

MAXCAP  
Innestr. 22  
14195 Berlin  
www.maxcap-project.eu  
maxcap@zedat.fu-berlin.de  
+49-30-838-56335

Editorial Staff:  
Julia Langbein  
Laura Milchmeyer  
Felix Rüdiger



Leiden University hosted MAXCAP's Final Conference in The Hague

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## Editorial

Dear friends and colleagues,

After three years of intense research (and lots of fun), MAXCAP came to an official end on March 31, 2016. Looking back, we are extremely happy and grateful for having had the opportunity to do exciting research with such wonderful and inspiring colleagues. Some of them we knew already, not least thanks to joint research we conducted under previous European Union (EU) funded projects. Others we got to know (better). Over the course of the project we met at various occasions in Berlin, Brussels, Boston, Budapest, Florence, Istanbul, Salamanca, Sofia, Tbilisi, and The Hague, to name just a few cities where we presented and discussed our research. This newsletter contains reports about two recent events our partners Sofia University and Leiden University organized in early 2016. The event in Sofia aimed at disseminating our findings to policy makers and academics from South Eastern Europe and at sharpening the understanding for what the EU can learn from the current candidates and vice versa. MAXCAP's final conference in The Hague gave us the opportunity to present more recent insights from our research that we have been conducting during the last year of the project, get feedback from EU policy makers and reflect upon the implications of our key findings for future policy and research agendas.



Prof. Tanja A. Börzel



Dr. Antoaneta Dimitrova

From our experience, research projects like MAXCAP foster mutual understandings for different backgrounds and ways of thinking. They allow academics in Europe to come together and discuss different perspectives on political, economic and social developments. Looking back at three years of MAXCAP, we find that such networks are important, yet the EU could do more to produce or contribute to such positive outcomes in other areas, as to overcome existing dividing lines in Europe:

As our own research conducted in MAXCAP has shown, the 2004-2007 Eastern enlargement of the Union has not created a gap between widening and deepening. Enlargement has neither diminished the EU's decision-making capacity, nor has it weakened the EU's legal system. However, the EU's capacity to foster political and economic cohesion and convergence at the level of member states (and beyond) has been more limited and unbalanced. Finally, the EU's capacity to integrate current candidates and neighbours has weakened. Read the short contributions by the leaders of our various work packages to learn more about our key findings.

Despite MAXCAP's official ending, this is certainly not the last time you will read about the findings and ideas coming from our consortium. So far, we have published 18 working papers as well as two policy briefs dealing with the EU's enlargement strategy and the European Neighbourhood Policy. Parts of our research is already accessible through the working papers, journals and edited volumes. It is worth visiting our website during the next two months, since more working papers and policy briefs are in the pipeline that examine the effects of the EU's cohesion policy on socio-economic disparities or make suggestions as to how the EU could improve its communication with citizens to increase their support for further enlargement ([www.maxcap-project.eu](http://www.maxcap-project.eu)). A Special Issue on the EU's internal and external integration capacity to be published with the Journal for European Public Policy is planned to come out in early 2017.

We hope you will enjoy reading the last edition of the newsletter. Thank you for your interest in MAXCAP themes and research over the past three years!

Tanja A. Börzel  
Project coordinator

Antoaneta L. Dimitrova  
Project co-coordinator

## MAXCAP's key findings: Insights from the various work packages

## "Synthesis: The Multiple Faces of Integration Capacity"

*Frank Schimmelfennig, Leader of Work Package 6*



Frank Schimmelfennig

Overall, MAXCAP's findings on integration capacity convey a diverse overall picture. While internal integration capacity has proven strong at the organizational level of the EU, the political and economic cohesion and convergence among the member states has been more limited and unbalanced. Moreover, external integration capacity is under severe pressure. Here are a few highlights:

To start with the good news, the EU has proven highly capable of integrating the new members into its political and legal system. In spite of strong concerns by both academics and policy makers, enlargement has not impaired the functioning of the EU – regardless of whether we examine decision-making, compliance, implementation, or differentiated integration (see the contribution by Ulrich Sedelmeier).

We also find that democracy, governance capacity, and economic welfare have improved on average all over Central and Eastern Europe since the mid-1990s. Whereas the gap between old and new member states has narrowed, it has not closed, however. Moreover, the countries of Central, Southeast, and Post-Soviet Europe have remained on distinct paths of development. Even though EU integration cannot overcome legacies of economic and political development, it can correct them to some extent. Overall, the combination of accession conditionality and assistance has helped to produce beneficial economic and political effects in Central and Eastern European countries. With regard to their economic integration the EU had developed an elaborate regime to anticipate and alleviate the potential large-scale negative consequences of rule transfer in the pre-accession period. By contrast, EU external policies without a membership perspective do not produce any systematic democratic or good governance effects. Deep economic integration without concomitant political integration and economic assistance as in the Eastern Partnership is even likely to harm neighbouring countries. Finally, we find that membership has a negative impact on democracy and governance capacity when compared with pre-accession conditionality. The EU lacks the capacity to prevent democratic backsliding and the economic divergence of prosperous and backward regions in the new member states (see the contributions by Tanja Börzel and László Bruszt).

Because credible accession conditionality is crucial for the EU's external integration capacity, its weakening is a cause of major concern (see the contribution by Meltem Müftüleri-Baç). Decreasing public support for enlargement in the EU as well as the staying power of authoritarian and rent-seeking elites in many of its neighbouring countries call for innovative strategies. Our research highlights the need for an open dialogue based on shared European values and principles in the member states, for adjusting the EU's rule of law promotion, and for strengthening civil society organizations in candidate and neighbourhood countries (see the contribution by Antoaneta Dimitrova).

# “The Transformative Power of Europe: Structural Effects on New Members, Candidates, Neighbours”

Tanja A. Börzel, Leader of Work Package 1

Our findings on the political integration capacity of the EU are mixed at best. Whereas democracy and governance effectiveness have improved overall in Eastern Europe, the countries of Central Europe, Southeast Europe, and Post-Soviet Europe have been moving on distinct paths and unable to catch up with the old member states. We confirm that EU accession conditionality has been the single most important mode of political integration. This also holds for current candidates despite more unfavourable conditions regarding lower EU attractiveness and higher domestic adjustment costs, on the one hand, and the continuous lack of a political *acquis*, on the other. The ‘new approach’ with its focus on the rule of law and judicial reform, which the EU introduced to its enlargement policy after the most recent accessions of Bulgaria, Romania and Croatia appears to work – despite some unintended consequences we found. New, relatively autonomous bodies tasked with training and regulating the activities of judges may unintentionally enable new forms of political manipulation to occur and reinforce conservative practices that serve to undermine the reputation of the judiciary.

