

**\*\*SECOND DRAFT\*\***

**Europeanisation Goes East:  
Power and Uncertainty in the EU Accession Process**

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May 2002

Chapter to appear in K. Featherstone and C. Radaelli (eds.) (2002),  
*The Politics of Europeanisation*, Oxford: Oxford University Press.

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## Abstract

This chapter sets out a framework for extending the study of Europeanisation in the existing European Union to the effects of the EU in central and eastern Europe. It starts with the *prima facie* case that the effects on public policy are similar in nature to those observed in the current EU-15, but broader and deeper in scope. The applicants are taking on all the obligations of EU membership, so the domestic effects of transferring policies and institutions to them are likely to be comparable with the effects of the EU on its current member-states, even though the political relationship is different. Europeanisation mechanisms identified in the literature on the EU also operate in the applicant countries, given that they are subject to substantially the same pressures for adaptation. However, there are two major differences: the first is the wider scope of the EU's agenda in the candidate countries, which goes far beyond the requirements of membership for the existing member states. The second is the political context of a power relationship between the EU and the candidates that is based on conditionality for accession. The asymmetry of power between the applicants and the Union gives the EU more coercive routes of influence in the applicants' domestic policy-making processes than in the existing EU because the applicants face additional conditions that current members do not. But there are also constraints on how the EU uses its potential influence in the applicant countries, in particular the multiple dimensions of uncertainty built into the accession process. The author argues that responses to uncertainty can account for the varying patterns of institutional adjustment across different policy areas in the candidate countries.

## Introduction

The European Union matters in eastern Europe, but how? The candidate countries of central and eastern Europe (CEE) have been taking on all the obligations of EU membership for some ten years now, so the domestic effects of transferring policies and institutions to them are likely to be comparable to the effects of the EU on its current member-states. However, the political relationship between the applicants and the EU is very different, which affects how Europeanisation occurs.

Section 1 sets out a *prima facie* case for extending the study of Europeanisation to include the EU's effects in CEE, arguing that the effects are likely to be similar in nature, but broader and deeper in scope. Section 2 discusses how theoretical and empirical work on Europeanisation in the EU-15 can usefully be applied to the applicants for membership, particularly the CEE countries that have sought to join since 1989. It sets out a typology of routes of influence through which the EU can effect domestic change in CEE.

Section 3 presents an analysis of two major reasons why Europeanisation is different in the case of central and eastern European countries. The first is that they are candidates rather than members of the Union, in an asymmetrical relationship which gives the EU more coercive routes of influence in domestic policy-making processes. The applicants cannot influence EU policy-making from the inside, and they have a stronger incentive than existing member-states to implement EU policies because they are trying to gain admission. The second factor is uncertainty built into the accession processes. This uncertainty has at least five dimensions, and each can help explain the differential impact of the EU across domains of public policy in CEE. The constraints on EU influence point towards analytical problems in assessing to what extent different policy domains are Europeanised in CEE.

This chapter restricts itself to just one domain of Europeanisation – public policy. Unquestionably the EU also affects cognitive-normative structures in CEE as well, but there is very little convincing empirical work on which to draw yet in the case of candidate countries. This is a promising area for future research, however.

## 1. THE CASE FOR COMPARABILITY WITH THE EXISTING EU: NATURE AND SCOPE

The Europeanisation literature is relevant to the CEE applicants<sup>1</sup> because these countries are already subject to substantially the same pressures of adaptation to EU policies as current member-states. Europeanisation mechanisms identified in the literature on the EU are likely to operate for the applicants too, given that the same policy structures and implementation procedures are used.

Previous studies of Europeanisation have dealt almost exclusively with countries that have already joined the EU (Goetz 2000 is a welcome exception), yet the EU exerts similar pressures on the applicant countries. Many of the phenomena identified in the Europeanisation literature can also be seen emerging in CEE, but the EU's influence on applicants has the added dimensions of conditionality and accession negotiations. The *acquis communautaire*<sup>2</sup> has to be adopted by the candidates in its entirety, and the negotiations are primarily concerned with determining how much of it should be implemented prior to accession and which parts of the *acquis* will be subject to a transitional period after joining.

The CEE candidates approached EU accession with different starting-conditions from previous applicants, following over four decades of central planning and state socialism. The fact that they are such different candidates offers the researcher an opportunity to test hypotheses about Europeanisation outside the cultural, political and economic particularity of advanced West European democracies with developed economies. The CEE candidates thus provide valuable new cases to compare with studies of the existing EU. At the same time, empirical work on how post-communist political economies react to an external influence such as the EU's offers insights into the transformation of public policy processes after 1989, thus adding value to the study of post-communist transition and democratisation.

However, this chapter does not advocate using Europeanisation indiscriminately as a theoretical framework. In using the concept with reference to the CEE region, it is particularly important not to over-estimate the EU's influence. It is easy to do so when a study is looking for evidence of the EU's effects. Moreover, there is already a tendency in parts of the literature on transition to exaggerate the EU's impact. For example, scholars working on democratisation have tended to assume that the EU has vigorously encouraged democratisation by pressing the CEE countries into implementing democratic human rights regimes and open political systems (e.g. Linz and Stepan 1996, Kopecký and Mudde 2000). Although the EU has enormous potential influence, scholars should not pre-judge the extent to which the EU has shaped governance overall. A systematic examination of the limitations on the EU's influence is an essential part of assessing the degree to which the EU is responsible for the changes that have taken place.

