



A COMPARATIVE ANALYSIS OF THE EUROPEAN UNION'S ACCESSION NEGOTIATIONS FOR BULGARIA AND TURKEY:

WHO GETS IN, WHEN AND HOW?

Meltem Müftüler-Baç and Aylin Ece Çiçek

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Abstract

In this paper, we analyze the Bulgarian and Turkish accession negotiations to the European Union based on propositions derived from different theoretical frameworks. In order to do so, we first analyze the Turkish and the Bulgarian ability to fulfill the EU's political criteria, and compare their respective positions with regards to EU political conditionality as key to unlock their different paths of accession. Secondly, we consider the unfolding of the accession negotiations and the role of individual member states as veto players. We limit our focus to a comparative analysis of the EU's political evaluation, and to the lack of consensus and commitment among the EU member states towards Turkey as a complicating factor during EU negotiations. We are able to ascertain that a key difference between Bulgaria and Turkey with regards to their EU accession was the Bulgarian ability to conform to the EU political criteria comparatively better than Turkey. Yet, beyond the candidates' specific factors, we are able to determine that the role of the individual member states as veto players has become more visible in the Turkish case. As a result, we can show that who gets in, how and when to the EU depends on the interplay of these multilateral and bilateral aspects of the negotiations process.

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1. Introduction

The accession of Bulgaria and Romania to the European Union (EU) in 2007 marked the completion of the Central and Eastern European enlargement. Turkey, by contrast, has been negotiating for its accession since 2005, despite the longest standing association with the EU dating back to 1963, and its candidacy status since 1999. Since 2004, EU enlargement has been one of the most important developments on the European continent (Dimitrova 2004; Friis 1998a, 1998b; Sjursen 2006; Smith 2004; Vassiliou 2007). The EU's enlargement turned out to be an effective tool in bringing about political and structural changes in the acceding states (Preston 1995; Schimmelfennig/Sedelmeier 2002, 2005; Sedelmeier 2012). While rationalist, utilitarian theories (Moravcsik 1995; Moravcsik/Vachudova 2008; Vachudova 2014) emphasize the role of material, functional interests of the member states in EU enlargement, norm-based theories (Schimmelfennig 2001; Schimmelfennig/Sedelmeier 2002, 2005; Sjursen 2002) bring attention to the role of kinship-based duty, feelings of affinity, and a commitment to a larger European ideal. Moreover, a recent strand of the Europeanization literature investigates the impact of the EU enlargement process on domestic political changes (Dimitrova 2010; Steunenberg/Dimitrova 2007; Vachudova 2005), as well as norm and policy adaptation (Toshkov 2010).

Based on these different theories on various facets of enlargement, it would be possible to develop several propositions to conduct a comparative analysis of the Bulgarian and Turkish experiences in their quest for EU accession. This paper focuses on the following question: Can a comparative analysis of the Bulgarian and Turkish accession negotiations with the EU meaningfully capture the EU's enlargement dynamics? This question lies at the heart of the puzzle over the accession processes for these two countries, but is also important for an empirical validation of the political aspects of the accession process. Accession negotiations to the EU are by their nature asymmetrical, with the acceding countries expected to conform to the EU's political norms and to adopt its *acquis*. At the same time, the enlargement process is both multilateral and bilateral, with the European Commission's (EC) role in setting the criteria as well as managing the negotiations as the multilateral aspect, and the individual preferences of the member states constituting the bilateral aspect.

Despite its accession to the EU in 2007, Bulgaria's negotiations were already indicative of a change in the EU's accession strategy as the latter was "either the last to benefit from the old enlargement policies, or the first to experience the novel, and expectedly more restrictive, stance of the EU to the admission of new member states" (Smilov 2006: 161). Bulgaria along with Romania faced the unusual post-accession condition of continued EU monitoring as well as strict safeguard clauses (Noutcheva 2006). Turkey, on the other hand, has faced even stricter safeguard clauses, opening benchmarks and a marked lack of political will towards its membership in the EU. For example, the former French President Nicholas Sarkozy declared "openly that because of geography he does not believe Turkey should be a member of the EU" (Bilefsky 2007). Even though it is not possible to generalize the French attitude to all the EU members, the French reservations as such matter. Since enlargement decisions are based on unanimity (Friis 1998a, 1998b; Kibris/Müftüler-Baç 2011; König/Junge 2009; Tsebelis 2002, 2013), any EU member can block or slow down the accession process, which turned out to be a critical factor in Turkey's negotiations.

We pose the following questions in this paper: Can we explain the difference between Bulgaria and Turkey by looking at their respective fulfillment of the EU accession criteria and by the Turkish (in)ability to meet the EU accession criteria both politically and technically? Or, alternatively, is it the relative lack of veto players or brakemen in the Bulgarian case, while Turkey faces multiple vetoes, that acts as key? In other words, are the differences in the Bulgarian and Turkish experiences with EU accession negotiations structural (multilateral) or agent-driven (bilateral)? This, of course, does not mean that the Bulgarian accession process ran smoothly without any major political debates. However, it was definitely a less contentious process in contrast to the Turkish experience. We perceive both of these case studies as litmus tests for the credibility and the conditionality of the EU's negotiation process.

In this paper, we first provide a background of the EU enlargement process based on different theoretical frameworks. Secondly, we analyze the Turkish and the Bulgarian ability to fulfill the EU's political criteria, and compare their respective positions with regards to EU political conditionality as a potential explanatory variable for their differential paths towards accession. Thirdly, we look at the unfolding of the accession negotiations and the role of individual member states as veto players - specifically in the Turkish case. We do not look at the differences between Bulgaria and Turkey in terms of their adaptation to EU policies and the *acquis*, nor do we conduct an analysis of the domestic political costs incurred in these two countries in their adaptation to EU norms, or the possible material costs and benefits associated with their accession to the EU. These issues are beyond the scope of the paper; however, we note that further research into these areas will most likely illustrate many other points of divergence. We limit our focus to a comparative analysis of the EU's evaluation of these countries' democratic credentials, and to the lack of consensus and commitment among the EU member states towards Turkey as a complicating factor in EU negotiations.

2. The European Union's Enlargement Process

The European Union's enlargement policy has been an important aspect of its foreign policy (Schimmelfennig 2001; Sjursen 2002), despite some concerns with regards to its applicability beyond the Central and Eastern European countries (Smith 2004). The EU's negotiations strategy is about recasting Europe and is largely a political project for the unification of the European continent in an institutional setting (Friis 1998a, 1998b; Sjursen 2006). In its enlargement strategy of 2014 the European Commission summarized the goals of enlargement as "mutual benefits of peace, security and prosperity in Europe. It reinforces the EU's political and economic strength and has a powerful transformative effect on the countries concerned" (European Commission 2014a: 2). These general aims of enlargement, both material and functional interests (Vachudova 2014), as well as the way of recasting the European order (Friis 1998a, 1998b) are also the key motives for including Turkey and Bulgaria into the EU's accession process.

Prior to an analysis of the Bulgarian and Turkish experiences with the EU accession process, a short look at the historical evolution processes of their respective association with the EU is in order. There is a

¹ The Bulgarian accession process differed from other CEEs' accession processes, most notably from the Visegrád Group (Vachudova 2005). However, a comparative analysis of all the enlargement negotiations is beyond the scope of this paper.

significant divergence between Turkey and Bulgaria in terms of their place in the European order in 1945. Turkey was an integral part of the Western order after World War II with its institutional memberships and foreign policy choices (Müftüler-Baç 2008). It was a founding member of the Council of Europe in 1949, the Organisation for European Economic Co-operation (OEEC) in 1948 and NATO in 1952, and signed an Association Agreement with the then European Economic Community (EEC) in 1963. Bulgaria, by contrast, was part of the Warsaw Pact and was effectively separated from the Western order until the end of the Cold War (Smilov 2006).

A key difference between Turkey and Bulgaria is that Turkey was engaged in a close political and economic association with the EEC, which was born out of Cold War dynamics. Turkey applied for full membership in 1987, based on the legal eligibility it had with the 1963 Ankara Treaty. In 1989, the European Commission's Opinion on the Turkish application underlined this eligibility but concluded that, under the present circumstances, Turkey was not yet ready for accession. Instead, the Commission recommended the realization of a Customs Union Agreement with Turkey as foreseen in the Turkish Association Agreement. Subsequently, in 1995, Turkey and the EU signed a Customs Union Agreement for industrial products, a first for the EU to let a customs union precede the actual accession. The general feeling in Turkey was that membership was now only a few feet away (Müftüler-Baç/McLaren 2003). In addition, the customs union enabled Turkey to adopt several European legislative acts on the freedom of goods before its accession negotiations even commenced.

Bulgaria, on the other hand, applied for EU accession in 1993, jumping onto the bandwagon of the Central and Eastern European countries lining up for membership (Dimitrova 2004; Schimmelfennig/Sedelmeier 2005; Vassiliou 2007). It signed its Association Agreement with the EU in 1993. The path of EU accession for Bulgaria and Turkey began to diverge in 1997. Table 1 below summarizes these key turning points for the Turkish and Bulgarian relations with the EU over time.

