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POLITICS AND GOVERNANCE

From New to  
Indispensable?  
How Has the 2004  
“Big Bang” Enlargement  
Reshaped EU’s  
Power Balance

Edited by Matej Navrátil and Marko Lovec

Volume 12

2024

Open Access Journal  
ISSN: 2183-2463



Politics and Governance, 2024, Volume 12  
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Published by Cogitatio Press  
Rua Fialho de Almeida 14, 2º Esq.,  
1070-129 Lisbon  
Portugal

Design by Typografia®  
<http://www.typografia.pt/en/>

Cover image: © cbies from iStock

*Academic Editors*  
Matej Navrátil (Comenius University)  
Marko Lovec (University of Ljubljana)

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## From New to Indispensable: How the 2004 Enlargement Reshaped the EU's Transformative Powers

Matej Navrátil <sup>1</sup>  and Marko Lovec <sup>2</sup> 

<sup>1</sup> Institute of European Studies and International Relations, Comenius University, Slovakia

<sup>2</sup> Center for International Relations, University of Ljubljana, Slovenia

**Correspondence:** Matej Navrátil ([matej.navratil@uniba.sk](mailto:matej.navratil@uniba.sk))

**Submitted:** 9 August 2023 **Published:** 18 April 2024

**Issue:** This editorial is part of the issue “From New to Indispensable? How Has the 2004 ‘Big Bang’ Enlargement Reshaped EU’s Power Balance” edited by Matej Navrátil (Comenius University) and Marko Lovec (University of Ljubljana), fully open access at <https://doi.org/10.17645/pag.i376>

### Abstract

This editorial introduces a thematic issue that examines the consequences of the accession of the Central and East European countries to the EU 20 years onward. The socioeconomic transformation of these countries in the pre-accession period was considered a remarkable success, that was attributed to the EU’s conditionality policy. However, in the post-accession period, when these countries gained full membership rights and began playing a more active political role, they started deviating from some EU norms and rules, against a backdrop of EU crises. This shift has been, notably, reflected in concerns about democratic backsliding and rule of law violations. Nonetheless, the contributions in this issue also underscore that these countries have internalized (both top-down and bottom-up) EU norms and rules to a much greater extent than the focus on conditionality would suggest. Moreover, since Russia invaded Ukraine, Central and East European countries have become entrepreneurs of EU policy and bolstered its transformative power. These findings indicate a need to focus not only on the fundamental shortcomings in these countries—as the attention conferred to the (lack of post-accession) conditionality suggests—but also to consider other factors, such as the quality of the EU’s governance and political system, policy learning, geopolitics, and member states’ domestic politics.

### Keywords

Central and East Europe; conditionality; Eastern enlargement; European Union; Europeanisation; transformative powers

## 1. Introduction: Big Bang Enlargement, 20 Years After

This year marks the 20th anniversary of the “Big Bang” enlargement. In 2004, eight post-communist Central and Eastern European (CEE) countries joined the EU: four Visegrad (V4) countries (the Czech Republic, Hungary, Poland, and Slovakia), three Baltic (B3) countries (Estonia, Latvia, and Lithuania), and Slovenia. The adoption of EU norms and rules as part of the pre-accession conditions not only supported the ongoing “triple transition,” i.e., the democratization of the political systems, the development of market economies, and the creation of civil societies in these countries (Offe & Adler, 1991) but also helped to bring them “back to the heart of Europe” and facilitated their embedding in the West (e.g., Bátorá, 2013).

Post-accession, however, democratic backsliding, growing concerns about the rule of law, and Euroscepticism have called into question the presumed transformative power of the EU. In accepting full membership and becoming more assertive actors, the CEE countries have often criticised Brussels institutions and strayed from the mainstream of the “old member states.” Examples include a deviation from the EU’s Kosovo recognition policy (Slovakia), an initial rejection of the euro rescue package for Greece (Slovakia), the blocking of accession talks with Croatia (Slovenia), the rejection of the euro (Hungary, Poland, and the Czech Republic), the rejection of burden-sharing in asylum policy (V4), the triggering of the yellow card procedure regarding the Posting of Workers Directive (all CEE countries), the threat to veto the post-pandemic recovery fund (Hungary and Poland), obstruction of sanctions packages against Russia, financial aid for Ukraine and Ukraine’s integration into the EU (Hungary and Slovakia), and the rejection of the introduction of qualified majority voting in the Common Foreign and Security Policy (all except Slovenia).

It is important to note that the EU is no longer the same organisation that these countries joined in 2004, having experienced several crises in recent decades, starting with the eurozone crisis (2009–2010), followed by security (Ukraine invasion in 2014 and 2022), migration (2015–2016), health (2020), and energy crises (2022). This polycrisis environment (Zeitlin et al., 2019) has had a profound impact on the EU’s political system (Bickerton et al., 2015; Schmitter, 2012) through the rise of populist, far-right, and radical parties with Eurosceptic views (see Vasilopoulou, 2018).

The literature on the transformative power of the EU vis-à-vis (pre-accession) conditionality has concentrated on the insignificance of this leverage post-accession, with the EU in recent years experiencing an enlargement policy crisis and the weakening of its purported strongest foreign policy instrument. This was made very clear in the *JCMS: Journal of Common Market Studies* (JCMS) issue evaluating Eastern enlargement 10 years on (Epstein & Jacoby, 2014). In it, the authors advanced three conclusions: (a) the EU had a more direct and far-reaching impact on CEE countries’ economies compared to their democracies; (b) while the EU was to some extent able to support democratic governance by providing rules and procedures that strengthened civil society resistance to various forms of state capture (Dimitrova & Buzogány, 2014), this was not sufficient, as the EU lacked effective measures to combat capture (Innes, 2014); and (c) the lack of some form of post-accession conditionality, through which the EU can safeguard democratic governance and mobilize “domestic” support for future enlargement, has been blamed for “enlargement fatigue” (Vachudová, 2014).

To reflect on developments 20 years on, the authors of this thematic issue were asked to address the following questions: To what extent and in what ways has the eastward enlargement affected the EU and why? While the 2014 JCMS issue was published against the backdrop of an economic crisis, the world has

been upended by several additional turbulent developments over the past 10 years. On the 20th anniversary of the Eastern enlargement, the EU's transformative economic power is perceived as far more substantial compared to its political leverage. However, the contributions in this thematic issue also underscore that the CEE countries have internalized (bottom-up and top-down) EU norms and rules far more than recognized in the literature on conditionality. Moreover, in response to some of the recent crises, such as the war in Ukraine, the CEE countries have become entrepreneurs of EU policies, contributing to their transformative power. This suggests that, apart from the fundamental shortcomings of the CEE countries implied by their (non-)adherence to conditionality, there are additional variables to consider. These encompass the quality of the EU's governance and political system, feedback loop-facilitated learning, the evolving geopolitical landscape, and/or the changing internal dynamics of member states.

This editorial begins with an overview of the literature on the role of (pre-accession) conditionality on the EU's transformative power. This is followed by engagement with the literature on the post-accession positioning of CEE countries in the EU, which is contrasted with the new findings presented in this issue. Our aim is twofold: (a) to better understand the processes and mechanisms through which the Eastern enlargement has changed the EU, and (b) to understand the evolving preferences of CEE countries in the post-accession period.

## 2. Review of Literature

### 2.1. *Pre-Accession Conditionality: Passive Actors and Policy Takers*

In general, the logic of EU conditionality can be divided into two main phases: pre-accession and post-accession. While the former is based on the interrelated mechanisms of EU conditionality, incentives, and monitoring measures, the latter is limited to the second element, i.e., financial rewards for fulfilling the EU's conditions (Gateva, 2015).

Pre-accession conditionality is a very broad and context-specific concept. The literature indeed distinguishes between several, often overlapping, categories of conditionality: political conditionality (Schimmelfennig, 2008); membership conditionality (Smith, 2003); accession conditionality (Grabbe, 2006); acquis conditionality (Grabbe, 2002); and democratic and rule of law conditionality (Kochenov, 2008). Earlier theoretical discussions of EU conditionality also examined the EU's transformative capacity, focusing on mechanisms that promote conformity to EU standards, norms and procedures, and assessing their impact on candidate countries' domestic politics (e.g., Grabbe, 2002, 2006; Pridham, 2002; Schimmelfennig & Sedelmeier, 2004; Smith, 1998).

With each round of enlargement, the EU introduced additional conditions for membership. The Treaty of Rome (1957), for instance, stipulated that membership required a "European identity." In 1978, the Council's conclusions added respect for representative democracy and human rights among the necessary conditions for membership, along with the maintenance of "good neighbourly relations" (Council of the European Communities, 1978; Smith, 2003, p. 10). The EU membership applications of countries with former dictatorships (Portugal and Spain), notably, were the impetus for this shift. Meanwhile, the interest expressed by post-Soviet and post-communist countries in the membership compelled the EU to once again reconsider the application criteria. The development of relations between the EU and the CEE countries before the accession followed a three-stage logic: closer economic relations were established through trade

and aid programmes (1989–1993), followed by political commitments (1993–1998), and, finally, accession negotiations (1998–2002).

As far as the CEE countries' accession cycle is concerned, the EU initially focused more on economic reforms than political progress, with aid and trade-oriented relations targeted towards supporting the post-communist development of these countries. The EU used Phare—an important financial mechanism to guide economic transformation, with the Commission limiting its conditionality to market development measures (Grabbe, 2006). Phare conditionality facilitated the EU's neoliberal agenda, but due to the program's overall lack of coherence, it was unable to consistently guide assistance to the CEE countries (Grabbe, 2006).

The second phase involved policy commitments to stabilize the economic and political situation in the CEE countries. Here, based on the report *Towards a Closer Association with the Countries of Central and Eastern Europe*, published by the Commission in 1992, general accession criteria were established for the first time, which potential members had to meet before they could join the EU. The accession criteria were confirmed at the subsequent 1993 Copenhagen meeting and required the stability of institutions, a functioning market economy, and a functioning bureaucracy to satisfy these obligations. Moreover, the Copenhagen Council imposed an additional condition on the EU itself. It emphasized the need to maintain the pace and “momentum” of European integration in the enlarged Union (Council of the European Union, 1993). At this stage, the European Commission issued its opinions, which provided an overview of the political and economic situation and the progress towards meeting the Copenhagen criteria in the countries concerned. The Commission's opinions were crucial in that they provided a basis for the EU's application of conditionality; depending on the extent to which countries met the criteria, they were granted assistance and offered candidate status. As has been documented elsewhere, the vision of membership proved crucial to the EU's ability to transform the CEE countries (Grabbe, 2002).

Finally, the actual accession negotiations were characterized by a phase in which conditionality was made more explicit and financial assistance was distributed based on the accession requirements. The *Accession Partnership* highlights the main priority areas in which the candidate country must make progress and is largely based on the Commission's opinion on the country's application for EU membership. The *Regular Reports* on the candidate country's progress, issued annually by the European Commission, helped candidates to guide their efforts in meeting the conditions across a spectrum of policy areas and assessed the performance of national institutions and their staff. At the same time, member states used these reports to decide whether respective candidate countries could be advanced to the next stage of the accession process, making them powerful tools for facilitating change in specific policy areas (Grabbe, 2006, p. 83).

As this brief overview of the accession process underscores, the relationship between candidates and the EU before accession was characterized by palpable asymmetry. The enormous leverage of the EU in the pre-accession period is underpinned by the enticing benefits of membership, a powerful incentive motivating aspiring member states to fulfil the necessary accession criteria (Keohane & Hoffmann, 1993). Such criteria included extensive domestic reforms subjecting states to drastic review procedures (Vachudová, 2006).

Despite EU power derived from the accession process, there was a lack of consensus among member states concerning whether they wanted all CEE countries to join. To dispel any doubt about the viability of the EU

post-enlargement, the bloc altered its enlargement policy and created several mechanisms to monitor the progress of applicants. The conclusions of the Copenhagen Council (Council of the European Union, 1993, p. 13) reaffirmed that:

Accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required.....Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

The fact that no controversy emerged over the conclusion's wording is the best indication that member states across the board eventually came around to the idea that the CEE countries' accession was inevitable (Lasas, 2010).

At the same time, the process is a reaffirmation of the asymmetric interdependence that existed at the time—the candidate countries were bound by the accession criteria and compelled to agree to pre-existing sets of rules, whose design they had no say about (Raik, 2006, p. 85). Meanwhile, CEE countries had little to immediately offer to the EU due to their modest economies. They also had minimal negotiating leverage due to the strong desire of their political elites to join the EU, even though public opinion was more volatile. This imbalance of trust allowed the EU to set the rules of the game for accession conditionality. However, as Haggard and Moravcsik (1993, p. 272) point out in their study on aid conditionality, it is quite difficult to determine the coercive nature of conditionality and to distinguish between “underlying interest and strategic interaction.” Similarly, it is rather complicated to determine whether governments complied with the conditions because they accepted the EU's underlying objectives or because the conditions were tied to strict timetables and the possibility of being excluded from the enlargement process would have been perceived as a missed opportunity.

## **2.2. Post-Accession: (Re)Active Players?**

The literature on pre-accession conditionality also emphasized the future shift of power after the accession of candidate countries. Research has focused on discerning the sustainability of EU post-accession conditionality by examining EU compliance (e.g., Dimitrova & Toshkov, 2009; Sedelmeier, 2008; Toshkov, 2007). Dimitrova (2007) examined the potential for either institutionalization or the reversal of norms “imported” by new EU member states from the CEE region during their accessions. This author argues that the institutionalization of formal rules imposed as a condition of enlargement is not automatic upon accession, but that they can be “be reversed, supported by secondary rules and institutionalized or ignored and not implemented.” In the case of non-acquis rules, formal rules could be reversed without fines, while in the case of acquis rules, institutionalization or “empty shells” are plausible outcomes (Dimitrova, 2007). It was also expected that the influence of European institutions on future members would weaken significantly with decreasing conditionality, which could lead to a reassessment of the obligations assumed by CEE countries (Dimitrova & Steunenberg, 2004). A lack of incentives would ostensibly slow the transposition of legal acts into national systems once countries become members (Linden, 2002; Schimmelfennig et al., 2005), leading to increasing non-compliance with EU law (Börzel, 2021). However, this assumption was partially refuted by several studies that examined the evolution of the transposition deficit and indicated that member states' compliance with EU law improved (Pircher, 2023; Pircher & Loxbo, 2020).



In addition, the outflow of human capital involved in accession negotiations given the obligation to appoint representatives to EU institutions was expected to weaken awareness of the EU and its socialization effect (Schimmelfennig & Sedelmeier, 2007). In the study of civil service reforms in new member states, Meyer-Sahling (2009, p. 7) shows that Lithuania, Latvia, and Estonia continued pre-accession reforms and improved their systems, while Hungary and Slovenia were classified as cases of “constructive reform reversals” in which reform progress was made only in some areas. Poland, Slovakia and the Czech Republic, meanwhile, were categorized as cases of “destructive reform reversals,” in which civil service institutions were dismantled after accession, making the system incompatible with European standards (Meyer-Sahling, 2009, p. 7). Although the expectation that the departure of civil servants would weaken the socialization effect was correct to some extent, the potential for “secondary” socialization through the establishment of direct contacts in the EU institutions, and especially through the rotating EU Council presidency, tended to be underestimated. At the time of writing, all CEE countries have held the presidency of the Council of the European Union (Slovenia and the Czech Republic have had this opportunity twice). The Council Presidency offers member states the opportunity to get to know the “inner workings” of the EU’s multi-level system. This experience not only serves to help member states to better understand the day-to-day tasks and functioning of the EU, but also to deepen knowledge about and relations with their peers (Láštík, 2010, pp. 151–152).

