005 and after a three years stalemate, negotiations resumed on Chapter 22 on regional policy in 2013. A “symbolic” tool, the Positive Agenda was launched by the Commission in 2012 to continue dialogue and cooperation in a number of areas of joint interest; however, this bilateral dispute remains a fundamental problem for the overall integration process. Additionally, not to forget, there are several other issues related to fundamental, minority, and human rights hampering the accession negotiations progress. Last but not least, the striving for a Privileged Partnership by France and Germany, and several more member states’ concerns about the fundamental domestic impact of the future accession

⁷⁴ European Commission 2009: 19.

⁷⁵ COWEB 3 2014.

of Turkey to the EU, are to be considered fundamental obstacles to the overall project. For all these reasons, in the case of Turkey, it is indeed not the Commission that is the leader of the policy, but foremost the member states, hampering the integration process.

— *Kosovo's contested statehood*

Though Kosovo declared its independence in 2008, the country lacks recognition by Serbia, and, on the side of the EU, by five member states. So, on the one hand there is a bilateral dispute between a candidate country and a potential candidate country, and on the other hand, there are some member states curtailing the prospect for membership. This is a protracted issue, but not a deadlocked situation, as it is currently the case with Turkey and FYR Macedonia. Also here, “symbolic politics” plays an important role, because, despite Kosovo’s contested statehood, parallel structures have been introduced to circumvent this problem and to provide a partnership along the European path. So a High Level Dialogue to mediate the Pristina-Belgrade dialogue was launched in 2012, the same year that a visa liberalization dialogue was initiated, and, most importantly, despite the non-recognition, the Council gave the green light to the opening of negotiation on a SAA in June 2013. Serbia knows further progress largely depends on the improvement of bilateral relations. This may explain why, under the auspices of the High Representative, Kosovo and Serbia reached a historic agreement on the normalization of their relations, in 2013. And indeed, the positions of the five non-recognizers evolve depending on the relations between Serbia and Kosovo. At the moment recognition is not foreseeable, but the improving bilateral relations also facilitate Kosovo’s EU integration process. So Cyprus, Slovakia, Spain, Greece and Romania handle the situation quite flexibly and for the sake of compromise they go along even if they do not recognize Kosovo. This is why there are still achievements. The countries know each other and have regular exchanges with each other, such as Greece and Slovakia, which are also economically closer to the country. But the positions of the five non-recognizers may vary because they have different reasons (such as minority issues) for not recognizing its independence. In the past they were more in line with one another, Cyprus being the toughest. Today Spain is being more rigorous and this relates to its own domestically sensitive situation with Catalonia’s current secession threat⁷⁶. Kosovo’s level of rule of law, the functioning market economy and public administration reform are far behind those of the other Western Balkans countries; still, the European perspective is given. Kosovo’s journey to the EU will be a long one, and, despite all initiatives, the question of statehood may become even more challenging in the longer term, as only states can apply for EU membership.

• **Where do national interests come from?**

National interests do not derive from compact and uniform member state positions. They may alter over time, when governments change, or also diverge within the single government bodies. That is, certain ministries are stricter than others on specific sensitive issues and are more or less willing to intervene in the decision-making process. Some function as real drivers of the

⁷⁶ COWEB 1 2014.

policy, but they never go as far as blocking the whole process. Consensus seeking ultimately dominates. That is, according to procedure, all ministries have to agree on the proposal of the ministry of Foreign Affairs and only afterwards is this discussed at working party level. The ministries of Interior are interested in questions of immigration, criminality, corruption and visa liberalization, topics around which the population is very sensitive, but there are also other ministries, such as the ministry of Finance, that might interfere. Usually, the ministries of Interior have stricter policies than the ministry of Foreign Affairs, such as on migration and the rule of law. It becomes necessary to merge these two positions. Especially in the old member states, such as France, Italy and Denmark, ministries of Interior have a very strong influence over the ministry of Foreign Affairs on rule of law issues⁷⁷. For instance, over the last years France has witnessed many bank and jewelry robberies and according to the press, the robbers had guns and weapons coming from the former Yugoslavia. This had a strong influence on the people and made the ministry of Interior much more attentive as regards these issues⁷⁸. Respectively, Roma issues are very important for the ministries of Interior of Italy, Belgium, France and Austria. However, the ministries of Interior usually do not intervene to the extent of blocking progress, but they might strengthen conditionality. The coordination with several other member states' ministries of Interior is also possible beforehand. A case in point is the visa liberalization for Western Balkan states for short-term permanency, which caused unprecedented immigration of irregular migrants and unjustified asylum seekers from Western Balkans countries to EU states. After the ministry of Interior of Hungary became aware of this problem, the ministries of Interior of several member states coordinated their positions⁷⁹. As a consequence, a "suspension mechanism", which allows for temporary reinstatement of the visa, was introduced in 2013, without however having influence on the European perspective given to the countries.