The pressures on CEE for adaptation and policy convergence are considerably greater than those on previous applicants owing to the Union's much more advanced state of policy development – because of the completion of the single market in 1992, the integration of the Schengen area of passport-free movement into the EU's treaty framework in 1997, and the launch of the single currency in 1999. These pressures are more comparable with those on member-states in the 1990s than on Mediterranean applicants in the 1970s and 1980s because of the development of eastern accession conditionality. The creation of formal accession conditions has given the EU much wider leverage to get these applicants to comply with its demands than

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<sup>1</sup> There are ten CEE applicants for membership, and three Mediterranean ones. Six of the applicants (the Czech Republic, Estonia, Hungary, Poland and Slovenia, plus Cyprus) began accession negotiations with the EU in March 1998, and three of them (the Czech Republic, Hungary and Poland) joined NATO in 1999. Bulgaria, Latvia, Lithuania, Romania and Slovakia (plus Malta) opened EU accession negotiations in February 2000. This chapter is concerned with the post-communist CEE applicants and does not discuss the Mediterranean ones in detail, but the same accessions conditions apply to Cyprus, Malta, Turkey and any country that seeks to join the EU in future.

<sup>2</sup> '*Acquis communautaire*' is the term used to refer to all the real and potential rights and obligations of the EU system and its institutional framework; the accession *acquis* is the whole body of EU law and practice (see Grabbe 1999).

previous ones. It has also reduced the ability of applicants to negotiate concessions such as transitional periods and derogations in comparison with previous enlargements. The EU is applying the accession conditions for CEE in a way more similar to the Maastricht convergence criteria for monetary union than to its approach in previous enlargements. The conditions are set in advance and national governments have to meet them before they can join – as with the convergence criteria.

### **The *prima facie* case for EU influence**

What kind of convergence between EU and CEE policies should we expect? The experience of the EU's current member-states would suggest the scope is not wide, but I argue it will be considerably greater for CEE. Within the existing Union, there has been only limited convergence of policies and institutions, and the continuing diversity of member-states has been well documented (Cowles et al. 2001, Héri-tier et al. 2001, Kohler-Koch and Eising 1999). For example, there has been little convergence towards a European 'model of capitalism' (Crouch and Streeck 1997, Rhodes and Apeldoorn 1998, among others). National economic systems have remained diverse partly because of the characteristics of EU policy-making. In particular, the EU's key governance function is regulating social and political risk rather than resource redistribution (Majone 1996; Hix 1998). Secondly, the EU's policy framework for regulating the single market – which is one of its most extensively developed policy areas – remains a patchwork (Héri-tier 1996). Moreover, member-states can mitigate the impact of regulatory alignment on their domestic political economies, leading to uneven implementation and hence differentiated effects on national regimes (McGowan and Wallace 1996).

However, three factors point towards a hypothesis that the EU accession process is pushing the applicant countries towards greater convergence with particular policy models than has occurred within the existing EU. The first factor is the speed of adjustment. The formal accession process sets out to adapt CEE institutions and policies to the EU much faster and more thoroughly than the adaptation of current EU-15 members. It took Greece well over a decade to adapt to the EU's single market norms (Featherstone 1998). By contrast, prospective CEE members are expected to have oriented their institutions and policies to the EU prior to membership, which means less than a decade in practice. Moreover, they have done so from a much lower starting-point and with very limited scope for negotiating transitional periods. The EU has been able to push CEE policy reforms faster than they would otherwise have gone because of the priority accorded to accession by their governments and because of the institutional lacunae resulting from communist era. Since 1989, most of the candidates have been building market regulation from only the most basic of foundations, and introducing policies where previously they had none, for example in competition policy, migration, asylum and protection of minorities.

The second factor is the openness of CEE to EU influence owing to the process of post-communist transformation. The CEE applicants are working from different starting-point in terms of institutional development, with gaps left by communist systems (Batt and Wolczuk 1999). They did not start with an institutional *tabula rasa* – far from it (see Lijphart and Crawford 1995) – but the communist legacy means that some EU policies meet with less institutional resistance than in the current member-states. What was called 'deregulation' under the single market programme means radical re-regulation in the CEE case, and sometimes imposing regulation where there was none – for most financial services, for example. The candidates are in the process of throwing off communist-era legislative frameworks and creating new ones for a capitalist market economy. This process has made them more receptive to regulatory paradigms than the EU's member-states were, because EU models were being presented at the same time as CEE policy-makers were seeking a model to implement.

The third factor is the breadth of the EU's agenda in CEE. The CEE applicants have no possibility of opt-outs from parts of the agenda, such as those obtained by the UK on the Social Chapter, Schengen or monetary union. Hence the applicants are committed to converging with a maximalist version of the EU's

policies. In areas like social policy, where there is resistance to greater integration from some member-states, the Commission has tended to define a 'maximalist' version of the *acquis communautaire* for CEE (Brusis 1998).

The EU's agenda in CEE has also become wider than that for current member-states through the membership conditions established for the eastern applicants. The conditions set at Copenhagen in 1993 go beyond those for any previous applicant, stating that not only do prospective members have to take on the 'obligations of membership' – i.e. the *acquis communautaire* – but they also have to have a 'functioning market economy' and 'the capacity to cope with competitive pressure and market forces within the Union', as well as 'stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities.' The EU has no specific test to determine whether or to what extent these conditions have been met. That gives the EU a licence to involve itself in domestic policy-making to an degree unprecedented in the current member-states. Moreover, mitigating the impact of EU policies is more difficult for applicant countries than it was for states that had already gained membership, owing to the continuous monitoring of implementation of every part of the *acquis*, including annual reports from the Commission.

Because of the political and economic Copenhagen conditions set for this enlargement, the EU is having a two-fold impact on CEE public policy-making. First, it is influencing areas like market regulation and sectoral policies by presenting rules and norms that have to be adopted inflexibly, with very limited transitional periods. Secondly, the EU can present other demands for changes in regulations and policies to CEE *ad hoc*. The very general nature of the conditions thus allows the EU (particularly the Commission, which formulates and manages accession policy) a wide margin for policy entrepreneurship in setting demands that change the policy and institutional frameworks of these countries. Since 1993, the EU's demands on the applicants have become progressively more specific as it has defined more clearly what would constitute meeting the Copenhagen conditions. The Commission's 1995 Single Market White Paper set out the market regulation part of the *acquis* for adoption, building on the Europe Agreements (which cover trade liberalisation and competition policy, among other areas) signed from 1993 onwards. The Accession Partnerships issued from 1998 onwards present a huge range of demands. The candidates have to implement the Accession Partnerships to move forward towards accession, and also to qualify for EU aid and other benefits.