Indeed, some of the rotating CEE countries’ presidencies have been surprisingly successful, enhancing the countries’ reputations for advancing reforms or providing political leadership (Panke & Gurol, 2018). What CEE countries presidencies have in common is that their terms have been heavily influenced by international events and often constrained by domestic political squabbles (Ágh, 2012; Auers & Rostoks, 2016; Balázs, 2011; Beneš & Karlas, 2010). Nevertheless, CEE countries’ presidencies in many cases have succeeded in adopting important legal acts on the internal market and economic policy (Beneš & Karlas, 2010; Panke & Gurol, 2018; Vilpisauskas, 2014), they have also been involved in external relations issues, especially enlargement (Kajnič, 2009; Vilpisauskas, 2014), and they have not been afraid to introduce new practices for concluding EU summits in member state capitals (Bilčík, 2017). All in all, these countries’ presidencies of the EU Council have shown that the “new” member states have the potential to set the agenda (Bátora, 2017) and to act as honest brokers and skilled negotiators forging common positions in turbulent times (Pomorska & Vanhoonacker, 2012). In addition, CEE countries have invested in the professionalization of the civil service by increasing their permanent representations to the EU and ensuring their civil servants are in daily contact with the General Secretariat of the Council and other EU institutions months and often years before and during their respective presidencies. This form of “secondary socialization,” as opposed to that which preceded CEE countries’ membership, allows for the transfer of experience back to the domestic bureaucracy after the end of the presidency, which could strengthen its negotiating position in the future.

### 3. Thematic Issue’s Contributions: From New to Indispensable

This thematic issue contains four original research articles reflecting on the Big Bang enlargement 20 years on, answering questions concerning the extent and underlying reasons and mechanisms through which the eastward enlargement has reshaped the transformative power of the EU.

The first contribution by Medve-Bálint and Szabó (2024) assesses the extent of the impact of the Eastern enlargement on CEE countries’ economies and politics. The authors argue that the model of dependent

market economies on the Eastern periphery of the EU has proven its resilience despite the numerous crises and political upheavals of the last decade. The FDI-based and export-oriented growth models of the Visegrad countries were strengthened after the global financial crisis, while the debt-based, consumption-oriented capitalism of the Baltic states has not undergone dramatic changes despite the strengthening of its export component. Academic accounts from a comparative political economy perspective explain this resilience with country-specific factors and tend to downplay the role of external influences. Instead, the authors build a bridge between these approaches and international political economy by arguing that European integration in general, and the EU's transnational regulatory influence in particular, serves as an external anchoring mechanism for the two semi-peripheral growth models, in addition to the structural features of the region, such as deep embeddedness in global value chains, high exposure to trade with the EU and dependence on external sources of finance, as evidenced in country studies on Estonia and Hungary. The findings cohere with one of the main conclusions of the JCMS issue: the economic transformation impact has been far more sustainable than democratization (Epstein & Jacoby, 2014), while also pointing to dependencies and asymmetric governance structures limiting and/or shaping political and policy responses, along with other relevant factors, as discussed in the two country examples presented by Medve-Bálint and Szabó (2024).

The second and third contributions deal with questions pertaining to how eastward enlargement has reshaped the transformative potential of the EU from the bottom up and from the top down. Concerning the bottom up perspective, Novak and Lajh (2024) demonstrate that the 2004 EU enlargement and associated Europeanization processes promoted the development of stagnant interest group systems in the CEE in many ways, including the professionalization of mainly voluntary organizations. In the period before the EU accession and shortly after joining the EU, national interest groups from CEE countries were mostly dependent on interest groups at the EU level for pertinent information, knowledge, and know-how about EU policies; whereas today, after 20 years of membership, they are established as equal partners and co-decision-makers. To answer their main research question (i.e., in what different ways has the Europeanization process influenced interest groups in the region?), the authors focus on the cases of Lithuania, Poland, and Slovenia. Six exploratory factors were examined: (a) contacts with EU policymakers and institutions, (b) interest in EU policy-making, (c) funding received from EU projects and programs, (d) networking with EU umbrella organizations, (e) participation in open consultations, and (f) the group's relationship with its members. The impact of the Europeanization process is examined using data from a web survey conducted among national interest groups as part of the Comparative Interest Groups Survey project. The results show that interest groups from CEE countries have become European in various ways. Regulatory and discursive Europeanization is most typical for Polish interest groups and identity Europeanization for Lithuanian interest groups, with financial and participatory Europeanization also common for Lithuanian and Polish interest groups and organizational Europeanization exerting the strongest effect on interest groups in Slovenia. The diversity of ways in which interest groups in CEE countries have been Europeanized indicates that the role of enlargement is rather based on shared ideas, norms, opportunities, and interactions, suggesting it would be prudent to scale down the attention given to direct EU intervention in CEE countries and conditionality, as highlighted in previous research (Dimitrova & Buzogány, 2014).

From a top-down perspective, Varju et al. (2024) examine the annulment procedures used by EU member states to challenge the legality of EU actions, while also pursuing numerous political motives. These authors

argue that this strategy has been deployed by the V4 member states, which have resorted to annulment actions to settle their EU disputes at the European Court of Justice. Among the V4, Poland was the most frequent litigant challenging EU legislative measures in policy conflict areas such as internal market harmonization, EU rule of law, and EU energy and climate policy. In their actions against EU legislative measures, the V4 member states usually seek to have contested measures annulled by the Court of Justice. However, there are indications that they also pursue certain political motives or a combination thereof. They have used this institutional tool, for instance, in a symbolic manner to secure domestic political advantage, avoid local costs from policy misfits, promote preferred political stances, and/or attempt to influence EU jurisdictional rules in their favour. V4 annulment cases have also transpired where litigation was directed at securing legal interpretations that would influence the behaviour of other EU actors or clarify laws affecting the position of the member state concerned. Member states have sought to avert concrete material damages in only a few cases. The results affirm the importance of the (im)possibility of challenging laws on legal grounds for the adoption of the *acquis* and non-*acquis* rules (Dimitrova, 2007). Together with the relatively high degree of compliance with EU law in the CEE countries (Pircher, 2023), they show a strong reverence to basic norms and rules such as a level playing field, even or especially when these contradict national interests.

The final article provides clarity on why the eastward enlargement was central to the transformative power of the EU in the Eastern neighbourhood. Dubský et al. (2024) argue that the EU's Eastern enlargement in 2004 was characterized by the accession of mainly smaller states whose ability to shape the EU's external direction was challenged. However, the EU's response to the war in Ukraine has shown how important the Eastern dimension of foreign policy is for the EU and that this easternization is precisely a result of the 2004 enlargement. This is because these states were able to impose their narratives in discourses on the EU's Eastern orientation, particularly in the case of the Eastern Partnership (EaP). By analysing the discourse of the CEE countries regarding the EaP, in particular, narratives in official documents of the B3 and V4 countries in 2009–2022, these authors were able to identify narrative structures and show that such narratives in the selected countries were relatively similar. Despite the lack of cooperation between the two groups and the neglect of the EaP by the West, they were able to strengthen their position in the EU individually and maintain discussions on the EaP at the EU level. These findings underline the importance of factors, such as strategic considerations (Haggard & Moravcsik, 1993) and of Eastern enlargement in embedding the East in the West (Bátora, 2013) beyond the CEE.

#### 4. Conclusion: Beyond Conditionality

This thematic issue aimed to reflect on the effects of the Big Bang enlargement 20 years on. Eastern enlargement was considered a success story because of the changes it brought to the CEE countries, which has been linked to (pre-)accession conditionality. Consequently, in the post-accession period, the more active and divergent role of the CEE countries (against the backdrop of the polycrisis) has been attributed to the lack of conditionality.

The contributions in this issue are consistent with the findings of the 2014 JCMS issue (Epstein & Jacoby, 2014): European integration has a stronger impact on CEE countries' economies than on their politics. However, this research also underscores that CEE countries have internalized EU norms and rules far more than the focus on conditionality would suggest, in contrast to the polycrisis environment (Zeitlin et al., 2019).

Moreover, (most) of these countries have become entrepreneurs of EU policy and its transformative power during the Ukraine war by promoting support for Ukraine and further enlargement. These findings indicate an exclusive focus on conditionality has overly attributed the EU's diminished transformative potential to the inherent shortcomings of CEE countries, neglecting other crucial factors, such as the quality of the EU's governance and political system, political and policy feedback loops, changing geopolitics, and/or internal domestic circumstances.

### Acknowledgments

We are very thankful to the anonymous reviewers for their careful reading of the manuscripts submitted as part of this thematic issue and for their many insightful comments and suggestions. We are also very grateful to Carolina Correia and her managerial skills in patiently streamlining the entire process. We are also indebted to Shane Markowitz for proofreading this article.

### Funding

This work was supported by the Slovak Research and Development Agency under Contract No. APVV-21-0237.

### Conflict of Interests

The authors declare no conflict of interests.

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## About the Authors



**Matej Navrátil** is a research fellow at the Institute for European Studies and International Relations at the Faculty of Social and Economic Sciences at Comenius University in Bratislava, Slovakia. His research focuses on organisational theory, EU integration, EU foreign and security policy, and Europeanization of the Balkans. Since 2019, he has been an associate researcher at the European Council on Foreign Relations.



**Marko Lovec** is an associate professor of international relations and research associate at the Centre for International Relations at the Faculty of Social Sciences, University of Ljubljana, and a research associate at the European Council of Foreign Relations. His research interests include European integration, EU politics and policy, and Central and Eastern Europe.

# The “EU-Leash”: Growth Model Resilience and Change in the EU’s Eastern Periphery

Gergő Medve-Bálint <sup>1,2</sup>  and Jakub Szabó <sup>3</sup> 

<sup>1</sup> Institute for Political Science, HUN-REN Centre for Social Sciences, Hungary

<sup>2</sup> Institute of Social and Political Sciences, Corvinus University of Budapest, Hungary

<sup>3</sup> Institute of European Studies and International Relations, Comenius University Bratislava, Slovakia

**Correspondence:** Gergő Medve-Bálint ([medve-balint.gergo@tk.hun-ren.hu](mailto:medve-balint.gergo@tk.hun-ren.hu))

**Submitted:** 28 July 2023 **Accepted:** 24 November 2023 **Published:** 12 February 2024

**Issue:** This article is part of the issue “From New to Indispensable? How Has the 2004 ‘Big Bang’ Enlargement Reshaped EU’s Power Balance” edited by Matej Navrátil (Comenius University) and Marko Lovec (University of Ljubljana), fully open access at <https://doi.org/10.17645/pag.i376>

## Abstract

Although the EU’s Eastern periphery has been afflicted by a series of crises over the past two decades, the region’s dependent market economies have shown puzzling resilience. Since the global financial crisis, the FDI-led, export-oriented growth models of the Visegrád countries have been reinforced. Meanwhile, the debt-based, consumption-oriented capitalism of the Baltic states has not experienced dramatic shifts either, despite a strengthening of its export component. Scholarly accounts from a comparative political economy perspective explain this resilience as the product of country-specific factors and tend to downplay the role of external influence. Instead, we aim to bridge these approaches with international political economy scholarship by arguing that European integration, in general, and the EU’s transnational regulatory influence, in particular, serves as an external anchoring mechanism for both semi-peripheral growth models. In addition to the region’s structural characteristics, such as deep embeddedness in global value chains, high exposure to trade with the EU, and dependence on external sources of finance, which already limit domestic agency in changing national growth models, we argue that European transnational regulatory integration involves an “EU-leash” that sets the boundaries for domestic economic policies, thereby influencing growth model trajectories. This ensures institutional continuity and prevents sudden and radical changes in semi-peripheral growth models. We demonstrate these mechanisms through two country studies (Estonia and Hungary).

## Keywords

Baltic states; dependent market economies; Eastern periphery; economic governance; EU; growth models; Visegrád countries



## 1. Introduction

In an informal, non-public, meeting with foreign journalists in December 2022, Hungarian Prime Minister Viktor Orbán is said to have replied with a definitive “no” to a question about Hungary’s future EU membership. However, he immediately added that his hands were tied because 85% of the country’s exports go to the EU (Csonka, 2023). With this remark, Orbán—inadvertently—addressed one of the most pressing questions in contemporary political economy, namely how the interaction of external constraints and domestic agency contributes to the resilience or change of political-economic systems. In the context of the dependent market economies (DMEs) across Central and Eastern Europe (CEE), this topic is even more salient. Since the Visegrád countries (Czechia, Hungary, Poland, and Slovakia; referred to as the V4) and the Baltic states (Estonia, Latvia, and Lithuania) joined the EU in 2004, there have been no substantial changes to their growth models (GMs) even though they have been hit by a series of political and economic crises (cf. Ban & Adăscăliței, 2022).

This article aims to contribute to the scholarly debate on the resilience and change of these semi-peripheral GMs by addressing the following puzzle: Even though multiple crises and the rise of right-wing populist leaders in CEE have challenged the region’s political economies, the consumption-led GMs in the Baltics and the export-led GMs in the V4 have exhibited remarkable stability and only limited change. Complementing existing comparative political economy (CPE) and international political economy (IPE) accounts, we argue that the systemic stability of these GMs can be partly attributed to specific regulatory channels of European integration that constrain the economic policies of semi-peripheral member states and thereby affect the evolution of dependent GMs. We refer to these channels as the “EU-leash,” which is tightest for consumption-led GMs in the European Monetary Union (EMU) and loosest for export-led GMs outside the eurozone. Our concept of the EU-leash differs from the widely used notion of policy transfer (Dolowitz & Marsh, 2000) because it does not involve any concrete regulatory imprints that the member states can adopt. For the same reason, our concept differs from the process of Europeanization (Schimmelfennig & Sedelmeier, 2005) because it involves neither coercive top-down transnational rule transfer nor voluntary “downloading” of EU regulations. The EU-leash indirectly influences economic policy choices in member states, and, overall, it pulls the GMs in a direction that contributes to their stability and minimal change. Our dependent variable is, therefore, the resilience and change of national GMs. We investigate how the EU can influence the trajectory of GMs, an approach that contrasts with IPE accounts that examine how the heterogeneity of GMs across member states affects European integration (Höpner & Schäfer, 2014).

In exploring GM resilience and change in CEE, CPE scholars generally emphasize domestic factors as explanatory variables. For instance, Bohle and Greskovits (2012) argue that political commitments to preserving industrial legacies have been a key driver of the export-led GMs in the V4, while decisions to pursue a comprehensive break from Russian economic influence have ostensibly contributed to the consumption-oriented GMs in the Baltics. Similarly, recent attempts to move away from the dependent GM have been explained by domestic political and ideational factors in the case of Poland (Naczyk, 2022) and Hungary (Scheiring, 2020; Sebők & Simons, 2022). Existing CPE scholarship thus either neglects the role of EU integration as an explanatory variable (e.g., Ban & Adăscăliței, 2022) or does not consider its influence as a systemic feature in CEE (e.g., Bohle, 2018; Toplíšek, 2020). In contrast, IPE scholars identify several transnational factors that may have contributed to the evolution of CEE GMs. First, through regulatory and normative influence, the EU promoted the birth of DMEs (Bandelj, 2010; Jacoby, 2010). However, in the post-accession context, this line of scholarship only establishes that the EU’s economic impact on CEE has

been greater than its political influence, without assessing the subsequent EU impact on these GMs (Epstein & Jacoby, 2014). Although some scholars show how the EU has extended post-accession development resources for upgrading CEE economies (Bruszt & Vukov, 2017), they do not discuss the implications on GMs. IPE scholars only recently began to link GMs with the EU's regulatory influence. Johnston and Matthijs (2022) argue that the EU's post-2008 institutional architecture and macroeconomic governance have penalized domestic consumption-led growth strategies and promoted export-led growth. However, the consequences of this external pressure on consumption-driven GMs have so far only been studied in the case of Southern Europe (Johnston & Regan, 2016) and not in the Baltics. Conversely, the domestic drive in Hungary and Poland to move away from the dependent model has not been addressed by IPE scholarship that examines the EU pressures and constraints that may limit the scope of domestic agency in transforming their GMs (see Vukov, 2023, for a notable exception). Consequently, there is a need to bridge CPE and IPE approaches in explaining the evolution of CEE growth regimes.