The implications of our findings for the Eastern Partnership are clear – unless the EU offers membership, it will not produce any systematic effects on democracy and governance effectiveness in its neighbouring countries. At the same time, our findings qualify the importance of membership for the EU’s political integration capacity in two respects. On the one hand, the EU’s capacity to improve democracy and governance effectiveness weakens once candidate countries become members. Some of the Eastern members have experienced democratic backsliding after joining the EU. Whereas membership is certainly more beneficial to democracy and governance effectiveness than leaving countries ‘out in the cold’, it tends to have a negative effect in comparison with pre-accession incentives.

On the other hand, EU conditionality can promote democratic and effective governance even in the absence of a membership perspective. However, the EU has to be consistent in rewarding progress and sanctioning the lack thereof. Moreover, visa liberalization and market access have to empower domestic reform coalitions. Thus, a membership perspective for countries with EU aspirations and pro-reform coalitions, such as Ukraine, Moldova, and Georgia, would not only be more effective in supporting and locking in good governance reforms. It would also strengthen the legitimacy of the EU in demanding such costly changes.

Regarding the EU’s economic integration capacity, our findings are equally ambivalent. The EU has created opportunities for trade, investment, and regulatory improvement but at the same time exposed the weaker economies of the East to market pressures on non-competitive industries and backward regions. Somewhat surprisingly, convergence to EU requirements of efficient judiciary increases the chances of social convergence. The successful transfer of EU rules has also had a positive effect on Foreign Direct Investment (FDI), and labor productivity.

As a combined effect of improved institutional conditions and the changing investment strategies of the largest European multinational firms, the strongest economies of Eastern and Central Europe have converged to the core countries at the level of the structure of their production and export. However, in the absence of post-accession policies that could address the developmental



Tanja A. Börzel

problems of the Eastern new members in a European context, economic convergence is based primarily on the availability of cheap highly skilled labour and that prevents any considerable convergence to the core countries at the level of consumption.

At the same time, enlargement contributed to rising regional disparities within the new member states. The EU's post-accession assistance money is used for investment projects in already more prosperous regions. And while the EU's cohesion funds have largely failed to reduce internal territorial disparities, they are undermining the financial capacities of the local governments and have strengthened the central authorities.

## “Effective Decision-Making, Differential Integration and Implementation in an Enlarged EU”

*Ulrich Sedelmeier, Leader of Work Package 2*



Ulrich Sedelmeier

The key questions that our research has addressed relate to concerns among the public, politicians as well as academics that the EU's Eastern enlargement had a negative impact on the EU's internal integration capacity. Such concerns have focused mainly on two aspects of the EU's integration capacity: first, the efficiency of the EU's decision-making processes, and second, the effectiveness of the EU's legal system and its ability to ensure a reliable implementation of agreed policies and legal obligation across the member states. The key findings of our research are fine ground for optimism about the relationship between enlargement and the EU's internal integration capacity. Enlargement has neither diminished the EU's decision-making capacity, nor has it weakened the EU's legal system.

Our research into the impact of enlargement, or rather, more specifically of the Eastern enlargement on the EU's decision-making capacity drew on new data on the number and types of legal acts produced by the EU (1994-2014) and on the time between the proposal and adoption of legislative acts (1994-2012). Our research suggests that enlargement has had a rather limited impact on legislative production. Analyzing expert-based policy positions of member states in EU negotiations and voting data in the Council, we argue that enlargement has possibly added a new dimension of contestation in EU legislative decision-making. However, such new conflicts concern a relatively small share of negotiations, in few issue areas like environmental policy.

Regarding the effectiveness of the EU's legal system we find that enlargement has not impaired the functioning of the EU either. The new member states have largely integrated themselves into existing coalitions, even though they have distinct policy preferences from the old member states in a few policy areas such as environmental or asylum policy. Nor have the new member states lastingly contributed to more differentiation in EU law. They have quickly converged towards normal levels of exemptions and opt-outs – especially when compared to the benchmark of the Southern member states, which are most similar in wealth and capacity to the Eastern members. Finally, Eastern enlargement has not led to a deterioration of compliance with EU law. To the contrary, the new member states have on average a better transposition record than both the old member states and the new member states of earlier enlargement rounds. Moreover, efficient transposition does not come at the price of weak implementation. Except

for the area of social policy, the new member states do not lag behind the old member states in practical implementation.

The good performance in the Eastern enlargement round is surprising for the main compliance theories. Our research explains the surprisingly good performance of the post-communist new members with two post-accession effects of the EU's pre-accession conditionality. On the one hand, conditionality put pressure on candidate countries to strengthen specific capacities to implement EU law, which can compensate for otherwise weaker general administrative capacities. On the other hand, the conditionality process socialized the candidate countries into considering good compliance appropriate behavior for good community members. Pro-EU governments in the new members therefore care more about their compliance record than in the older member states. These findings suggest that while there is ground for optimism, such positive effects should not be taken for granted as they depend on the use, and appropriate design, of conditionality.

## "Citizens' Perceptions of, Attitudes towards and Discourses on Enlargement"

*Antoaneta Dimitrova, Leader of Work Package 3*

Research undertaken in work package three aimed to take stock of public opinion survey data and analyses and combine these with an original analysis of citizens' discourses in six countries to find out what arguments and perceptions underpin support and opposition to enlargement in the old, recent, and new member states.

The overview of public opinion analyses showed that public support for enlargement has been going down. In 2008, more people thought that EU enlargement has strengthened rather than weakened the EU and the majority of EU citizens had a net positive assessment of the overall impact of Eastern enlargement. In 2012, a majority of the European population expressed opposition towards future enlargements of the EU and this negative trend has remained stable since.

To find the motivation and arguments behind the opposition – and also support for enlargement – we have conducted several analyses of discourses among citizens based on original primary data collected by the MAXCAP team in 2014. A few of the findings, which shed new light on public opinion results, can be highlighted here:

First, when there is support for enlargement, found in idealistic discourses in The Netherlands and Poland, it is based not only on enlargement's

perceived utility for citizens or countries, but on idealistic motivation, stressing common European values.

Second, in older member states, rejection of enlargement is motivated by skepticism regarding economic benefits of enlargement. Next to the perceived economic threat from CEE migrants, a strong theme in The Netherlands, is also – and this is new – a perception that citizens have not been consulted about enlargement, which is a clear and separate factor motivating citizens' skepticism.

Third, bridging arguments that can be found in different discourses across member states vary in their support for enlargement. Some groups of discourses approve of enlargement only if it would bring better governance and occur according to objective criteria.

Fourth, only in one country, Germany, do we find a clear realization by some citizens of the positive link between enlargement and Europe's strengthened global role. Security and stability arguments,



Antoaneta Dimitrova

albeit focusing on the situation in the Balkans, can be found in Bulgarian discourses among respondents who favor future enlargement as a tool for overcoming old conflicts in South East Europe.