Government profiles may have political impact on the enlargement policy, even though ministries are more influential in this respect, especially with regard to specific sensitive issues. So governments in power may act as drivers or brakemen in the accession process, yet they have only had a decisive impact on Turkey so far. A clear case is France, given that when Sarkozy had the Presidency, the EU became less keen on Turkey. Negotiations with Turkey still continued, but France substituted the membership perspective with the idea of a privileged partnership. So, on the technical level, negotiations continued on those areas the French did not consider to be directly linked to privileged partnership. Accordingly, Turkey joining the "core" of the EU – the Euro, regional policy, budget, and so forth – was not considered. But in other areas, based on their own framework of privileged partnership, the EU and Turkey continue the negotiations. With the new French President Hollande the policy has changed; the chapter on "regional policy" was opened last year. In general, the government constellation plays more of a role with regards to Turkey as with the Western Balkans, conservative and right-wing parties being more critical on the issue. Similar is the case in Germany. The center-left coalition from 1998 to 2005 under Gerhard Schröder was a strong proponent of Turkey's EU membership.

⁷⁷ DG Enlargement 2014.

⁷⁸ *Ibid.*

⁷⁹ COWEB 3 2014.

Since then, however, the CDU/CSU-led coalition governments under Angela Merkel reversed the policy, opening up a privileged partnership perspective. In general, however, the overall impact of government constellations in the enlargement policy has been moderate so far, governments in general trying to have continuity and consistency in the foreign policy.

The policy dimension: Unchallenged community project

• The economic crisis – a limited impact factor

Contrary to expectations, none of the interviewees or surveyed deputies or officials of the EU and member state institutions has within the framework of this research project attributed a great impact to the economic crisis on the EU enlargement policy. The main impact it has had on the policy as such is that economic governance has been moving towards being a core element of the new agenda. That is, conditionality has been strengthened to enhance macroeconomic stability at an early stage before granting candidate status or, more importantly, before joining the EU. The degree of economic surveillance and the reforms asked to the member states are in parallel now also asked to the acceding countries to make sure that countries are better prepared economically to join the EU. Nor has the economic crisis had a crucial impact on the decisions made by the EU, as for instance Croatia joined the EU in 2013, when the economic situation was still difficult for both the EU and the acceding country. Much has been written about enlargement “fatigue” and the whole procedure becoming ever more difficult, but enlargement has been moving ahead in recent years. On the side of the EU, the speed of EU integration has not substantially been slowed down due to the crisis, but the EU machinery has been pushing very hard for reforms. The direct impact of the economic crisis on the policy is limited, but where it has been striking is in the acceding countries, in the sense that due to their high dependency on the EU with respect to exports, foreign direct investments, currency and the banking sector, they have been hit hard by the economic crisis and progress has become more sluggish. In 2008 or 2009 the acceding countries were just not ready to move on. In case of political will however, countries are still able to cope with the reform agenda⁸⁰. Intergovernmentalism has not become stronger; conversely, due to the increasing technicality of the process, seeking consensus based on knowledge rather than on interests has advanced as a main feature of the policy⁸¹. What instead had a crucial impact on the policy are the lessons that had been learned in previous accession rounds, and the specific profile of the Western Balkan region. Still, overall, even though the accession path has become much more demanding, a dominant feature of the policy is the agreement within the EU to keep the EU perspective tangible for the region.

⁸⁰ COELA 1 2014.

⁸¹ DG Enlargement 2014.

