

УДК 327.7ЄС

L. M. Mytsyk

**"European choice" of post-communist countries: does the alternative exist?**

*У статті аналізуються чинники розширення ЄС на посткомуністичний простір, з'ясовується сутність та характерні риси обумовленості як його ключового принципу, визначається результативність європейської інтеграції посткомуністичних країн.*

*Ключові слова: Європейський Союз, розширення, обумовленість, європеїзація, європейська інтеграція, посткомуністичні країни.*

*В статье анализируются факторы расширения ЕС на посткоммунистическое пространство, выясняются сущность и характерные черты обусловленности как его ключевого принципа, определяется результативность европейской интеграции посткоммунистических стран.*

*Ключевые слова: Европейский Союз, расширение, обусловленность, европеизация, европейская интеграция, посткоммунистические страны.*

*The article analyzes the EU enlargement on post-communist space, ascertains the nature and characteristics of conditionality as its core principle, defines the outcomes of European integration for former communist countries.*

*Key words: European Union, EU enlargement, conditionality, Europeanization, European integration, post-communist countries.*

The revolutionary changes in Central and Eastern Europe at the turn of 1980–1990's opened new perspectives and ways of development of the continent. Upon the collapse of the USSR all its former European allies, as well as the newly independent states located in Central and Eastern Europe, declared commitment to European values and started their implementation. Transformation processes in the domestic politics of countries of the region were accompanied by the development of new foreign policy priorities. On the one hand, upon the demise of the Soviet Union and CMEA postcommunist countries faced the need to focus on new economic center, on the other hand, they became participants of the grand historical process – the unification of Europe, namely the integration with developed Western democracies to combine resource potential and technological capacities within Great Europe. Thus, been

freed from the Soviet ideological, political and economic dictatorship, post-communist countries have chosen orientation, according to the head of the Parliament of the Czech Republic V. Klaus, "toward the West, not the East Europe" [2, p. 172].

EU enlargement to the East, on the post-communist space, not only marked the end of the postwar division of Europe, but also had a significant impact on the process of deepening European integration that resulted in changes of the EU institutional (scope, composition and functions of institutions) and legal (constitutional process, the Lisbon Treaty ) systems [4]. Strengthening the role and influence of the EU as a player in the system of world politics and the global economy is also obvious. Enlargement of European and Euro-Atlantic structures is seen as a natural expansion of stability and security area. This approach defines the current focus and character of Central and Eastern Europe development.

Despite the fact that since the first wave of EU enlargement to the East more than a decade has passed, its results and consequences remain not only the focus of research as a general subject, but are considered by researchers in the context of a wider process of Europeanization. European integration of post-communist countries, particularly the experience of new EU member states gained both in pre-accession and post-accession stages, is not only extremely interesting in terms of scientific understanding of the current transformation processes in Europe but also practically useful for European countries, whose foreign policy priority is to join the European Union. For Ukraine as a post-communist country that has implemented a national strategy for European integration since the late 1990s this experience is also important because its analysis enables to avoid the mistakes of predecessors, adopt proven tools and mechanisms for meeting the accession criteria. Finally, successful European integration of post-communist countries is a strong argument in favor of a significant intensification of that strategy in Ukraine and acceleration of reforms required for its implementation.

The process of Europeanization and European integration of post-communist countries of Central and Eastern Europe has provided a huge amount of empirical data that requires scientific interpretation. Researchers are especially interested in the role of the European Union in stipulating political and socio-economic changes that have taken place in the candidate countries in the process of EU integration.

Among publications dealt with Europeanisation of post-communist countries special attention should be paid to studies by M. Vahudova, H. Grabbe, B. Lippert, F. Schimmelfennig, P. Schmitter, L. Whitehead [1; 8; 9; 10; 14; 15; 19] and other European and American scholars focused on the EU influence on the Europeanization of post-communist countries as well as tools of pre-accession strategy developed by the EU for candidate countries and tested by them in the process of European integration.

In Ukraine teams of scholars headed by A. Hrytsiak (Department of European Integration of NAPA) and L. Prokopenko (Department of Law and European Integration of NAPA DRIPA) carried out their research within the framework of the "Public Administration and Local Self-Government" joint project of the National Academy of Public Administration under the President of Ukraine, in Kiev and Dnepropetrovsk respectively [4].