Table 1: Summary of the key turning points for Bulgaria and Turkey

Key Dates			
	Bulgaria	Turkey	
Association Agreement	1993	1963	
Application to EU	1995	1987	
Candidacy Status	1997	1999	
Negotiations Opening	2000	2005	
Accession Treaty Signed	2005	xxxx	
Full Membership	2007	XXXX	

Source: Authors.

The Luxembourg summit of 1997 was an important turning point for both Turkey and Bulgaria. Based on the EC's recommendation in its Agenda 2000, the Luxembourg Council elevated Bulgaria to a candidate status, whereas Turkey remained an applicant, albeit its eligibility had been noted. As summarized in the table above, despite the early association with the EU and its formal application, Turkey clearly fell behind Bulgaria after 1997. There are, of course, structural factors shaping these countries' respective experiences with the EU (Schimmelfennig 2001; Schimmelfennig/Sedelmeier 2002) that fall beyond this paper's objectives for a comparative analysis. For example, Bulgaria was seen as a part and parcel of the Central and Eastern European enlargement, while Turkey was not (Müftüler-Baç/McLaren 2003). A strong kinship-based duty and the desire to correct the wrongs of the Cold War divisions for Bulgaria did not exist for Turkey (Sjursen 2002; Stoyanov et al. 2008). Similarly, "the European Commission, and especially the Danish and Swedish governments, were able to 'move the negotiation game' by framing the entire question of opening negotiations with the applicants in a specific way" (Friis 1998b: 1). Nonetheless, the time frame above matters in terms of assessing these two cases.

Could it be that the Bulgarian ability to get ahead of Turkey was tied to its political performance? The answer to that question could be brought to light by applying the framework of the sociological institutionalist school, which tends to conceptualize enlargement as a tool to expand the liberal democratic community that the EU symbolizes (Schimmelfennig 2001; Sjursen 2002). Similarly, it is important to underline the extent to which the EU constitutes a "negotiated order" (Smith 2000: 811). The role of supranational institutions in the negotiation of this order is paramount, thus actors such as the EC emerge as critical players in expanding the negotiated order, or in framing the proposals within which EU policy evolves. Enlargement is recasting the European order, and the answer to the question of who gets in and how is dependent on the extent to which an actor is perceived to belong to that order. Specifically, an applicant country's elevation to candidacy status, the opening of accession negotiations and the final accession to the EU are all shaped by that country's compliance with the EU's political norms (Preston 1995). Within this framework, a comparative analysis of Bulgaria and Turkey requires an analysis of their respective abilities to conform to the EU's political criteria as well as their possible fit to the negotiated order the EU symbolizes. Accordingly, the first proposition of this paper is as follows:

Proposition I: The differences between Bulgaria and Turkey in their respective abilities to meet the EU's political criteria lie at the heart of their relative success to accede to the EU.

This means that, if our empirical evidence reveals that Bulgaria performed better on political criteria compared to Turkey, then this could be seen as the main reason for its success in its membership quest. The EU's evaluation of the two cases in terms of their ability to meet the political aspects of the Copenhagen criteria plays a critical role in their negotiations with the EU. Since both candidacy and the opening of accession negotiations are subject to the applicant country's ability to conform to the EU's political criteria (Börzel 2014; Vachudova 2005), it is important to see whether the EU's evaluation of these countries' political development differed. A closer look into the EU's evaluations of the Bulgarian and Turkish political systems as well as an analysis of the key differences between these two countries with regards to political freedoms would give us empirical data with which we can test Proposition I.

On the other hand, variation amongst candidates with regards to their accession processes is not solely based on their respective adoption of the EU's political conditions; that is, because the EU accession process is both multilateral and bilateral. In other words, the Commission's evaluations, recommendations and its leadership role constitute the multilateral leg, but its recommendations and position papers on the actual negotiations depend on unanimous approval in the European Council by the member states, marking the bilateral leg of the accession process. As a result, the EU's negotiations with aspirant members are largely shaped by the material interests of its member states (Kibris/Müftüler-Baç 2011). Specifically, the member states' political concerns and material interests emerge as key in the chapter-based negotiations phase with increased reliance on individual vetoes for one's own material gain (Bailer 2010, 2011; Kibris/Müftüler-Baç 2011; König/Junge 2009; Moravcsik/Vachudova 2008). This is despite the fact that the formal negotiations, which are conducted on the basis of frameworks specifically determined for the candidate, constitute the most technical phase of the accession process (Arregui 2008; Smith 2000).

The first step in this procedure is for the Commission to present the initial screening report to EU member states and to determine whether to either open formal negotiations or to require opening benchmarks to be met by the candidate country. Secondly, negotiation positions by both the candidate country and the EU must be compatible for the formal negotiations to commence. Once negotiations are opened, the longitudes of these stages are determined on a case-by-case basis with regards to the degree of domestic alignment with EU laws and regulations. Concluding official negotiations depends on the definitive closure of all of the chapters of the *acquis communautaire*, followed by the Accession Treaty (Vassiliou 2007). As this is the main framework, it is assumed that the Commission adheres to these procedures in its evaluation of Bulgaria and Turkey, based on the key principles upon which the EU rests.

To sum up, the EU accession can be considered a political process, even though the actual negotiations' pattern looks highly technical with regards to the EU acquis communautaire.

According to this logic, an applicant's path to EU accession will be shaped by the material interests of the EU members, and its accession will be possible only when these material interests converge, or when there are no EU members objecting to its accession and acting as veto players (König/Junge 2009; Müftüler-Baç/McLaren 2003). Accordingly, the second proposition of this paper is:

Proposition II: The key difference in the accession negotiations for Turkey and Bulgaria is primarily an outcome of the EU member states' positions and their respective material interests.

If our empirical data shows that the individual member states and their objections to the Turkish accession act as the main reasons for slowing down the accession negotiations, then this would constitute a key difference with Bulgaria. The timing and sequence of the opening of chapters, of benchmarks and/or of individual vetoes from the member states expedite or stall the negotiations. In other words, it is crucial to see whether Turkey, in comparison with Bulgaria, is continuously confronted with veto players in its negotiations with the member states in the European Council (Müftüler-Baç 2008; Sjursen 2002), as well as with the Commission's recommendations to suspend some chapters (Dimitrova 2010; Vachudova 2014). There might be multiple

reasons for the vetoes Turkey encountered, ranging from the question marks over its inclusion in the European order - as voiced above by Sarkozy - to the material interests of individual members such as Cyprus that would like to pressure Turkey to concede on the Cyprus problem (Müftüler-Bac/Güney 2005). Alternatively, the Turkish size, population and its perceived regional power status could all add up to be the factors preventing individual member states from fully endorsing its European quest. While the question about the factors that motivated these vetoes is beyond the scope of this paper, what remains incontestable is the fact that Turkey encountered multiple vetoes on the opening of its chapters (Aydın-Düzgit 2013; Kibris/Müftüler-Baç 2011; Müftüler-Baç 2008), whereas Bulgaria did not.

In short, both of these cases, Bulgaria and Turkey, stand on their own as important case studies illuminating many layers of complexities throughout the EU's accession process. These two countries' association to the EU evolved historically through different paths, and both differ significantly in terms of their economic and political development. Their cultural fit into the European identity is still contested, albeit in a different form. Nonetheless, their experiences with the EU accession negotiations provide an opportunity for a comparative analysis of the EU's enlargement process (Schimmelfennig 2014), its relative impact on acceding states and the effectiveness of the main tools at the EU's disposal for stimulating both political changes and policy harmonization.

Since both the candidacy status and the opening of accession negotiations are tied to the EU's political conditionality and the EC's evaluation of the applicant country's compliance with the EU's political criteria, the next section looks at the Bulgarian and Turkish abilities to fulfill the political aspects of the Copenhagen criteria as spelled out in Article 6 (1) of the Treaty on European Union (TEU) and assesses the predictive power of Proposition I.

3. Bulgaria and Turkey: A Comparison of their Political Fit into the EU

The political aspects of the Copenhagen criteria act as the preconditions for an applicant country to be accepted as a candidate and later for the opening of accession negotiations (Sedelmeier 2000). For example, the Commission signalled to Estonia and Latvia that their respect for minority rights would be an important precondition for their accession; it also kept relations with Slovakia under the authoritarian President Mečiar relatively frozen (Schimmelfennig et al. 2003). The Commission's evaluation of the applicant countries based on their ability to meet the EU's criteria constitutes a multilateral aspect of the enlargement process.