• The Western Balkans and the Thessaloniki “lock-in”

The Western Balkan region comprises a group of countries with an unprecedented profile where particular tools have become necessary to cope with these new challenges. The violent dismantling of the former Yugoslavia brought about a series of unfinished or fragile states where communities can hardly live together. Security issues combined with severe shortcomings in state capacity and rule of law as well as economic deficits are among the fundamental burdens of the region. For this reason, a redefined approach to this region has become indispensable, further enriched by new and sophisticated methodologies. On the one hand the EU has had to consider the specific profile of the country group, but on the other hand lessons have been learned from previous enlargement rounds. Both aspects have been taken into account when developing the country-specific approach. A special commitment towards the region was proclaimed at the Thessaloniki EU Council in 2003, guaranteeing the Western Balkans the “European perspective”. Subsequent European Councils as well as all strategy and progress reports have unequivocally reaffirmed that the future of the whole region lies within the EU, thus becoming an unchallenged and irrevocable constant in the policy. This strong communitarian commitment has determined the enlargement policy towards the Western Balkans insofar as no member state principally opposes membership to these countries, contrary to what has happened with Turkey. Still, access is not unconditional, and in fact the region-specific “Copenhagen plus SAP criteria” have been enriched, adding new conditionality based on “lessons learned” from previous enlargements. Accordingly, after the experiences with Cyprus and Turkey, bilateral disputes have to be tackled before accession, putting more emphasis on regional cooperation, good neighborly relations and lately also minority protection. Similarly, the weakness in catching up with rule of law standards after accession in Bulgaria and Romania incentivized the EU to develop the “new approach” strengthening the reform process in this field at an early stage. Due to the unpredictable intervening variable of the economic crisis, this new approach has furthermore been transferred into the economic sector. Through the “benchmark” method, the EU has also learned to use its conditionality leverage more precisely, linking progress to actual results and not to mere promises. The EU encouragement to undergo the necessary transformation has been strengthened, giving more precise indications, guidelines and explanations on what and how to improve. This is a result of the 2004 and 2007 rounds of enlargement, which are criticized for their quick pace and lack of preparation, and indeed, nearly all new member states still struggle with problems in the rule of law, economic fragility, democratic shortcomings and corruption⁸². Context matters, but as a result, a lengthy, technical, and complex system has become reality, which unsurprisingly is associated with labels such as “nationalization” or “enlargement fatigue”.

Due to the specific profile of the region and the post-accession shortcomings of the new member states, instruments have been refined and led to increased *technicality* of the policy and the development towards a *lengthy two-track system*. And those two elements have had three consequences. They have increased the importance for *progress based on merits*,

⁸² Verheugen 2013: 8.

actually becoming a key driver for advancement; ideological cleavages have diminished, furthering a *de-politization* of the process; and the relevance has increased of better *symbolic politics*. First, acceding countries have to undergo a rigorous reform process; and those that engage advance. Here, they depend less on the political will of member states, than on the consent of the Commission, which is measured by their progress based on merits⁸³. Despite all the difficulties they encounter, most of them, such as Albania, Montenegro and Serbia, progress – just as Croatia did. Those that do not show strong commitment, such as Bosnia and Herzegovina, fall by the wayside. On the side of the member states, due to the guaranteed EU perspective and the heightened technicality of the procedure, the decision-making process has prevalently become *de-politicized*. That is, while in the past member states coordinated their positions with like-minded partners, today the focus is on common issues. Coalitions are therefore built around collective issues – migration, corruption or the economy – rather than emerging along more or less enlargement-friendly cleavages. These coalitions change and emerge ad hoc. For instance, EU member states that hold the greatest fishing quotas (Spain, Ireland, France, and Portugal), presented a common position concerning Icelandic fishery, even if they might not have worked together before⁸⁴. One cannot rely on established partners, but always has to look for new ones with which to discuss and coordinate. Whether the partner is like-minded or not is actually less important⁸⁵. As Albania's candidate status shows, political decisions turn into technical ones, and track records are convincing causal claims. As progress can clearly be measured, political interest-based claims lose their validity. The third element that has gained relevance is symbolic politics, which became necessary in terms of "intermediate reward" in such a long path, but also in order to revive the process where stagnation looms. And this also shows the community's strong commitment to advance the policy. So, for instance, candidate status was invented for FYR Macedonia in 2005 to reward the conclusion of the Ohrid Agreement, which basically put an end to the civil war⁸⁶. This "empty shell", despite not allowing for additional funding or having other advantages, is a milestone important for all acceding countries due to its symbolic value. Another example is the High Level Dialogues, which have been developing as parallel structures to the accession process. As in the case of the High Level Dialogue in FYR Macedonia, the psychological incentive is to induce engagement among political leadership, and especially at the local level; this is reflected in the media and opening political and public discourse. These dialogues are changing the process, being more informal, less planned and created ad hoc, but ultimately, they do not replace the accession process itself. The SA agreement with Kosovo is also an example of symbolic politics. That is, Kosovo is treated as a SAP country, despite the lack of candidate perspective triggered by its official non-recognition.