The *purpose* of this article is to analyze the EU enlargement on post-communist space, ascertain the nature and characteristics of conditionality as its core principle, define the the outcomes of European integration for former communist countries.

According to researchers, two vectors of integration aspirations of the European post-communist countries were initially identified:

- a) desire to join Western economic and military-political structures (EU and NATO);
- b) creating conditions for closer cooperation in their own region of Central and Eastern Europe [3].

In the first case "individual" and common perspectives are determined by the acceleration of reforms, economic growth and the degree of West interest in this part of Europe. The chances of regional integration depends on the objective possibilities of closer cooperation, as well as the belief of states in its appropriateness and necessity.

The region of Central and Eastern Europe is heterogeneous both economically and politically, and countries belonging to it are significantly different. Therefore, the development of integration processes in those countries is held in the multi-speed mode. Because Poland, Czech Republic and Hungary have reached the greatest progress in reforming the economy and society, those countries are leaders in regional cooperation. In the Balkans and the new independent states of the South Caucasus integration and development processes are inhibited by numerous ethnic and political conflicts, which, having certain historical traditions, are fueling now by modern economic and political interests. A

factor that consolidates Central and Eastern Europe (CEE) and encourages their regional cooperation is the desire of the West to negotiate rather with the group of those countries than with individual representatives of the region. Common dangers and threats, including illegal migration, organized crime, drug transfer, pollution, political instability in the region etc. also require closer cooperation between the new democracies of Central and Eastern Europe [3].

However, it is obvious that the EU has been, is and will be a key factor of the "European choice" and Europeanization of post-communist countries since criteria for EU membership is the basis of the requirements applicable to the candidate countries in the process of European integration, which, in fact, form the phenomenon of *conditionality*.

A basis of investigation into the peculiarities of the methodology and instruments of the EU enlargement could be the classical method of enlargement elaborated by Christopher Preston. He defines that method as 'a constant pattern both to the formal accession procedures adopted, and to the implicit assumptions and principles which have shaped the expectations of the participants and the progress of negotiations' [13, p. 9]. Preston identifies six principles of the classical enlargement method: (1) Applicants must accept the *acquis communautaire* in full. No permanent opt-outs are available; (2) Accession negotiations focus exclusively on the practicalities of the applicants taking on the *acquis*; (3) The problems arising from the increased diversity of an enlarged Community are addressed by creating new policy instruments to overlay existing ones, rather by fundamental reform of the existing instruments' inadequacies, (4) New members are integrated into the EC's Institutional structures on the basis of limited adaptation, facilitated by the promise of a more fundamental review after enlargement, (5) The Community prefers to negotiate with groups of states that have close relations with each other, (6) existing member states use the enlargement process to pursue their own interest and collectively to externalise internal problems [11, p. 2].

Preston himself tends to make a conclusion that developments of the EU policy towards the associated CEE countries until 1995 including development of the Copenhagen criteria as well as of the pre-accession strategy and the White Paper suggest that the basic principles of the classical method were retained [13]. However, as a result of EU enlargement to the East, specific features of the new method have appeared.

According to K. Maniokas, Deputy Chief Negotiator and Deputy Direct-General European Committee, "first specific feature of the new method of enlargement is its complexity. As previous enlargements, except the first one, were basically devised as a two-stage process starting with a kind of association and ending with negotiations, in this particular case an intermediate stage with a number of specific instruments between association and negotiations was devised. The aim of this intermediate stage was to build up an additional gate to negotiations and to allow better control of the process by the EU. The role of a gate keeper was naturally ascribed to the Commission. So the enlargement process tends to become more complex having more and more stages with more and more possibilities to control the access to an each stage" [11, p. 2–3].

One of the implications of this tendency to make the enlargement more complicated and sophisticated is the possibility to differentiate the countries involved. As the fifth principle of the classical method of enlargement states, the EC prefers to negotiate with groups of countries. The experience of the enlargement in 2004 and 2007 allow to amend this principle by adding the importance of *differentiation*. In order to ensure the possibility to differentiate, the process was expanded into more stages and, what is even more important, the whole set of conditions was developed and kept flexible as a function of a political situation in the EU [11, p. 3].