Conditionality for accession now extends the reach of EU influence considerably more deeply into domestic policy-making in CEE than it has done in the member-states, which have only had to implement policies resulting from 'the obligations of membership' (the third condition) and have never been judged on the other two conditions. The democracy and market economy conditions have led the EU (in the form of the Commission and Council) to influence many policy areas beyond the reach of Community competence in the member-states. Although only some policy domains have moved to supranational level in the EU (Stone Sweet and Sandholtz 1997), the distinctions between Community and national competences that are so extensively debated within the EU are not acknowledged in the agenda presented to CEE. Indeed, the conditions cover several areas where member-states have long been very resistant to extending Community competence for themselves. The political criteria take the EU into areas such as judicial reform and prison conditions; the economic criteria are interpreted to include areas such as reform of pension, taxation and social security systems; and the measures for 'administrative capacity to apply the *acquis*' brings EU conditions to civil service reform in CEE, for example.

Hence we may expect a large number of parallels with the impact that Europeanisation has had on less-developed member-states, but also some contrasts. Particularly important are the potential parallels with the southern EU member-states in the impact of importing political philosophies; of advantaging small circles of actors (and reinforcing a democratic deficit) and privileging technocrats; of penetrating state administration practices; and of aid-dependence. Europeanisation has had the effect of empowering modernisers to change specific policies (particularly macro-economic policies) and also to reform political institutions. This effect has been observed not only in the case of later joiners like Greece (Featherstone 1998), but also in founder-members like France (Ladrech 1994) and Italy (Francioni 1992, Amato 1996). However, contrasts immediately arise too. The CEE countries have undergone deep reforms in a much more globalised economy

and an era of much greater liberalisation of trade and capital flows. Finally, flows of aid to CEE have been much less than those to the main recipient member-states as a proportion of GDP. But as the CEE applicants move closer to membership, all these contrasts will start to diminish, and they could become more directly comparable with the existing member-states' experiences of Europeanisation.

## 2. HOW TO STUDY EUROPEANISATION IN THE CANDIDATE COUNTRIES

The previous section has argued that we may expect the EU's influence in CEE to be similar in nature to that in the EU-15, but wider and deeper in scope. This section explains how the concept of 'Europeanisation' can be used to investigate the effects that the EU is having on public policy in the candidate countries. It categorises the different mechanisms of Europeanisation at work in CEE public policy, distinguishing between those that are similar to the mechanisms in the EU-15 and those that are particular to the accession process.

### What Europeanisation is - and is not - in the case of enlargement

The definition of Europeanisation presented by Radaelli in this volume is highly relevant to CEE:

Europeanisation consists of processes of (a) construction (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, identities, political structures and public policies.

This definition stresses the importance of change in the logic of political behaviour, which is a useful way of distinguishing Europeanisation effects from the many other processes of change at work in the post-communist political context. In applying this heuristic concept to CEE, I am primarily investigating (b) and (c), looking at how the outcomes of EU policy processes have been diffused and institutionalised in CEE. The typology of Europeanisation mechanisms presented below is primarily concerned with 'hard transfer', how the EU has transferred rules, procedures and policy paradigms to CEE. However, the importance of soft transfer - of styles, 'ways of doing things' and shared beliefs and norms - is also increasingly evident (as pointed out by Sedelmeier 2001 and Schimmelfennig 2001).

This chapter is also confined only to certain dimensions of Europeanisation in CEE: its main subject is public policy, not political structures, structures of representation, or cognitive and normative structures (to use Radaelli's typology of potential subjects of Europeanisation). However, the EU is undoubtedly having an effect on political structures in CEE, as early work on the Europeanisation of interest groups (Fink-Hafner 1998) and political parties (Pridham et al. 1997, Szczerbiak 2001, Taggart and Szczerbiak 2001) shows, and these effects will increase after the CEE candidates join the Union. Moreover, there is an interaction between policy dynamics and political structures in the EU (Héritier and Knill 2000, Coen in this volume) to be investigated in CEE.

Before proceeding, we must define what Europeanisation is not, lest it become a catch-all for any process of domestic change. In studying the EU, Radaelli (this volume) makes a series of analytical distinctions between Europeanisation and convergence, harmonisation and political integration, while recognising that in the real world Europeanisation and EU policy formation are interconnected. Three further distinctions are necessary when applying the concept to the CEE applicants:

1. Europeanisation is not a theory of EU enlargement. Theories of enlargement address the question 'Why does the EU decide to enlarge and why do applicants want to join?' (e.g. Fierke and Wiener 1999, Schimmelfennig 1998). They seek to explain why the enlargement process is happening, that is, the ontological stage of research, whereas Europeanisation is post-ontological in being concerned with the effects of the enlargement process. This distinction parallels that made by Caporaso (1996) between EU ontology and post-ontological perspectives in Europeanisation and political integration in the EU. Clearly Europeanisation is linked to the politics of enlargement in practice, through a two-way process that causes feed-back effects from Europeanisation in CEE onto reformulation of accession policy. However, formation of enlargement policy and Europeanisation should be kept separate at a conceptual level.

2. Discrimination between differences of kind as well as differences of degree. Radaelli draws on Sartori (1991) to remind us of the danger of 'degreeism', where if we are unable to the difference between a cat and a dog, we talk of degrees of cat-dog. If we are always looking at the extent of Europeanisation, we may fail to notice that other processes are producing the effects. It is easy to over-stress the role of the EU when we are looking for it as a specific variable. This is a particular danger in studying the accession process, because both EU and CEE policy-makers tend to exaggerate the extent of EU influence for political purposes. Both the main sources for evidence of Europeanisation (i.e. EU institutions and candidate country governments) have a vested interest in claiming that the EU is the principal drivers of most reforms. CEE officials tend to talk up the EU's role to emphasise the scale of preparations and how ready they are, and to blame the EU for unpopular reforms. On the EU side, both officials and politicians like to promote enlargement as a commitment device in post-communist transition, claiming that the Union has been the principal driver of beneficial political and economic reforms in CEE. As is the case in the EU, institutional isomorphism is used as a source of legitimacy (Radaelli 2000).