The contribution of this article is threefold. First, we aim to combine the CPE and IPE approaches to stress the importance of EU regulatory channels for resilience and change in CEE capitalism. Second, we identify several mechanisms through which the EU disciplines domestic policy that seeks alternative trajectories for dependent GMs. This EU-leash defines the limits within which national GMs can be compatible with the institutional architecture of the EU. The strength of the leash (or its tightness) depends on the respective country's specific GM and its membership in the EMU. The EU-leash for EMU member states, such as the Baltics and Slovakia, is thus tighter than in non-EMU members. Furthermore, it is looser for export-led than consumption-led GMs. Third, we demonstrate how the EU-leash interacts with domestic politics through two country cases: Estonia, a least likely case to shift its consumption-led GM, and Hungary, a most likely case to move away from its FDI-dependent export-led GM. We show that in Estonia, the EU-leash contributed to a slight shift in its consumption-led model despite a firm domestic political commitment to the status quo, whereas in Hungary the fundamental features of the export-led GM have not changed despite the government's ambitions. We, therefore, argue that there is a need to account for the EU's transnational regulatory influence to explain the failure of the politicization of economic dependence in some CEE countries (cf. Baccaro & Pontusson, 2022).

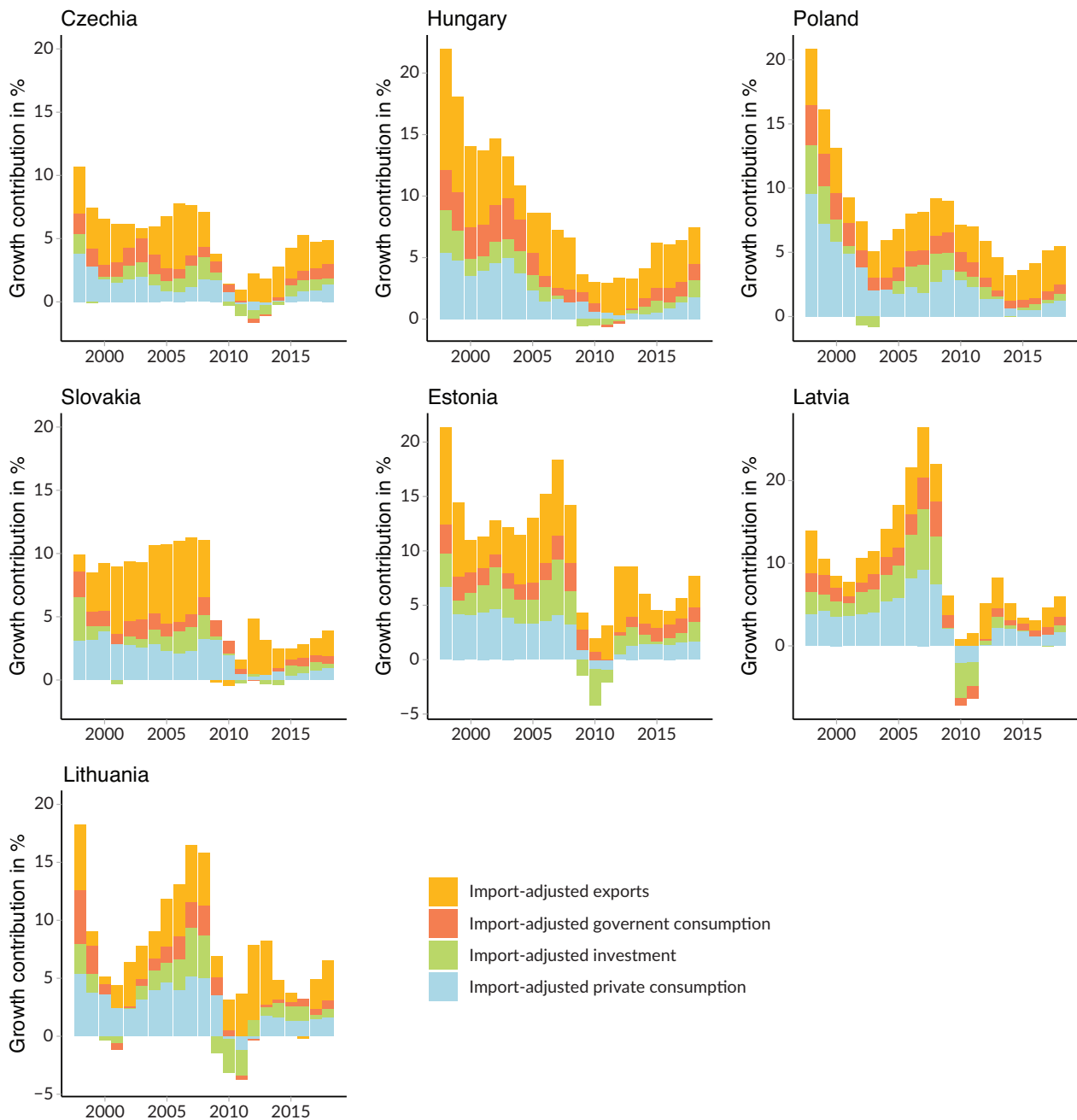
This article is structured as follows: The next section provides an overview of the evolution of the Baltic and V4 GMs since EU accession. This is followed by an identification of the mechanisms through which the EU-leash limits deviation from the dependent GM trajectory in the CEE region. Subsequently, we demonstrate the politics of the EU-leash on two country cases. The final section presents key conclusions.

## 2. Evolution of the Dependent GMs in CEE

Following the fall of the "shortage economy" in the late 1980s, financial deregulation and liberalization of capital flows met EU conditionality and generated massive FDI inflows into CEE, mainly from Western Europe (Holzner, 2017). Foreign capital was mostly attracted by the combination of low labor costs, skilled labor, and pro-FDI policies, as well as the prospective integration of the countries into the EU single market, resulting in sui generis FDI-dependent capitalist diversity (Myant & Drahekoupil, 2011; Nölke & Vliegenthart, 2009). While the V4 mostly attracted export-oriented manufacturing investors linked to the German complex industries, FDI into the Baltic states predominantly came from Scandinavia and was service-oriented (mainly in finance, insurance, and real estate), thereby stimulating domestic consumption (Bohle & Greskovits, 2012; see Figure

A1 in the Supplementary File). This resulted in significantly higher manufacturing value added in the V4 than in the Baltic states (see Table A1 in the Supplementary File) and led to the rise of an export-led GM in the V4 and a consumption-led GM in the Baltics (Kohler & Stockhammer, 2022).

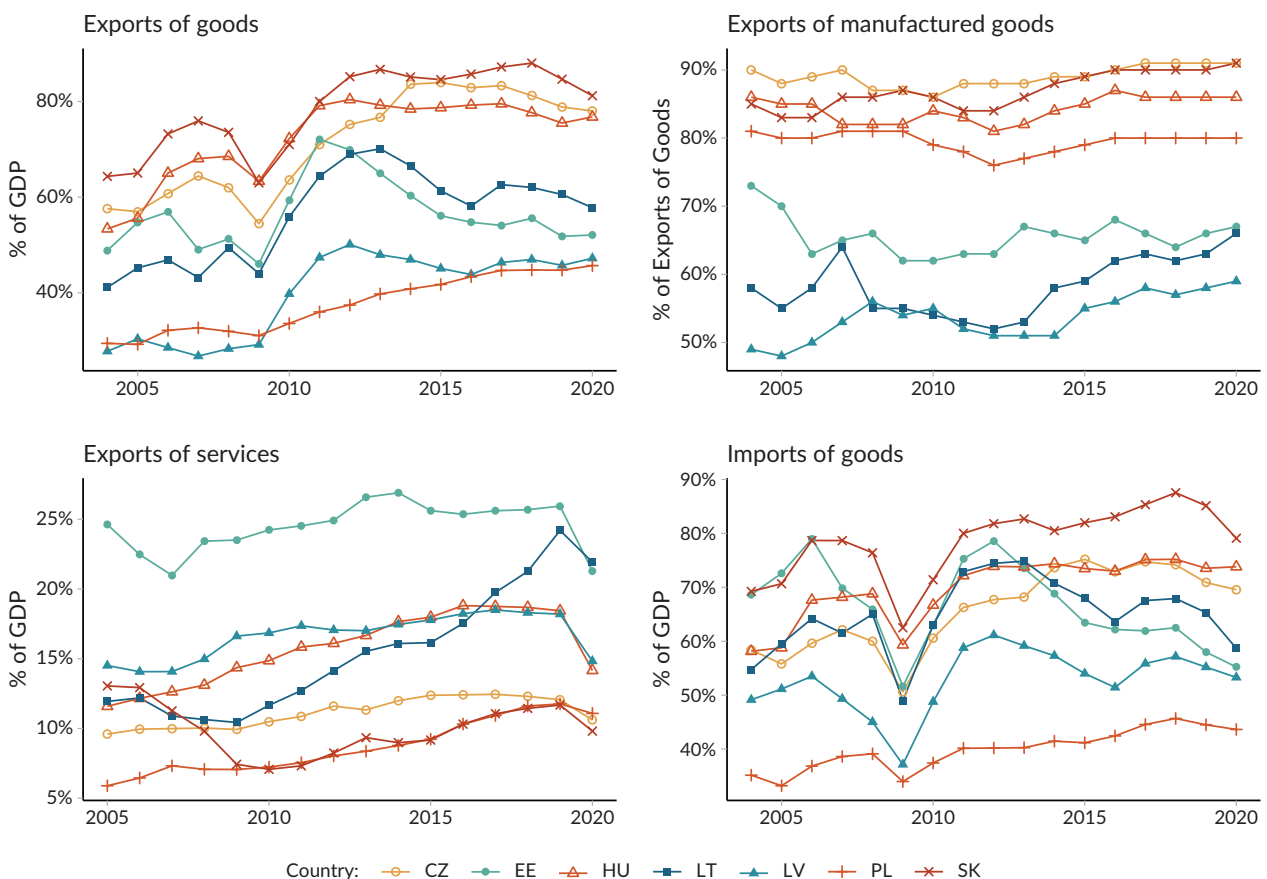
Figure 1 shows the import-adjusted growth contributions of the main GDP components in the V4 and the Baltics between 1995 and 2018. The figure reveals that, apart from Poland, the V4 economies were



**Figure 1.** Import-adjusted growth contributions in the V4 and the Baltic states in 1995–2018 (3-year moving averages). Note: Values at basic prices. Sources: Authors' elaboration based on OECD Input-Output Tables 2021 (OECD, 2021); data, methodology, and R code are available at the GitHub repository ([https://github.com/Jszabo16/IMadj\\_growth](https://github.com/Jszabo16/IMadj_growth)).

primarily export-led throughout the entire period. Poland exhibited a more balanced GM, though the relative contribution of private consumption to Polish GDP halved following EU accession. Especially after the global financial crisis (GFC), all V4 GMs can be characterized as “strongly export-led,” with the relative contribution of their import-adjusted exports to economic growth exceeding 50% (cf. Baccaro & Hadziabdic, 2023, p. 11). The Baltic states followed a slightly different trajectory, with their import-adjusted growth contributions tilting towards consumption-led (and credit-based) GMs before the GFC. After the GFC, the Baltic GMs appear to have rebalanced, with exports taking on a more prominent role. The Baltic trajectory is in line with broader trends apparent across major European economies (see Table A2 in the Supplementary File) and confirms that there has been a recent push towards an export-led GM in the EU. While the export-led model was strengthened in the V4 after the GFC, the Baltic states have slightly retreated from their consumption-oriented GM and shifted to a more balanced path (cf. Baccaro & Hadziabdic, 2023, pp. 20–23).

However, it would be misleading to argue that the rise in the contribution of (import-adjusted) exports to aggregate demand alone provides solid empirical evidence of changing GMs in the Baltics. To understand the nuances of CEE capitalism, it is necessary to take into account the countries’ positions in global value chains, their trade relations, and the structure of the balance of payments. Accordingly, Figure 2 reveals important structural differences in trade across the two regions. While 80% to 90% of the V4’s exports are still based on manufactured goods, in the Baltics the same figure has consistently been 20% to 30% lower, even after



**Figure 2.** Trade in the V4 and the Baltic states in 2004–2020. Source: Authors’ calculations based on UNCTAD international merchandise trade (United Nations Conference on Trade and Development, 2023a) and international trade in services data (United Nations Conference on Trade and Development, 2023b).

the GFC. This suggests that the post-GFC export drivers in the Baltics are non-manufactured goods, such as agricultural and forestry products, but most importantly service exports (cf. Bohle & Regan, 2022). The relative decline of imports as a share of GDP in the Baltic states also confirms the slight shift from a consumption-based model to a more balanced arrangement where exports are becoming more important drivers of growth.

The dynamics of the financial balances of the main macroeconomic sectors before and after the GFC provide additional support for the above observations (see Table 1). Financial balances reveal that none of the CEE countries followed a purely export-led trajectory before the GFC as they experienced a “foreign-financed boom” (Holzner, 2017, p. 60), with domestic sectors becoming net borrowers. This is a consequence of the combination of decades of suppressed demand prior to 1990 and the availability of cheap credit in the early 2000s. At the same time, the private sector in the V4 and the Baltic states failed to generate surpluses in the 2000s (see Figure A2 in the Supplementary File), which can be attributed to the massive inflow of FDI (Kattel, 2010). While the consumption boom in the Baltics was associated with growing household indebtedness, household sectors in the V4 enjoyed a surplus, for the most part, before the GFC. However, these surpluses were later consumed by the corporate sector and the governments seeking to increase productive capacity, which also explains the lower level of external debt compared to the Baltic states (Holzner, 2017). Nevertheless, all these countries suffered from recurrent current account deficits that reached unsustainable levels prior to the 2008 crisis (Figure A3 in the Supplementary File), making CEE countries vulnerable to capital outflows.