*Conditionality* therefore is a third specific feature of the process and the backbone of its new methodology. American scholar P. Shmitter gives a broad definition of conditionality as "using of implementation of political commitments discussed and recorded in advance as a prerequisite for receiving economic assistance, debt relief, most favored trade, access to subsidized credit or acquiring cherished membership in regional or global organizations" [15, p. 42].

K. Maniokas defines three new features of the conditionality principle itself: (1) First, the conditions which, in the case of previous enlargements, were limited to the principle of the inviolability of the *acquis* were extended further. The famous Copenhagen criteria are the best example of this extension; (2) Second, conditions were not fixed. There was a tendency to create new and more detailed conditions as in the case of the Accession Partnership; (3) Third, even initially set conditions were made so flexible what it allowed to change their content constantly adjusting it to the need of a particular situation. In other words, the initial conditions were cultivated both extensively and

intensively. They were enlarged in scope and their content kept changing by extending and concretising them further [11, p. 3]. The expert makes a conclusion that "all those three features contributed to the growing *asymmetry* in the relationship between the candidate countries and the EU as instruments based on contractual more or less mutual obligations were gradually replaced by instruments based on unilateral obligations. This feature and tendency could be clearly demonstrated by the shift from the Europe Agreements through the White Paper on law approximation to the Accession Partnerships" [11, p. 3].

Obviously, conditionality is the core element of the methodology of this enlargement. While it is hardly a new phenomenon in the Union's external relations and foreign policy in general [18], the application of the conditionality principle towards the CEE candidate countries requires particular attention. Its development is traced in the Europe Agreements signed with the first Central European countries in 1991. However, conditionality was reinforced and made explicit by the establishment of the Copenhagen criteria. Looking to the content of these criteria, many experts emphasize how vague and flexible they are [9, p. 50; 12, p. 162]. Take, for example, the second condition concerning functioning of the market economy. It is at best an ideal type explaining the basic idea about the method of how the welfare is created and what it is created by economic agents free to react to the demands of consumers. Only afterwards, in the Commission's 1998 Progress Reports developed six sub-criteria making its content more concrete, but they pose even more questions than provide answers. Market economies can be quite different and they are, even in the European Union not mentioning other developed and developing states [12, p. 162]. Therefore it is not surprising that this criterion was made a decisive one in determining the 1997 and 1998 recommendations of the Commission [11, p. 4].

The second observation with respect to the content of the Copenhagen criteria is that they are stricter than requirements put before the applicant countries in previous enlargements [11, p. 4]. While the first two criteria could be well attributed to the particular features of new applicant countries, namely, to the political, economic and social transformation they were undergoing, the fourth criterion related with the adoption of the *acquis* is especially puzzling. It formally requires the ability to take obligations of the *acquis* and not the necessity to take over the whole *acquis* over before accession. However, the Progress Reports of the Commission tend to interpret the criterion in the latter sense. Therefore, as some observers rightly noted, "for the first time in the case

of Central Europe, the Union is requiring countries to take over *acquis* before the negotiation starts" [12, p. 369].

K. Maniokas suggests that "the principal aim of these conditions was not only to provide much needed guidance for the efforts of the associated countries but also to build up an additional barrier or filter enabling the Union to remove the claims of those countries for early membership from the agenda, as well as ensuring better control of the process" [11, p. 4]. This aim played an essential role in 1997 when the Commission recommended only five countries to start negotiations as well as in 1998 when the decision not to enlarge the first group was justified by using the Copenhagen criteria. The 1999 Commission's Report recommending to start negotiations with all candidate countries satisfying only the political criterion once more demonstrated a certain limitations of the Copenhagen conditions.

The expert makes a conclusion that "since the principal aim of the conditions established is not so much to guide the candidates but rather to control the process by differentiating them, the conditions were not only extended and but also made very flexible. It is impossible to say, as it was noted above, whether flexibility was a result of a conscious attempt to have a large room for interpretation, it is at least clear what it was used by the Commission and by the Union in general as an additional instrument of differentiation" [11, p. 5].