Both sets of claims are justified to a large extent, but they often exaggerate the EU's specific influences in any given policy area. There are many other exogenous forces and endogenous processes of change at work in post-communist contexts. It is particularly important to distinguish Europeanisation from globalisation (a powerful exogenous process) and from post-communist transition (endogenous factors). CEE domestic structures and public policies were very different from EU norms at the start of the accession process, and the simultaneous processes of political and economic transition interact with the accession process as well as with each other (see Offe 1991 on the 'triple transition'). At the same time, it is important to resist assuming that changes in political behaviour will be the same as those identified in the member-states, given the candidates' very different starting circumstances and the fundamental nature of post-communist reforms.

We need to discern where the nature of outcomes is clearly the result of EU-driven change and where other, non-EU processes are at work. This is necessary to control for rival alternative hypotheses, something that is rarely done systematically in Europeanisation research (as observed by Goetz 2000). This distinction is difficult to maintain in practice because of the interaction between domestic, international and European variables. Europeanisation happens at the same time as the CEE polities are undergoing modernisation and post-communist reform, and the interaction between Europeanisation dynamics and transition processes is an increasingly important research area. Moreover, Europeanisation effects are a continuum, and work on the EU has shown the importance of parallel processes of national and EU-level reforms (e.g. Héritier and Knill 2000 on transport, Radaelli 1997 on taxation). However, research design needs to start a consideration of how to distinguish between Europeanisation and endogenous processes, as well as with other exogenous pressures.

3. Distinguishing between intentional and unintentional effects of the EU. We cannot assume that the EU will achieve the effects it explicitly aims for just because of its power relationship through conditionality and the breadth of its agenda. 'EU influence' operates through many different actor constellations and its goals are often unclear, so the overall impact can be very diffuse (as discussed by Harcourt, this volume). One must therefore look carefully at whether EU pressures actually had its intended effects. It is equally important to be sensitive to unintended consequences, because the EU can effect change by example-setting and unintended policy transfer. The EU has been a significant source of models for political actors seeking outside guidance on policy and institutional change. 'European' norms and models are frequently cited in CEE political debates to legitimate political choices of various kinds (see, for example, Fowler 2001 on regional reforms). However, 'EU norms' can also be invoked in contexts where the EU has not asked for compliance, such as constitutional models.

## Mechanisms of Europeanisation

EU accession involves different processes that effect some degree of institutional and policy transformation in CEE. I call these processes ‘mechanisms’, because they are largely used instrumentally by the EU. This section tackles the question ‘what is Europeanised?’, by dividing the mechanisms into five categories:

- Models: provision of legislative and institutional templates
- Money: aid and technical assistance
- Benchmarking and monitoring
- Advice and twinning
- Gate-keeping: access to negotiations and further stages in the accession process

Two of these processes have long caused Europeanisation effects in the EU-15 countries: the EU has provided models for implementation in the existing EU, along with regional aid funds and other fiscal transfers from the Community budget. The third mechanism has also begun to be used in the EU-15 in the past few years, with benchmarking becoming an increasingly important method of European integration within the existing EU. Indeed, some of the benchmarking and monitoring methods developed for accession may have feed-back effects, as the Commission uses its experience in CEE to apply the same methods to existing member-states. The last two mechanisms are primarily reserved for applicant countries, and they have particularly strong Europeanisation effects in CEE.

1. Models: provision of legislative and institutional templates. The candidate countries have to take on all the EU’s existing laws and norms, so they are subject to the same Europeanisation pressures as member-states in the policies and institutional templates that they ‘download’ from EU level. Legal transposition of the *acquis* and harmonisation with EU laws are essential to becoming a member-state, and they have so far been the central focus of the accession process and preparations by the candidates. Legislative gaps and institutional weaknesses are also identified by the screening process that takes place with each applicant prior to negotiations on the 31 negotiating ‘chapters’.

As with the current member-states, this transfer of models involves both ‘vertical harmonisation’ and ‘horizontal harmonisation’ (Radaelli, this volume), depending on whether the policy area in question involves positive or negative integration (Knill and Lehmkuhl 1999). However, a critical difference is that the candidates cannot ‘upload’ their own preferences into those European-level policies. They are only consumers, not producers, of the outcomes of the EU’s policy-making processes. That means that they cannot object if an EU policy fits very badly with their domestic structures or policies. Moreover, the candidates have less room for manoeuvre in implementing EU models because they are under stronger pressure to attempt close mimetism, as they have to prove themselves to be worthy potential member-states.

The candidates are also increasingly subject to the EU’s ‘framing’ mechanisms of Europeanisation as well. This occurs through all three ‘soft’ Europeanisation mechanisms identified by Radaelli. The candidates are encouraged to comply closely with minimalist directives and non-compulsory directives, in order to convince reluctant member-states that they will be good partners in sensitive policy areas. For example, they were invited to shadow the ‘Lisbon process’ of economic reform, even though it is not officially part of the accession *acquis*, and the candidates have voluntarily signed ‘Joint Assessment Papers’ with the Commission that will guide their labour market policies. Another example of where the candidates have been encouraged to do more than is strictly required by the *acquis* is social policy, where the Commission has presented a maximalist version of a largely non-binding *acquis* to the applicants (Brusis 1998). CEE activity in both of these policy areas also involves cognitive convergence, where the EU does not have a coherent corpus of directives, but the CEE countries nevertheless look to the EU for guidance on what is a good policy. CEE governments have a double incentive to respond to framing integration: one is to show the EU that they are willing and able to play a full part as member-states and take on the future *acquis* as it develops. The other is

to show their domestic electorate that they are taken seriously by the EU as a full partner, and to legitimate their policy programme by reference to EU policies.