This is why a comparison of Bulgaria and Turkey in terms of their political development levels and democratic scores is in order. The decisive point shaping these two countries' relations with the EU can be traced back to the 1997 Luxembourg Summit, where the European Council, based on the Commission's recommendation, declared Bulgaria as a candidate country whereas Turkey remained under applicant status (Müftüler-Baç/ McLaren 2003). The main rationale behind this decision was the Commission's evaluation that Bulgaria was on its way to meet the political criteria whereas Turkey was not. This was explicitly stated in the Commission's Agenda 2000 recommendation to the European Council, and, while Bulgaria was included into the list of applicant countries whose impact on the EU's policies and institutions was evaluated, Turkey was left out of this evaluation (European Commission 1997). Therefore, a key difference between Bulgaria and Turkey is

related to their meeting of the EU's political accession criteria. Accordingly, the Commission's evaluation of their respective situations constitutes the basis for a comparison of their accession processes in line with Proposition I.

The EC's specific evaluations of these two countries in its Progress Reports since 1998 demonstrate the key differences with regards to Bulgaria and Turkey. For example, the 1998 Regular Report on Bulgaria declared that "although certain improvements are needed in the inclusion of minorities and further efforts are required to increase respect for the rule of law, the Copenhagen political criteria were fulfilled" (European Commission 1998a: 11). Conversely, the 1998 Regular Report on Turkey deemed it to be unfit in accordance to Union standards. The main reasons include violation of human, civil and political rights and failure to settle disputes. Specifically, the 1998 Regular Report on Turkey stated:

On the political side, the evaluation highlights certain anomalies in the functioning of the public authorities, persistent human rights violations and major shortcomings in the treatment of minorities. [...]. The process of democratic reform on which Turkey embarked in 1995 must continue (European Commission 1998b: 21).

These political issues acted as a basis for the assessment that Turkey was not yet on par with European political standards. This was a sharp contrast to the evaluation for Bulgaria where the Commission openly stated in its 1998 Regular Report: "Developments confirm that Bulgaria fulfils the Copenhagen political criteria" (European Commission 1998a: 11). Although the Commission recognized the significant advancements required in the fields of minority rights and the functioning of the judiciary, the final decision remained positive. The 1999 Regular Reports also mirror the tone set in 1998. Similarly, the 1999 Regular Reports highlight the same issues for both countries, deeming Bulgaria in accordance and Turkey in conflict with the Copenhagen political criteria. In its 1999 Progress Report for Turkey, the Commission stated:

Recent developments confirm that, although the basic features of a democratic system exist in Turkey, it still does not meet the Copenhagen political criteria. There are serious shortcomings in terms of human rights and protection of minorities. Torture is not systematic but is still widespread and freedom of expression is regularly restricted by the authorities. The National Security Council continues to play a major role in political life. Although there have been some improvements in terms of the independence of the judiciary, the emergency courts system remains in place. In recent months there have been some more encouraging signs of democratization (European Commission 1999a: 15).

The Commission recommended candidacy for Turkey based on the recent improvements in the political situation, whereas for Bulgaria the Commission declared that "Bulgaria fulfils the Copenhagen political criteria. However, further efforts need to be undertaken to strengthen the rule of law and protect human and minority rights [...]" (European Commission 1999b: 16). It also needs to be noted that, when the Commission finally recommended accession negotiations to begin with Turkey in 2004, it stated that "Turkey *sufficiently* fulfils the Copenhagen political criteria" (European Commission 2004: 3, emphasis added), this was actually a

first in the Commission's evaluations of using a qualification for an applicant country's adherence to the EU's political standards. The Commission's evaluations fit well with the Freedom House ranking for Turkey and Bulgaria which are summarized in Table 2 below.²

Table 2: Freedom House ranking for Bulgaria and Turkey

Year		Bulgaria	Turkey	Comparison
	Status	Free	Partly Free	BG better
1998	Freedom Rating	2.5	N/A	N/A
	Civil Liberties	3	5	BG better
	Political Rights	2	4	BG better
	Status	Free	Partly Free	BG better
1999	Freedom Rating	2.5	4.5	BG better
	Civil Liberties	3	5	BG better
	Political Rights	2	4	BG better
	Status	Free	Partly Free	BG better
2001	Freedom Rating	2.5	4.5	BG better
	Civil Liberties	3	5	BG better
	Political Rights	2	4	BG better
	Status	Free	Partly Free	BG better
2002	Freedom Rating	2.0	4.5	BG better
	Civil Liberties	3	5	BG better
	Political Rights	2	4	BG better
	Status	Free	Partly Free	BG better
2005	Freedom Rating	1.5	3.0	BG better
	Civil Liberties	2	3	BG better
	Political Rights	1	3	BG better
	Status	Free	Partly Free	BG better
2007	Freedom Rating	1.5	3.0	BG better
	Civil Liberties	2	3	BG better
	Political Rights	1	3	BG better
	Status	Free	Partly Free	BG better
2013	Freedom Rating	2.0	3.5	BG better
	Civil Liberties	2	4	BG better
	Political Rights	2	3	BG better

Source: Authors.

² Freedom House (2015) 'Freedom in the World', available at: https://freedomhouse.org/report/freedom-world/ freedom-world-2015#.VRX7BvmG_Eo, accessed 28 March 2015.

As clearly seen in Table 2, based on Freedom House ranking, Bulgaria has always ranked consistently higher than Turkey in the areas of freedom, civil liberties and political rights from 1998 onwards. Even though Börzel (2014) already noted the possible pitfalls of relying on Freedom House data for political evaluations, the data still matters for assessing a candidate country's fit into the European polity. Additionally, Bulgaria's country status has remained *free* whereas Turkey is yet to shift from its *partly free* position. Certain fluctuations can be observed: Despite some progress in Turkey over time, it has consistently been ranked as partly free with a backsliding into lower rankings by 2013. The situation in 2014 is even worse as shown in Table 3.

Table 3: Freedom House political rights rating for Turkey and Bulgaria 2014

2014	Bulgaria	Turkey	Comparison
Political Rights	31/40	28/40	BG better
Electoral Process	10/12	11/12	TR better
Political Pluralism and Participation	14/16	10/16	BG better
Functioning of Government	7/12	7/12	=
Civil Liberties	47/60	32/60	BG better
Freedom of Expression and Belief	14/16	9/16	BG better
Associational and Org. Rights	11/12	6/12	BG better
Rule of Law	11/16	8/16	BG better
Personal Autonomy and Ind. Rights	11/16	9/16	BG better

Source: Authors.

It needs to be noted here that the democratic gap between Bulgaria and Turkey is getting wider, rather than smaller. This also resonates with the results of the Freedom of Press Index, with Bulgaria being ranked as the 100th country, the lowest rank for an EU member, and Turkey doing much worse, ranking as the 154th out of 180 countries.³ While both Bulgaria and Turkey have substantial minority populations, Bulgaria is more successful in terms of civil liberties than Turkey. In addition, Bulgaria, in comparison to Turkey, has a greater freedom of press and a more robust civil society. Nevertheless, there still seem to be similarities between the two countries, especially with regards to their electoral processes and the functioning of their governments. What is more, in both issue areas Turkey has ranked either equal or higher than Bulgaria in 2014, despite its worsening performance in rule of law and civil liberties. In order to complement this empirical analysis, we also looked at the Polity IV data for Turkey and Bulgaria from 1946 to 2013.⁴ Our results regarding this database are compatible with the Freedom House-based findings. As a database for democratic development, Polity IV categorizes regimes into three groups: autocracy [-10,-6], anocracy [-5, +5] and democracy [+6, +10] with a range [-10, +10]. According to Polity IV data, at the beginning of the 1990s, Turkey ranked higher than Bulgaria as a democracy. Yet, from 1991 onwards, Turkey experienced a decrease in democratization, with observable stages of "factionalism" occurring after 1997. On the other

³ Reporters Without Borders (2014), 'World Press Freedom Index', available at http://rsf.org/index2014/en-index2014.php, accessed 18 January 2015.

⁴ Center for Systemic Peace (2014) 'Polity IV Project: Political Regime Characteristics and Transitions, 1800-2013', available at http://www.systemicpeace.org/polity/polity4x.htm, accessed 18 January 2015.

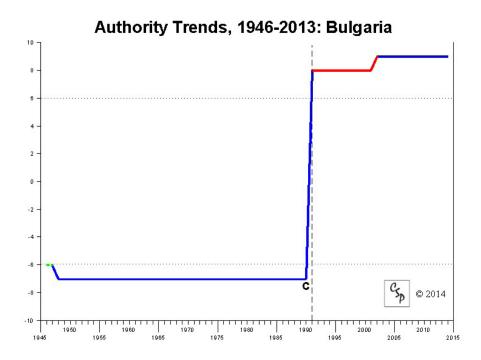
hand, the empirical evidence for Bulgarian democracy shows an increase of its score regarding issues of "factionalism" and the subsequent establishment of a democratic status. What is more, Turkey experienced many ups and downs in this time period, whereas Bulgaria, especially after the early 2000s, has had a sustained record in its democracy.