K. Maniokas emphasizes that the extensive and intensive growth of conditionality related to the EU membership has been accompanied by growth of the asymmetry of the process. It could be well noted in the development of the Union's instruments used in the pre-accession phase. The first main instrument devised to prepare the CEE countries for accession were the Europe (Association) agreements signed with 10 candidate countries from CEE in the period from 1991 to 1996. While at the beginning of the process these agreements were conceived rather as an alternative to membership, starting from the Copenhagen decisions they assumed a role of main instrument driving all pre-accession activities. These agreements implied commitments from both sides. The associated countries agreed to gradually open their markets for EU industrial goods, to speed up their law approximation with the *acquis* and to pursue their democracy and market oriented reforms. The Union, in turn, recognised their ultimate wish to become members of the EU, opened immediately its market for their industrial goods and undertook to provide assistance to these countries in pursuit of their reforms aimed at democracy, prosperity and ultimate membership in the EU [11, p. 7].

The Europe agreements still form the legal base of relations between the EU and the candidate countries. However, experts emphasize that their importance has decreased since the creation of new pre-accession instruments. The pre-accession strategy adopted in Essen marked an attempt of the Union to provide clearer and more concrete guidance for the associated countries. The main new element of this guidance was the White Paper on the approximation of law adopted in 1995. Its status was different and somehow unclear. It was presented to candidate countries as a set of non-mandatory recommendations, as a guide to the harmonisation of law going on in the candidate countries. However, it was made clear that associated countries are supposed to respond with their national programmes of the law approximation. In the White Paper itself and in further documents of the Union it was repeatedly stated that the associated countries are free to decide on their own national priorities [4; 11, p. 7].

The White Paper was then followed by the Accession Partnerships proposed within the package of *Agenda 2000*. The idea was to further tighten up and target the preparation process in the candidate countries. This time there have been neither at least a sign of mutual obligations of a sort of the Europe Agreements, nor a choice left in the White Paper. The Accession Partnerships contain priorities for the candidate countries established on a basis of the Commission's evaluation. While originally the partnerships were supposed to be the Commission's guidance documents, later it was decided that the Council should adopt them instead thus leaving the door open for preferences of the member countries to come in. The first Accession Partnerships were adopted in spring 1998. The candidate countries then had to follow with their national programs for the adoption of the *acquis*. In this case the only room for manoeuvre was additional priorities and measures. Otherwise the candidate countries were supposed to follow the AP priorities. Assistance from the Union, previously at least formally distributed according national priorities of the candidate countries, was now clearly tied up to the priorities. Another instrument aimed at ensuring the 'compliance' of candidates with the priorities of the AP was the regular report of the Commission. The regular reports provided an assessment of national programmes of the adoption of the *acquis*. Starting from the 1999 Regular Report, the Commission also provides an assessment whether these priorities have been fulfilled and to what extent [11, p. 8].

The Accession Partnerships which are considered by the Union as the main instrument of accession radically altered the nature of the



relationship between the Union and the candidate countries. The contractual relations of a kind of the Europe Agreements were replaced by unilateral instruments putting all obligations and all burden of adjustment on the applicants. The Union assumes an obligation to provide aid to the applicants on the basis of the AP. However, first, the amount of this aid and its destination is decided unilaterally by the Union. Second, the amount of this aid is far lower, than financial resources required from the candidate countries [12, p. 361]. An argument challenging the conclusion made above was the consultation procedure with the candidate countries used in 1998 and 1999. However, the Commission tends to take over proposals on the introduction of new priorities but refuses to remove priorities or correct them. In addition to that, there is a tendency to formulate the priorities in a more strict and demanding form [4].

Another aspect of the evolution of accession instruments is the growth of their number. Since 1998 the EU technical assistance in the form of the PHARE program was gradually replaced by the so-called twinning instruments and after the start of accession negotiations a new mechanism of assessment was implemented.

The idea of twinning was formulated in early 1997 within the aforementioned *Agenda 2000* [16]. But it was formally introduced only in 1998 while its practical implementation was started even later. The essential difference from technical assistance within the PHARE program was that the consultants have been replaced by officials from Member States, whose task was to help prepare the administrative structures of the candidate countries for EU accession. Post-communist candidate countries were provided with an opportunity to select experts from the administrations of the Member States to solve their specific problems. During 1998–2002 period about 700 partner organizations (the so-called twinningers) and 20 thousand experts were sent to 10 candidate states [10, p. 101]. According to the Commission' data, the candidate countries preferred projects in the sectors of public finance and the internal market, justice and home affairs, agriculture and fisheries, consensus and social policy as well as structural funds and environment [10, p. 102].