However, the extent to which references to EU norms actually results in changes in policy depends on the domestic political context, on the policy area in question. One of the problems in analysing the EU's impact in CEE lies in distinguishing how far an actual EU model has been used, and how much the EU's own diversity has provided multiple points of reference in the CEE debates. The EU often lacks a single model to export (as discussed by Mörth, this volume), and its own diversity can undermine its effort to export a single model of governance. For example, an appeal to 'Europe' is a constant feature of the Hungarian domestic debate about sub-state reform (see Fowler 2001). All sides and all political parties make this appeal, yet the EU is a confusing model, as CEE actors can point to the very different examples of sub-state governance in EU member-states to support their positions. This provides ammunition for different sides in domestic political battles.

Candidate countries tend to engage in anticipatory adjustment to EU policies as well, adopting EU norms or practices before the EU tells them they must do so. In the first years of post-communist economic transition, policy-makers in central Europe frequently made reference to EU economic models and EU regulatory and competition policies to justify their policy choices, even before the EU required conformity. More recently, candidates have adjusted their domestic policies and institutions in advance of specific EU requirements to do so in the area of justice and home affairs. All of the candidates have rapidly adopted the EU's still sketchy *acquis* for border control, police cooperation, asylum, migration and crime prevention. After the terrorist attacks in New York and Washington on 11 September 2001, several leading candidates (e.g. Hungary and the Czech Republic) quickly put forward plans for tighter border controls and cooperation with US and EU intelligence and police forces that go beyond official requirements for accession. They have done so because current member-states could veto their membership if their capacity to control cross-border crime and other threats is judged to be inadequate (see Grabbe 2002). Candidates also have to show willing and prove that they take these issues seriously, because member-states' acceptance of the candidates' readiness to join will be largely based on confidence in their border controls and legal systems, rather than on technical standards.

2. Money: aid and technical assistance. The EU is the largest external source of aid for CEE, providing funds administered by the European Commission and also bilateral programmes from individual member-states. The amounts transferred to CEE are relatively small in comparison with the fiscal transfers to current member-states under the structural and cohesion funds. However, they have an important role in reinforcing the transfer of EU models, because the aid helps to pay for implementation and the technical assistance builds institutional capacity to use EU practices. The co-financing requirements force applicant countries to allocate public resources to particular policy areas too, so EU aid can change the order of priorities on a government's agenda.

3. Benchmarking and monitoring. Progress towards EU accession is a central issue in CEE political debates, so the EU can influence policy and institutional development through ranking the applicants, benchmarking in particular policy areas, and providing examples of best practice that the applicants seek to emulate. Monitoring is a key mechanism in the conditionality for membership, through the cycle of 'Accession Partnerships' and 'Regular Reports' published by the European Commission on how prepared each CEE applicant is in different fields. Conditionality for aid and other benefits is based on implementing the Accession Partnerships issued to each applicant since 1998. These documents provide a direct route into domestic policy-making in CEE, because the EU sets out a list of policy 'priorities' that have to be implemented within the year or in the medium term (defined as five years). The European Commission then reports on each applicant's progress in meeting each priority in the autumn of the year, and may publish a revised Accession Partnership for a particular candidate for the following year.

The experience of setting standards and creating monitoring mechanisms for the applicants has been an important learning process for the European Commission. Several key officials have used this experience in

planning monitoring processes for the existing member-states. The Commission discovered benchmarking almost by accident (Begg and Peterson 1999), and it is increasingly used as a powerful vector of Europeanisation for both candidates and member-states.

4. Advice and twinning. The EU has a direct line into policy-making structures in CEE through its 'twinning' programme. Twinning pays for the secondment of civil servants from EU member-states to work in CEE ministries and other parts of public administration. That provides a direct route for cognitive convergence, as EU civil servants work alongside CEE counterparts. However, because twinning projects use civil servants and focus on implementation, most twinning agents are concerned with standards and technical issues rather than overall institutional models or policy direction. Moreover, the advice and expertise offered by the twinning agents are not controlled centrally by the EU, so the impact on CEE public administrations is likely to be diffuse rather than reflecting any consistent European model. Indeed, one of the main principles of the twinning programme is the recognition that the present member-states implement the EU's legislation by different means. The advice offered on how to transform institutions is somewhat random in that it depends on the experience and assumptions of the individual pre-accession advisor, which are in turn influenced by his or her nationality and background. Whether an advisor is German, Greek, British or Swedish could make a big difference to the advice offered on how to meet EU standards in a given policy area, given the divergence in 'policy styles' between the member-states.

5. Gate-keeping: access to negotiations and further stages in the accession process. The EU's most powerful conditionality tool is access to different stages in the accession process, particularly achieving candidate status and starting negotiations. Aid, trade and other benefits can also be used to promote domestic policy changes, but they have not had such direct and evident consequences as progress towards membership. It has taken a decade for the EU to evolve an explicit use of conditionality in a gate-keeping role, where hurdles in the accession process are related to meeting specific conditions. For several years after the conditions were first set in 1993, it was not clear exactly which elements of the political and economic conditions had to be fulfilled for an applicant to be admitted to which benefits. However, by the time of the Luxembourg 1997 and Helsinki 1999 European Councils, a rough progression had emerged of stages in the accession process.

This sequence of moving into an ever closer relationship with the EU provides a coercive tool to reinforce other mechanisms of Europeanisation, such as transfer of models and benchmarking. But it also works as a Europeanisation mechanism in its own right, because the EU can attach specific conditions to particular stages in the accession process. At the Helsinki European Council in 1999, the EU explicitly made fulfilment of the democracy and human rights conditions for accession a pre-requisite for starting negotiations – and excluded Turkey from negotiations on these grounds. The Commission also imposed specific tasks for Bulgaria (on nuclear power) and Romania (on economic reform and state orphanages) before they could join negotiations in 2000. This was an innovative move for the EU, in making an explicit linkage between a benefit and specific tasks for applicants, and it may herald the start of more targeted use of conditionality.