Table 4: Legend of Polity IV

Symbol	Meaning
x	Autocratic Backsliding Events
С	Coup d'État Events
Green Dashed Line	Transition
Solid Red Line	Factionalism

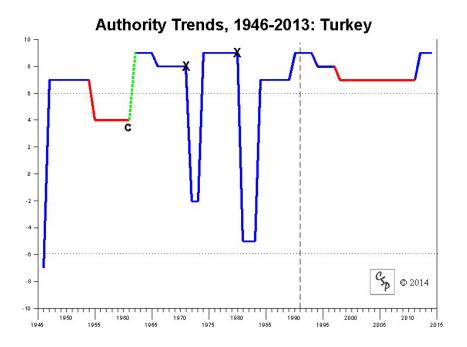
Source: Center for Systemic Peace (2010) 'The Polity IV Country Report 2010 Series. Explanatory Notes', available at http://www.systemicpeace.org/polity/keynew.htm, accessed 18 January 2015.

Figure 1: Polity IV Regime Trends



Source: Center for Systemic Peace (2014) 'Polity IV Individual Country Regime Trends', available at http://www.systemicpeace.org/polity/bul2.htm, accessed 18 January 2015.

Figure 2: Polity IV Regime Trends



Source: Center for Systemic Peace (2014) 'Polity IV Individual Country Regime Trends', available at http://www.systemicpeace.org/polity/tur2.htm, accessed 18 January 2015.

In short, based on Polity IV data, Freedom House rankings, the Freedom of Press Index and the Commission's Progress Reports, it is clear that Bulgaria fared better than Turkey in meeting the political aspects of the Copenhagen Criteria. This is why it was elevated to a candidate country in 1997 before Turkey, and why its accession negotiations were opened in 2000, five years ahead of Turkey. Since the EU's main yardstick for candidacy and opening accession negotiations is the applicant countries' ability to meet the EU's political criteria, the above analysis indicates that both the candidacy decision and the opening of accession negotiations for Bulgaria, before these decisions were taken for Turkey, could be justified based on the fact that Bulgaria performed relatively better than Turkey in conforming to the political criteria. This enables us to conclude that the empirical data provides sufficient support to our Proposition I.

By 1999, significant political reforms were adopted in Turkey, which led to the Commission's recommendation to elevate its status to a candidate country, and in 2004, when the Commission declared that Turkey was meeting the political aspects of the Copenhagen criteria, accession negotiations commenced accordingly. The analysis of the Commission's evaluation for both Bulgaria and Turkey also reinforces our argument about the multilateral aspect of the EU's negotiations strategy, with the supranational institutions framing the process.

As our empirical data provided significant support to our Proposition I, we can conclude that a key difference between Turkey and Bulgaria in terms of their accession process is tied to their

4. The Negotiations Process: Different Paths for Bulgaria and Turkey

From the very outset of the opening stage of the accession negotiations, a clear difference between Bulgaria and Turkey in terms of their negotiations experience became apparent. Specifically, while negotiations commenced in a matter of three months after the Commission's recommendation and the European Council's unanimous vote in the Bulgarian case, it took almost a year in the Turkish case. When the EC recommended the opening of accession negotiations with Bulgaria in its 1999 Progress Report, this was approved immediately in the Helsinki Council resulting in the launch of the negotiations in February 2000. In contrast, the Commission's recommendation to open negotiations with Turkey in its 2004 Progress Report, unanimously approved in the 2004 December Council, could only be realized one year later, on 3 October 2005. This time lag from the Council decision to the actual opening of negotiations for Turkey was due to a prerequisite that the European Council expected Turkey to extend its 1995 Customs Union Agreement with the EU to all new member states who joined in May 2004 - one of which was Cyprus. This brings us to the principle of preconditions for accession negotiations of which the EU made increasing use after 2005.

Both Turkey and Croatia faced preconditions for the opening of negotiations with the EU in 2005 beyond the EU *acquis*. There were no *acquis*-unrelated political prerequisites for the start of the negotiations process for Bulgaria in 2000 (Stoyanov et al. 2008), while the Turkish case showed a change in the EU's strategy to sort out bilateral obstacles prior to the actual negotiations process. For example, the EU expected Turkey to extend its 1995 Customs Union Agreement to the new members, and Croatia to turn over a suspected war criminal to the United Nations Tribunal. These preconditions, however, were not part of the EU *acquis*, but were political in their nature, indicative of a change in the EU's negotiations strategy. Even though Bulgaria faced a precondition - an acceptable closure timetable for its Kozloduy nuclear power plant - for the opening of its accession negotiations (Noutcheva 2006), this was based on the EU *acquis*. Similarly, Dimitrova (2004) argued that Bulgaria's administrative capacity acted as a de facto precondition. Altogether, Bulgaria was able to open negotiations and continue them without hindrance even though the closure of the plant proceeded rather slowly and contentiously (Spiteri 2002).

We can conceptualize this change in the EU's enlargement strategy from Bulgaria and Romania in 2000 to Turkey and Croatia in 2005 as an example of the EU's learning curve that indicates the EU's evolving approach to deal with possible political and bilateral problems prior to accession, rather than importing them as EU-level problems to be dealt with after accession. However, even with the Bulgarian experience, the EU signalled a change in its enlargement strategy with new case specific requirements (nuclear plant, administrative reform) added onto the general criteria for opening negotiations (Noutcheva/Bechev 2008). It was to be expected that this innovative approach would mean that admission criteria would get tougher

and more detailed with subsequent candidates such as Turkey. The new approach in the enlargement strategy adopted in 2005 relied on a few changes: First,

implementation and monitoring will take place before the conclusion of the negotiations. This will be done by laying down and reviewing the benchmarks for the closure and, where appropriate, for the opening of each of the 35 negotiating chapters. This is intended to ensure that new Member States actually fulfil their contractual obligations immediately upon accession or immediately after any agreed transitional periods have expired (Slovenian Presidency of the EU 2008).

Secondly, the EU adopts the "possibility to agree upon exceptions and permanent safeguard clauses in the fields of freedom of movement, agriculture and structural policy" (Slovenian Presidency of the EU 2008). These changes are similar to the change in the enlargement strategy, adopted by the Commission in 2011, prioritizing rule of law (European Commission 2011), as a result of which the Commission decided to open Chapters 23 and 24, chapters on Judiciary and Fundamental Rights, and Justice, Freedom and Society, at the beginning of the negotiations.

The second main difference between Turkish and Bulgarian accession negotiations manifested itself when the EC decided to increase the number of chapters to be negotiated from 31 in the Bulgarian case to 35 in the Turkish case. This was, of course, not a change specific to Turkey, as the negotiations experience before 2005 demonstrated that some of the chapters were too large to be negotiated on their own. This meant that all the candidates that began their accession negotiations after the Bulgarian and Romanian negotiations would have to go through 35 chapters of the acquis, rather than 31. The third key difference was with regards to the opening and closure of the chapters, as this differed between Bulgaria and Turkey as well. There are two different aspects regarding this variation. First, starting with the Turkish and Croatian negotiations, the EC adopted 'opening benchmarks' for chapters, and second, member states acted as strong veto players, showing the increasingly bilateral character of the negotiations, stopping the opening of chapters even where the candidate meets the EU acquis. Bulgaria did not face individual vetoes from member states for the opening of specific chapters for negotiations - even though for example, in certain instances, the Netherlands opposed its accession, it did not veto the opening of chapters. Turkey, by comparison, faced continuous vetoes from multiple different members, with France and Cyprus in particular blocking chapters both with regard to their opening and their provisional closure. In short, the number of chapters to be opened for negotiations, the opening benchmarks and the provisional closures of the chapters differed significantly in the Turkish case, signalling a learning curve for the EU based on its previous experiences but also showing that the member states and their own material concerns increasingly played a larger role in the process, demonstrating the bilateral aspect of the enlargement negotiations.

The member state positions in the Intergovernmental Conferences for the opening of accession negotiations for Bulgaria (Council of the European Union 2000) and Turkey (Council of the European Union 2005) present an interesting view of these key differences. The Bulgarian accession negotiations began at the Intergovernmental Bilateral Conference on 15 February 2000 and the Turkish negotiations commenced on

3 October 2005. The Accession Partnership for Bulgaria was adopted in 1999, and Bulgaria's responding document, the National Program for the Adoption of the Acquis, was adopted immediately a few months after. For Turkey, the EC adopted the initial Accession Partnership in 2001 and Turkey's first National Program for the Adoption of the Acquis followed suit quickly. Both of these Accession Partnerships followed the same procedural format, but they were different with regards to their short and medium term priorities. The Accession Partnership for Bulgaria stressed the need for a restructuring of the economy and better integrative minority policies whereas Turkey's Accession Partnership stressed political reforms, in particular adherence to the rule of law and the freedom of expression.