The GFC was, therefore, a defining moment for CEE and the Baltics in particular. As a large part of their pre-GFC FDI went to their banking sectors leading to an excessive level of foreign-owned banking assets in

**Table 1.** Financial balance by sector in % GDP in 1995–2018.

		Private sector	Public sector	Household sector	External sector
CZ	pre-GFC	−1.92%	−4.18%	2.24%	3.86%
	post-GFC	−0.90%	−1.71%	2.03%	0.57%
HU	pre-GFC	−3.16%	−6.20%	2.38%	6.98%
	post-GFC	2.09%	−3.04%	4.33%	−3.39%
PL	pre-GFC	−2.27%	−4.10%	2.90%	3.47%
	post-GFC	4.03%	−3.82%	−1.52%	1.31%
SK	pre-GFC	−2.62%	−5.47%	1.99%	6.10%
	post-GFC	3.24%	−3.75%	0.98%	−0.47%
EE	pre-GFC	−7.70%	0.53%	−1.01%	8.83%
	post-GFC	2.19%	−0.16%	1.43%	−3.45%
LV	pre-GFC	−3.13%	−1.41%	−5.01%	9.55%
	post-GFC	5.50%	−2.97%	−0.29%	−2.24%
LT	pre-GFC	−5.91%	−2.73%	0.10%	8.54%
	post-GFC	7.08%	−3.05%	−1.38%	−2.65%
DE	pre-GFC	0.02%	−2.90%	4.52%	−1.66%
	post-GFC	1.06%	−0.24%	5.27%	−7.15%

Notes: Share of net lending/net borrowing (B9) as % of GDP at current prices in million units of national currency; the private sector includes both non-financial corporations (S11) as well as financial corporations (S12); and pre-GFC period average values for years 1995–2008 and post-GFC period for years 2009–2018. Source: Authors’ calculation based on Eurostat (2023) data.

the region, it is not surprising that the Baltics were hit hard by the drying up of foreign capital inflows and witnessed their economies go into free fall. The abrupt freezing of credit markets also triggered asset price volatility in the housing sector and contributed to the accumulation of non-performing loans often denominated in foreign currencies, bursting the housing bubble and prompting a subsequent banking crisis (Bohle, 2014). Aiming to complete the adoption of the euro, the Baltic countries opted for painful internal adjustments rather than currency devaluations to regain competitiveness (Kattel & Raudla, 2013). The V4, for their part, experienced a non-uniform recovery from the GFC. For example, Poland, boasting a relatively large, industrialized, and diversified economy, managed to avoid recession owing to the very low exposure of its financial sector to subprime-related assets and stable export performance stemming from the sharp depreciation of the real exchange rate (Matysek-Jędrych et al., 2021). Although the export-led GM contributed to Poland's resilience during the GFC, domestic managerial discontent with its heavy dependence on FDI led to a subsequent political backlash against this model (Naczyk, 2022). Falling external demand in export markets was responsible for the economic slowdown in Czechia and Slovakia, but as global trade rebounded, these economies also recovered. In Hungary, however, the presence of foreign-owned banks, combined with a boom in foreign currency loans, exposed the entire financial sector to capital fluctuations and exchange rate risk. The devaluation of the Hungarian currency placed a heavy burden on mortgage holders while growing public debt, associated with an unsustainable welfare state, led to Hungary's dubious distinction as the only V4 country to turn to the IMF and the EU for financial support (Ban & Bohle, 2021).

### 3. Features of the EU-leash: EU Influence Over CEE GMs

The evidence from the previous section suggests that while export-led GMs in the V4 remained stable even after the GFC, the consumption-led regimes in the Baltics weakened (Dünhaupt & Hein, 2019) and have shifted to a more balanced model, where exports constitute a larger relative contribution to economic growth. Yet, one should be careful about inferring the convergence of these two growth regimes (cf. Pataccini et al., 2019). While the V4 still relies on manufacturing, the shift of the Baltics to export-led growth has "occurred by default rather than design" (Bohle & Regan, 2022, p. 344) and represents the result of weaker import demand in the context of stagnant growth (Kohler & Stockhammer, 2022) as well as repressive fiscal adjustments. This implies that it was not deliberate domestic action alone shaping changes in the Baltic GMs. Similarly, the strengthening of the V4 model seems to have had an external stimulus. We claim both changes were significantly influenced by the EU-leash, which in itself varies by member state and is also subject to repositioning depending on the regulatory developments at the EU level following a crisis. The "leash" is, therefore, dynamic and context-specific. However, it is possible to identify some key transnational regulatory channels through which it has indirectly influenced member state GMs, particularly in CEE.

Although far from an exhaustive account, we highlight three types of mechanisms through which European integration has promoted dependent growth in CEE and, more recently, favored export-led growth at the expense of consumption-driven strategies, thereby limiting the discretion of domestic policy-makers in shaping the trajectories of semi-peripheral GMs: soft conditionality linked to macroeconomic governance rules, state aid regulations, and the EU's Structural and Cohesion Funds.

In the pre-accession period, the EU exerted immense influence over the economic trajectories of CEE countries through the promotion of structural reforms. Apart from the mandatory adoption of the *acquis*

*communautaire* and its strict conditionality as the backbone of Europeanization, the EU applied quasi-legal practices to accelerate FDI inflows into the region (Medve-Bálint, 2014), which contributed to the emergence of DMEs. After enlargement, conditionality weakened in most fields (Epstein & Sedelmeier, 2008) but it returned at least in a soft form against the backdrop of the euro crisis (Jacoby & Hopkin, 2020). During the crisis, the EU emerged as a pro-austerity advocate (Lütz & Kranke, 2014), limiting fiscal policy space for governments in consumption-led economies, thereby indirectly pushing them towards export-led models. The implicit threat from the EU that the Baltic states might be excluded from joining the EMU reinforced fiscal discipline in these countries (Dandashly & Verdun, 2020), acting as an indirect nudge towards export-led growth.

The EU-leash appears most tangibly in the EU's macroeconomic governance rules that incorporate soft conditionality. Pushed through by Germany as a precondition for the creation of the EMU, the Stability and Growth Pact with its preventive and corrective arms (i.e., Excessive Deficit Procedure; EDP) and the post-crisis macroeconomic governance rules (for a detailed account, see Fabbrini, 2022) have created growing constraints on member states' fiscal policies, thereby indirectly narrowing GM diversity within the EU. The European Semester's Macroeconomic Imbalance Procedure (MIP), which aims to regulate external imbalances produced by the private sector, is an emblematic example of this (cf. Johnston & Matthijs, 2022; Johnston & Regan, 2018). Among other effects, the MIP's scorecard limits current account balances and the net international investment position of member states, but does not place a limit on the external assets that a country can acquire abroad (Johnston & Matthijs, 2022, p. 129). Therefore, it renders fiscal expansion and excessive foreign borrowing unviable while promoting surplus savings, which export-led GMs tend to produce. Moreover, the country reports prepared under the MIP tend to downplay sustainability concerns when a large share of external liabilities stem from FDI. The different MIP thresholds for the euro and non-euro member states also demonstrate that the EU-leash is much tighter for EMU members. However, even though the EU macroeconomic rules mostly apply to EMU member states (at least their corrective features), their influence is not confined exclusively to the EMU as the MIP scoreboard is used for country-specific recommendations and often generates peer pressure on all member states, especially those suffering from imbalances (Zeilinger, 2021).

The EU's state aid regulations constitute another element of the EU-leash, although less restrictive than the macroeconomic rules. In principle, the granting of state aid violates free market principles, but the EU Treaties allow for the provision of state aid under certain circumstances. In particular, Article 107(3) of the Treaty on the Functioning of the European Union stipulates that state aid may be compatible with the EU's internal market if it is granted in backward regions to promote investments and regional development. According to the European Commission's regularly revised regional aid guidelines, the more backward a region, the higher the regional aid intensity permitted. Consequently, governments in less economically developed member states, such as those in CEE, enjoy greater discretion over providing aid to investors. Although state aid rules curb the ability of governments to promote investment through aid, in the context of FDI-dependent economies, regional aid has become a tool for attracting FDI within the parameters set by EU rules, thus indirectly contributing to the persistence of FDI-dependent GMs.

The EU-leash also exerts both direct and indirect influence on the GMs in CEE through the allocation of EU funds. Although these funds come with strings attached, they increase the pool of fiscal resources available for member states. Since CEE countries are among the biggest beneficiaries, receiving EU funding of up to

4% of their GDP, this effect is far from negligible in their case. EU funding acts as partial compensation for tight fiscal control imposed by economic governance rules. Throughout their two decades of EU membership, the size of EU funds has become comparable to FDI inflows and remittances in the V4 and Baltic regions (see Figure B1 in the Supplementary File). More recently, however, EU funds, or rather the lack thereof, have had an indirect stimulatory effect on the export-led GM in some CEE countries. Due to their ongoing disputes with the EU over rule of law violations, the European Commission has suspended payments in the current programming period (2021–2027) to Hungary and Poland, compelling these two member states to seek out alternative sources of external finance, in particular, FDI (Szumski, 2023). These developments suggest that the suspension of EU funding in CEE countries running afoul of the rule of law has triggered more extensive efforts to attract foreign capital, thus indirectly reinforcing the export-led, FDI-based GMs.

#### 4. Domestic Politics of Dependent GMs in CEE

In the previous section, we argued that the EU-leash structurally anchors CEE GMs. However, these transnational constraints leave some room for domestic agency, depending on the specific country context. To better explore these mechanisms, in this section, we focus on the politics of the EU-leash in two CEE countries, Estonia and Hungary. While Estonia is a consumption-led Baltic country that has been a member of the EMU since 2011, Hungary is an export-led V4 country that retains monetary sovereignty. Hungary's right-wing populist government, in power since 2010, has openly questioned the FDI-dependent GM, while the politicization of the consumption-led model has never gained political salience in Estonia. In this respect, Estonia is the least likely case to experience a shift away from its GM, while Hungary can be considered the most likely case to see its FDI-based, export-led model change. By examining these two country cases, we aim to explore how dependency can be politicized in CEE countries and what role the interaction between domestic politics and structural constraints imposed by the EU may play in this process.

##### 4.1. Embracing Dependency in the Baltic Region: The Case of Estonia

Ever since restoring its independence in the early 1990s, the commitment to participate in European integration was a driving force behind Estonia's willingness to introduce neoliberal reforms that were necessary to qualify for EU accession. This unconditional commitment led to the mass privatization and liberalization of the financial sector, in turn contributing to the expansion of dependent financialization. By the early 2000s, 90% of all banking assets in Estonia belonged to four foreign-owned banking groups (Swedbank, SEB, Sampo, and Nordea), with Swedbank alone owning almost half the total assets in the sector (Directorate General for Economic and Financial Affairs, 2010).

With a negligible exchange rate risk due to the currency board, Swedish-owned banks began to provide cheap credit, mostly denominated in euros (Bohle, 2014). Although Estonia's credit-driven growth averaged 8% per year, it came at the cost of rampant inflation, a housing boom, and the accumulation of net foreign liabilities. After the foreign credit-driven bubble burst in 2008, Estonia suffered a severe double-digit GDP decline. However, in contrast to other CEE countries, the Estonian government committed itself to excessive austerity measures amounting to 9% of GDP, despite low pre-crisis debt (Raudla & Kattel, 2011) and losing its parliamentary majority in the process (Jõgiste et al., 2012). The main impetus for fiscal retrenchment was the prospect of EMU membership, long a primary goal of Estonian policymakers. Adopting the euro was seen as one more step deeper into Europe and "away from Russia" ("Baltic bet,"



2010), and thus compliance with EU conditionality gained political priority. As the inflationary nature of Estonia's GM made it difficult to meet the inflation convergence criterion, the government hoped to capitalize on the EMU's deflationary pressures. To facilitate EMU entry, the government decided not to abandon the currency board and not to devalue, which could have mitigated some of the social costs of the post-crisis adjustment (Dandashly & Verdun, 2020).

Despite the high social costs of its commitment to austerity, Estonia stands out for a lack of social discontent and politicization of economic dependency. Apart from limited protests, austerity measures were largely accepted, and the neoliberal governing parties were able to form a government even in the aftermath of the crisis. There are several domestic and external reasons for that. Most importantly, Estonia's political system is divided along ethnic cleavages where the main political conflict plays out between parties backed by ethnic Russians (around 30% of the population) and parties supported by ethnic Estonians. Citizenship restrictions have politically sterilized the Russian-speaking minority, effectively silencing an important potential source of opposition to austerity (Bohle & Greskovits, 2012), whereas all major Estonian parties essentially converged on socioeconomic issues (Rohrschneider & Whitefield, 2009). Furthermore, this ethnic cleavage has been intensified by moves of the dominant Reform Party in recent years, which has participated in most post-transition governments, securing neoliberal continuity. The party has interpreted national neoliberalism as intrinsic to every "Estonian-minded person" (Saarts & Saar, 2022, p. 14). In this environment, every collective action voicing socioeconomic dissatisfaction has often been framed as reminiscent of the Soviet past and thus politically unviable. Therefore, the Estonian population has generally opted for exit to the EU labor market instead (Sippola, 2014). The Estonian GM was only at risk of a challenge for a brief window after the eurosceptic, anti-migrant Conservative People's Party of Estonia entered a coalition government in 2015 (Raik & Rikmann, 2021). Even though the party attempted to politicize socioeconomic disparities stemming from the consumption-led GM, its impact remained relatively limited, and two years later the party returned to the opposition benches after the fall of the government.

Apart from domestic political factors, geopolitical considerations also play an important role in constraining the politicization of the Estonian GM, with the pair often reinforcing one another. Estonia is one of the most Europhile EU member states and is exemplary in transposing EU directives into national legislation (Gudžinskas & Bekišas, 2018). According to Estonian policy-makers, their attempts to defend the country's status as an EU stalwart has become excessive, with most of the country's state capacity going to implement EU law, leaving little room for autonomous policies (Raudla et al., 2019). Estonia obediently accepted the macroeconomic governance rules, often going beyond the required minimum regulatory standards, even though it placed an additional fiscal straitjacket on its inflationary GM (Raudla et al., 2018). In some cases, Estonia even backed Germany in supporting measures that would further limit the fiscal space of member states (see appendix in Wasserfallen et al., 2019). The unshakable support for the EU is linked to geopolitical constraints, namely the perceived threat posed by neighboring Russia, which has pulled Estonia closer to the EU.

The Estonian case findings point to the presence of a politically uncontested EU-leash, with a firm political commitment to consumption-led GM. Ironically, this has shifted the Estonian GM from its original consumption-led stature to a more balanced weakly export-led orientation (see Table A3 in the Supplementary File) because of the export-led bias built into the EU-leash. The country's austerity policy and strict adherence to the EU's economic governance rules entailed an internal devaluation, which

increased cost competitiveness while reducing the role of private consumption in GDP growth. As a result of the above processes, exports increased, especially in knowledge-intensive services (Kalanta, 2023).

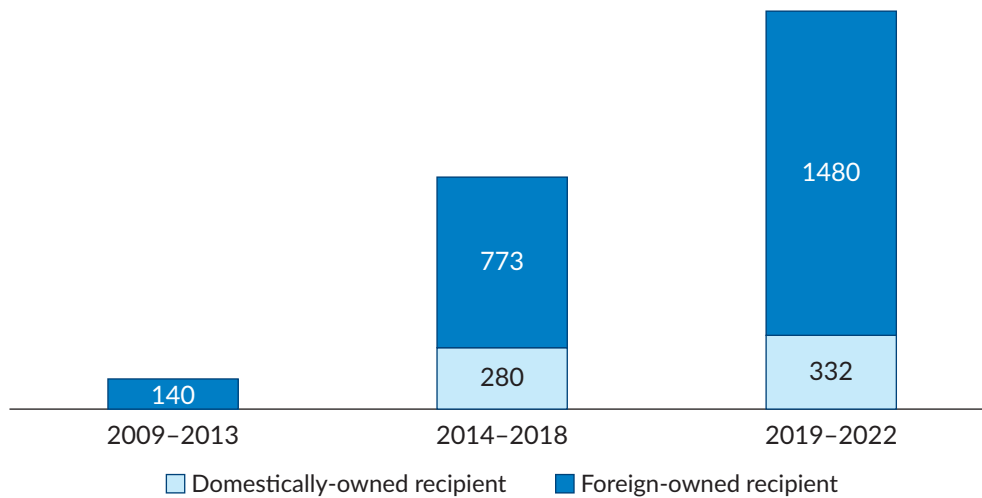
#### **4.2. The EU-Leash Reinforcing an FDI-Led GM: The Case of Hungary**

Since the late 1990s, Hungary's GM has been export-led, primarily based on the performance of foreign companies active in manufacturing. This model remained unchallenged by Hungarian governments until the populist right-wing Fidesz party and PM Viktor Orbán won a constitutional majority in the 2010 elections. Since then, the government's rhetoric has been characterized by an increasing anti-FDI stance and economic nationalism, manifested in concrete measures of renationalization, especially in the banking and finance sectors, which were dominated by foreign companies (Karas, 2022; Sebók & Simons, 2022). Moreover, foreign firms have been subjected to unfair treatment by the Orbán government, including special sectoral taxes (Sallai et al., 2023).