However, the aforementioned civil servants from Member States have faced with the problems similar to the European Commission' problems – they did not have a predefined level of administrative capacity sufficient for the accession. The project assumed that Member States will give the best administrative experience with the *acquis*, but it

soon became clear that the relevant administrative practice differs considerably from country to country. Neither the EU nor the Commission had no mandate to determine the level of sufficient administrative capacity and, therefore, could not articulate the task for "twinners" from Member States. No wonder that, after all, "twinners" had to share different experiences of implementing the acquis.

The new monitoring mechanism when Member States have to evaluate each other on progress in European integration was introduced in 2001 and the completion of negotiations has become important. The basis of this mechanism are joint inspections of Commission and the Member States in important and yet sensitive areas such as veterinary and phytosanitary control, customs and border control etc. Some inspections could be conducted in secret, without informing the authorities of candidate countries. According to experts, the use of this mechanism was evidence of the existence of a certain atmosphere of mistrust between the participants of the European integration process. However, this monitoring can be seen as an attempt to deny the skeptics' arguments among Member States and stakeholders about superficiality and unseriousness of a process of candidate countries' adaptation to the EU requirements.

Defining conditions and criteria for membership was determined by the influence of various forces within the EU. Sectoral interests of relevant groups played an important role in identifying the content of the conditions of the Association Agreements. Further formulation of conditions in Copenhagen criteria and their subsequent interpretation by the European Commission were the result of a combination of foreign policy priorities of both the candidate countries and the EU.

The explanatory model of "external stimulation" designed by researchers on the basis of the consequences logic focuses on dynamics of the EU conditionality. The driving forces of this model is the EU external stimuli (rewards) and sanctions, which candidate country that accepts the rules and regulations should consider calculating the cost-benefit of this process. EU conditionality is mainly based on the "strengthening in response" or "strengthening by incentive" strategy, according to which the EU rewards applicant country for achieving certain objectives and compliance with conditions as well as refrains from reward in the case of negative results. However, in order to obtain the desired changes in the behavior of the applicant country the EC does not apply any coercive measures either by imposing additional costs ("strengthening by punishing") or by providing additional benefits

("strengthening by supporting ") [14, p. 125–127]. Countries that do not meet certain criteria and conditions simply denied assistance and opportunities to compete for EU funds, they are refused the association or membership.

The EU regularly reminds the governments of the applicant countries that they are responsible for creating the conditions for an award. The "strengthening by incentive" strategy enables to avoid "risk of dishonesty" [17, p. 11] that arise during the implementation of "strengthening by supporting" strategy. Applicant governments can not expect to receive EU aid only on the basis of need without adaptation to the Union rules and regulations. Unlike the strategy of "strengthening by punishing" use of only this strategy will not change the mentality and behavior of governments which conclude that the domestic price of adaptation is too high and dominates the benefits of rewards while the EU sanctions will go no further suspension of rewards.

Thus, Central and Eastern European region recovered after the crisis of transition has every reason to become one of the most attractive markets in the world in the third millennium. Here there are especially favorable prospects for the transit of energy resources, development of transport and telecommunications as well as other areas which are essential for the realization of large-scale pan-European projects.

As for the prospects of creating common European space in the XXI century, dynamism and effectiveness of that process depend on the level of expert analysis and monitoring of outcomes. Ukrainian researchers, exploring the process of Europeanization, should pay more attention to the evaluation of the impact of EU conditionality on internal policies of the candidate countries, the experience of post-communist countries in implementing national strategies of European integration in a rigid conditionality of the European Union. A promising area of research is the analysis of the specifics of formation of national strategies of European integration in response to the Union requirements.

### **Bibliography**

1. Вахудова А. М. Нерозділена Європа: демократія, важелі впливу та інтеграція після комунізму / Анна Мілада Вахудова ; пер. з англ. Тараса Цимбала. – К. : Вид. дім "Києво-Могилянська академія", 2009. – 379 с.
2. Герасимчук Т. Ф. Формування зовнішньополітичних пріоритетів країн Центральної Європи на початку 1990-х років [Електронний ресурс] / Т. Ф. Герасимчук. – Режим доступу: [http://www.nbuv.gov.ua/old\\_jrn/soc\\_gum/slv/2011\\_11/st42.pdf](http://www.nbuv.gov.ua/old_jrn/soc_gum/slv/2011_11/st42.pdf). – Назва з екрана.

