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EU Enlargement and the Failure of Conditionality

Pre-accession Conditionality in the Fields of
Democracy and the Rule of Law

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EU Enlargement and the Failure of Conditionality

EUROPEAN MONOGRAPHS

Editor-in-Chief Professor David O'Keeffe

In this series *European Monographs* this book *EU Enlargement and the Failure of Conditionality* is the fifty-ninth title. *The titles published in this series are listed at the end of this volume.*



Полътову, Ленни и Клаудии
Pentru Claudița, Paultoff și Lenny
Voor Lenny, Claudia en Paultoff

Везде следы мозаичности, везде начала, продолжения,
но нигде нет конца. Та законченность которая нам
даётся, - есть только законченность видимая, внешняя,
когда обманывающая, а когда даже и не обманывающая.

Лев Шестов, *На весах Иова (Странствование по душам)*,
Глава II, “Дерзновения и покорности”, XXXIV.*

* ‘Everywhere are traces of mosaic work, everywhere are beginnings, continuations, but never an end. The finality which is granted us is only an apparent, external finality, sometimes deceptive, sometimes not even deceptive.’ Leo Shestov, ‘Revolts and Submissions, XXXIV’, in *In Job’s Balances*, Paris: Sovremennyye zapiski, 1923.

Avant-propos

This study is the result of several happy years of learning. It is based on a LL.D. thesis, defended at the University of Groningen. I am overwhelmingly grateful to my supervisors – Prof. Laurence W. Gormley – for subtle guidance, constant support and the willingness to share his truly encyclopaedic knowledge of the law – and Prof. Fabian Amtenbrink – for his straight-forwardness, criticism and trust. It is impossible here not to mention also Prof. Gareth Davies and other colleagues at the Department of European and Economic Law to whom I am equally indebted. This book has also benefited from the comments of its first readers, Professors Marise Cremona, Christophe Hillion and Marc Maresceau, whose writings inspired me from the moment when I started to work on EU enlargement law issues. Valuable comments came from Prof. David O’Keeffe and Anneli Albi.

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Trento to Florence; a surprise at hearing the orchestra skip one of the movements of Shostakovich's 14th Symphony together with Aron in Istanbul; and so on and so forth.

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D. K.
Groningen

Abbreviations

AAS	<i>Acta Apostolicae Sedis</i>
AG	Advocate General
All ER	<i>All England Law Reports</i>
AP	Accession Partnership
AS	<i>Administration and Society</i>
BJu	Boom Juridische uitgevers
BPS WP	<i>The Berkley Program in Soviet and Post-Soviet Studies Working Papers</i>
BVerfGE	Bundesverfassungsgericht
CAP	Common Agricultural Policy
CC	<i>Co-operation and Conflict</i>
CDE	<i>Cahiers de droit européen</i>
CEU	Central European University, Budapest
CFI	Court of First Instance
CFR	Charter of Fundamental Rights of the European Union
CMLRev.	<i>Common Market Law Review</i>
CoE	Council of Europe
CoE CM	Committee of Ministers of the Council of Europe
COM	Commission Document
COSAC	Conference of European Affairs Committees of the National Parliaments of the Member States
COREPER	Committee of Permanent Representatives
CP	<i>Comparative Politics</i>
CSEP WP	<i>Working Papers of the Centre for the Study of European Politics and Society, Ben-Gurion University of the Negev</i>
CUP	Cambridge University Press
CYbELS	<i>Cambridge Yearbook of European Legal Studies</i>

<i>CYELP</i>	<i>Croatian Yearbook of European Law and Policy</i>
EA	Europe Agreement
EAS	European Administrative Space
EC	European Community Treaty
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECMI	European Centre for Minority Issues, Flensburg, Germany
EComm.HR	European Commission of Human Rights
ECR	<i>European Court Reports</i>
ECSC	European Coal and Steel Community Treaty
ECt.HR	European Court of Human Rights
<i>EDAP</i>	<i>European Diversity and Autonomy Papers</i>
EDC	European Defence Community Treaty
EEA	European Economic Area
EEC	European Economic Community
<i>EECRev.</i>	<i>East European Constitutional Review</i>
<i>EEPS</i>	<i>East European Politics and Societies</i>
<i>EFARev.</i>	<i>European Foreign Affairs Review</i>
<i>EIoP</i>	<i>European Integration online Papers</i>
EIPA	European Institute of Public Administration, Maastricht
<i>EJLR</i>	<i>European Journal of Law Reform</i>
<i>ELJ</i>	<i>European Law Journal</i>
ELP	Europa Law Publishing, Groningen
<i>ELRev.</i>	<i>European Law Review</i>
EP	European Parliament
EPC	Draft Treaty Embodying the Statute of the European Community
<i>EP DG Res. WP</i>	<i>Working Papers of the Directorate-General for Research of the European Parliament</i>
<i>EPL</i>	<i>European Public Law</i>
<i>EPS</i>	<i>Europejski Przegląd Sądowy</i>
EU	European Union
EUI	European University Institute, Florence
<i>EUP</i>	<i>European Union Politics</i>
Euratom	European Atomic Energy Community Treaty
FYROM	Former Yugoslav Republic of Macedonia
GDR	German Democratic Republic
<i>GLJ</i>	<i>German Law Journal</i>
<i>GO</i>	<i>Government and Opposition</i>
IBA	International Bar Association
<i>ICLQ</i>	<i>International and Comparative Law Quarterly</i>
IGC	Intergovernmental Conference
<i>IO</i>	<i>International Organisation</i>
<i>IP</i>	<i>International Politics</i>