From the beginning, the Turkish experience with the negotiations process differed markedly from that of Bulgaria's. First, in July 2005, the EC adopted a Negotiations Framework for Turkey as a formal road map of the accession process, clearly stating that if Turkey defaulted on political reforms, its accession negotiations could be suspended. This laid out the structure that the Commission would use for the continued monitoring of the Turkish adoption of the EU's political criteria. More importantly, this was the first time that the Commission introduced a break clause signalling the conditions under which negotiations could be suspended for a breach of political criteria. As negotiations unfolded with Turkey, other visible differences became apparent. Firstly, within the multilateral perspective, the Commission began to rely on opening benchmarks, asking for specific conditions to be met rather than addressing these once the chapter was opened as part and parcel of negotiations. Secondly, the Commission relied on multiple safeguard clauses. For example, it inserted a permanent safeguard clause on freedom of mobility of labour for Turkey into the Negotiations Framework, so far an unprecedented approach. Thirdly, within a bilateral perspective, individual member states began to increasingly rely on vetoes to halt the opening of chapters, even when the Commission's opening benchmarks were met. These are discussed in detail below.

The Commission adopted the Negotiations Framework for Turkey's negotiations in July 2005 and the Framework was discussed in Coreper I and II in summer 2005. However, when the General Affairs Council (GAC) convened in October 2005 for the final vote on the adoption of the Negotiations Framework, Ursula Plassnik, then the Austrian Minister of Foreign Affairs, initially did not approve the Commission's Negotiations Framework. Plassnik argued that "most EU citizens do not want Turkey to join the EU, so it should be offered an 'alternative partnership' of a sort" (Sabah 2005). However, this course of action ran afoul of the 2004 European Council unanimous decision. Moreover, Plassnik took a stand for the immediate beginning of negotiations with Croatia, thus she lifted her veto only when the rest of the EU member states agreed to open accession negotiations with Croatia on 3 October 2005. This was already hinted at by Austria's Chancellor Wolfgang Schüssel who "has informally linked the Turkish issue to a demand that the EU open accession talks immediately with Austria's largely Roman Catholic neighbour, Croatia" (TVNZ 2005). The voting at the GAC in October 2005 was a preview of the role of the member states in shaping Turkey's accession negotiations beyond the Commission's role and guidance.

The actual negotiations phase also indicated multiple differences between Bulgaria and Turkey, with key divergences visible with regard to the actual chapter openings. For example, with the launch of negotiations with Bulgaria in February 2000, the Commission opened six chapters for the negotiations almost immediately in March 2000. The Commission began the negotiations, perhaps not surprisingly, with the relatively easy chapters. In the Bulgarian case, it opened the chapters on Science and Research, Education and Culture, Small and Medium-sized Enterprises, Culture and Audiovisual Policy, but also potentially problematic chapters such as External Relations and Common Foreign and Security Policy. All of these chapters were opened on 28 March 2000 and provisionally closed in June and November 2000. This was to be expected as these EU *acquis* chapters are relatively limited in their scope. Table 5 summarizes the negotiations phase of Bulgaria's accession process. It demonstrates that some chapters were grouped together, and that, in the first year of negotiations 12 chapters were opened almost immediately. Altogether, during the first year of negotiations until June 2001, 19 chapters were opened and ten of them were provisionally closed, indeed a quick process.

Table 5: Bulgaria's negotiations timetable

	BULGARIA	
Chronological Order	Chapter Opening	Provisional Closure
	2000	
	Chapter 17: Science and Research	May 2000
1st half of 2000	Chapter 18: Education and Training	May 2000
1s hair of 2000	Chapter 26: External Relations	2 nd half of 2000
	Chapter 27: CFSP	December 2004
March 2000	Chapter 6: Competition Policy	June 2004
	Chapter 5: Company Law	June 2001
May 2000	Chapter 16: SMEs	May 2000
	Chapter 20: Culture and Audiovisual Policy	November 2000
Autumn 2000	Chapter 4: Free Movement of Capital	July 2001
	Chapter 12: Statistics	December 2000
October 2000	Chapter 19: Telecommunications and Info	October 2001
	Chapter 23: Consumers and Health Protection	October 2000
	2001	
January 2001	Chapter 3: Freedom to Provide Services	November 2001
March 2001	Chapter 8: Fisheries	May 2001
May 2001	Chapter 1: Free Movement of Goods	June 2002
June 2001	Chapter 9: Transport Policy	June 2003
	Chapter 24: Justice and Home Affairs	October 2003
	Chapter 25: Customs Union	July 2002
2 nd half of 2000	Chapter 14: Energy	2 nd half of 2002
	Chapter 15: Industrial Policy	2 nd half of 2001
	Chapter 28: Financial Control	2 nd half of 2002
	Chapter 29: Finance and Budgetary Provisions	June 2004

July 2001	Chapter 10: Taxation	May 2002	
	Chapter 22: Environment	June 2003	
October 2001	Chapter 2: Free Movement for Persons	June 2002	
	Chapter 13: Social Policy	April 2002	
November 2001	Chapter 21: Regional Policy and Co-ordination	June 2004	
2002			
1st half of 2002	Chapter 30: Institutions	December 2004	
	Chapter 31: Other	December 2004	
March 2002	Chapter 7: Agriculture	June 2004	
	Chapter 11: EMU	December 2004	

Source: Authors.

By contrast, the negotiations process between the EC and Turkey took a different course. First, even though negotiations were launched in October 2005, the first chapters were not ready to be negotiated upon until June 2006, almost one year later, despite the Turkish ability to meet the acquis' provisions in multiple chapters (European Commission 2006a). Unlike the Bulgarian case, where the Commission recommended six chapters to be opened for negotiations at the outset of negotiations, the Commission suggested the opening of only two chapters with Turkey. These were the easiest chapters to negotiate (Science and Research; Education and Culture), where the EU acquis' character is not extensive. Yet, despite Turkey's adherence to EU legislation and the Commission's positive evaluation (European Commission 2006b), the chapter on Education and Culture could not be opened, because the French government blocked its opening, and then Cyprus effectively vetoed its opening in September 2006. Thus, while Bulgaria began its accession negotiations with the opening of 12 chapters in 2000, Turkey had only one chapter open for negotiations - almost two years after the Commission's recommendation to commence negotiations in June 2006. Clearly, the time lag in the Turkish case, and the inability to open chapters, where the screening reports were approved and the Turkish legislation was in harmony with the respective EU legislation (European Commission 2014b), pointed to the presence of factors in the negotiations process beyond the Commission's and Turkey's control. This constitutes an empirical verification of our Proposition II, attesting the role of the member states steering the negotiations process in line with their own material interests, providing empirical proof for the bilateral aspect of the process and the role of the member states as veto players.

This brings us effectively to the most important key difference between Turkey and Bulgaria with regards to the EU's accession strategy: the Cyprus problem. Turkey has had an ongoing dispute over Cyprus since 1974 (Müftüler-Baç/Güney 2005). The EU incorporated Cyprus as a full member in 2004 - but one of the preconditions for its accession was a solution to the division of the island via the United Nations (UN). The UN negotiations for the unification of the island under the Annan Plan were completed in 2003, and the plan was put to a referendum on both sides of the island in 2004, one week before the Greek Cypriots acceded to the EU. With no main incentive from the EU as a result, the Greek Cypriots rejected the UN plan by a majority, while the Turkish Cypriots overwhelmingly accepted the plan. In response, the Commission recommended to lift all trade restrictions on Northern Cyprus on 26 April 2004 and submitted its recommendation to the

Council. However, the Commission's recommendation was blocked in the Council after Cyprus became a member of the EU on 1 May 2004. When the Turkish accession negotiations were about to begin, the Commission asked Turkey to extend its 1995 Customs Union Agreement to all the new members. Turkey complied with this demand in July 2005 with an Additional Protocol. However, since Turkey has kept its ports and harbours closed to Cyprus since 1997, it refrained from the implementation of that specific Protocol to Cyprus. The Turkish position is that the implementation of the 2005 Protocol to Cyprus is conditional on the implementation of the 2004 Commission package for the Northern Cypriots, who are considered to be unfairly punished despite their acceptance of the UN plan, while the Greek Cypriots seem to have become rewarded despite their rejection of the plan.