Citizens in most countries support enlargement as a rule-driven, objective process that brings improvements in institutions and governance. The significance of citizens' support for an objective accession process, following strict rules and criteria, is that if it were to be speeded up for other reasons (geopolitics), this could bring citizens' approval to even lower levels. Similarly, citizens in candidate states unite around expectations that if and when their countries join, the EU would bring not only some material benefits – above all jobs – but also better governance and impartial, impersonal institutions. These expectations seem to confirm that the current enlargement strategy of the EU, em-

phasizing reform in fundamental areas, is on the right track.

It is clear that there is no universal and easily accepted way to communicate enlargement to citizens and that there will remain some hard and skeptic opposition to enlargement in all the countries we have covered. Some gains can be made, however, in communicating about enlargement to the public and national parliaments. Important steps and national positions should be debated domestically long before accession treaties are up for ratification. This would ensure that ratification would have reasonable chance of success and possible challenges to enlargement in national referenda, especially in the oldest member states, could be overcome. It would also make the EU's enlargement strategy more credible and in this way support conditionality in candidate states.

## “Designing the Enlargement Process: Strategies and Negotiations Past and Present”

*Meltem Müftüleri-Baç, Leader of Work Package 4*

WP4 aimed at examining the factors that affect the EU's credibility in enlargement negotiations. To do so, our research focused on the EU enlargement strategy which we defined as how the EU manages the enlargement process both multilaterally and bilaterally. The EU's screening process of the candidates' ability to meet EU rules, the opening benchmarks for chapters, the sequencing of the chapters to be opened and the monitoring of the candidates' implementation of the EU *acquis* are the multilateral aspects of the EU enlargement strategy. Yet, an equally important role in this strategy is played by the member states, especially by those relying on their bilateral vetoes to promote their own national interests over the candidates', through the EU enlargement strategy in the current enlargement round with the Western Balkan countries and Turkey. More specifically, we compared the different negotiation strategies and explained the changes in these strategies used by the EU, particularly the Commission, and some member states' attitudes towards various candidate states since 1997.



Meltem Müftüleri-Baç

The key finding of our research concerns the role of individual member states' vetoes and the role of the bilateral relations between some member states and the current candidates, which constrained the EU enlargement strategy to a greater extent than during the Eastern enlargement. One of the key lessons of the latter has been the importance of addressing difficult issues as early as possible. The EU's experience with

its inability to ensure compliance with EU judicial rules and fundamental rights in some of the new members led to a change in the enlargement strategy in 2011. Accordingly, the European Commission adopted a new strategy where Chapters 23 and 24 would be opened at the start of the negotiations with the caveat that they would not be closed until the negotiations' very end. However, problems arose with the implementation of this enlargement strategy change - a multilateral policy - due to a member state's veto (Cyprus) on the opening of these Chapters for Turkey - a bilateral policy - impacting the credibility of the EU's enlargement strategy. This is how, due to certain member states' preferences, the Commission's strategy changes could not be put into practice. Similarly, individual member states' vetoes on current candidates, such as Macedonia, played a role in reducing the EU's effectiveness as an anchor for political transformation.

Moreover, when we compared the EU's accession negotiations process with one country that joined the EU in 2007 - Bulgaria - and another current candidate whose negotiations are still underway since 2005 - Turkey - significant differences arose with regards to the member state vetoes by France and Cyprus, in particular. The main findings indicated that with some candidates for EU accession, negotiations did not proceed smoothly despite the Commission's recommendations of opening chapters and/or opening negotiations, precisely because some member states blocked these in the Council. The comparison of Bulgarian and Turkish negotiations provided empirical evidence on the multilateral aspects of the negotiations - largely objective - and the bilateral aspects of the negotiations, acting as the main obstacle. The Greek veto on the opening of accession negotiations with Macedonia, the French veto on opening five chapters as well as the Greek and Cyprus' veto of six chapters in the Turkish negotiations were cases in point.

Summing up, a key finding in this work package is that with the current enlargement process that includes the Western Balkans and Turkey, the EU's external scope conditions are different compared to the previous round of enlargement, and the domestic scope conditions in the candidate countries are also significantly different both in terms of their economic and political levels of preparedness.

# “Modes of Political and Economic Integration in the Context of Enlargement and the Neighbourhood”

*László Bruszt, Leader of Work Package 5*



László Bruszt

Perhaps the most interesting finding of our research of the modes of economic integration was the sharp contrast that we found between the EU integration strategy of the Central and Eastern European (CEE) economies, and the strategy of extending the rules of EU markets to

the neighbourhood countries. The Commission was aware of the potential negative developmental consequences of rule transfer, and it also knew that some of the economic and political consequences of a potential mismanagement of economic integration might spill over to the EU insiders in the form of costs or lost potential gains. Still, while in the CEE countries it has employed an elaborate regime to anticipate and alleviate the potential large-scale negative consequences of rule transfer; it did not undertake similar precautionary measures in the Eastern neighbourhood.

Our research found support for the validity of the expectation of the EU that in the Western Balkans the strengthening of state bureaucracy and the judiciary is a necessary precondition for starting to transfer and implement the more specific rules of the EU market. However, the econometric analysis we have done, using sequence analysis of progress in meeting EU demands in the various institutional fields, has shown that the exclusive focus on civil service reform and judiciary independence might not be sufficient for creating the institutional conditions of efficient rule transfer. More specifically,

we found that some change in the composition of economic players is necessary for changing the administrative capacity of the state. Implementation of the institutional conditions of the free movement of goods, we found, yields improvement in the administrative capacity of the state. It alters the ‘demand side’ for state reform; and it brings in the economy new strong players who have stakes in the predictability of the bureaucratic bureaucracy and the judiciary. Also, the arrival of new economic players might alter the revenue bases of state incumbents and it might make them more interested in increasing the quality of state institutions.

The importance of the role played by non-state actors was corroborated by our exploration of the modes of political integration. The EU has been most successful in perpetuating political change and preventing backsliding when its pressure and persuasion from above met with domestic mobilization from below. The EU has been slow in living up to its declared goal of upgrading the role of non-state actors though. In the Western Balkans, as well as in the Eastern Partnership countries, non-state actors without specialized knowledge were often excluded in the interest of compliance expediency. International donors’ funding focuses on a small handful of well-funded civil society organization ‘clients’ located in urban centers whilst grassroots organizations with better links to local communities struggle to survive. Our research has further underlined the need to turn away from a state centered approach of furthering economic and political change and build broad and strong coalitions to promote and protect the rule of law in candidate and neighbourhood countries.

# "MAXCAP's Final Conference in The Hague"

*Elitsa Kortenska, Bidzina Lebanidze and Indraneel Sircar*

MAXCAP's co-coordinator Leiden University (LU) hosted the two-day MAXCAP Final Conference at the Faculty for Governance and Global Affairs (FGGA) in The Hague, The Netherlands on 22-23 January 2016. The primary objective of the event was to bring together the researchers and friends of MAXCAP, to showcase the main findings of the project and discuss them with policy makers, and to reflect on the way ahead.