<i>IPSR</i> ev.	<i>International Political Science Review</i>
<i>ISSJ</i>	<i>International Social Science Journal</i>
J.	Justice (Member of a Constitutional or Supreme Court)
<i>JCMS</i>	<i>Journal of Common Market Studies</i>
<i>JCER</i>	<i>Journal of Contemporary European Research</i>
<i>JEMIE</i>	<i>Journal of Ethnopolitics and Minority Issues in Europe</i>
<i>JEPP</i>	<i>Journal of European Public Policy</i>
<i>JHI</i>	<i>Journal of History of Ideas</i>
<i>JM WP</i>	<i>Jean Monnet Working Papers</i>
<i>JO</i>	<i>Journal officiel de Communauté européenne</i>
<i>JTDE</i>	<i>Journal des tribunaux: Droit européen</i>
<i>KPVO</i>	<i>Konstituzionnoe pravo: Vostochnoevropejskoe obozrenie</i>
<i>LFPR</i> ev.	<i>Lithuanian Foreign Policy Review</i>
LGI	Local Government and Public Service Reform Initiative
<i>LJIL</i>	<i>Leiden Journal of International Law</i>
<i>LQ</i> Rev.	<i>Law Quarterly Review</i>
MEP	Member of the European Parliament
<i>MJ</i>	<i>Maastricht Journal of European and Comparative Law</i>
<i>Mod. L. Rev.</i>	<i>Modern Law Review</i>
MP	Member of Parliament
<i>NJb</i>	<i>Nederlands Juristenblad</i>
NPAA	National Programmes for the Adoption of the <i>Acquis</i>
<i>OJ</i>	<i>Official Journal of the European Union</i> (and its predecessors)
OSCE	Organisation for Security and Co-operation in Europe
OSI	Open Society Institute, Budapest/New York
OUP	Oxford University Press
PA	<i>Public Administration</i>
PACE	Parliamentary Assembly of the Council of Europe
<i>PAR</i> ev.	<i>Public Administration Review</i>
<i>PCEU Harv. WP</i>	<i>Program on Central and Eastern Europe Working Paper Series, Minda de Gunzburg Center for European Studies, Harvard University</i>
PCIJ	Permanent Court of International Justice
PL	<i>Public Law</i>
PP	<i>Państwo i Prawo</i>
PUF	Presses Universitaires de France
QMV	Qualified Majority Voting
<i>Rev. Pol.</i>	<i>The Review of Politics</i>
<i>RM</i> C	<i>Revue du Marché Commun</i>
<i>RM</i> CUE	<i>Revue du Marché Commun et de l'Union européenne</i>
<i>Rom. J. Pol. Sci.</i>	<i>Romanian Journal of Political Science / Revista română de științe politice</i>
RSC	Robert Schuman Centre

<i>RTD eur.</i>	<i>Revue trimestrielle du droit européen</i>
<i>RW</i>	<i>Rechtskundig Weekblad</i>
<i>SEI WP</i>	<i>Sussex European Institute Working Papers</i>
<i>SEW</i>	<i>Sociaal-ecomomische wetgeving</i>
<i>SIGMA</i>	OECD Support for Improvement in Governance and Management Programme
<i>TAIEX</i>	Technical Assistance Exchange Office
<i>TCE</i>	Treaty Establishing a Constitution for Europe
<i>TIDP</i>	<i>Tinbergen Institute Discussion Papers</i>
<i>USSR</i>	The Union of Soviet Socialist Republics
<i>VJuZI</i>	Vsesojuznyj Juridicheskij Zaochnyj Institut
<i>WEP</i>	<i>West European Politics</i>
<i>WP</i>	Working Paper
<i>WRR</i>	Wetenschappelijke Raad voor het Regeringsbeleid
<i>YbEL</i>	<i>Yearbook of European Law</i>
<i>ZSE</i>	<i>Zeitschrift für Staats- und Europawissenschaften</i>

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