This situation has complicated the accession process for Turkey. First, it led to the Commission's recommendation in 2006 that unless Turkey implements the July 2005 Protocol to Cyprus, the eight chapters on all aspects of the freedom of movement of goods will be suspended and no other chapter that will be opened for negotiations can be provisionally closed. The Commission's recommendation was adopted unanimously in the December 2006 Council summit, resulting in the suspension of the eight chapters - from Free Movement of Goods to Customs Union to Agriculture. This decision also meant that, after the Science and Research chapter, which was opened and provisionally closed in June 2006, no other chapter that was opened could be provisionally closed and any member state could demand a renegotiation on those chapters. Thus, effectively, the Turkish implementation of the 2005 Additional Protocol for Cyprus became a closing benchmark for all the chapters. Such a situation did not exist for Bulgaria. Unlike Turkey, Bulgaria did not face individual member states' vetoes during accession negotiations, or an overarching benchmark for the opening and closure of its chapters. However, it was under pressure to continue its political reforms and conform to the EU's rule of law criteria. Germany, for example, threatened Bulgaria with non-ratification of its Accession Treaty in case of sustained non-compliance (Trauner 2009). The EU's concerns with regards to the general weakness in rule of law and in the fight against corruption in Bulgaria led to the establishment of the Cooperation and Verification Mechanism, as well as the above-mentioned extensive safeguard clauses (Noutcheva 2006; Trauner 2009). Both of these measures can be seen as indicators for the EU's concerns with regard to the implementation of reforms on rule of law and corruption and less for the Commission's discontent with the Bulgarian non-compliance record regarding the EU acquis. Nonetheless, the establishment of this mechanism for Bulgaria and Romania was a novelty. What was also strikingly different in Bulgaria, compared to the previous enlargements, was that there was a time lag of 18 months from the signing of the Accession Treaty to the actual accession. Additionally, multiple safeguard clauses in its Treaty indicated the possibility of a postponement of Bulgaria's membership (Nikolova 2006; Noutcheva 2006). Thus, it is not far-fetched to claim that the political and legal context of EU enlargement had already changed with the Bulgarian (and Romanian) membership, indicating a tougher stance in the coming accession negotiations. Nonetheless, it is noteworthy that no member state openly vetoed a chapter, or blocked its provisional closures with respect to the Bulgarian negotiations, while this was hardly the case for Turkey. Can we argue then that the political context during the accession negotiations with Bulgaria, on the one hand, and Turkey, on the other hand, has altered to a degree that today allows individual member states to feel freer in blocking the opening of chapters based on their national material preferences?

To be more specific, Turkey encountered two different types of vetoes from individual member states. The first such veto came from Cyprus, which effectively vetoed six additional chapters in addition to the chapters already suspended by the EC. These chapters range from relatively easy to more complicated, and some of these vetoed chapters directly affect the national interests of the other member states. For example, when Cyprus vetoed the opening of Education and Culture - a relatively easy chapter to negotiate as Turkey had fully met the EU acquis since September 2006, it did not have a serious impact on the rest of the member states. However, when in 2009 Cyprus vetoed the opening of the chapter on Energy, this was not the case. Ahmet Davutoğlu, Minister of Foreign Affairs in Turkey at the time, voiced his frustration as follows: "We are talking about cooperating on the energy security of Europe, but we cannot open the chapter on energy because of the Greek Cypriot veto" (Demirtaş 2009). Cyprus effectively used its veto in December 2009 for six chapters: Education and Culture; Energy; Judiciary and Fundamental Rights; Justice, Freedom and Society; Foreign and Security Policy, and Freedom of Movement of Workers. These vetoes were adopted officially after the European Council in 2009 decided to continue the suspension of the aforementioned eight chapters until Turkey would fully implement the 2005 Additional Protocol that applies to Cyprus. However, the Cypriot decision to veto the additional chapters harms the priorities of the member states as well as the EU's credibility.

A case in point is an analysis of the Cyprian vetoes on the opening of Chapters 23 and 24 - Judiciary and Fundamental Rights as well as Justice, Freedom and Society. In 2012, the EC adopted a new enlargement strategy prioritizing the reforms on fundamental rights and freedoms. The Commission adopted this strategy change in enlargement policy specifically based on its experience with the Bulgarian and Romanian accessions and with the deeply rooted problems in the Western Balkans. The Commission decided that, from 2012 onwards, the accession negotiations would commence with Chapters 23 and 24, to signal the EU's emphasis on rule of law and the protection of individual liberties as the main objectives of the enlargement strategy. Thus, for countries for which negotiations had already been opened, such as Turkey, these chapters would be immediately opened. However, Cyprus blocked the opening of the chapter on Justice, Freedom and Security and, as a result, the new strategy has still not been implemented in the Turkish case. This, in turn, lessens the EU's credibility as a negotiating partner, because, despite its enlargement strategy change, a specific chapter for the implementation of that strategy change cannot be opened because of a member state veto. In other words, the Turkish negotiation process turned out to be the most visible illustration of the role the member states play in shaping EU enlargement policy, empirically supporting Proposition II. It is also an important indication of a possible clash between the multilateral and bilateral aspects of the negotiations process.

This was clearly evident in 2009, when, with the EC and the EU presidency under Sweden pushing for the opening of the chapter on Environment, and with Cyprus being about to veto it, the Swedish foreign minister Carl Bildt was reported to "literally have them sign it" (Pop 2009). The Turkish position on the internal negotiations within the EU over the environment chapter was illustrated by Davutoğlu: "At the beginning of the negotiation process, we were told that the chapter on environment was one of the hardest to open. But we fulfilled the opening criteria in less than a few months' time. Instead of encouraging, they indirectly discouraged us" (Demirtas 2009). Thus, the Turkish ability to fulfill the opening benchmarks or the EC's

recommendation to open this chapter were not sufficient to actually open the chapter for Turkey, and there was a significant internal bargaining among the EU member states, which highlights that the political aspects of the negotiations are becoming the key to unlock the road for Turkey's EU accession. In addition, for certain chapters, such as Chapters 23 and 24, Turkish government officials claimed that the EC never gave them the list of opening benchmarks. Burak Erdenir, the Undersecretary for the Turkish Ministry of EU Affairs, raised this point in 2013: "You can't ask us to complete benchmarks which were never given to us and then bash Turkey on lacking political reforms – it simply makes no sense" (Euractiv 2013).

France, as the second member state to block the Turkish negotiations, has vetoed five chapters. Interestingly, France argues that it exercises its veto power on these chapters because it prejudges accession as the final outcome of the negotiations (International Herald Tribune 2008). This is surprising as the accession negotiations, which were launched with the unanimous votes of all member states of the EU, are officially aimed at Turkey's eventual accession. The French position opposing the very idea of Turkish accession became apparent in the June 2007 European Council. For the June 2007 Council, the Commission recommended the opening of three chapters for Turkey, one of which was the chapter on Economic and Monetary Policy (European Commission 2006c). However, despite the Commission's recommendation to do so, France vetoed the opening of this chapter based on the argument that it would prejudge Turkey's accession. According to German officials, the EU's inability to open this chapter with Turkey for negotiations "[...] was a political decision emanating from Paris" (Bilefsky 2007). One should note here that during the same Council meeting, the Council agreed to open six chapters for Croatia's negotiations. A similar fate awaited chapters on Regional Policy, Financial and Budgetary Provisions and the Institutions. France lifted its veto on Regional Policy only in 2013, and this chapter was opened for negotiations as a consequence. However, even then, despite the Commission's suggestion to open the chapter in June 2013, Germany demanded that the Council should wait until the release of the Commission's Progress Report in October 2013 to ensure that the Turkish political system was still on track regarding the necessary reforms to open that chapter. Thus, it was only by the end of October 2013 that Chapter 22 was opened for negotiations, another significant time lag that Bulgaria did not face in its negotiations.

In short, the EU's enlargement strategy towards Turkey contrasted sharply from that towards Bulgaria. Not only did the Commission suggest from the very beginning to open fewer chapters for Turkey, despite the Turkish ability to meet the *acquis*; the Commission was in fact unable to open specific chapters due to individual vetoes. Table 6 provides an analysis of these differences in chapter openings and provisional closures.

Table 6: Turkey's negotiations timetable

TURKEY			
Chronological Order Chapter Opening Provisional Closure*			
2006			
June 2006	Chapter 25: Science and Research	June 2006	
2007			
March 2007	Chapter 20: Enterprise and Industrial Policy		

June 2007	Chapter 18: Statistics		
July 2007	Chapter 32: Financial Control		
December 2007	Chapter 21: Trans-European Networks		
December 2007	Chapter 28: Consumer and Health Protection		
	2008		
June 2000	Chapter 6: Company Law		
June 2008	Chapter 7: Intellectual Property Law		
December 2000	Chapter 4: Free Movement of Capital		
December 2008	Chapter 10: Information Society and Media		
	2009		
June 2009	Chapter 16: Taxation		
December 2009	Chapter 27: Environment and Climate Change		
	2010		
June 2010	Chapter 12: Food Safety, Veterinary and		
Julie 2010	Phytosanitary Policy		
	2013		
June 2013 - actual opening in	Chapter 22: Regional Policy and Coordination of		
October 2013	Structural Instruments		
Additional Chapter Status			
EU Council suspension decision 2006	Chapters 1, 3, 9, 11, 13, 14, 29, 30		
Veto by France	Chapters 11, 17, 33, 34		
Veto by Cyprus	Chapters 2, 15, 23, 24, 26, 31		

^{*}no provisional closure in line with the December 2006 Council decision

Source: Authors.