## *Governing economic integration in the context of enlargement and the European Neighbourhood Policy*

The first conference session was dedicated to MAXCAP's research on the EU's governance of economic integration. First, **László Bruszt** (European University Institute [EUI]) and **Julia Langbein** (Freie Universität Berlin [FUB]) compared the EU's integration approach during the Eastern enlargement with



The coordinating teams of Freie Universität Berlin and Leiden University

the EU approach towards Eastern neighbourhood countries. They argued that the EU has different goals and means for the management of its different peripheries resulting in deep, deep-light and shallow modes of market integration which takes large parts of the regulatory powers out of the hands of the states and compensates the disembedding of markets from national control to various degrees. Differences in political and economic interdependencies between the EU and the two Eastern peripheries explain the variation in integration strategies, and each of them has its own weaknesses in

terms of developmental effects. In his comments, **Dimitër Toshkov** (LU) underlined the role of domestic actors in creating economic growth in CEE, and argued that the destabilising role of the EU in Eastern Partnership (EaP) states should not be overestimated. In the second part of the session, **Gergő Medve-Bálint** and **Dorothee Bohle** (both Central European University [CEU]) showed how Structural Funds do not help to overcome intra-state economic disparities in the CEE member states but rather widen the gap between wealthier and poorer municipalities. Moreover, they found that EU Structural Funds empower central instead of local institutions in Hungary and Poland, and the ultimate effect is that municipal governance and local democracy are weakened. **Wolfgang Petzold** (European Committee of the Regions) referred to the research findings as 'explosive'. However, he added that the Structural Funds only constitute around 0.3% of GDP in these countries, and that domestic agency plays a key role, too, in democratic backsliding.

## *Effects of enlargement: Relationships between widening and deepening of enlargement*

The second session of the first day dealt with research on the effects of EU enlargement on the relationship between widening and deepening of European integration. First, **Asya Zhelyazkova** (ETH Zürich) discussed patterns of compliance in new member states in CEE and older member states in four policy areas by analysing the European Commission (EC)'s expert evaluation reports: internal market; justice and home affairs; and social policy. The findings revealed the old member states outperforming CEE in social policy compliance, with compliance levels being similar for the other sectors. However, when government effectiveness is controlled for, the East-West difference in compliance with social policy directives disappears. Next, **Ulrich Sedelmeier** (London School of Economics [LSE]) and **Tanja Börzel** (FUB) examined whether four successive rounds of EU enlargement affected levels of compliance

within the Union by examining the EC's infringement proceedings (Reasoned Opinions). The analysis found that enlargement, contrary to the expectations in the literature, did not decrease the EU's ability to integrate new members, and, in contrast to the Southern enlargement, states joining the EU during the 2004 and 2007 Eastern enlargement had higher levels of compliance than older member states. **Frank Schimmelfennig** presented his and Thomas Winzen's (both ETH Zürich) analysis of differential integration in the context of enlargement, which could either involve: favouring a new member state by postponing legal obligations (exemptive differentiation); or withholding desired benefits from the new member state (discriminatory differentiation). Using country-year data on differentiation between enlargement treaties and EU treaties, the study found that levels of differentiation decrease over time after accession underlining the significance of the EU's integration capacity. **Heather Grabbe** (Director, Open Society European Policy Institute) replied that the findings from the studies were interesting, but many of the indicators for compliance are not objective. According to her, the EC is reluctant to bring about infringement proceedings, and escalating issues to this level are only a last resort alongside 'compliance games' that are played behind the scenes. **Julia Langbein** (FUB) concluded the session by summarizing the findings and recommendations from the second MAXCAP Policy Brief.<sup>1</sup>

### *Roundtable with DG NEAR: The EU and enlargement in difficult times: deadlock or new impetus?*

The first day of the conference concluded with a roundtable discussion on the current state of EU enlargement. **Simon Mordue**, Head of Directorate A – 'Strategy and Turkey', DG Neighbourhood and Enlargement Negotiations, focused on recent changes in the EU strategy for enlargement and their impact. According to him, the recent refugee crisis was a wake-up call, and showed that Europe is highly interlinked and the management of the crisis is not possible without EU-Turkey cooperation. **Tanja Börzel** agreed that the refugee crisis was a wake-up call, but was skeptical whether it would propel the enlargement process forward.



Public Round Table with DG Near

**Antoaneta Dimitrova** highlighted the fact that cohesion had not increased in new member states, and these economic disparities might have a damaging effect on integration capacity. **László Bruszt** (European University Institute) added that it is necessary to closely examine the effects of economic integration, which creates groups of winners and losers. **Meltem Müftüleri Baç** (Sabancı University) stressed the damaged credibility of EU enlargement process in Turkey allowing Turkey to become more authoritarian since 2007. Finally, **Bernard Steunenberg** (FGGA) highlighted the importance of public support, and the need for politicians in member states to open up the debate about enlargement in their own countries. He also felt that the EU should move away from a goal-oriented approach towards a support-oriented approach.

### *Modes of political integration and their effectiveness*

The second day of the conference offered two more themed sessions and concluded with a second wrap-up roundtable. Participants focused first on research findings on the modes of political and economic integration in the EU and their effectiveness. They also presented research on the effectiveness of the post-accession Cooperation and Verification Mechanism (CVM) for the integration of new member states. The second themed session paid particular attention to the changing negotiation strategies and perceptions among citizens on past and future EU enlargement.

In the first session, **Frank Schimmelfennig** (ETH Zürich) and **Tanja Börzel** (FUB) presented an examination of various types of EU integration incentives – partnership, association, and membership – and their effects on good governance in respective target countries including former candidates from CEE, current (and potential) candidates from the Western Balkans, the Eastern neighbourhood countries,

<sup>1</sup> available at [http://www.maxcap-project.eu/sites/default/files/sites/default/files/policy-briefs/maxcap\\_policy\\_brief\\_02.pdf](http://www.maxcap-project.eu/sites/default/files/sites/default/files/policy-briefs/maxcap_policy_brief_02.pdf).

Cyprus, Malta, and Turkey. The analysis concluded that the EU membership made a systematic positive impact on good governance, whilst weaker modes of external integration did not have any significant impact. Moreover, though pre-accession conditionality did increase good governance, there was evidence of backsliding after EU membership. **Adam Fagan** (Queen Mary University of London [QMUL]) then examined the role of the EU in involving societal actors in the fight against corruption in the Western Balkans (in Serbia) and in the EaP (in Georgia and Armenia), and the role of the EU membership perspective in this process. The analysis concluded that societal actors are most effective when they play independent monitoring roles. The task of the EU is to act as a guarantor for transparency and accountability so that societal actors can play an effective watchdog role. **Ieva Vezbergaite** then presented her co-authored paper with Brooke Luetgert (both from Sabancı University) on how the migration influx crisis affects differentiated integration in the EU. The study focused on four areas of migration policy: Free Movement of Workers (FMW); Schengen area; the Blue Card (high-skilled labour migration); and asylum policy (Dublin regime). Their findings suggest that in response to the migratory crisis, there has been increased differentiation amongst member states in applying Schengen, with a number of states suspending the Schengen provisions. In his comments **Marko Kmezić** (Centre for Southeast European Studies, Graz) underlined that democratic backsliding is ‘under the radar’ of the EU integration process, and that the situation is more challenging in the Western Balkans compared with CEE countries. This is because of subtle undue political influence in the Western Balkans, such as informality and clien-



telism and the ability of political elites to deflect attention using Euro-Atlantic integration as a diversion, as the leadership has done in Montenegro.