Although access to negotiations and other stages in the accession process is the EU's most powerful political tool for enforcing compliance, it is not a precise instrument that can cause complex changes. Rather, it is a blunt weapon that has to be used judiciously for priority areas only. Its main value is as a shock tactic, to embarrass applicant governments into making dramatic changes owing to the domestic repercussions of failing to meet a major foreign policy goal. This results in 'shaming', whereby governments are forced into complying with EU requirements by the international and domestic press coverage and political pressure.

Criticisms made in EU reports can have a powerful impact on domestic debates about public policy and a CEE government's political fortunes. Conversely, gaining international approval is an important way of legitimising political choices in the post-communist context. The EU has also made exceptional criticisms of

undemocratic practices in particular countries in '*démarches*',<sup>3</sup> i.e. public criticisms that are intended to embarrass CEE governments into making particular institutional or policy changes. As Schimmelfennig (2001) points out, this process of 'socialising' CEE countries into international norms happens through 'reactive reinforcement' rather than active conditionality: 'internalization is rewarded but a failure to internalize the community rules is not punished beyond withholding the reward.' (p. 2). It only works if governments and political elites as a whole are committed to EU accession. In other words, the conditionality only works as a carrot, not as a stick.

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<sup>3</sup> *Démarches* are issued as part of EU foreign policy by unanimous inter-governmental agreement between the member-states.

### 3. INTERVENING VARIABLES: POWER AND UNCERTAINTY

The previous section has demonstrated that the EU has powerful mechanisms to shape institutional development and policy-making in CEE. But how (and how far) have the routes of influence analysed above actually driven change? It is difficult to say at this point in time, given the dynamic nature of the process, the wide range of potential effects, and the fact that accession has not yet happened. The EU has no specific test of institutional change or compliance with its requirements, and it is difficult to see how an identifiably 'European' influence on institutional and policy change could be detected in all but a few cases.

However, it is clear that there remain persistent differences between the CEE candidates; for example, there is little evidence of convergence towards a standard model of governance (Goetz and Wollmann 2001). Empirical research on CEE also demonstrates the wide differences that have persisted in policy-making between the candidates, despite a similar pressure on all the countries studied, namely the impact of EU accession conditions. For example, in regional policy, the candidates have reacted differently to the EU's requirement that they establish sub-national administrative structures (Hughes et al. 2001, Fowler 2001). Likewise, they have created widely varying structures of microeconomic governance (Hare et al. 1999). This outcome parallels the limited convergence that has happened in EU member-states (see Risse and Börzel, this volume); indeed, it is the continuing diversity of member-states' institutions and policy preferences which inhibits the emergence of a fully fledged blueprint for CEE policy-makers.

Adaptational pressure is not the best predictor of how a country responds to Europeanisation (Radaelli, this volume). There can be a number of intervening variables that determine the EU's impact in a given policy area and country, and other chapters in this volume explore how they work, both empirically and conceptually. Several of the variables at work in CEE are familiar from the study of the EU: one is the interaction between Europeanisation and other processes of change, driven externally and internally. Another is the complexity of actor constellations involved in EU policy-making. In the case of the candidate countries, there are additional constraints owing to the diffuse nature of EU influence (see Grabbe 2001a). This section highlights two major intervening variables that are specific to the context of candidacy as opposed to membership of the Union. One is the asymmetry of the relationship with the European Union, and the other is the uncertainty built into the accession process.

The relationship is one of obvious asymmetry of interdependence, and hence power – after all, 'power arises from an asymmetrical interdependence'.<sup>4</sup> The EU has all the benefits to offer (principally accession, trade and aid), and far from all of its component member-states are sure they want all the CEE applicants to join. The CEE countries, by contrast, have little to offer the EU, given their tiny economic size, and little to bargain with because the desire of their political elites to join is generally much greater than that of the member-states to let them in. This asymmetry of interdependence allows the EU to set the rules of the game in the accession conditionality.

However, the candidates have an opportunity to mitigate to some extent the impact of EU influence in the way that they implement the *acquis*, and how quickly they meet the accession conditions. The implementation stage is critical to understanding how the EU has affected policy and policy-making in CEE: it is the interface between domestic and foreign policy, and it determines the impact of conditionality. The EU's influence on detailed policy formation and implementation is mediated by domestic actors, and determining the manner and extent of this mediation requires empirical enquiry. EU member-states have frequently used implementation to mitigate the impact of EU-level policies on their domestic political economies. The tight conditions for accession and continuous monitoring by the Commission mean there are fewer opportunities to do so in CEE than there were for the current EU-15 (McGowan and Wallace 1996), but opportunities nevertheless exist.

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<sup>4</sup> See, for example, Knorr 1977, p. 102.

There are thus a number of intervening variables which remain to be explored. This chapter considers in more detail one variable which has rarely been conceptualised in the study of Europeanisation: uncertainty.

### **Five dimensions of uncertainty**

There are at least five dimensions of uncertainty built into the accession conditions, each of which acts as an intervening variable in the implementation of policies to meet the conditions.

1. There is uncertainty about the policy agenda that should be undertaken by the applicants. In mature policy areas like the Single Market - where the EU has developed a large *acquis* over many years that have been implemented by member-states - the agenda is fairly certain because the requirements have been tried and tested already by the existing member-states. Uncertainty can remain about the timing and standards to be achieved, and how important the area is politically, but the tasks are relatively clear because of the solid legal basis and established case law. But there are also nascent policy areas that have started being developed recently, where the future shape of the policies is still unclear, and the extent of Europeanisation in the member-states still unknown – for example, justice and home affairs (Grabbe 2002), social policy (Falkner 1998), and direct taxation (Radaelli 2001). The agenda is uncertain because the tasks have not yet been fully determined for the member-states either. In the cases of social policy and direct tax policy coordination, the uncertainty is heightened by the fact that the most common method of integration used is framing integration rather than positive integration. The *acquis* in these areas contains a much less specific agenda because the initiatives involve soft law rather than Community legal instruments. However, the EU has often had to harden such soft parts of the *acquis* because it had to define them more clearly for the candidates.