Table 5 and 6 for the Bulgarian and Turkish accession negotiations clearly demonstrate that there were no major time lags for the Bulgarian negotiations, nor does there seem to have been a very slow progress in the opening of chapters. However, in the Turkish case, the chapters were not opened in groups of three or four, as it was the case for Bulgaria, but rather one-by-one. Due to vetoes by individual member states, some chapters could not be opened at all despite the EC's evaluation of the Turkish ability to meet the acquis in multiple chapters. For example the Commission stated that "Turkey is at an advanced level of alignment in the field of energy" (European Commission 2014c: 38). As no chapter was opened from June 2010 to June 2013, the Turkish negotiations were effectively frozen. As can be seen in the table above, vetoes by France and Cyprus have effectively frozen the negotiations in multiple chapters, giving us empirical proof for the bilateral character of the accession process. The British Prime Minister David Cameron was highly critical of these vetoes when he declared in 2010 "that those opposed to Turkey's accession fell into three categories: protectionists who see its economic power as a threat, 'the polarized' who think that Turks should choose between East and West, and the prejudiced who misunderstand Islam" (Castle 2010). The interplay and conflict between the multilateral and the bilateral aspects of the enlargement process were apparent in the Turkish case as illustrated by the Green Group in the European Parliament:

The Green/EFA group looks at most of the additional and unilateral blockages of Chapters by MS in this framework as arbitrary and unfair measures which are thus counter-productive for EU policy as a whole towards Turkey and ineffective in creating the conditions for the necessary and expected changes in Turkey. EU policy should facilitate compromise processes for workable and sustainable solutions rather than being taken hostage by member countries' internal politics (The Greens/EFA 2011: 3).

The Turkish case, therefore, is a good illustration of the bilateral and political nature of the EU negotiations, in particular the ability of the individual member states to become the main players in the negotiations strategy, in accordance with Proposition II. This point was emphasized by the Dutch Minister of Foreign Affairs, Bernard Bot, in 2009: "This is not a European Union negotiation. This is an intergovernmental negotiation where every member state can veto whatever it wants to veto. [...] Every member state remains master of the negotiating process" (Beudermann 2009).

Interestingly, Bulgaria was confronted with individual vetoes after membership, in particular with regard to its accession to the Schengen zone. The Commission evaluated Bulgaria's ability to meet the Schengen requirements and declared it would be ready to do so in 2011 (Council of the European Union 2011). Yet, Finland, Germany and the Netherlands opposed Bulgaria's accession to the Schengen zone arguing that "the organized crime and corruption are too high in Bulgaria to be trusted with securing a common border" (Pop 2011). This is similar to the Turkish situation where the EC recommends that, technically, the country meets the EU acquis but it is blocked within the Council by one or more member states. In addition, an important ongoing problem with Bulgaria is that the EC has continued to impose a monitoring mechanism since 2007, monitoring the Bulgarian adherence to judicial reform, tackling corruption and organized crime. This was a safeguard mechanism, enacted by the Commission that would have allowed membership to be postponed for a year, if reform was not found to be satisfactory. Thus, even with Bulgaria and Romania, there was an indication that the enlargement strategy had changed significantly. The lack of progress in these areas has already led to a freezing of EU funds for Bulgaria (Trauner 2009). It is also very interesting that this mechanism is the first of its kind, as the EU hereby established a special cooperation and verification mechanism for monitoring its acceded member states rather than acceding countries, and as such constitutes a significant change in the EU's enlargement strategy.

A final point to be noted in this paper is that Bulgarian and Turkish relations are also impacted by the Turkish accession negotiations process. In 2014, Bulgaria stopped issuing the special clearance licenses for trucks originating from Turkey that are transporting goods to their European destinations. According to the Turkish government, "Bulgaria preventing the transit of Turkish trucks is against the rules of the European Union Customs Union (EUCU) and the World Trade Organization (WTO) [...]. [T]he European Commission needs to make Bulgaria end the [...] crisis [...] [.] Turkish companies [...] [should] go to the European Court of Justice to ask for compensation from Bulgaria for their losses" (Today's Zaman 2014). The stalemate lasted about four days and once Bulgaria began issuing the licenses, it was resolved. However, this was not the first instance that Bulgarian and Turkish disputes became visible. Bulgaria is also keen on issues with regards to energy and water, and could use the opening of chapters in the future to gain some leverage with

Turkey in relation to these issues. Thus, similar to France and Cyprus, Bulgaria could act as a veto player for Turkey's accession negotiations, providing further evidence for the bilateral character of the negotiations.

5. Conclusion

In this paper, we have conducted a comparative analysis of the European Union's negotiations with Bulgaria and Turkey with the ultimate objective of assessing the role of the EU's negotiations strategy for the two countries' path to EU membership. We developed complementary propositions from the literature on EU enlargement related to political conditionality and the veto player approach. Our empirical analysis for the comparison of the Bulgarian and Turkish experience with the EU accession process was theoretically grounded in the different pathways derived from multilateral and bilateral perspectives on enlargement. Our findings are significant for assessing these two perspectives on enlarging the EU.

First, we found that, even though political differences between Turkey and Bulgaria did not differ substantially, Bulgaria still fared better regarding democratic consolidation in comparison to Turkey. We concluded that, in line with our Proposition I, a key difference between Bulgaria and Turkey was the Bulgarian ability to conform to the EU political criteria comparatively better than Turkey. Thus, the Bulgarian ability to get ahead of Turkey was also tied to its compliance with EU norms. This finding fits well with the political conditionality literature and the key arguments in sociological institutionalism.

Secondly, we were able to ascertain that there is indeed a change in the EU's enlargement strategy towards Turkey, specifically with regards to timing and sequence of chapters to be opened, the opening benchmarks and provisional closures of the chapters. The EU's hardened admission criteria were already seen in the Bulgarian case regarding the new rules in the Accession Treaty with its safeguard clauses and the CVM; but with Turkey, these safeguard clauses were adopted at the very beginning in the context of the Negotiations Framework. Perhaps more importantly, in the Turkish experience, we were able to ascertain that the bilateral aspect of the negotiations process became stronger and more visible, with multiple individual member states acting as veto players. Even though the individual member states' vetoes towards chapter openings could not be seen as a strategy change, it nonetheless is noteworthy to observe the magnitude of political bargaining within the EU Council over Turkish negotiations. To be precise, the chapters, which the Commission recommended for negotiations and whose opening benchmarks were met by Turkey, could not be opened because of the narrow, material interests of a handful of member states. Our analysis of the timing of chapters and the bargaining between member states over the opening of chapters in the Turkish case provided empirical support for our Proposition II as well as the bilateral character of the enlargement process. Our findings in this paper provide new evidence, especially with regards to Turkey, on the role of the member states and their ability to act as veto players in the EU enlargement process. This finding builds upon and advances the interpretations of the role of veto players in institutional settings.

In short, this paper has looked at the multilateral and bilateral aspects of the negotiations process through the case studies of Bulgaria and Turkey. Even with Bulgaria, there had already been signs that the

enlargement strategy had begun to change with the adoption of safeguard clauses and monitoring prior to final accession. However, with the Turkish case, these changes have become more visible with safeguard clauses and opening benchmarks from a multilateral perspective, and individual member states' vetoes illustrating the bilateral perspective. As a result, how and when an applicant becomes an EU member is dependent on the interplay of these multilateral and bilateral aspects of the negotiations process.

6. References

Arregui, J. (2008) 'Shifting Policy Positions in the European Union', *European Journal of Political Research* 47(6): 852-875.

Aydın-Düzgit, S. (2013) 'European Security and the Accession of Turkey: Identity and Foreign Policy in the European Commission', *Cooperation and Conflict* 48(4): 522-541.

Bailer, S. (2010) 'What Factors Determine Bargaining Power and Success in EU Negotiations?', *Journal of European Public Policy* 17(5): 743-757.

Bailer, S. (2011) 'Structural, Domestic, and Strategic Interests in the European Union: Negotiation Positions in the Council of Ministers', *Negotiation Journal* 27(4): 447-475.

Beudermann, M. (2009) 'Cyprus Veto Still Looms over Turkey-EU Talks', EUobserver, 12 December.

Bilefsky, D. (2007) 'Sarkozy Blocks Key Part of EU Entry Talks with Turkey', The New York Times, 25 June.

Börzel, T. A. (2014) 'Coming Together or Drifting Apart?', MAXCAP Working Paper Series No. 3, "Maximizing the integration capacity of the European Union: Lessons of and prospects for enlargement and beyond" (MAXCAP), Berlin: Freie Universität Berlin.

Castle, S. (2010) 'Cameron Backs Turkey's Bid to Join the EU', The New York Times, 27 July.

Council of the European Union (2000) 'Press Release: 2243rd Council Meeting, General Affairs', Council Document No. 6108/00.

Council of the European Union (2005) 'Press Release: 2678th Council Meeting, General Affairs', *Council Document* No. 12514/05.

Council of the European Union (2011) 'Schengen Evaluation of Bulgaria - Council Conclusions on Completion of the Process of Evaluation of the State of Preparedness of Bulgaria to Implement all Provisions of the Schengen Acquis', *Council Document* No. 9167/3/11.

Demirtas, S. (2009) 'Blockage of EU Environment Chapter Angers Turkey', Hürriyet Daily News, 16 November.

Dimitrova, A. L. (2004) *Driven to Change: the European Union's Enlargement Viewed from the East,* Manchester: Manchester University Press.