In the second part of the first session, **Cora Lacatus** and **Ulrich Sedelmeier** (both from LSE) presented findings analyzing the compliance with anti-corruption recommendations in the Romanian and Bulgarian CVM reports between 2007 and 2015. Their research revealed that the creation of strong institutions in Romania has created an ‘institutional base’ for a new generation of well-trained officials to tackle corruption, which explains why Romania complies better with CVM recommendations than Bulgaria. Coupled with relatively high support for the EU in Romania, the CVM provided a constraint on domestic impediments to the fight against corruption, although relatively high compliance levels in Romania do not necessarily translate into lower levels of corruption yet. Finally, **Stoycho Stoychev** presented his collaborative research with **Georgi Dimitrov** and **Kaloyan Haralampiev** (all three from Sofia University). Their study introduced the background of the CVM, and underlined some of its achievements: political pressure and facilitation of domestic debates, and highlights impediments to reforms, but underlined also some shortcomings in the reports, particularly the presumption of initial levels of the rule of law in the countries and the vagueness of the findings and recommendations. **John O’Brennan** (Maynooth University) made final comments on the session. He considered the establishment of the CVM an admission of defeat by the EU regarding pre-accession reforms in Bulgaria and Romania.

### *Integration capacity for the future? Changing strategies and citizens’ perceptions*

**Arzu Kibris** (Sabancı University) opened the second, final MAXCAP themed session with a complex Bayesian game simulating a simplified version of the accession process, whereby the EU could either open an easy or difficult chapter. The EU would not have information about whether the candidate is difficult or easy to integrate, and would also not know the domestic costs associated with compliance. However, the EU will act on the assumption that the adaptation costs for the candidate will either be high or be low. The equilibrium solution for the candidate that is easy to integrate is to open with the difficult chapter, whilst the choice of chapter does not make a difference for the more ‘difficult’ candidate. Since the EU does not know the type of candidate, it is best to first open the difficult chapter. This resonates with the EU’s ‘new approach’, whereby difficult areas associated with rule of law come first for all accession candidates.

**Antoaneta Dimitrova** and **Elitsa Kortenska** (FGGA, Leiden University) summarized the MAXCAP research findings on political discourses among citizens and available strategies for EU integration. The rationale for combining the two strands of research is to explore whether studying discourses can be used to increase EU integration capacity, both externally and internally. They emphasized the way in which citizens and the discourses among them in the process of EU enlargement may either foster the integration process or slow it down and even derail it. **Biljana Stojanoska** (Balkan Civil Society Development Network [BCSDN]) acted as a discussant of the last panel and underlined that the contexts in current candidate countries are different from previous waves of enlargement. She said that the credibility of the EU's transformative power is seen to be lower and the process is not perceived as objective in the Western Balkans. Moreover, the series of crises pose serious challenges. Although citizens in enlargement countries might be positive towards accession, political elites are drifting from the objectives of the enlargement process.

### *MAXCAP's findings and implications for future research*

The MAXCAP final two-day conference concluded with a wrap-up roundtable that summarized the research consortium's findings and their implications for future research. **Dorothee Bohle** (CEU) summarized the research on the political economy strand of MAXCAP, which revealed problematic aspects of EU instruments that might lead to politicization. According to her, the EU integration process has been successful economically, but there have been losers in the process, particularly rural, ethnic minority, and elderly individuals across the EU.



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**Marko Kmezić** (CSEES) underlined that further attention needs to be paid to researching bilateral relations among the Western Balkan countries and how this shapes the effectiveness of EU conditionality. Further, he notes that the enlargement process has created a two-tiered Western Balkans – those that will join the EU soon and those that will not – and this will create serious divisions in the region. **Antoaneta Dimitrova** (FGGA) highlighted findings from MAXCAP's research on domestic discourses regarding EU integration. In Germany, government policy coincides with the four dominant discourses distilled during the analysis, which suggests that Berlin is doing something right and has 'kept its ears open' to citizens. On the other hand, Dutch policy does not reflect the predominant citizen discourses on EU integration. Thus, the interplay between elites, civil society, and citizens needs to be studied further.

**Klaudijus Maniokas** (Vilnius University) emphasized the practical relevance of MAXCAP's findings and encouraged researchers to continue their engagement with policy makers. MAXCAP looked beyond the 'black box' of domestic politics and showed how local contexts interact with EU integration processes in complex and different ways, especially after accession. **Zoltán Krasznai** (DG Research and Innovation) praised MAXCAP for having created an extensive evidence base, which will be of high value added for EU policy makers. **Pierre Mirel** (former Director, DG Enlargement and Honorary Director-General, European Commission) added that MAXCAP's findings point towards the necessity to look more closely at social inclusion and social cohesion in the context of EU integration both internally and externally. From a policy perspective, it is necessary to spur more investment in the Western Balkans now, and the first step should be a road-map for investment. The EU also needs to provide Structural Funds for basic infrastructure and job creation in the region now and not after accession.

Last but not least, **Tanja Börzel** (FUB) remarked that an important finding of MAXCAP is that enlargement does not harm the EU's internal integration capacity. This needs to be communicated to member states' governments and citizens. That said, the bad news is that the enlargement process has not locked in democratic actors. The socio-economic aspects of EU integration are where the MAXCAP work packages come together, since social and economic factors of integration capacity link with the political and discursive elements of integration. There have certainly been groups of 'losers' of EU integration. The achieved convergence has come at a price for social cohesion within countries, which has facilitated the rise of exclusivist populism in member states. The EU does look at socio-economic issues on an individual level, but further research is vital in order to identify groups that have lost out as a result of EU integration in order to address this.

# “MAXCAP’s Final Dissemination Event in Sofia: The Advantages of EU Enlargement”

Georgi Dimitrov

The conference “The Advantages of EU Enlargement – What can the applicant countries learn from the EU; what can the EU learn from the applicant countries?”, hosted by Sofia University on 26-27 February 2016, was MAXCAP’s final event for broad public dissemination of its research findings and key recommendations for the EU’s current and future enlargement policy. Honorable guests of the conference included Mr. **Daniel Mitov**, Minister of Foreign Affairs of Bulgaria, Ms. **Dzema Grozdanova**, Chairperson of the Bulgarian Parliamentary Committee on Foreign Policy, Mr. **Ognian Zlatev**, Head of the European Commission Representation in Bulgaria and Prof. **Anastas Gerdjikov**, Rector of Sofia University. These distinguished guests addressed the international audience with comments on the European Union (EU)’s enlargement strategy and engaged in discussion on MAXCAP’s relevance and findings. They were joined in an open and lively debate by parliamentarians, public opinion makers from renowned NGOs and academics from Albania, Bosnia and Herzegovina, FYROM, Montenegro, Serbia, and Turkey and several representatives of the MAXCAP team.