⁸³ *Ibid.*

⁸⁴ COELA 2 2014.

⁸⁵ COWEB 1 2014.

⁸⁶ DG Enlargement 2014.

- **“Commission plus” policy areas**

Member states (drivers) have shaped and therefore contributed to the further evolution of the policy in the fields of domestic impact and neighborhood. In the current enlargement round, member states are especially concerned about issues related to domestic impact – that is, the rule of law in the first place, followed by economic governance and lately also minority protection. In these areas, terms and conditions of the enlargement policy have been strengthened, now prescribing timely and far-reaching reforms. The creation of parallel structures and gray economy are a result of the violent dismantling of the former Yugoslavia and are strongly present in the region of the Western Balkans. This situation is not comparable with Eastern Europe after the defeat of communism, which may explain why rule of law issues have to be addressed in particular. The procedure was introduced by the December 2011 Council, and has been further elaborated into a “Commission plus” system. This new approach has been tested with Croatia, further developed and institutionalized with Montenegro and now Serbia, and extended into the pre-accession phase, such as in the case of the High Level Dialogues with Bosnia and Herzegovina and FYR Macedonia. The procedure is complex, especially with regard to the rule of law. It is much more demanding now than it was in the fifth enlargement. For Croatia, the opening and closing Chapters 23 and 24 took no more than one year. This will take at least four years for Montenegro⁸⁷. The “new approach” is much more demanding and conditional. Action plans are required and afterwards evaluated, and intermediate benchmarks are given that have to be fulfilled in a couple of years, followed by track records. And then there are interim positions with the closing benchmarks, which have to be fulfilled as well. There is much pressure on the countries, but it is also much clearer since countries know exactly what is expected from them. The economic crisis has had an impact on conditionality in the economic sector. Indeed, more attention has been paid to the functioning of the market economy, creation of jobs, and enhancement of competitiveness and growth, in order to ensure economic convergence with EU member states at an early stage. The core European countries and especially Germany are very pivotal in pushing the issue of economic reform. This is a reflection of the internal debate of the EU. For this reason, the European Commission is asking for structural reforms and provides for technical and financial assistance. The system will work similarly to the one of the rule of law, specifically with action plans on public financial management and the Competitiveness and Growth Programs in the economic field subsequently evaluated by the Commission. The economic governance approach is however still under development⁸⁸. National minorities are a new issue in the accession process and will be incorporated into the negotiating framework of Serbia. The procedure will be adopted for the first time when the respective chapters will be opened for Serbia in the next two years and the structure will become similar to the “new approach”. Serbia is asked to enhance the protection of its national minorities, as was requested by Serbia’s neighbors represented in the Council⁸⁹.

⁸⁷ COELA 1 2014.

⁸⁸ COWEB 1 2014.

⁸⁹ COELA 1 2014.

CONCLUSION

In the last years, the EU has been challenged by phenomena such as the entry into force of the Lisbon Treaty and the economic and financial crisis. Yet, unlike other policy areas, enlargement constitutes a “paradox”, as these new challenges have not had a substantial impact on the EU enlargement policy, polity and politics. That is, “intergovernmental supranationalism” as a dominant feature of all three dimensions persists, even though especially the “technicality turn” has been counterbalancing some increased national momentum, contributing overall to a new equilibrium between the different forces.

First, at an institutional level, the Commission, acting according to procedural rules and by expanding its expertise, has further strengthened its role as a trustworthy authority. This has been triggered by the increased complexity and technicality of the process, where a knowledge-based institution gains increasing relevance with respect to other intergovernmental bodies, such as the Council. Indeed, in its decisions, the Council is increasingly dependent on the Commission, which for instance is evident from the ever more frequently word-by-word adoption of the Commission’s strategy papers. The technicality of the procedures has also a restrictive impact on other intergovernmental institutions, such as the one of the Presidency of the Council. While the Presidencies traditionally exert a certain leadership role in the policy, today its influence is curtailed, as knowledge-based arguments are becoming more powerful than interest-based ones. This is due to the benchmark method results becoming clearly measurable, so that the importance of politically biased motives decreases. The Commission’s position and therefore the supranational momentum has further been reinforced, mainly due to the increased technicality of the procedure. Yet this momentum is counterbalanced by another intergovernmental institution, which has strengthened its relevance as well. That is, since the entry into force of the Lisbon Treaty, the role of national Parliaments has also been boosted. National Parliaments play an ever more active role as skeptical drivers of the policy, yet, so far, never to the extent they would block the process.