The literature suggests that the EU played an enabling role in the process of this unfolding economic nationalism, without much leverage over Hungary, as long as the Orbán government kept the budget deficit and public debt under control (until the coronavirus crisis; Johnson & Barnes, 2015). However, no deep, transformative changes in Hungary's GM have occurred: It remains an export-led, FDI-dependent economy (Ban & Adăscăliței, 2022), with renationalization and the expulsion of foreign companies confined to sectors that are structurally less relevant to the country's GM (Scheiring, 2020). Thus, despite the government's political commitment to changing the FDI-dependent, export-led trajectory, this has not materialized (cf. Bohle & Greskovits, 2019).

The literature explains this systemic continuity as the product of the country's deep embeddedness in global value chains, so the pursuit of anti-FDI policies could easily have backfired (Vukov, 2023). Others argue that the mutually beneficial relationship between transnational capital and the political elite may have cemented the country's GM (Bohle & Regan, 2021). Complementing these views, we argue that, contrary to the international enabler thesis, the EU has contained the economic nationalist agenda by indirectly pulling the Orbán government towards the preservation of the FDI-led GM. As we show in the paragraphs below, three mechanisms of the EU-leash have performed this role: the EDP, state aid rules, and, more recently, the suspension of EU funds to Hungary.

Immediately after joining the EU, Hungary was placed under the EDP because its budget deficit exceeded 3% of GDP and its debt-to-GDP ratio was well above the 60% reference value. Hungary's public finances have often been characterized by overspending (Benczes, 2014), with the EDP at times requiring the government to introduce corrective measures, limiting its fiscal maneuvering space. Facing fiscal distress during the GFC in 2008, the country was the first EU member to turn to the IMF and the EU for a bailout agreement in that period, which imposed further constraints on the government's fiscal policy (Ban & Bohle, 2021). In line with its economic nationalist agenda, the government sought to exit both the EDP and the bailout agreement to increase its fiscal autonomy. Following the introduction of measures that nationalized the private pension system and imposed special sectoral taxes, mainly on multinational companies in the financial, energy, telecommunications, and retail sectors, the budget deficit fell to below 3% and public debt also began to decline (Gyórfy, 2018), allowing the country to exit both the EDP and the bailout agreement in 2013. However, the commitment to fiscal discipline also meant that the government had to rely on



**Figure 3.** Regional investment aid granted by individual government decisions to domestic and foreign companies in Hungary (in millions of constant 2010 €). Source: Authors' calculation based on Ministry of Foreign Affairs and Trade (2023).

sources of external finance that did not add to the country's deficit or incur debt. In addition to EU funds, FDI remained such a source. Thus, fiscal discipline required the government to continue the FDI-based model to avoid direct EU fiscal interference. The EDP, consequently, indirectly ensured the continuity of FDI inflows, which are fundamental to Hungary's export-led growth.

European state aid rules also contributed to the stability of the FDI-based GM. As almost all Hungarian regions qualify for a regional aid intensity of up to 40%, it gives the government considerable leeway in granting regional investment aid to investors. Taking advantage of this opportunity, the Orbán government intensified the granting of regional investment aid through individual government decisions after 2013 (Figure 3). The vast majority of these grants (78%) went to foreign-owned companies, making regional investment aid a tool for the government to reinforce FDI-led growth and accelerate the inflow of foreign capital.

Meanwhile, the debate between the EU and the Orbán government over the deterioration of the rule of law in Hungary intensified, and the European Council adopted a regulation to protect the EU budget (Kölling, 2022), establishing the rule of law conditionality based on which the European Commission suspended all cohesion policy payments to Hungary. The Minister for Economic Development, articulating the government's response, argued that EU funds could be "easily replaceable by FDI" (Szumski, 2023). This suggests that the Hungarian government will continue to intensify the promotion of FDI in sectors where it welcomes foreign investors, which also implies that the suspension of EU funds has indirectly contributed to the further strengthening of the FDI-based export-led GM in Hungary.

## 5. Conclusions

Aiming to bridge CPE and IPE approaches in the analysis of semi-peripheral capitalism in the EU, we argued that the GMs in CEE are tied to the transnational influence of the EU, which we labeled as the EU-leash. We have shown that certain European regulatory mechanisms (soft conditionality through economic governance, state aid rules, and EU funding) set the limits within which institutional change in the respective

GMs is possible. Through two country case studies, we have demonstrated that the EU-leash has contributed to outcomes that were contrary to the aims the central governments sought to achieve: an incremental shift towards a weakly export-led GM in Estonia and the reinforcement of FDI-based export-led growth in Hungary. In both cases, the EU leash has softly limited the economic policy space of central governments although in the Baltics this has been almost voluntary because of the governments' strong commitments to comply with European economic governance rules. By exploring the dynamics between domestic politics and European influences, we have contributed to the literature on how the EU may accommodate GM heterogeneity across member states (e.g., Johnston & Regan, 2018; Johnston & Matthijs, 2022).

Despite the export-led bias of the EU-leash, the GM of the Baltics as a whole has remained highly inflationary due to a lack of wage repression and housing price increases, suggesting an enduring orientation toward domestic consumption (Bohle, 2018) and signaling potential problems with their long-term export competitiveness (Kalanta, 2023). The dutiful adoption of austerity measures and pro-forma export-support policies have resulted in high socio-economic costs, generating significant out-migration from the Baltics (Kattel & Raudla, 2013) despite attempts to mitigate these negative distributional consequences by ramping up social investment (Avlijaš, 2020). Overall, this outcome suggests protracted cycles of inflationary periods followed by excessive austerity, severely disempowering domestic democratic agency. All this, however, remains within the limits set by the EU-leash. Equally concerning are the potential socio-economic and political consequences of the continuation of the FDI-based, export-led GM in the V4. This model entails asymmetrical power relations with foreign investors and has adverse distributional consequences, such as rising income inequality and insecure labor markets, which fuel illiberal politics (Epstein, 2020).

It is important to note that the EU-leash does not downgrade domestic political agency in CEE countries, but limits room for maneuver to varying degrees. EMU membership, for instance, poses much tighter constraints than "simple" membership in the single market. The EU-leash may therefore exert a disciplining influence in the case of Slovakia, which recently experienced the comeback of national-populists with Róbert Fico in government, who has long advocated for replicating some of the policies implemented by Orbán in Hungary (e.g., sectoral taxes). Due to the country's EMU membership, the Fico government will face a narrower space for economic policy than Hungary, thus the EU-leash may prevent the adoption of certain measures, as suggested by the tied hands of national populists among the Southern EMU members (e.g., Vampa, 2023). Although the EU's influence on the GMs of its member states extends beyond the CEE countries, our concept of the EU-leash applies primarily to small and open economies that are heavily dependent on external sources of finance. Thus, it is the nature of dependent growth that allows for the EU's enhanced influence on GM trajectories in CEE. The analysis of the politics of semi-peripheral GMs should, therefore, incorporate the EU's role as a decisive stakeholder contributing to institutional stability and change.

### Acknowledgments

The authors wish to thank the academic editors and the three anonymous reviewers for their most helpful comments on earlier drafts of the article.

### Funding

This work was supported by the Slovak Research and Development Agency under the Contract No. APVV-21-0237 and by the National Research, Development and Innovation Office, Hungary (Contract

No. NKFIH-FK135342). Gergő Medve-Bálint is a recipient of the János Bolyai Research Scholarship of the Hungarian Academy of Sciences.

### Conflict of Interests

The authors declare no conflict of interests.

### Supplementary Material

Supplementary material for this article is available online in the format provided by the authors (unedited).

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## About the Authors



**Gergő Medve-Bálint** is an associate professor at the Institute of Social and Political Sciences at the Corvinus University of Budapest and a senior research fellow at the Institute for Political Science, HUN-REN Centre for Social Sciences, Budapest, Hungary. His research lies at the intersection of comparative and international political economy, focusing on institutional stability and change in (semi-)peripheral growth regimes in Europe, and exploring the role of industrial and regional policies in economic upgrading and stagnation in these economies. His publications have appeared in *JCMS: Journal of Common Market Studies*, *Studies in Comparative International Development*, *Review of International Political Economy*, *East European Politics, Competition and Change*, among others.



**Jakub Szabó** is a postdoctoral researcher at the Institute of European Studies and International Relations, Faculty of Social and Economic Sciences, at Comenius University in Bratislava. With teaching commitments and interests in quantitative social science, his research interests include comparative and international political economy (with a focus on the European Union, eurozone, and post-communist EU countries), EU economic governance, and differentiation in European integration.

# New Kids on the Democracy Block: Europeanisation of Interest Groups in Central and Eastern Europe

Meta Novak  and Damjan Lajh 

Faculty of Social Sciences, University of Ljubljana, Slovenia

**Correspondence:** Meta Novak ([meta.novak@fdv.uni-lj.si](mailto:meta.novak@fdv.uni-lj.si))

**Submitted:** 8 August 2023 **Accepted:** 14 November 2023 **Published:** 12 February 2024

**Issue:** This article is part of the issue “From New to Indispensable? How Has the 2004 ‘Big Bang’ Enlargement Reshaped EU’s Power Balance” edited by Matej Navrátil (Comenius University) and Marko Lovec (University of Ljubljana), fully open access at <https://doi.org/10.17645/pag.i376>

## Abstract

The 2004 EU enlargement and related Europeanisation processes supported the development of stagnated interest group systems in many ways, including with respect to the professionalisation of mainly voluntary-based organisations in Central and Eastern Europe. In the pre-membership period and initial years after joining the EU, national interest groups from Central and Eastern Europe chiefly relied on EU-level interest groups for important information, knowledge, and know-how concerning EU policymaking, whereas 20 years of membership has today established them as equal partners and co-decision-makers. The article elaborates on the Europeanisation of interest groups in the Central and Eastern Europe region from the start of the process of accession to the EU, with three case studies in focus: Lithuania, Poland, and Slovenia. The main research question is: In which different ways has the Europeanisation process influenced interest groups in the region? To address it, the article builds on Johansson and Jacobsson’s (2016) typology of the Europeanisation of interest groups. Six exploratory factors were examined in this regard: (a) contacts with EU policymakers and institutions, (b) interest in EU policymaking, (c) funding received from EU projects and programmes, (d) networking with EU umbrella organisations, (e) participation in open consultations, and (f) the relationship of the group with members. To study the effects of Europeanisation processes in selected countries, web survey data gathered from national interest groups as part of the Comparative Interest Groups Survey project were used. Our results show that interest groups from Central and Eastern Europe have become “European” in a range of ways. Regulatory and discursive Europeanisation is most typical for Polish interest groups, identity Europeanisation for Lithuanian interest groups, and financial and participatory Europeanisation for Lithuanian and Polish interest groups, while organisational Europeanisation has the strongest effect on interest groups in Slovenia.

## Keywords

Central and Eastern Europe; European Union; Europeanisation; interest groups; Lithuania; Poland; policymaking; Slovenia

## 1. Introduction

The process of Europeanisation is responsible for important changes in politics, institutions, administration, political culture, and actors in states that join the EU. This effect has gradually been strengthening as the EU acquires more competencies and influence in relation to various policy areas and as it further enlarges. For newer member states that have approached the EU since 2004, the mentioned effect was more intense since in a relatively short time period they needed to adapt to the membership as well as adopt the *acquis*. Another characteristic of the Europeanisation of newer member states is that they are largely new democracies with a socialist past, which also had to adapt to a democratic way of making policy.

The processes associated with Europeanisation have emerged as an important research area in Central and Eastern Europe (CEE; Schimmelfennig & Sedelmeier, 2005). The effects of Europeanisation on the executive (Fink-Hafner, 2005; Zubek, 2008), party systems (Fink-Hafner, 2007b, 2008; Lewis & Mansfeldová, 2007), administration (Ágh, 2013; Fink-Hafner, 2007a), and political parties (Fink-Hafner, 2004; Hafner-Fink et al., 2011; von dem Berge & Poguntke, 2013) have already been addressed. To a large extent, research focused also on the Europeanisation of interest groups (e.g., Czarnecki & Riedel, 2021a, 2021b; Jankauskaitė, 2017).

The focus of this article concerns the different types of Europeanisation of interest groups from CEE. We understand interest groups in a broad sense as organised groups that have some sort of constituency. These groups are either politically active or their political activity is latent. They have the interest and capacity to be active but most of the time their activity is not political (Beyers et al., 2020). A comparative approach is adopted with interest group populations from three post-socialist regions being analysed to ensure a good representation of CEE. Three case studies were performed, namely Lithuania from the Baltic states, Poland from the Visegrád countries, and Slovenia from the former republics of Yugoslavia. All three countries underwent a similar democratic transition and changes to their political systems in the 1980s. Lithuania and Slovenia also had to establish themselves anew as an independent state by additionally establishing new political institutions and expanding their administrations. This process took place alongside the processes involved in Europeanisation and with the opening of borders and setting up a market economy. The individual impact of Europeanisation on these countries is thus unknown and difficult to measure. Besides being new democracies their interest group systems are young (Hanegraaff et al., 2020), were established and developed quickly in the 1990s, and played an important role during the transition. At the same time, the three selected cases demonstrate differences in the region. Slovenia has a neocorporatist system, Poland incorporates neocorporatist tradition in a pluralist approach, while Lithuania predominantly has a pluralist model (Rozbicka et al., 2021). In the last years Poland and Slovenia (for the later, between 2020 and 2022) were confronted by democratic backsliding (Labanino & Dobbins, 2023a, 2023b; Pospieszna & Vetulani-Cęgiel, 2021).

The interest group system began to develop in Lithuania between 1918 and 1940. This has hitherto entailed several stages: the interwar period, the Soviet era, and the era of liberal democracy. The Soviet regime was the most difficult period for interest groups since although some professional associations, creative societies, and trade unions did exist, they enjoyed little autonomy and were largely controlled by the state. During the transition period, certain organisations like environmental, human rights, and equal opportunities groups became more autonomous (Rozbicka et al., 2021, pp. 29–30). Upon independence, interest groups remained on the periphery of the political process. In 2005, interest groups in Lithuania were still seen as

underdeveloped, with little professionalisation, relying on personal connections, a weak trade union lobby, and a negative image often associated with corruption (Hrebenar et al., 2008). However, while the interest group system remains weak and poorly developed, it has started to Europeanise, develop, and become more engaged with the EU level (Jankauskaitė, 2017).