The issues that arose in the discussion are summarized below. They include major concerns, which should be taken into consideration if the enlargement strategy of the EU is to be optimized and its priorities to be more precisely tailored to the specific context of South Eastern Europe. The focal points of concern are a) the specificity of states and societies in the region; b) the current political context of the European Union itself and c) the dynamics of interaction between the EU and the South Eastern European Countries (SEEC).



Daniel Mitov (center), Bulgarian Minister of Foreign Affairs

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## *Regional challenges and advantages*

The countries of this region are quite diverse in terms of population size and territory, levels of social order and administrative capacity, as well as in their capacity to carry out domestic policies irrespective of the context of EU integration.

All these societies face a pressing need to resolve deep structural problems requiring long term, sustainable policies requiring in their turn a powerful and fully operational state-apparatus in order to implement fundamental reforms. Yet the existence of such an apparatus cannot be taken for granted since reforms to increase state capacity are at various stages in the SEEC.

Some of the SEEC’s economies are characterized by a high level of fragility and a lack of employment opportunities, the latter being the main reason for the current large-scale migration to Western Europe. The economic and governance weaknesses of the region also hinder some EU integration policies that had been employed in previous rounds of EU enlargement.

Because of underdeveloped markets and an over-expanded state in some of these societies the civil sector (mass-media included) is weak and often torn apart by internal contradictions and feuds. It cannot reliably operate as a counter-balance to the power of the state, oligarchs and political parties. On the contrary, it requires targeted policies to support its functioning.

Due to the post-communist legacy of the region, rule of law has been weak. As a consequence the local judicial systems cannot be transformed solely by a formal adoption of the *acquis* and its norms.

Throughout the region anti-European attitudes are increasingly wide-spread. They are authentic and not just the result of particular propaganda campaigns since they are supported by vested interests of real significance (in the field of energy sources or in the field of military influence which are crucial in the case of Russian interests). The domestic allure – and danger – of geopolitical projects alternative to membership in the EU do not primarily stem from pragmatic reasoning, but tend to simply serve as an ideological source for domestic anti-European circles.

In South Eastern Europe, ordinary citizens often do not feel coerced to choose, as it was with former generations, ‘either with Russia or with the US’. One feels free to make a bricolage of fragments of incompatible worlds no matter how distant and mutually contradictory those may be.



However, the SEEC also exhibit several positive characteristics which can serve as a foundation for successful integration:

First, there is a sustained, centuries-long tradition of habitual multi-culturalism in the region. Despite the contemporary political misuse of religious differences, the citizens of the SEEC are used to cohabit peacefully, i.e. they are the proof that religious or ethnic differences are not a danger in themselves.

Moreover, all the countries in the region have experienced several waves of migration and have so far been able to cope with them. In terms of share of the total population, refugee numbers in these countries surpass many times the numbers of migrants in the EU and yet the influx of migrants has not evolved into a social disaster. In general, migration crises thus appear to be manageable.

Lastly, all societies in the region have experienced a series of radical social restructurings within a single human lifespan. This fact proves that modern societies are flexible in general and suggests that, in the specific case of the SEEC, no matter how far-reaching and all-encompassing the reforms of the prospective Europeanization of the region will be, the sheer scope of this task is not demoralizing. The task is not disappointingly unattainable.

#### *Specific characteristics of the EU currently impacting South Eastern Europe and its integration into the Union*

The EU, today, is under pressure by multiple crises and not all of its traditional policies continue to be effective, especially in terms of its foreign policy. The EU is not conceived as ‘without any alternative’, it is not the ‘the only game in town’ any more – even for a number of old member-states. As a consequence, at present European integration is not seen as an unquestionable goal, a value in itself. It has lost its aura and, hence, it has transformed into a subject-matter open to critical examination. Seen in this new context, its shortcomings, both well-known and only recently apparent, become a major hindrance to further EU integration of and pro-Europeanization impulses in the SEEC:

The EU does not speak with a single/common voice – its messages appear to be nationally and politically flavored which undermines the reliability of its messages towards the SEEC – especially when they

contain recommendations for ‘fundamental reforms’. Furthermore, the EU advocates democracy but does not always demonstrate consistency with democratic principles. This is only one aspect of a more general problem, i.e. that a great number of declared core values and common rules of the EU are often by-passed by its member states, including financial discipline, priority of values over interests and coherent anti-corruption policies.

#### *How these conditions shape the relationship between the EU and the applicant countries*

The national rationale of a pro-European choice is country-specific – for some countries it is a necessity of prudent foreign policy; for others a matter of cherished domestic pacification and for some a self-conscious dedication to sustained social reforms. This implies a need for a diversified approach to the EU accession equipped with a broader spectrum of accession tools.

Similarly, a standard approach to accession is questionable since these societies are at very different levels of societal integration and mobilization. For all, state-building is, to differing degrees, still a pending task.

The case of Turkey stands out prominently for a number of reasons, not least among them

the fact that an entire generation of bitterly disappointed pro-European enthusiasts has grown up. But most importantly Turkey today conceives itself as a regional power, matching Germany, and expects to negotiate its EU accession on terms of partnership and not of the proverbial ‘power-asymmetry’.

Many of the innovations in the EC’s approach to the accession of the SEEC stem from the lessons learned during the previous enlargement of the EU. Yet the potential of these lessons, learned through the Bulgarian and Romanian accession, is not optimally utilized. These two national cases clearly indicate the risk that the prioritization of promotion of the rule of law can lead to the creation of a ‘judicial oligarchy’ – if mechanisms ensuring the accountability and public responsibility of the judiciary are not institutionalized.

Throughout the entire accession process the EU acts mainly through the EC, which has in the past traditionally prioritized the interaction with governments, thus further elevating the executive above democratic mechanisms of checks and balances. The EC consistently ignores the broader spectrum of stakeholders in processes of Europeanization, national parliaments included. The fact that both the parliaments and the local civil sectors are ineffective as actual participants in the process of policy making is not an argument for their exclusion from the accession negotiations – on the contrary, they have to be supported to become truly influential partners in the process.

Aspirant states from the region have been disappointed in enlargement which remains too far off in time and still, in the case of some of the states, appears more like foreign policy than structural engagement.

Enlargement policy should be transformed from foreign to domestic policy. This should imply a much higher level of EU involvement and engagement – with a clear focus on policies for social development, supplemented and not substituted by economic development. If the EU is to be successful, it would need to increase its engagement and ensure (economic) assistance reaches the citizens, as in this region, as in the Union itself, enlargement will increasingly require citizens’ support.