Second, at the politics level, even if consensus seeking is a prevalent feature of the Council in general, the level of engagement in finding agreement for the scope of the policy to advance is higher in enlargement than in other policy areas. This is especially the case at the working party level in COWEB and COELA. Within the working parties, there is a high level of socialization in the EU principles and values on enlargement, and, especially with regard to the Western Balkans, the collective understanding on the European perspective is deeply anchored. A shift from normative to factual motives can be observed in this domain as well, which explains why causal claims become more important over normative ones. Deliberation is centered on specific and moving issues, a reason that the importance of the single state and established coalitions has waned, resulting in a discourse among equals. This strengthened collaborative decision-making mode reaches its limits as soon as sensitive bilateral issues are at stake. The more sensitive the issue, the more member states are willing to use their leverage more assertively with regard to specific issues usually related to either the neighborhood or domestic impact. Yet protracted disputes are rare and for the sake of

compromise, usually the policy advances. Simultaneously, parallel and informal structures, such as High Level Dialogues, have become ever more important, which may support advancement in difficult situations.

Finally, the policy as such has not substantially changed due to the economic crisis. Indeed, the major impact the economic crisis has had on the policy is that economic governance has shifted into the core agenda of enlargement to ensure convergence towards financial and macroeconomic stability at an early stage. Additionally, the economic governance contributes to the evolution of the technical approach, as according to the system developed, progress of candidates is now rewarded based on clear, measurable merits rather than on member states' goodwill.

References

- Allerkamp, D. K. (2010), "The Council(s) beyond Intergovernmentalism. The transformative Power of 'intergovernmental' Council Decision-Making", Paper presented at the Fifth Pan-European Conference on EU Politics, ECPR SG EU – Porto, Portugal, June, pp. 23-26, 2010.
- Aus, J. P. (2008), "The Mechanisms of Consensus: Coming to Agreement on Community Asylum Policy", in Naurin, D. and H. Wallace (eds.), *Unveiling the Council of the European Union. Games Governments play in Brussels*, Basingstoke, Palgrave Macmillan, pp. 99-120.
- Balkan Monitor (2010), "Insights and Perceptions: Voices of the Balkans. Attitudes towards the EU", www.balkan-monitor.eu
- Bechev, D. (2012), "The Periphery of the Periphery: The Western Balkans and the Euro Crisis", *ECFR Policy Brief* (European Council on Foreign Relations), London, http://ecfr.eu/content/entry/the_periphery_of_the_periphery_the_western_balkans_and_the_euro_crisis
- Beyers, J. and G. Dierickx (1998), "The Working Groups of the Council of the European Union: Supranational or Intergovernmental Negotiations?" *Journal of Common Market Studies*, 36(3), pp. 289–317.
- Beyers, J. (2007), "Multiple Embeddedness and Socialization in Europe: The Case of Council Officials", in Checkel, J. (ed.), *International Institutions and Socialization in Europe*, Cambridge, Cambridge University Press, pp. 99-137.
- Bostock, D. (2002), "Coreper Revisited", *Journal of Common Market Studies*, 40(2), pp. 215-234.
- Cederman, L.-E. and Schneider, G. (1994), "The Change of Tide in Political Cooperation: A Limited Information Model of European Integration", *International Organization* 48, pp. 633-662.
- Checkel, J. (2001), "Why comply? Social Learning and European Identity Change", *International Organization* 55(3), pp. 553-588.
- Checkel, J. (2003), "'Going native' in Europe? Theorizing social Interaction in European Institutions", *Comparative Political Studies*, 36, pp. 209-31.
- Council of the European Union (2013), "Council Conclusions on Enlargement and Stabilisation and Association Process".
- Cross, M. K. Davis (2006), *The European Diplomatic Corps: Diplomats and International Cooperation from Westphalia to Maastricht*, Basingstoke, Palgrave Macmillan.
- Cross, M. K. Davis (2010), "Cooperation by Committee: The EU Military Committee and the Committee for Civilian Crisis Management", in *Occasional Paper 82*, European Institute for Security Studies, Paris.
- De Zwaan, J. W. (1995), *The Permanent Representatives Committee. Its Role in European Union Decision-Making*, The Hague, Elsevier.
- Elbasani, A. (2008), "The Stabilisation and Association Process in the Balkans: Overloaded Agenda and Weak Incentives?" *EUI Working Papers*, SPS 2008/3.
- European Commission (2001), "Proposal for a Council Decision concerning the Signature of the Stabilisation and Association Agreement between the European Communities and its Member States and the Republic of Croatia on behalf of the European Community", COM 2001) 371 final.
- European Commission (2004), "Strategy paper of the Commission on Progress in the Enlargement Process", Communication from the Commission to the Council and the European Parliament. COM (2004) 657 final, 6 October 2004.
- European Commission (2006), "Enlargement Strategy and main Challenges 2006-2007", Communication from the Commission to the European Parliament and the Council, COM (2006) 649.
- European Commission (2007a), "Proposal for a Council Decision on the Principles, Priorities and Conditions contained in the European Partnership with Bosnia and Herzegovina and repealing Decision 2006/55/EC", COM (2007) 657.
- European Commission (2007b), "Serbia 2007 Progress Report", COM (2007) 663 final.