The level of uncertainty is even higher in policy areas where the EU has set conditions for the candidates, but there is no Community competence in the EU. This is the case for the political conditions for membership, where the EU requires candidates to achieve the rule of law, human rights and respect for and protection of minorities. The EU itself has no institutional template for any of these conditions, because they remain outside EU-level responsibilities. The Charter of Fundamental Rights endorsed at Nice in 2000 makes reference to them, but is not legally binding, and member-states exhibit a wide variety of democratic systems and policies in areas like protection of minorities. The EU has been very slow to develop a definition of its political values, and has no single, harmonised model to export to CEE in such policy areas.

2. Uncertainty about the hierarchy of tasks was a major characteristic of accession policy (and much criticised in CEE) between 1993 and 1998. CEE policy-makers complained that they did not have sufficient information about the relative importance of the different conditions to sequence their preparations for accession. The EU's official position was that all 80,000-plus pages of the *acquis* had to be implemented; yet it was obvious that some pages of the *acquis* were more important than others. Moreover, it was unclear what the EU would judge as an adequate pace of preparations to clear hurdles in the accession process, such as joining negotiations.

Partly in response to such criticism, this uncertainty about sequencing and prioritisation was reduced owing to the introduction of the Accession Partnerships. However, this dimension of uncertainty has not entirely disappeared as a result. There can be discrepancies between the formal priorities set out in the published Accession Partnerships and the signals (e.g. advice and informal communication) that the applicants are given by different EU actors over the relative importance of the various priorities. These discrepancies can arise from changes in the political agenda in the EU over the year between publication of the Accession Partnerships; for example, an issue that looked very important one year may be considered less important by the following year owing to changes in government in large member-states. Likewise, issues can rise up the agenda quite rapidly over the course of the intervening year; for example, treatment of the Roma and border controls rose up the agenda prior to Autumn 1999 owing to flows of asylum-seekers to the UK and Finland over the year between the Accession Partnerships, and the change of government in Austria. Essentially, the

uncertainty arises because of incomplete information. The information may be lacking on the CEE side, when it is about the politics of different policy issues in the EU. However, it may also be unknowable information that all actors lack because of uncertainty about issues that may come up unexpectedly on the political agenda after annual priorities have been set.

Uncertainty can also emerge because the EU does not rank clearly the different items on its political agenda; after all, the Union can make multiple demands, and is not forced to make trade-offs between the different tasks it sets for the applicants. There can be uncertainty about which will be veto issues for membership and which negotiable. Uncertainty about prioritisation also remains where an applicant lacks the administrative capacity to fulfil all the demands made in its Accession Partnership, and so is forced to choose between them. For the countries furthest from membership (Bulgaria and Romania), this is a particular problem because of the severe limitations on their financial and human resources.

3. Timing has been identified as a dynamic factor in Europeanisation by Goetz (2000), who borrows the categories of time, timing and tempo from Schmitter and Santiso (1998). However, the applicants face several problems of uncertainty concerned with timing. First, there is the timing of costs and benefits. The ultimate reward of accession is far removed from the moment at which adaptation costs are incurred, so conditionality is a blunt instrument when it comes to persuading countries to change particular practices. There are, of course, intermediate rewards, such as aid and trade liberalisation. But in the end, accession is tied to overall readiness, and membership benefits are not disaggregated to reward partial readiness. Since the accession reward comes in one big step – and at the end of a very long and highly politicised process – CEE policy-makers may believe there is time to make up deficiencies closer to the accession date. It is thus difficult to use EU membership conditionality as a precision tool to sculpt institutions and policies during the accession process; rather, it is a mallet that can be used only at certain points in the process to enforce a few conditions at a time.

There are also timing issues involved in negotiations. All of the *acquis* has to be implemented eventually. But which areas absolutely have to be fully in place prior to accession and which can be left until afterwards? CEE countries still have to calculate where concessions on transitional periods are likely to be made, in order to decide where to invest in full compliance and where to try for a transitional period and invest only in partial implementation. Incomplete information causes uncertainty about allocation of resources across time. The EU's position on timing will change according to the politics of enlargement in the EU. For example, the debate about social and environmental 'dumping' was very lively in the mid-1990s and caused the EU to emphasise implementation of process standards in the Europe Agreements and Single Market White Paper (Sedelmeier 1994). But later this pressure eased as the cost implications became clearer, and the candidates faced little opposition to their requests for transitional periods in environmental policy once they had attached financing plans to them in July 2001 (see Grabbe 2001b).

How does timing affect implementation and the impact of Europeanisation? Do CEE policy-makers have more or less scope for using time, timing and tempo than member-states? They use sequencing and stalling, both in the domestic context and with the EU. But the timetable for negotiations and the cycle of priority-setting and annual monitoring reports reduce the scope for stalling, because the timing is defined to within a year or even a few months. Moreover, there is much greater pressure on CEE to adapt more quickly than member-states because of the incentive to gain rapid accession. Indeed, the EU has more scope to use tempo as a trade-off to gain concessions in negotiations than CEE, because the candidates are much more keen to get into the EU quickly than the member-states are to accept them.