Academics, politicians and NGOs were assembled at the conference.

## Recent MAXCAP Working Papers

All MAXCAP Working Paper may be downloaded [here](#).

### Working Paper No. 12

#### **European Neighbourhood Policy at the Crossroads: Evaluating the Past to Shape the Future**

*Tanja Börzel and Bidzina Lebanidze - July 2015*

**Abstract:** This paper provides an overview of the modes of political integration of the EU in the Eastern Partnership countries. It discusses the role of EU membership, and the absence thereof, as well as alternative modes at the EU's disposal and explores how the EU has been using different instruments to achieve its goals in EaP countries, specifically in two areas: state and institution building and the reform of the judicial system. Overall, over the past two decades, we observe continuity rather than change. Although the EU has sought to improve its strategy by introducing new incentives, strengthening the non-governmental channels of influence, increasing the amount of financial assistance for domestic reforms and encouraging more competition among EaP countries, its transformative impact has remained rather moderate. In this regard, our analysis highlights the neglect of security concerns of EaP countries by the EU as the greatest challenge to the EU's external integration capacity in its Eastern neighbourhood. Accordingly, it remains questionable whether the opening of membership perspective can serve as a game-changer under these conditions when the political and economic reforms in the EaP countries are challenged by the presence of acute security threats.

### Working Paper No. 13

#### **Comparing Discourses about Past and Future EU Enlargements: Core Arguments and Cleavages**

*Antoaneta Dimitrova, Elitsa Kortenska and Bernard Steunenbergh - August 2015*

**Abstract:** This paper compares discourses about EU enlargement among citizens in six different European countries. We discover that there are bridging discourses and connecting arguments among the citizens of the old (Netherlands and Germany), new (Poland and Bulgaria) and candidate states (FYROM, Serbia). We make a cross country comparison between the key assumptions, arguments, emotional responses, perceptions and expectations about the last EU enlargement and potential future enlargements. We discover that country discourses can be grouped along seven lines of arguments and responses, depicting the EU alternatively as a source of better governance, in terms of expected benefits or losses, and a community of ideals, among others. There are common perceptions about EU enlargement which can serve to bridge differences between member states: old and new member states share discourses that see enlargement as a rule based process, or in terms of perceived utility. There are also cleavages between different clusters of arguments which indicate lines of argument which do not go together: Enlargement as a rule based process versus enlargement as enhancing the EU's global role. Our analysis of the clustered discourses suggests that there are possible lines of argumentation and communication that can be used to advance enlargement and frame future enlargement policies as well as discourses of skepticism and rejection that resonate with citizens in a number of countries and are not conducive to future enlargement.

**Working Paper No. 14****Unintended Consequences of EU Conditionality on (Potential) Candidates***Adam Fagan, Indraneel Sircar, Antoaneta Dimitrova and Elitsa Kortenska - August 2015*

Abstract: In its efforts to strengthen the rule of law and generate judicial reform in the candidate and potential candidate states of the Western Balkans, the EU places emphasis on the ‘quality, independence and efficiency’ of the judiciary. It also makes a clear link between robust judicial systems and sustainable economic growth and political and social stability. The success of judicial reforms could not, therefore, be more central to the EU enlargement strategy for the region. In practice, the EU’s approach is based on ensuring the robustness of formal institutions and processes, particularly with regard to bolstering bodies responsible for the training and recruitment of judges. Based on empirical and comparative analysis of countries in the region, it is argued here that although there is evidence of success, the EU’s approach generates sub-optimal outputs; a combination of unintended consequences and unrealized effects. This is due largely to the fact that the EU adopts a somewhat ‘Archimedean’ approach, namely the creation of new separate judicial bodies that stand above politics and are separate to existing judicial institutions and processes as a means of breaking political interference. This approach triggers an inevitable tension between democratic checks and balances, and independence.

**Working Paper No. 15****Measuring Sociopolitical Distances between EU Member States and Candidates:****A New Path***Kaloyan Haralampiev, Georgi Dimitrov and Stoycho P. Stoychev - October 2015*

Abstract: The next stages of EU integration in terms of deepening or in terms of enlargement imply the need for reliable knowledge about the compatibility of national cases either to enhance cohesion or to promote further Europeanization where it has been lagging so far. This is why measuring the sociopolitical differences between countries experiencing EU integration is a vital premise for maximizing the Union’s capacity for enlargement. The cognitive challenge is to find a way to depict the national societies comprehensively, and in detail, whilst at the same time providing a basis for comparing the different countries. Arguably, the current approach of the European Commission has proved insufficient in providing strong analytical instruments to reflect the specific national contexts and potentials for European integration. In this paper we propose a new, complex quantitative approach to the problem based on cluster analysis of the indicators covered by the Open Society Catch Up Index over a period of four years from 2011 to 2014. The result of our analysis is a structural typology that splits the 35 European member and applicant countries into three sociopolitical clusters which do not coincide with the standard formulaic dichotomies regarding older member states (OMS) / new member states (NMS), Western / Eastern European countries and the like. Although the instrument registers some dynamics in time, the clusters remain stable. In order to illustrate the heuristics of the specially devised analytical instrument we carry out a comparison among four South East European societies which are particularly significant from the point of view of the EU’s enlargement policy. A detailed comparison shows that Bulgaria and Romania, which received a special, common conditionality treatment by the EC in the form of the CVM, are typologically similar. Croatia, which was spared the implementation of the CVM, outperforms the other three, while Turkey – which is still negotiating its EU accession – follows a unique development path, diametrically different from the rest. Therefore, we provide empirical support for the assumption that the EU should continue implementing a differentiated policy approach to the integration of the South East European candidates.

**Working Paper No. 16****The Developmental Impact of the EU Integration Regime: Insights from the Automotive Industry in Europe's Peripheries***László Bruszt, Julia Langbein, Visnja Vukov, Emre Bayram and Olga Markiewicz - November 2015*

Abstract: How do diverse EU strategies used to integrate less developed economies in the Eastern peripheries of Europe affect local development? Introducing the distinction between 'shallow' and 'deep' EU integration regimes, we compare the evolution of the automotive sectors in four European countries (Poland, Ukraine, Romania, and Turkey). We show that diverse EU modes of integrating potential member states and economies without the clear prospect of membership create very different constraints and opportunities for developmental pathways. The shallow mode of integration used for countries lacking a (credible) membership perspective combines trade liberalization and selective rule imposition with very little assistance. It results in rather divergent developmental pathways for the EU 'outsiders' – depending on the stronger or weaker capacities of the domestic public and private actors. In contrast, we found that the deep mode of integration used for would be member states created more opportunities for convergence towards competitive industries, even in countries with weak initial domestic capacities. Our insights imply that encompassing deep integration may yield not only superior developmental results, but may also increase the potential for further economic integration. In the shallow mode of integration the EU may, however, loose support for European integration among rule taking countries once citizens realize they cannot count on measures mitigating and/or compensating for present economic hardships. In countries like Ukraine, the EU therefore risks to become a factor of economic and political destabilization.