In Poland, the interest group system began to develop during the democratic transition of the 1980s and 1990s with the social movement Solidarity. Later, despite the neocorporatist tradition, disagreement between the elites and workers caused the number of trade union members to drop and the rise in employers' associations and business organisations to stagnate, while the number of new associations (especially issue-oriented ones) started to grow rapidly also due to the process of joining the EU (Rozbicka et al., 2021, pp. 30–31). The decade between 2010 and 2020 was marked by democratic regression and showed the inefficiency of post-enlargement conditionality (Riedel et al., 2022). The democratic backsliding has seen already established interest groups face new challenges, while groups reliant on governmental funding have become more vulnerable (Pospieszna & Vetulani-Cęgiel, 2021).

The interest group system in Slovenia initially developed with the March Revolution in the 19th century. It reached the level seen in Western European countries before the Second World War (Kolarič et al., 2002). Nevertheless, following the change in the political system and the introduction of the socialist system during the time of Yugoslavia, any further interest group development was frozen for some decades. New social movements developed in the 1980s concerned with the peace movement, feminists, anti-psychiatry, LGBT rights, and the environment that were able to place fresh issues on the political agenda and apply pressure on the government in the direction of becoming democratic (Fink-Hafner, 1992). During the transition period and after the country attained independence, the number of interest groups escalated (Črnak-Meglič & Rakar, 2009; Fink-Hafner, 1998). Organisations based on almost voluntary bases commenced networking and cooperating with similar and umbrella organisations from Europe and elsewhere with the goal of acquiring relevant information and skills (Fink-Hafner, 2007c).

The focus of this article is on the influence of Europeanisation on interest groups following the process of joining the EU engaged in by selected countries from CEE. Our main research question is: In which different ways have Europeanisation processes influenced interest groups from CEE? To answer this question, we build on the typology of Europeanisation of interest groups theoretically developed by Johansson and Jacobsson (2016) and concentrate on six factors explaining the Europeanisation of interest groups: (a) contacts with EU policymakers and institutions, (b) interest in EU policymaking, (c) funding received from EU projects and programmes, (d) networking with EU-level umbrella organisations, (e) participation in open consultations, and (f) relationship of a group with its members. Each Europeanisation type is analysed separately and the correlation between different interest group types is examined. The comparative approach is useful for determining country differences in CEE. In our analysis, we concentrate on the influence of Europeanisation after more than 10 years of membership (we use data collected from 2016 until 2018).

The article continues by defining the processes of Europeanisation as they concern interest groups. The next section explains the role played by interest groups in EU policymaking during the accession stage and membership period. A description of the methodology and data is followed by the empirical analysis and the main conclusions of the article where the possible effects of the Europeanisation of interest groups on the EU's own internal dynamics are also discussed.

## 2. The Europeanisation of Interest Groups

An overview of the literature does not point to a single, agreed definition of the process of Europeanisation. In most political science literature, the Europeanisation process is viewed as a complex and multidimensional process connected to innovation, modernisation, changes, or adaptation. This makes it necessary to define Europeanisation every time the concept is used (Radaelli, 2000, 2003). To study the Europeanisation of interest groups, focus is placed on the analysis of public policy actors (Kanol, 2016). In this regard, Maurer et al. (2003, p. 54) define Europeanisation as a process in which governmental, parliamentary and non-governmental actors change their attention to and invest their resources and time in EU policymaking, whereas Johansson and Jacobsson (2016) define the actors-centred approach as honing in on what national actors “do” with the EU in national processes. National public policy actors can take an active stance in EU policymaking by engaging, interpreting, appropriating, or ignoring the processes involved with European integration (Woll & Jacquot, 2010, p. 113). Accordingly, we can note the recent growth in interest in the Europeanisation of interest groups as scholars principally consider the role of interest groups in EU policymaking, their participation in EU-level umbrella organisations, and the effects of EU funding on interest groups (e.g., Dür & Mateo, 2014; Johansson & Jacobsson, 2016; Kanol, 2016; Klüver, 2010; Maloney et al., 2018; Pritoni, 2017; Sanchez Salgado, 2014; Sanchez Salgado & Demidov, 2018).

The EU offers many ways of accession to decision-makers that interest groups can take advantage of (Beyers, 2002, p. 591). Further, the EU has available various legal, financial, cognitive, normative, political, and institutional resources that interest groups can use to engage in political activities with the aim of influencing policy (Woll & Jacquot, 2010). Interest groups must take advantage of these opportunities if they wish to influence the outcomes of policy. Moreover, national interest groups should follow a “dual strategy” to promote their interests in front of national and EU institutions to boost their impact on the EU public policy process (Eising, 2004, p. 216). We view the Europeanisation of interest groups as meaning their increased role in the processes of EU policymaking on the national level as well as becoming preoccupied with the European dimension instead of the national one (Warleigh, 2001, p. 620). Interest groups may refer to the EU and use it when they need it and otherwise refer to the national level (Johansson & Jacobsson, 2016). At the same time, institutions can trigger changes in domestic actors’ and interest groups’ interests, ideas, and identities as part of a process of learning (Risse et al., 2001, p. 12). Johansson and Jacobsson (2016) stress that interest groups are not only objects of Europeanisation but also themselves exert an influence on the EU and are hence also subjects of Europeanisation.

Interest groups may engage in Europeanisation processes in different ways. Johansson and Jacobsson (2016) define six types of the Europeanisation of interest groups.

1. Regulatory Europeanisation, which takes the shaping of the legal environment in which interest groups are active into consideration. Here, interest groups adapt to the changes and engage in lobbying with the intention to influence these policy changes.
2. Discursive Europeanisation, which occurs via changes in thinking about policy, politics, or policies, affects the agenda orientation of interest groups, and builds a common pool of knowledge on the EU level. Interest groups may also resist and reject European ideas and norms.
3. Financial Europeanisation, which points to the dependency of interest groups on EU funding. For EU-level organisations, funding coming from EU projects and programmes is very important, yet it also

includes funding for national, regional, and local interest groups (Mahoney & Beckstrand, 2011; Sanchez Salgado, 2014).

4. Organisational Europeanisation, which can translate to interest groups being involved in EU-level umbrella organisations or networking with similar organisations from EU member states and their multilevel relationship. Inclusion in an EU-level organisation can be a strategy to influence EU policymaking or help interest groups influence domestic policymaking by enabling dialogue with national institutions (Fink-Hafner, 2007c).
5. Participatory Europeanisation, which refers to changes in participatory opportunities like possibilities to participate in the European Citizens' Initiative, open consultations of the European Commission, or other arenas such as European Social Forums.
6. Identity Europeanisation, which happens through social interactions as individuals network and participate in a European process. Here, the political socialisation function of interest groups (Warleigh, 2001) is important. Besides interest groups having an influence on the outcomes of EU policy, interest groups should also educate their constituency about EU public policies and include them while formulating the group's positions with respect to EU-related topics (Warleigh, 2001, p. 623).

The EU is not simply located in the Brussels bubble but its impacts are felt well beyond (Sanchez Salgado & Demidov, 2018) and influence interest groups in a variety of ways, which is the main argument put forward in this article.

### 3. The Europeanisation of Interest Groups in CEE

Even though EU institutions and public policies create additional opportunities for national organisations to influence public policies, not all national organisations decide to take advantage of EU access points (Beyers & Kerremans, 2007, p. 460). Interest groups' level of involvement in EU policymaking as they try to pursue their goals depends on various factors (Lundberg & Sedelius, 2014, p. 323). While an important minority of interest groups advocate their interests regularly on the EU level, most groups (and those representing business interests) primarily remain active only on the national level (Eising, 2008, p. 16). Despite national interest groups recognising the importance of EU policymaking and attempting to influence EU policies, their priorities are still mostly focused on the national and local levels (Lundberg & Sedelius, 2014, p. 323).

The Europeanisation of interest groups from CEE commenced in the mid-1990s when countries from CEE were applying for EU membership. Already during the accession processes, the effects of the Europeanisation on interest groups from CEE were noticeable. In fact, the effects of Europeanisation were more substantial than the effects brought by changing the political system. The Europeanisation process in CEE occurred in the same timeframe as the population of interest groups was growing. Europeanisation thereby contributed to the establishment of new interest groups and the pluralisation of the interest group system (Rozbicka et al., 2021, pp. 199–200). For interest groups from CEE, the EU level also represented an extra option for financing. Funding arising from EU projects and programmes has become ever more important considering the austerity measures during the economic crises and the lack of citizens' support in the form of donations (Stakeholder meeting at the event Faces of Civil Society in the European Union, May 16, 2018). The EU is, after all, one of the key public funders. Several interest groups are financially supported by the EU since European funding is part of a broader strategy for decreasing the democratic deficit and increasing political participation (Sanchez Salgado, 2014, p. 337).

Another more noticeable effect of Europeanisation is networking with European organisations. Even during the accession stage, national interest groups from CEE were starting to collaborate with EU umbrella organisations (Fink-Hafner, 2007c). The collective representation of interests and access to policy information are vital reasons for joining EU-level umbrella organisations, whereas the material encouragement given by EU-level organisations to their national member organisation only play a minor role (Eising, 2008, p. 15).

Yet, at the same time, interest groups' contacts with EU-level decision-makers and institutions have remained very limited and few resources are invested in EU-level lobbying (Rozbicka et al., 2021). When interest groups decide to contact EU institutions, the issue needs to be particularly important for them. They also prefer to contact institutions with national representatives such as national members of the European Parliament or Council of the EU where they can contact the permanent representation of the country to the EU in Brussels, or national ministries and officials. Another preference for inclusion in EU policymaking is participation in the process of preparing national positions on legislative proposals of the European Commission (Novak & Lajh, 2018).

The European integration process has clearly affected and altered interest groups in several ways. Fink-Hafner et al. (2015a, p. 81) described five ways in which Europeanisation has influenced the ways interest groups function: (a) the institutional opportunity structure for interest group activities, where the interest group-parliament's relationship has been changed following adaptation to being integrated into the EU political system, while the role of the executive has strengthened; (b) the internationalisation of some interest groups through membership in EU organisations that offered support in the form of know-how and experiences; (c) interest groups' political culture in the way that they become more politically active; (d) changes in interest groups' organisational modes; and (e) the influence of interest groups within the national and EU political systems in the direction of becoming more influential (Fink-Hafner et al., 2015a, p. 81). Notwithstanding that Europeanisation has influenced interest groups in the sense of more activities and influence, interest groups from CEE compared with some older and bigger member states remain less active when it comes to being involved in EU-level policymaking (Rozbicka et al., 2021).

## 4. Data and Methods

In the empirical part of the article, we examine the current stage of the Europeanisation of interest groups from CEE. We understand the Europeanisation processes more broadly than just contacts with EU decision-makers, namely as a process that influences national interest groups in several ways.

The analysis is based on data collected in an original cross-national survey of interest groups (Beyers et al., 2020). The analysis is limited to the cases of Lithuania ( $n = 365$ , response rate 40%), Poland ( $n = 380$ , response rate 28%), and Slovenia ( $n = 439$ , response rate 36%; Beyers et al., 2020). First, the interest group population on the national level was comprehensively mapped, with the survey then being submitted to all groups in the population. Interest groups were defined as non-governmental organised groups that act for the purpose of influencing political decisions. We also included in the survey latent groups whose primary purpose might not be influencing political decisions (Beyers et al., 2020).

In the empirical analysis, we address the research question concerning which different ways Europeanisation processes have influenced interest groups from CEE. We view Europeanisation as a process that influences

interest groups in various ways and build on the typology developed by Johansson and Jacobsson (2016). In the first part of the analysis, we elaborate on the status of interest groups from CEE in a particular type of Europeanisation. In the second part, we test the correlation between different types of Europeanisation. In this way, we test our assumption that interest group systems can be Europeanised in different ways and check the correlation between different Europeanisation types.

Based on the data available in the mentioned survey, we operationalised each type of Europeanisation with the following variables.

The first variable was *regulatory Europeanisation*, which covers the contacts engaged by interest groups with EU-level institutions over the previous year. The exact question wording was as follows: “During the last 12 months, how often has your group actively sought access to the following EU-level institutions and agencies in order to influence public policies?” The interest groups evaluated the frequency of contacts on a scale from 1 to 5, where 1 means *we did not seek access*, 2 means *at least once*, 3 *at least once every three months*, 4 *at least once a month*, and 5 *at least once a week*. The focus was on the seven particular sets of contacts: commissioners and their cabinets, officials in the Directorate-Generals of the Commission, member state delegations/permanent representations in Brussels, the Council Secretariat, the leadership of EP party groups and/or European party federations, and other members of the European Parliament and European regulatory agencies. Values for the frequency of contacts with institutions were added together and divided by seven to obtain the average frequency of contacts with EU institutions.

The second variable was *discursive Europeanisation*, which was operationalised as the increase in interest in EU policymaking. The exact question wording was: “Policies originating from the European Union have a different level of importance for different organisations. How important are these policies for your organisation?” EU policies are *the most important focus* (1), *an important focus* (2), *a less important focus* (3), *other areas take up more of our time* (4), or *of no importance whatsoever* (5).”

The third variable, *financial Europeanisation*, was operationalised as funds received from EU projects and programmes. The exact question wording was: “Organisations obtain financial support from different sources. Please indicate the percentage of your organisation’s 2015 budget that came from: Funding from the EU (e.g., payments from EU projects or programmes).”

Fourth, *organisational Europeanisation* was operationalised by networking with EU-level interest groups. The exact question wording was: “One way of achieving your goals is by becoming a member of a European or international interest organisation or network. Are you a member of one or more European/international organisations or networks?”