4. The applicants face uncertainty about whom to satisfy. Who is the veto-player for a given policy area? In the case of Single Market regulation, it is likely to be the Commission, which is most zealous in demanding full compliance because of its role as guardian of the treaties and regulator of the internal market. However, in justice and home affairs, the Council has tended to predominate both in establishing the *acquis* and also in judging compliance with it. Different policy areas attract differing levels of concern from the member-states,

so only some of them may be potential veto-players on JHA compliance; for example, Germany and Austria might veto an applicant for accession because its borders were not seen as sufficiently secure, whereas Ireland or Portugal is unlikely to do so. For the candidate countries, there is an immediate calculation to make about whom to satisfy in a given policy area in a given year, and there is also longer-term uncertainty about who might emerge as a veto-player over another, possibly unexpected issue, later in the accession process. For example, in 1997 it would have been hard to predict that the UK would become so adamant about treatment of the Roma minority following an influx of asylum-seekers in 1998. Likewise, most Czech policy-makers did not expect Austria to threaten to block their country's accession owing to the opening of the Temelin nuclear power station in Autumn 2001.

In addition to the issue of veto-points in negotiations, the actor constellations involved in the accession preparations are very complex. Different parts of the EU - both its institutions and member-states - give different advice and signals, and different actors even in the same institution do as well (for example, individual directorate-generals within the European Commission stress different tasks). Twinning has added to the complexity of actor constellations: at any one time, CEE policy-makers may be dealing with pre-accession advisors from national administrations, Commission officials, national experts from the Council, and civil servants and politicians from individual member-states, plus a range of joint parliamentary committees, and representatives from the European Parliament and ECOSOC. It is hardly surprising that they are often unsure exactly what the EU's requirements are.

5. The final dimension is uncertainty about standards and thresholds. What will count as meeting the conditions and complying with the various EU demands? EU conditionality is not based on quantitative targets like those established by the international financial institutions such as the International Monetary Fund and World Bank. The conditions are much less transparent because the judgment about whether they have been met is made by the same actor who set them - the EU - but there are no published measurement techniques or indicators. The requirements are complex, and they are often not amenable to quantitative targets that show explicitly the extent to which they have been fulfilled. The EU does not have clear benchmarks to show progress, although it is now working towards producing them in some areas. The Commission's 1997 Opinions and annual Regular Reports use a variety of sources for their analyses, but these are not published, and the precise criteria used are never specified. Moreover, member-states and previous applicants have been allowed a wide margin of tolerance in how fast and how thoroughly they have implemented the *acquis* - witness their differing performances in complying with single market regulation in the annual 'Single Market Scorecard' produced by the Commission. How much margin will be allowed to each applicant in assessing compliance? The answer depends on which candidate, which policy area and by whom the decision is made.

Overall, Europeanisation effects will depend not only on the individual uncertainties in a given policy area, but also on the interaction between these different dimensions of uncertainty. Where uncertainty about the agenda, timing and standards are high but the political salience is also high (as in the case of justice and home affairs), the EU may have a large impact despite its uncertain agenda because CEE policy-makers endeavour to meet whatever criteria are hinted at. Where uncertainty about the agenda, timing and standards are high but political salience is relatively low (as in the case of social policy), the EU is likely to have a small impact because the incentives to second-guess EU requirements are low and CEE policy-makers can use the uncertainty to implement the *acquis* less strictly.

The explanatory value of uncertainty thus depends on the priority that the EU attaches to the policy in question, and the degree of domestic resistance to it in CEE. Its explanatory value also depends on the type of policy under consideration. In framing integration, uncertainty about standards and thresholds is much higher because so many of the concrete measures are a matter of national discretion. Moreover, degrees of uncertainty also change across time; for example, the EU did not establish a clear *acquis* in the area of justice and home affairs until the very end of the 1990s, so uncertainty diminished suddenly between 1997 and 2000.

## CONCLUSIONS

This chapter has set out a research agenda for studying the Europeanisation of central and eastern Europe. The scope of potential Europeanisation in CEE is very wide, owing to the breadth of the accession conditions. Europeanisation can penetrate deeply into policy-making in the region, given the fundamental transformations taking place in post-communist polities, and the importance of EU models in CEE political discourse. However, the EU does not use its rule-setting powers to their full potential. It is often sporadic in its attention to particular policy areas, and inconsistent in its communications with the candidate countries. In several major policy areas – minority protection, social policy, macroeconomic policies – the Union has not used its routes of influence persistently to enforce a particular policy agenda.

How does such a failure of influence occur? It happens largely through the uncertainty built into the accession conditions, which reduces their potential use as a structure of incentives to encourage institutional and policy change in the applicant states. However, the degree and kind of uncertainty depends on the policy area. The various dimensions of uncertainty outlined in this chapter can thus help to explain the variance of EU influence across different parts of public policy-making in CEE.

Europeanisation is an area of enquiry as much as a concept. It is a tool to make sense of phenomena in CEE which involve domestic policy processes in a context of international relations. The complexity of the EU's demands for the eastern applicants and the multi-faceted role that the EU plays in CEE necessitate deep investigation of both the EU's agenda and of domestic policy processes. Study of Europeanisation thus requires greater attention to the details of EU policies than has been paid by comparativist scholars primarily looking at the international relations aspects of EU-CEE relations, such as classifying transition paths. It is also requires more than a simple 'balance of power' research design. Using Europeanisation as an analytical framework enables us to investigate processes at both international and domestic levels, and without a simplification of these levels into bargaining games.

Although it is appropriate to use the concept of Europeanisation to study the effects of the EU on the applicant countries, future research needs to go further than just looking for the same effects in CEE as have been observed in the EU. The key question that remains open is the extent of change. How far has the EU changed domestic political structures and public policy in CEE? What conditions determine its success in effecting changes in institutions and public policies in CEE? Empirical and theoretical work on the EU provides a starting-point, but the approach now needs greater refinement to capture the particularities of the Europeanisation process in a context as different as post-communism. In particular, the case of the applicant countries shows the need for bottom-up research design because both EU and CEE policy-makers have an incentive to exaggerate the extent of EU influence. Individual policy choices are affected by multiple variables, as this chapter has tried to show, including conflicting demands from different parts of the EU. The often enthusiastic rhetoric from both candidates and the EU about the influence of the accession process obscures a complex interaction between the processes of Europeanisation, accession and post-communist transformation.

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