- European Commission (2009), "Enlargement Strategies and Main Challenges 2009-2010", COM (2009) 533.
- European Commission (2010a), "Commission Opinion on Albania's Application for Membership of the European Union", COM (2010) 680.
- European Commission (2010b), "Commission Welcomes Council's Decision to Start the Ratification Process of the Stabilisation and Association Agreement with Serbia", Press release (14.06.2010) IP/10/731.
- European Commission (2010), "Communication from the Commission to the European Parliament and the Council, Enlargement Strategy and main Challenges 2010-2011", COM (2010) 660.
- European Commission (2011a), "Communication from the Commission to the European Parliament and the Council. Commission Opinion on Serbia's application for membership of the European Union", COM (2011) 668.
- European Commission (2011b), "Enlargement Strategy and Main Challenges 2011-2012".
- European Commission (2013a), "EU-Albania: After the 1st session of High Level Dialogue", November 12 (MEMO/13/983).
- European Commission (2013b), "Serbia Progress Report 2013", COM (2013) 700 final.
- European Council (2003), "Western Balkans. The Thessalonica Agenda for the Western Balkans", EU Doc 10369/03.
- Fabbrini, S. (2012), "After the Euro Crisis: The President of Europe. A new Paradigm for increasing Legitimacy and Effectiveness in the EU", *EuropEos Commentary* 12.
- Füle, S. (2012), (Commissioner for Enlargement), "Opening remarks High Level Dialogue on the Accession Process between EU and Bosnia and Herzegovina", SPEECH/12/873, November 27th.
- Gateva, E. (2010), "Post-accession Conditionality. Support Instrument for continuous Pressure?", *KFG Working Paper*, 18 (October).
- Gidisoglu, S. (2013), "'Institutional and Practical' Dynamics of EU Enlargement Decision-Making: EU Machinery Effect", Paper presented at the Seventh ECPR General Conference, Sciences Po Bordeaux, 4-7 September.
- Gordon, C. (2009), "The Stabilisation and Association Process in the Western Balkans: An Effective Instrument of Post-Conflict Management?" *Ethnopolitics*, 8(3-4), pp. 325-340.
- Heyes-Renshaw F. and H. Wallace (1995), "Executive Power in the European Union: The Functions and Limits of the Council of Ministers", *Journal of European Public Policy* 2(4), pp. 559-582.
- Heyes-Renshaw F. and H. Wallace (2006), *The Council of Ministers*, New York, Palgrave Macmillan.
- Hillion, C. (2010), "The Creeping Nationalisation of the EU Enlargement Policy", SIEPS (Swedish Institute for European Policy Studies), 6.
- Howorth, J. (2011), "Decision-Making in Security and Defence Policy. Towards Supranational Intergovernmentalism?", *KFG Working Paper* 25 (The Transformative Power of Europe), Berlin, pp. 1-28.
- Içener, E. D. (2010), Continuity and Change in the European Union's approach to enlargement: Turkey and Central and Eastern Europe compared? *Southeast European and Black Sea Studies*, 10(2), pp. 207-223.
- Joerges, C. and Neyer, J. (1997), "Transforming Strategic Interaction into Deliberative Problem-Solving: European Comitology in the Foodstuffs Sector", *Journal of European Public Policy* 4(4), pp. 609-25.
- Lewis, J. (2003), "Institutional Environments and Every Day EU Decision-Making. Rationalist or Constructivist?" *Comparative Political Studies* 36(1/2), pp. 97-124.
- Lewis, J. (2007), "The Janus Face of Brussels: Socialization and Everyday Decision-Making in the European Union", in Checkel, J. (ed.), *International Institutions and Socialization in Europe*, Cambridge, Cambridge University Press, pp. 137-170.
- March, J.G., Olsen, J.P. (1989), *Rediscovering Institutions: The organizational Basis of Politics*, New York, The Free Press.