The fifth variable was *participatory Europeanisation*, which considers taking advantage of different opportunity structures on the EU level. Since we have no data regarding participation at open consultations or on advisory boards organised at the EU level, we analysed the data for general participation in consultations and advisory boards. The exact question wordings were: “During the last 12 months, how often has your organisation been involved in any of the following activities? a) Responded to open consultations by the government; b) Served on advisory commissions or boards?” The frequency of participation was measured on a scale from 1 to 5, where 1 means *we did not do this*, 2 means *at least once*, 3 *at least once every three months*, 4 *at least*



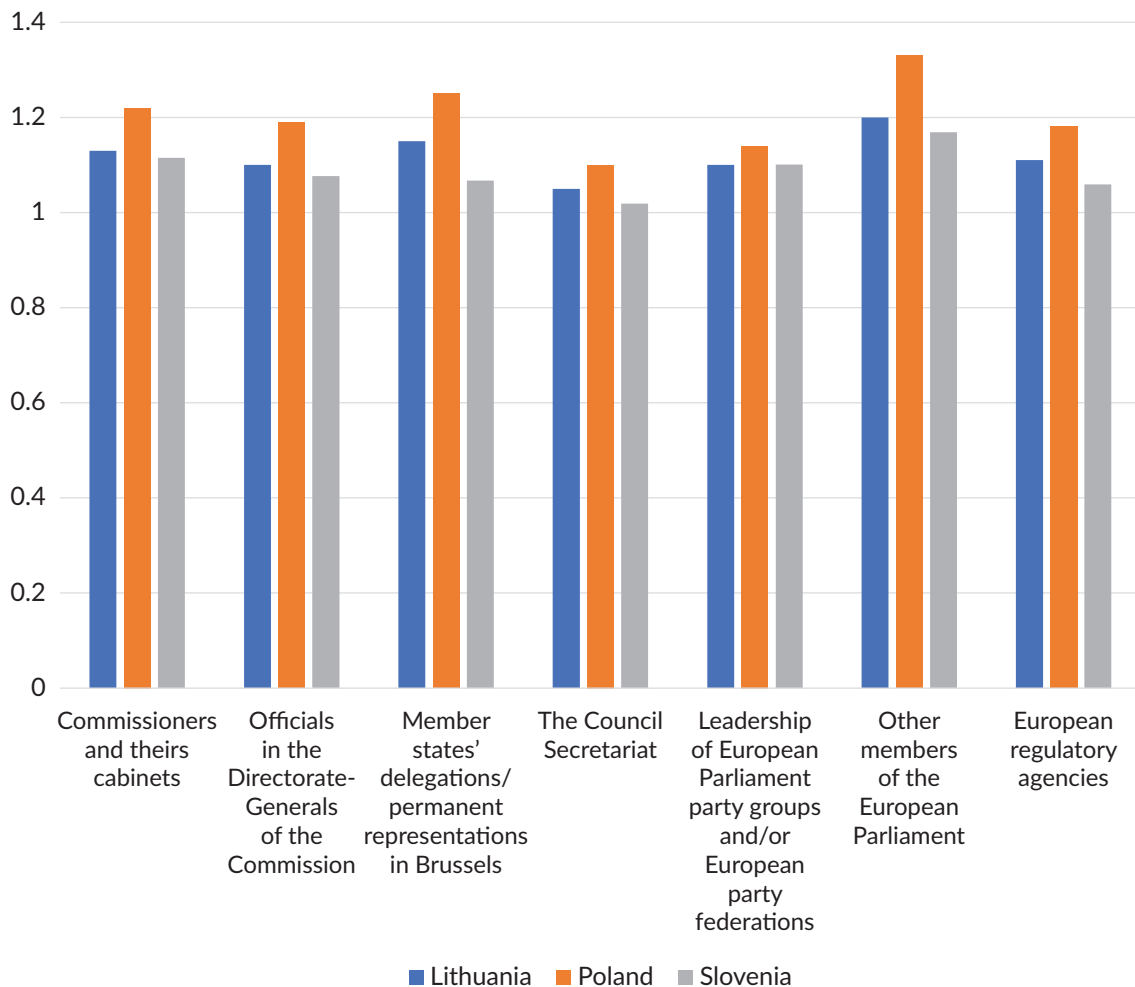
once a month, and 5 at least once a week. The answers to both questions were added together and divided by two to obtain the average frequency for participation in opportunity structures. Although we are aware that participation in national consultations can be driven by domestic dynamics, we build on findings that Europeanisation changes interest groups' behaviour in the direction of more proactive lobbying also at the national level (see Fink-Hafner et al., 2015b).

Lastly, *identity Europeanisation* considers the relationship between interest groups and their members. We analysed answers to two questions: the influence of the membership on the organisation's position on public policies and the influence of the membership on the organisation's decisions on political strategies. The wording of the first question was: "Thinking about your organisation's position on public policies, how would you rate the influence of the following actors?" with "your membership" being the one of the categories up for consideration. The answers were given on a scale from 1 to 4, where 1 means *very influential*, 2 means *somewhat influential*, 3 *not very influential*, and 4 *not at all influential*. The wording of the second question was: "Thinking about your organisation's decisions on political strategies, how would you rate the influence of the following actors?" with "your membership" being the one of the categories up for consideration. Answers were provided on the same 1–4 scale. The answers to both questions were later added together and divided by two to obtain the average influence of members within interest groups. This type of Europeanisation has some limits in the analyses. Questions about the influence of interest groups were only asked when interest groups had a membership base.

## 5. Analysis and Results

### 5.1. Regulatory Europeanisation

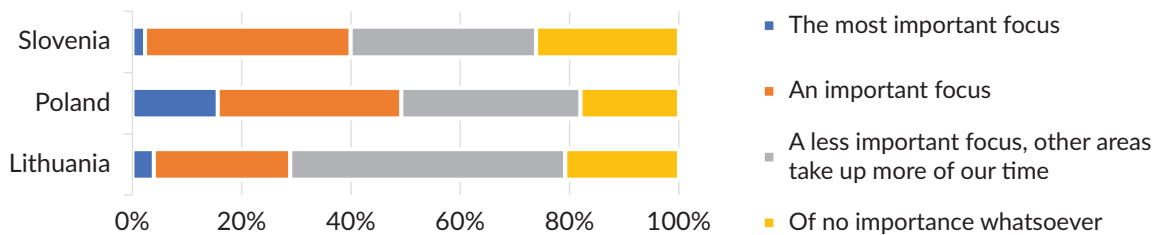
Interest groups from CEE have very few contacts with EU institutions. This might not be surprising given that interest groups are active in a specific area and policies are not constantly being formulated for this area. Further, Brussels is quite distant from interest groups from CEE and the cost of contacting EU institutions is high. Interest groups accordingly probably limit their contacts to the amount that is strictly necessary. However, 71.3% of interest groups from Lithuania, 65.9% from Poland, and 78.5% from Slovenia did not contact EU institutions at all in a period of one year (see Figure 1). The frequency of contacts with individual EU institutions is also similar among the countries. Poland stands out with slightly more frequent contact with all EU decision-makers, while Slovenian interest groups lag behind with the least frequent contact with EU decision-makers. We could hypothesise that Polish interest groups are more active also due to the size of their country. While both Lithuania and Slovenia are smaller EU member states, Poland is characterised as a large EU member state. The only exceptions are contacts with the leadership of European party groups and federations where interest groups from Lithuania share the same low frequency of contacts as Slovenian interest groups. The most frequent access is to members of the European Parliament. This is likely because interest groups can also contact members of parliament who come from their home country, which makes the European Parliament a more accessible institution. Carroll and Rasmussen (2017) in their comparative analysis of interest groups present in the European Parliament show that economic resources as well as cultural resources, such as membership of the population in civil society organisations, explain the engagement of interest groups from different countries with members of parliament, where CEE is known to have a lower tradition of civil society involvement. However, interest groups from Slovenia that have the highest level of civil society involvement among our three country cases (Novak & Hafner-Fink, 2015) also have the least frequent contact with EU institutions.



**Figure 1.** Frequency of contacts with EU institutions, mean value, where 0 means *we do not seek access* and 1 means *at least once*.

## 5.2. Discursive Europeanisation

Although interest groups from CEE rarely make contact with EU institutions, they still have an interest in EU policies and regard them as important. Almost 29% of Lithuanian interest groups, 50% of Polish interest groups, and 40% of Slovenian ones believe that EU policies are important or very important for them. On the other hand, for almost 21% of Lithuanian groups, 18% of Polish ones, and 26% of Slovenian ones EU policies hold no importance for them at all (see Figure 2). Polish interest groups that have the most frequent contacts with EU decision-makers also find EU policies the most important. While more Slovenian than Lithuanian interest groups with the least frequent contacts with EU decision-makers find EU policies to be important, they also regard them as not important at all. In Lithuania, the biggest share of interest groups finds other areas of policymaking more important. The importance of EU policies appears to not affect the frequency of contacts on the EU level, at least in the cumulative stage, although other research shows that contacts between interest groups and political parties can also be explained by interest groups engagement in EU policies (Berkhout et al., 2020). Professionalisation of interest groups and cooperation with other organisation could further increase interest in European lobbying environment (Labanino & Dobbins, 2023b).



**Figure 2.** Importance of EU-level policymaking for interest groups from CEE.

### 5.3. Financial Europeanisation

EU funds can prove especially important for organisations without a stable funding source such as membership fees, national funds, or regular donations. For 36.57% of Lithuanian interest groups, 40.1% of Polish ones, and 17.3% of Slovenian ones, EU funds represent at least a partial financial source. On average, for interest groups that receive EU funds, they represent almost 35% of the budget of Lithuanian interest groups, 33% for Polish interest groups, and almost 25% for Slovenian interest groups. A larger share of Polish interest groups is financed by European funds, albeit this financing represents a bigger share of the budget of Lithuanian interest groups.

In countries that lack national funding or where there is no culture of citizens donating to support the causes of interest groups (Stakeholder meeting at the event Faces of Civil Society in the European Union, May 16, 2018), EU funds might be vital for the operation of interest groups. Financial Europeanisation has influenced interest groups in the sense that they are becoming more professionalised to be able to compete for these limited resources. However, EU funds are often short-term and subject to co-financing with the recipient's own resources. This is leading to short-termism in project-oriented financing, which for small interest groups from CEE may mean restricting their activities solely to projects and fundraising and relying on temporary, precarious staff (Stakeholder meeting at the event Faces of Civil Society in the European Union, May 16, 2018). The temporary nature of EU funds may also explain why EU funds are less important than national funding when it comes to the professional development of interest groups (Dobbins et al., 2022).

Simultaneously, the competition for EU funds is very strong. It demands the almost professional organisation of interest groups to be able to apply for these financial resources. Financing that comes from EU projects and programmes may thus become inaccessible for voluntary non-governmental interest groups. Research has demonstrated that interest groups from CEE that receive EU funding have bigger budgets, better access to national and EU decision-makers and are more likely to lobby (Novak & Lajh, 2019). Czarnecki and Riedel (2021a), on the other hand, showed that interest groups from CEE that receive EU funds find the EU more important but are not more likely to contact EU institutions.

### 5.4. Organisational Europeanisation

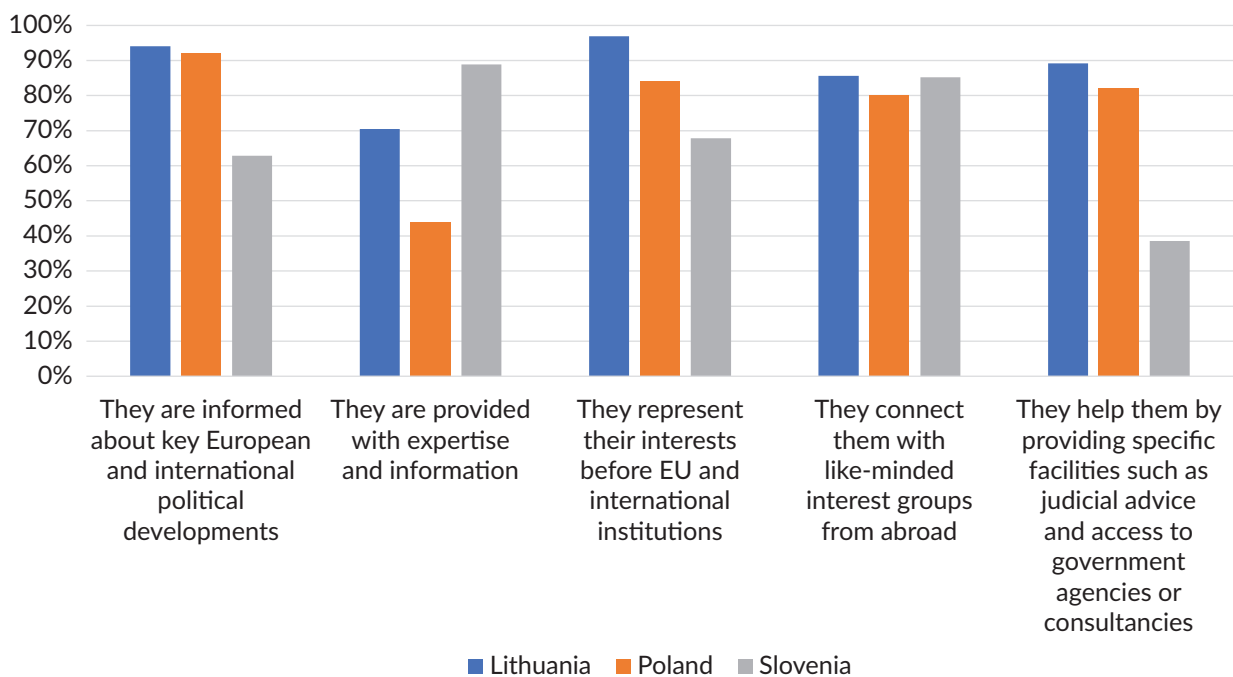
Networking with European organisations is undertaken by many interest groups from CEE. After all, membership in EU umbrella organisations is significant for the representation of CEE interest groups at the EU level (Czarnecki & Riedel, 2021a). Interest groups that are members of EU umbrella organisations are more likely to get access to European policymakers (Hanegraaff & van der Ploeg, 2020). More than 54% of

Lithuanian interest groups, 39% of Polish ones, and 60% of Slovenian ones are members of at least one network or umbrella organisation from abroad (see Figure 3). On average, Lithuanian interest groups are members of 1.7 such networks or umbrella organisations, Polish interest groups of 2.1, and Slovenian interest groups of 2.5. Slovenian interest groups are prominent with a high share of interest groups that network with similar organisations from abroad. Lithuanian interest groups also have a high share in this respect, while on average they are members of fewer international organisations.

Some differences can be observed among interest groups from various countries in CEE as concerns where they see the beneficial contributions of their membership in international organisations. Lithuanian and Polish interest groups view the information they obtain regarding international political developments to be key. The expertise and information interest groups can receive from European organisations are less important for Polish interest groups. Lithuanian interest groups find it particularly important that European organisations represent their interests in front of EU institutions, while only a small number of Slovenian interest groups benefit from judicial advice and access to government agencies and consultancies due to being a member of European organisations.

### 5.5. Participatory Europeanisation

Since we do not possess information concerning how often interest groups from CEE participate in open consultations organised at the EU level, in this article our interest is how frequently interest groups from CEE generally participate in opportunity structures. We build on the assumption that Europeanisation processes change interest groups' behaviour into a more proactive one also at the national level (see Fink-Hafner et al., 2015b). During the previous year, over 52% of Lithuanian, more than 61% of Polish, and



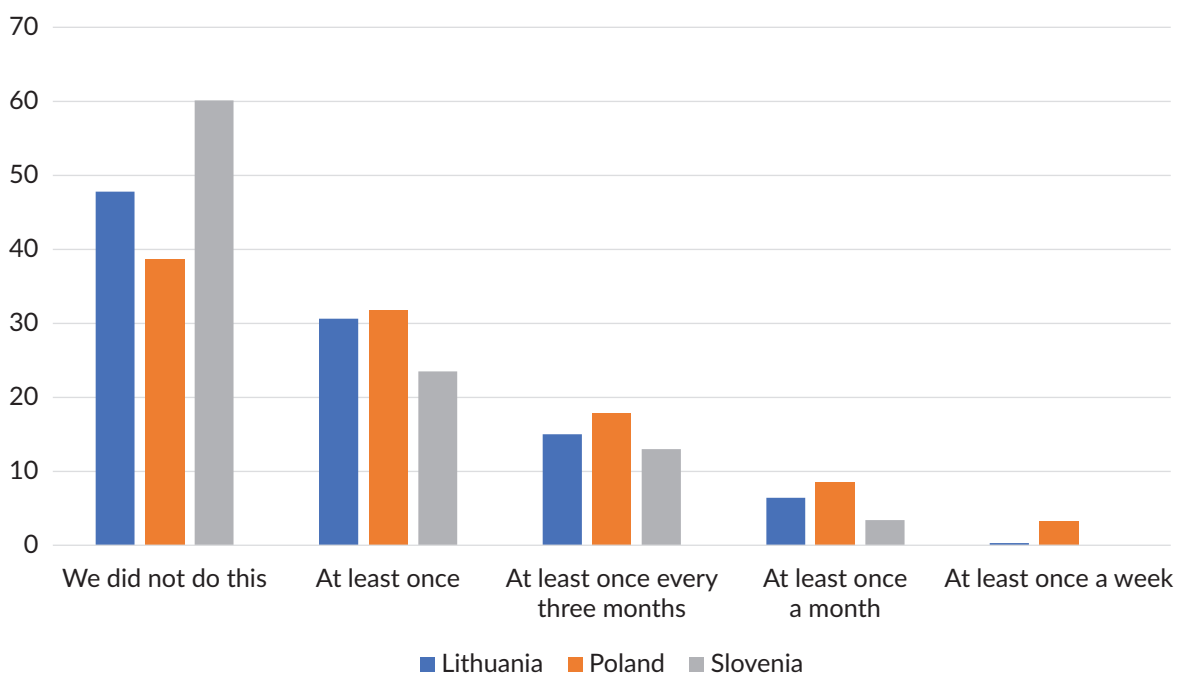
**Figure 3.** Benefits of membership in European and international organisations (combined share in percentage of very beneficial and partly beneficial).

less than 40% of Slovenian interest groups had participated at least once in public consultations (see Figure 4), whereas 69% of Lithuanian, 60% of Polish, and less than 45% of Slovenian interest groups participated in an advisory commission or board (see Figure 5).