3. Горбулін В. П. Інтеграційні процеси та розвиток країн Центральної і Східної Європи [Електронний ресурс]. – Режим доступу: <http://old.niss.gov.ua/book/journal/geopol.htm>. – Назва з екрана.
4. Рудік Н. Обумовленість як ключовий принцип нового способу розширення ЄС [Електронний ресурс] / Н. Рудік. – Режим доступу: [http://www.dridu.dp.ua/vidavnictvo/2010/201004\(7\)/10nmnsr.pdf](http://www.dridu.dp.ua/vidavnictvo/2010/201004(7)/10nmnsr.pdf). – Назва з екрана.
5. Рудік О. М. Вплив європеїзації на політичну трансформацію посткомуністичних країн Центральної та Східної Європи. [Електронний ресурс] – Режим доступу: <http://www.dbuapa.dp.ua/zbirnik/2010-02/10romcse.pdf>. – Назва з екрана.
6. Цирфа Ю. А. Зовнішньополітична ідентичність Європейського Союзу як політико-соціальний конструкт / Ю. А. Цирфа // Грани : наук.-теорет. і громад.-політ. альм. – 2013. – № 10, жовтень. – С. 60–66.
7. Шинкарук К. О. Становлення зовнішньополітичної ідентичності пострадянських країн в умовах суспільно-політичних трансформацій [Електронний ресурс] / К. О. Шинкарук. – Режим доступу: <http://visnykpsp.kpi.ua/ru/2009-4/09%20-%204%20-%208.pdf>. – Назва з екрана.
8. Grabbe H. A Partnership for Accession? The Implications of EU Conditionality for the Central and East European Applicants [Електронний ресурс] / H. Grabbe. – Режим доступу: [www.cer.org.uk](http://www.cer.org.uk). – Назва з екрана.
9. Grabbe H. "The EU's Enlargement Strategy" / H. Grabbe // Grobel O. Atis Lejins (eds.), The Baltic Dimension of European Integration (Riga, 1996).
10. Lippert B. The Pressure of Europeanisation: From Post-communist State Administrations to Normal Players in the EU System / B. Lippert, G. Umbach. – Baden-Baden : Nomos, 2005. – 325 p.
11. Maniokas K. Methodology of the EU Enlargement: a Critical Appraisal [Електронний ресурс]. – Режим доступу: [http://www.eipa.nl/Topics/Enlargement/maniokas\\_paper.doc](http://www.eipa.nl/Topics/Enlargement/maniokas_paper.doc). – Назва з екрана.
12. Mayhew A. Recreating Europe: The European Union's Policy towards Central and Eastern Europe / A. Mayhew. – Cambridge : Cambridge University Press, 1998.
13. Preston C. Enlargement and Integration in the European Union / C. Preston. – London : Routledge, 1997. – 272 p.
14. Schimmelfennig F. International Socialization in the New Europe: Rational Action in an Institutional Environment / F. Schimmelfennig // European Journal of International Relations. – 2000. – № 6. – P. 109–139.
15. Schmitter P. The Influence of the International Context upon the Choice of National Institutions and Policies in Neo-Democracies / P. Schmitter //

Whitehead L. The International Dimensions of Democratization: Europe and Americas / L. Whitehead. – Oxford : Oxford University Press, 2002. – P. 26–54.

16. Strengthening the Union and preparing the 2004 enlargement, [Електронний ресурс]. – Режим доступу:

[http://www.ec.europa.eu/agenda2000/mdex\\_en.htm](http://www.ec.europa.eu/agenda2000/mdex_en.htm). – Назва з екрана.

17. The Europeanization of Central and Eastern Europe / ed. by F. Schimmelfennig, U. Sedelmeier. – Ithaca, London : Cornell University Press. – 256 p.

18. Weber S. European Union Conditionality / S. Weber Barry Eichengreen, Jeffry Frieden, Jurgen von Hagen (eds.), Politics and Institutions in an Integrated Europe. – Berlin, Heidelberg, New York : Springer, 1995.

19. Whitehead L. The International Dimensions of Democratization / L. Whitehead // The International Dimensions of Democratization: Europe and Americas. – Oxford : Oxford University Press, 2002. – P. 3–25.