- Naurin, D. and H. Wallace (eds.) (2008), *Unveiling the Council of the European Union. Games Governments play in Brussels*, Basingstoke, Palgrave Macmillan.
- Phinnemore, D. (2009), "From Negotiations to Accession: Lessons from the 2007 Enlargement", *Perspectives on European Politics and Society*, 10(2), pp. 240-252.
- Putter, U. (2012), Europe's Deliberative Intergovernmentalism: The Role of the Council and European Council in EU Economic Governance, *Journal of European Public Policy*, 19(2), pp. 161-178.
- Risse, T. (2000), "'Let's argue!': Communicative Action in World Politics", *International Organization* 54, pp. 1-40.
- Risse, T. and M. Kleine (2009), "Deliberation in Negotiations", *UCD Dublin European Institute Working Paper* 9(4).
- Scharpf, F. W. (1997), *Games Real Actors Play*, Boulder, Co., Westview Press.
- Schimmelfennig, F. (2001), "The Community Trap: Liberal Norms, Rhetorical Action, and the Enlargement of the EU", *International Organization* 55(1), pp. 47-80.
- Sebenius, J. K. (1984), *Negotiating the Law of the Sea*, Cambridge, Harvard University Press, ch. 5, pp. 117-181.
- Sherrington, P. (2000), *The Council of Ministers. Political Authority in the European Union*, London, Bloomsbury Academic.
- Smeets, S. (2013), "How issues move or get stuck: Or how to be effective in the EU Council of Ministers", in R. Servent, A. and Am. Busby (eds), "Agency and Influence inside the EU Institutions", *European Integration online Papers (EIoP)*, Special Issue 1(17), pp. 1-20.
- Tallberg, J. (2003), "The agenda-shaping Powers of the EU Council Presidency", *Journal of European Public Policy* 10(1), pp. 1-19.
- Tallberg, J. (2008), "The Power of the Chair: Formal Leadership by the Council Presidency", in D. Naurin and H. Wallace (eds.), *Unveiling the Council of the European Union. Games Governments play in Brussels*, Basingstoke, Palgrave Macmillan, pp. 187-202.
- Vachudova, M. A. (2014), "EU Leverage and National Interests in the Balkans: The Puzzles of Enlargement ten Years on", *Journal of Common Market Studies*, 52(1), pp. 122-138.
- Verheugen, G. (2013), "Enlargement since 2000: Too Much Too Soon?" in L.-A. Brunet (ed.), *The Crisis of EU Enlargement*, LSE IDEAS (Special Report), pp. 8-11.
- Warntjen, A. (2010a), "Bargaining", in K. Dowding (ed.), *Encyclopedia of Power*, London, Sage.
- Warntjen, A. (2010b), "Between Bargaining and Deliberation: Decision-making in the council of the European Union", *Journal of European Public Policy* 17(5), pp. 665-679.
- Wessels, W. (1991), "The EC Council: The Community's Decision-Making Center", in Hoffmann, St. and R. Keohane (eds.), *The European Community: Decision-Making and Institutional Change*, Boulder, Co., Westview Press, pp. 133-154.
- Westlake, M. and Galloway, D. (2004), *The Council of the European Union*, London, John Harper Publishing.

Interviews

- 1 – COELA 1 (Working Party on Enlargement), July 2014.
- 2 – COELA 2, July 2014.
- 3 – COWEB 1 (Working Party on the Western Balkans Region), July 2014.
- 4 – COWEB 2, July 2014.
- 5 – COWEB 3, July 2014.
- 6 – Senior official of the ministry of Foreign Affairs of an old member state responsible for the EU Enlargement and Neighbourhood Policy (December 2014)
- 7 – DG Enlargement (Former senior official of the European Commission /Directorate General for Enlargement), June 2014.
- 8 – General Secretariat Council (Senior official), June 2014.