**Working Paper No. 17****Development by Stealth: Governing Market Integration in the Eastern Peripheries of the European Union***László Bruszt and Julia Langbein - November 2015*

Abstract: Why and in what ways did the European Union care about the potential developmental consequences of integrating the economies of Central and Eastern Europe? The relevance of these questions is given by the fact that thus far the Eastern enlargement is the only successful case for the deep market integration of economies at lower levels of development. EU insiders had no formal obligation to care about the developmental effects of integration and, according to the standard literature, enlargement was solely about rule transfer without any need to consider the interests of rule takers. We challenge this view and show that due to increased economic interdependence, the Eastern enlargement was a case for large-scale experimentation with mechanisms to manage developmental consequences of rule transfer. Using contract theory, we identify three mechanisms that could force stronger actors to care about the developmental effects of integration on weaker actors. We also show that the key governance challenge of deeper market integration is to manage uncertainty and develop mechanisms to match uniform market rules with diverse local developmental needs. In the case of Eastern enlargement EU insiders could define alone the scope of developmental interventions that were limited to preventing large-scale dislocations, without greater politicization or publicity, hence 'by stealth'. Our insights do not only open up new avenues for research on how to manage the integration of economies at different levels of development but also have direct implications for the way the EU manages existing economic disparities in its internal market.

**Working Paper No. 18****Judicial Reform in Turkey and the EU's Political Conditionality: (Mis)Fit between Domestic Preferences and EU Demands***Meltem Müftüleri-Baç - January 2016*

**Abstract:** This paper investigates the process of judicial reform in Turkey in the last 15 years, with a focus on the reversal of such reforms since 2013. To do so, it asks whether and to what extent these reforms as well as their changing pace and direction have been driven by the political conditionality of the EU and its credibility, on the one hand, and the domestic costs of adaptation, on the other. While the European Union accession process mattered greatly for the Turkish political transformation, it has been by no means the sole determinant of political changes. There are multiple factors shaping Turkey's initial compliance with the EU's political norms, and later their reversal including political costs of adaptation and veto players. The paper aims to explore this (mis)fit and the extent to which the EU's credibility in its membership conditionality mattered in terms of Turkey's path of reforms. The key proposition in the paper is that the EU's lack of credibility combined with increased domestic material costs of judicial reforms at home triggered the backsliding and the reversal of judicial reforms in Turkey. It not only sheds light on the interplay of the EU's credibility and the high domestic costs; the paper's findings also challenge the emphasis of the literature on EU conditionality and the EU's role as an external anchor even when accession negotiations stalled as in the Turkish case.

**Recent Partner Publications**

- Börzel, T. and Fagan, A. (2016) 'Environmental Governance, Europeanization and the Limits of Transformation', in T. Börzel and A. Fagan (eds), *Environmental Governance in South East Europe and the Western Balkans: Reassessing the Transformative Power of Europe*, Special Issue of *Environment and Planning C: Government and Policy*.
- Bruszt, L. (2015) 'Regional Normalization and National Deviations: EU Integration and Transformations in Europe's Eastern Periphery', *Global Policy* 6(1): 38-45.
- Bruszt, L. and Vukov, V. (2015) 'Transnationalizing States in Europe's Peripheries: European Integration and the Evolution of Economic State Capacities in the Southern and Eastern Peripheries of Europe', *Journal of Comparative Economic Studies* 10: 69-92.
- Dimitrov, G. (2015) 'The Europeanization of the Countries in South-East Europe through Enhancement of the Rule of Law: A Mission in Progress', *South Eastern Europe* 39(3): 277-293.
- Dimitrova, A. (2015) 'Dealing with Turkey After Ukraine: Why the EU Should Let the Enlargement Approach Go', in S. Aydrin-Düzgit, D. Huber, M. Müftüleri-Baç, E. F. Keyman, M. Schwarz and N. Tocci (eds), *Global Turkey in Europe III. Democracy, Trade, and the Kurdish Question in Turkey-EU Relations*, Rome: Edizioni Nuova Cultura.

- Fagan, A. and Sircar, I. (2015) *Europeanization of the Western Balkans. Environmental Governance in Bosnia-Herzegovina and Serbia*, Basingstoke: Palgrave Macmillan.
- Hatipoğlu, E. (2015) 'Turkey-EU Cooperation in Foreign Policy: Some Thoughts', in E. Turhan and G. Seufert, *German Interests and Turkey's EU Accession Process: A Holistic Perspective*, Istanbul: Istanbul Policy Center, pp. 13-15.
- Langbein, J. (2016) '(Dis-)integrating Ukraine? Domestic Oligarchs, Russia, the EU and the Politics of Economic Integration', *Eurasian Geography and Economics*, DOI: 10.1080/15387216.2016.1162725.
- Luetgert, B. (2015) 'Foreign Policy and the EU in Turkish Politics: Exploring Trends in Electoral Manifestos', in P. Balazs and A. Evin (eds), *Turkey and the European Union: Strategic Partners and Competitors*, Budapest: Central European University Press, pp. 17-36.
- Müftüler-Baç, M. (2015) 'The Revitalization of the Turkish-European Union Relations: Old Wine in New Bottles', IPC-Mercator Policy Brief December 2015. Available at [http://ipc.sabanciuniv.edu/en/wp-content/uploads/2015/12/The-Revitalization-of-the-Turkish-European-Union-Relations\\_Old-Wine-in-New-Bottles.pdf](http://ipc.sabanciuniv.edu/en/wp-content/uploads/2015/12/The-Revitalization-of-the-Turkish-European-Union-Relations_Old-Wine-in-New-Bottles.pdf).
- Müftüler-Baç, M. (2016) 'The Pandora's Box: Democratization and Rule of Law in Turkey', *Asia Europe Journal* 14(1): 61-77.
- Schimmelfennig, F. (2015) 'Juncker's Enlargement Standstill Threatens the EU's Credibility', *Europe's Worlds* No. 31, Autumn 2015: 32-35. Available at <http://europesworld.org/2015/11/12/junckers-enlargement-standstill-threatens-eus-credibility/#.VvJwB0ZiZ2A>.
- Schimmelfennig, F.; Leuffen, D. and Rittberger, B. (2015) 'The European Union as a System of Differentiated Integration: Interdependence, Politicization, and Differentiation', *Journal of European Public Policy* 22(6): 764-782.
- Toshkov, D. and Kortenska, E. (2015) 'Does Immigration Undermine Public Support for Integration in the European Union?', *Journal of Common Market Studies* 53(4): 910-925.
- Zhelyazkova, A. and Yordanova, N. (2015) 'Signalling "Compliance": The Link between Notified EU Directive Implementation and Infringement Cases', *European Union Politics*, available at <http://eup.sagepub.com/content/early/2015/04/17/1465116515576394.full.pdf+html>.