Dimitrova, A. L. (2010) 'The New Member States of the EU in the Aftermath of Enlargement: Do New European Rules Remain Empty Shells?', *Journal of European Public Policy* 17(1): 137-148.

Euractiv (2013) 'Turkey: EU Political Benchmarks Were Never Given to Us', 7 February.

European Commission (1997) 'Agenda 2000 - For a Stronger and Wider Union. Document Drawn up on the Basis of COM (97) 2000 final', *Supplement 5/97*.

European Commission (1998a) 'Regular Report from the Commission on Bulgaria's Progress toward Accession'.

European Commission (1998b) 'Regular Report from the Commission on Turkey's Progress toward Accession'.

European Commission (1999a) 'Regular Report from the Commission on Turkey's Progress toward Accession'.

European Commission (1999b) 'Regular Report from the Commission on Bulgaria's Progress toward Accession'.

European Commission (2004) 'Regular Report from the Commission on Turkey's Progress toward Accession'.

European Commission (2006a) 'Screening Report Turkey. Chapter 25 - Science and Research'.

European Commission (2006b) 'Screening Report Turkey. Chapter 26 - Education and Culture'.

European Commission (2006c) 'Screening Report Turkey. Chapter 17 - Economic and Monetary Policy.'

European Commission (2011) 'Enlargement Strategy and Main Challenges 2011-12', COM(2011) 666 final.

European Commission (2014a) 'Enlargement Strategy and Main Challenges 2014-15', COM (2014) 700 final.

European Commission (2014b) 'Indicative Strategy Paper for Turkey 2014 - 2020', Instrument for Pre-Accession Assistance (IPA II).

European Commission (2014c) 'Turkey 2014 Progress Report', SWD(2014) 307 final.

Friis, L. (1998a) 'Approaching the 'Third Half' of EU Grand Bargaining - the Post-Negotiation Phase of the 'Europe Agreement Game', *Journal of European Public Policy* 5(2): 322-338.

Friis, L. (1998b) 'The End of the Beginning of Eastern Enlargement: Luxembourg Summit and Agenda-Setting', European Integration online Papers (EIoP) 2.

International Herald Tribune (2008) 'Turkey Expects French Commitment to EU Entry Talks during Presidency', 30 June.

Kibris, A. and Müftüler-Baç, M. (2011) 'The Accession Games: A Comparison of Three Limited-Information Negotiation Designs', *International Studies Perspectives* 12(4): 399-427.

König, T. and Junge, D. (2009) 'Why Don't Veto Players Use Their Power?', European Union Politics 10(4): 507-534.

Moravcsik, A. (1995) 'Liberal Intergovernmentalism and Integration: A Rejoinder', *Journal of Common Market Studies* 33(4): 611-628.

Moravcsik, A. and Vachudova, M. A. (2008) 'National Interests, State Power, and EU Enlargement', *Journal of European Integration* 17(1): 17-30.

Müftüler-Baç, M. (2008) 'Turkey's Accession to the European Union: The EU's Internal Dynamics', *International Studies Perspectives* 9(2): 208-226.

Müftüler-Baç, M. and Güney, A. (2005) 'The European Union and the Cyprus Problem 1961–2003', *Middle Eastern Studies* 41(2): 281-293.

Müftüler-Baç, M. and McLaren, L. (2003) 'Enlargement Preferences and Policy-Making in the European Union: Impacts on Turkey', *Journal of European Integration* 25(1): 17-30.

Nikolova, P. (2006) 'Negotiating for EU Membership: The Case of Bulgaria and Romania', *Croatian Yearbook of Law and Policy* 2: 393-412.

Noutcheva, G. (2006) 'Bulgaria and Romania's Accession to the EU: Postponement, Safeguards and the Rule of Law', *CEPS Policy Briefs No. 102*, Brussels: Centre for European Policy Studies.

Noutcheva, G. and Bechev, D. (2008) 'The Successful Laggards: Bulgaria and Romania's Accession to the EU', East European Politics & Societies 22(1): 114-144.

Pop, V. (2009) 'Cyprus Fails to Block EU Step towards Turkey', EUobserver, 8 December.

Pop. V. (2011) 'Finland Drops Veto against Schengen Enlargement', EUobserver, 14 November.

Preston, C. (1995) 'Obstacles to EU Enlargement: the Classical Community Method and the Prospects for a Wider Europe', *Journal of Common Market Studies* 33(3): 451-463.

Sabah Turkish Daily Newspaper (2005) 'Avusturya: Mesele Hazmetme Meselesi (The Problem Is Absorption Capacity)', 3 October.

Schimmelfennig, F. (2001) 'The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union', *International Organization* 55(01): 47-80.

Schimmelfennig, F. (2014) 'EU Enlargement and Differentiated Integration: Discrimination or Equal Treatment?', *Journal of European Public Policy* 21(5): 681-698.

Schimmelfennig, F., Engert, S. and Knobel, H. (2003) 'Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey', *Journal of Common Market Studies* 41(3): 495-518.

Schimmelfennig, F. and Sedelmeier, U. (2002) 'Theorizing EU Enlargement: Research Focus, Hypotheses, and the State of Research', *Journal of European Public Policy* 9(4): 500-528.

Schimmelfennig, F. and Sedelmeier, U. (2005) *The Europeanization of Central and Eastern Europe*, Ithaca, NY: Cornell University Press.

Sedelmeier, U. (2000) 'The EU and Eastern Enlargement: Risk, Rationality, and Role-Compliance', in M.G. Cowles and M. Smith (eds), The State of the European Union - Risk, Reform, Resistance and Revival, Oxford: Oxford University Press, pp. 164-185.

Sedelmeier, U. (2012) 'Is Europeanisation through Conditionality Sustainable? Lock-in of Institutional Change after EU Accession', *West European Politics* 35(1): 20-38.

Sjursen, H. (2002) 'Why Expand?: The Question of Legitimacy and Justification in the EU's Enlargement Policy', *Journal of Common Market Studies* 40(3): 491-513.

Sjursen, H. (2006) Questioning EU Enlargement: Europe in Search of Identity, London: Routledge.

Slovenian Presidency of the EU (2008) 'Accession Negotiations with Turkey and Croatia', available at http://www.eu2008.si/en/Policy_Areas/General_Affairs_and_External_Relations/Enlargement/Accession_negotiations.html, accessed 18 January 2015.

Smilov, D. (2006) 'Enlargement and EU Constitutionalism in the Balkan Periphery', in W. Sadurski, J. Ziller and K. Zurek (eds), Après Enlargement: Legal and Political Responses in Central and Eastern Europe, Florence: Robert Schuman Centre for Advanced Studies, pp. 161-183.

Smith, K. E. (2004) The Making of EU Foreign Policy: The Case of Eastern Europe, London: Palgrave Macmillan.

Smith, M. (2000) 'Negotiating New Europes: The Roles of the European Union', *Journal of European Public Policy* 7(5): 806-822.

Spiteri, S. (2002) 'Bulgaria Surprises with its Negotiations Process', EUobserver, 23 April.

Steunenberg, B. and Dimitrova, A. (2007) 'Compliance in the EU Enlargement Process: The Limits of Conditionality', *European Integration online Papers* (EloP) 11.

Stoyanov, I., Shopov, V., Yoneva, E., Kostov, B. and Nikolov, K. (2008) 'Bulgaria', *EU-27 Watch No. 7*, Berlin: Institut für Europäische Politik.

Television New Zealand (TVNZ) (2005) 'EU Fails to Break Deadlock on Turkey', 3 October.

The Greens/European Free Alliance in the European Parliament (2011) 'Position Paper of the Greens/EFA Group on EU/Turkey Relations', 28 September.

Today's Zaman (2014) 'Turkey's Davutoğlu Cancels Visit to Bulgaria, Creates Tense Relations', 4 February.

Toshkov, D. (2010) 'Taking Stock: A Review of Quantitative Studies of Transposition and Implementation of EU Law', *Working Paper No. 01/2010*, Vienna: Vienna Institute for European Integration Research (EIF).

Trauner, F. (2009) 'Post-Accession Compliance with EU law in Bulgaria and Romania: a Comparative Perspective', *European Integration online Papers* (EIoP) 13(2).

Tsebelis, G. (2002) Veto Players: How Political Institutions Work, Princeton, NJ: Princeton University Press.

Tsebelis, G. (2013) 'Bridging Qualified Majority and Unanimity Decision-Making in the EU', *Journal of European Public Policy* 20(8): 1083-1103.

Vachudova, M. A. (2005) *Europe Undivided: Democracy, Leverage, and Integration after Communism,* Oxford: Oxford University Press.

Vachudova, M. A. (2014) 'EU Leverage and National Interests in the Balkans: The Puzzles of Enlargement Ten Years On', *Journal of Common Market Studies* 52(1): 122-138.

Vassiliou, G. (2007) The Accession Story: The EU from 15 to 25 Countries, Oxford: Oxford University Press.



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