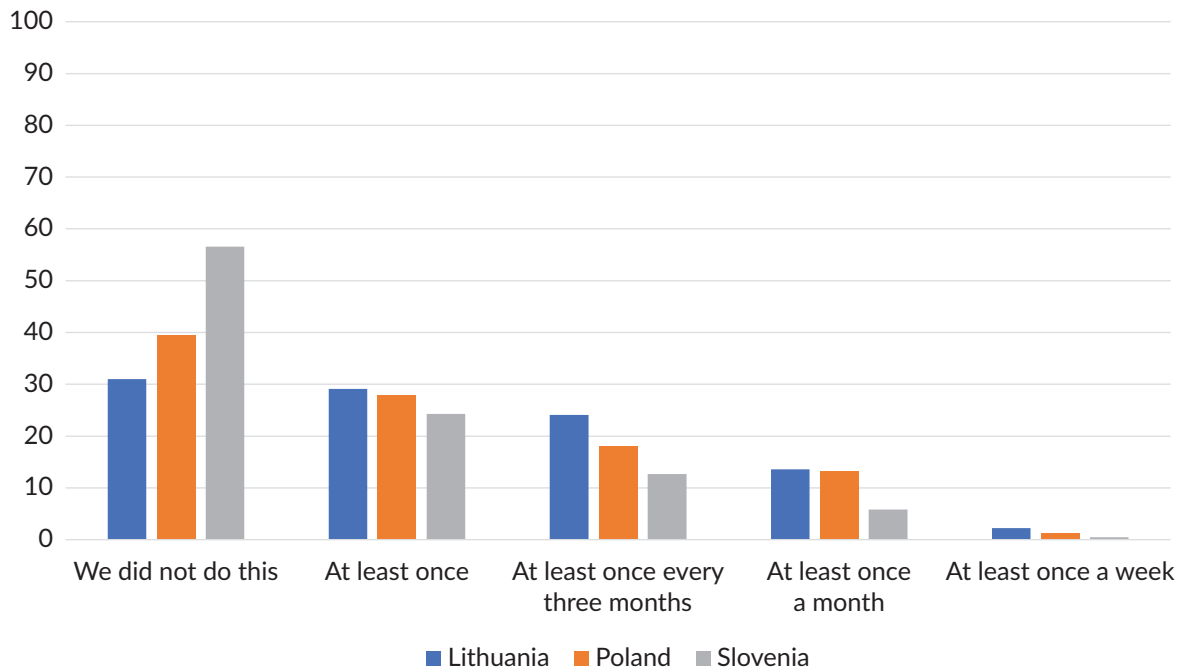
Slovenian interest groups feature the lowest participation level in consultations and advisory boards. This could be connected with the small number of contacts with EU decision-makers. These interest groups' smaller inclusion in opportunity structures might also be a consequence of the big share of understaffed interest groups (almost 70% of the groups do not have any staff) or due to a lack of information about these opportunities. Nevertheless, engagement with national opportunity structures could be explained also by domestic dynamics, such as the level of corporatism (Slovenia has the highest level of neo-corporatism; Rozbicka et al., 2021). In comparison, Polish interest groups have the largest share of groups being included in consultations and quite a large share of being included on advisory boards. These groups have also frequent contact with EU-level decision-makers and just 25% of them have no employees. However, it is probably unlikely that, during a one-year timeframe, every interest group will have the opportunity to participate in a consultation. Although public policies are constantly being made, policies in a specific area of interest do not change all the time.

### 5.6. Identity Europeanisation

Identity Europeanisation can influence the relationship between an interest group and its membership base. Including members in the decision-making of interest groups is important for the political socialisation of the members and for building their social capital. This indicator was analysed only for interest groups that have members. Members are significantly more important in Lithuania, where in 90.4% of interest groups members have at least some influence on decisions made regarding political strategies, and in 88.8% of them, members



**Figure 4.** Frequency of participating in open consultations in the last year.



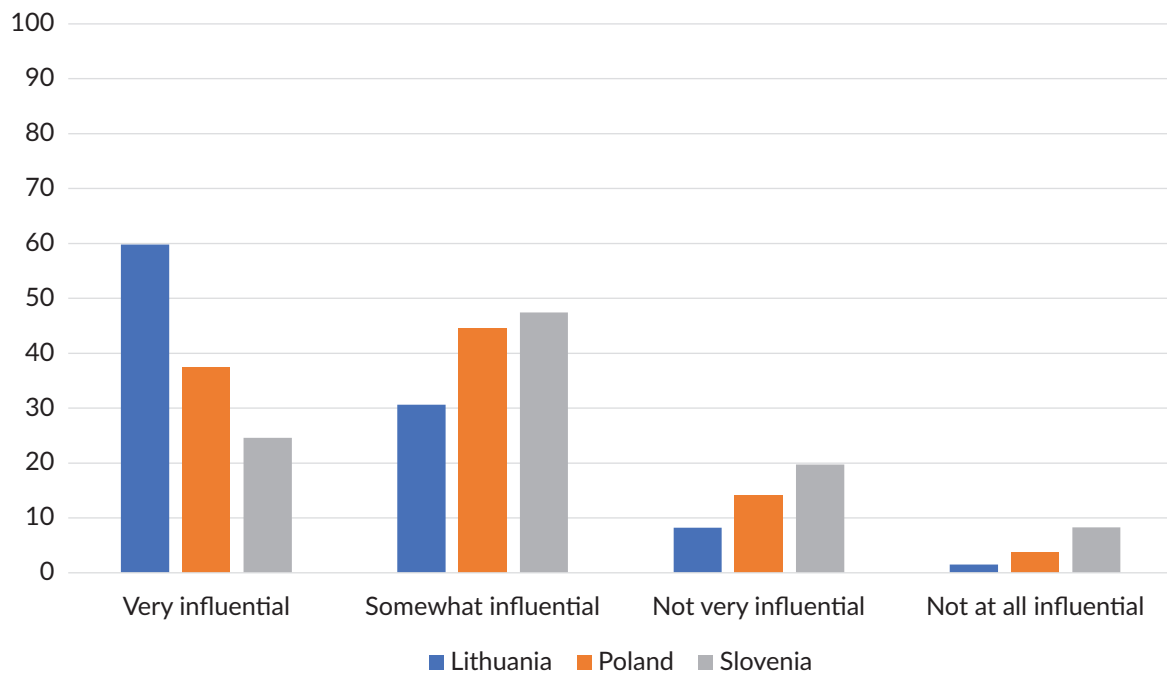
**Figure 5.** Frequency of participating in advisory commissions or board in the last year.

have at least some influence on the forming of positions on public policies. In 82% of Polish interest groups, members have some influence on decision-making concerning political strategies of the organisation, and in almost 79% of these groups, members have some influence in the forming of positions on public policies. On average, the members of Slovenian interest groups are less influential when the organisation is making decisions on political strategies and forming positions on public policies. In 76.9% of organisations, members have at least some influence when the organisation is making decisions on political strategies, and in 72% of them members have at least some influence while positions are being formed on public policies (see Figures 6 and 7). In general, members of interest groups from CEE, compared to those from Western Europe, have voices that are more influential in the internal decisions of their interest groups (Berkhout et al., 2023).

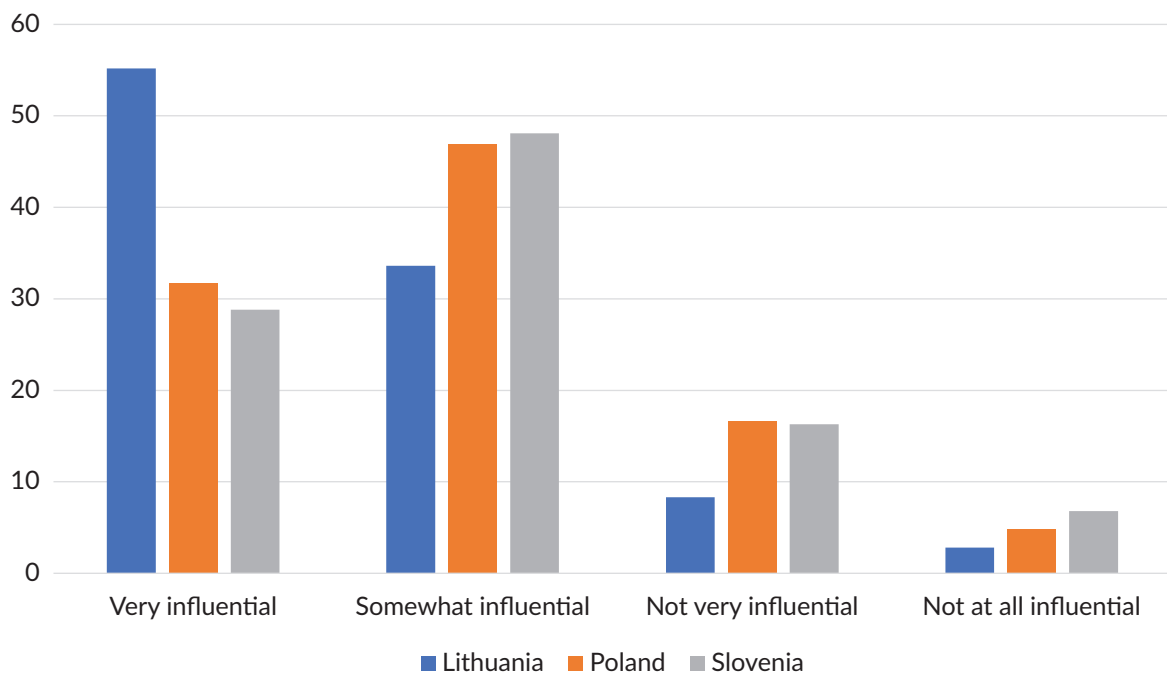
### 5.7. Correlations Between Different Types of Europeanisation

In the second stage of the analysis, we considered the correlation between different types of interest groups in Europeanisation. We performed bivariate correlation analysis and used Pearson’s correlation coefficient. The analysis was performed separately for each country.

Most of the Europeanisation types are correlated, showing that interest groups become Europeanised in various ways. It is not that some organisations follow one type of becoming Europeanised and others other types; instead, the same organisations follow different paths to Europeanisation (see Table 1). The direction of correlation shows that interest groups more interested in EU policymaking also contact EU institutions more frequently, a bigger share of their budgets comes from EU programmes and projects, and are more likely to be a member of European organisations. As the importance of EU policies for interest groups rises, so too does interest groups’ participation in open consultations and advisory commissions and boards. Interest groups in receipt of EU funds more often contact EU institutions and participate more frequently in different opportunity structures. Interest groups with greater contacts with EU institutions also participate



**Figure 6.** Influence of members in interest organisations on the positions of public policies.



**Figure 7.** Influence of interest organisations' members on decisions on political strategies.

**Table 1.** Correlation among the types of Europeanisation.

	Pearson correlation	Regulatory Europeanisation	Discursive Europeanisation	Financial Europeanisation	Organisational Europeanisation	Participation Europeanisation	Identity Europeanisation
Regulatory Europeanisation	Lithuania	1	-0.346***	0.279***	0.280***	0.446***	-0.097*
	Poland	1	-0.423***	0.158*	0.295***	0.497***	-0.141
	Slovenia	1	-0.353***	0.246***	0.062	0.474***	-0.122*
Discursive Europeanisation	Lithuania	-0.346***	1	-0.212***	-0.253***	-0.379***	0.181***
	Poland	-0.423***	1	-0.213**	-0.347***	-0.492***	0.097
	Slovenia	-0.353***	1	-0.196***	-0.141***	-0.389***	0.200***
Financial Europeanisation	Lithuania	0.279***	-0.212***	1	0.193**	0.216***	-0.054
	Poland	0.158*	-0.213**	1	-0.016	0.178**	0.133
	Slovenia	0.246***	-0.196***	1	0.035	0.194***	-0.079
Organisational Europeanisation	Lithuania	0.280***	-0.253***	0.193**	1	0.364***	-0.018
	Poland	0.295***	-0.347***	-0.016	1	0.394***	0
	Slovenia	0.062	-0.141***	0.035	1	0.115**	0.032
Participation Europeanisation	Lithuania	0.446***	-0.379***	0.216***	0.364***	1	-0.249***
	Poland	0.497***	-0.492***	0.178**	0.394***	1	-0.234***
	Slovenia	0.474***	-0.389***	0.194***	0.115**	1	-0.162**
Identity Europeanisation	Lithuania	-0.097*	0.181***	-0.054	-0.018	-0.249***	1
	Poland	-0.141	0.097	0.133	0	-0.234***	1
	Slovenia	-0.122*	0.200***	-0.079	0.032	-0.162**	1

Note: \*\*\*  $p < 1\%$ , \*\*  $p < 5\%$ , \*  $p < 10\%$ .



more often in opportunity structures. Interest groups that are members of European organisations participate more often in consultations and advocacy groups, albeit this correlation is weaker for Slovenian interest groups.

Some other differences emerged in the correlation of various types of Europeanisation depending on from which country interest groups came. For interest groups in Lithuania and Slovenia that recognise the importance of EU policymaking, the members are more influential in decisions about political strategies and while forming positions on public policies. For Lithuanian and Slovenian interest groups with more frequent contact with EU decision-makers, the members have a greater influence while making decisions within their organisation, whereas Lithuanian and Polish interest groups with more frequent contact with EU decision-makers are more likely to be a member of a European organisation. Only for Lithuanian interest groups is the share of financing from EU funds correlated with the likelihood of being a member of a European organisation.

## 6. Conclusion and Discussion

The article focused on the question in which different ways the processes of Europeanisation influenced interest groups from CEE. To that end, we applied the comparative approach. Case studies of the selected countries from CEE are interesting for two reasons. First, all three cases—Lithuania, Poland, and Slovenia—are new member states. They joined the EU in 2004 following a decade of accession efforts. During the accession period, interest groups from CEE had to quickly adapt to the new situation whereby EU-level policymaking became part of domestic affairs. When interest groups wish to have a say in policy affairs in the membership period, they need to monitor and become involved in EU policymaking as well. Compared to the founding EU member states, the Europeanisation processes required have been much more intense in the new(er) members. While founding member states could gradually adapt to the common policymaking, the new(er) ones entered an EU with competencies in many policy areas, whereas in areas not within the jurisdiction of the EU, the European Commission has still been able to propose common goals.

Second, Lithuania, Poland, and Slovenia are also “new kids on the democracy block.” All three researched countries underwent a democratic transition and adopted a new political system in the 1990s. During the old political regime, interest groups were regulated by the state and only started to develop more with the democratic transformation, leading to the pluralisation of interest representation. Alongside the Europeanisation process, in the early 1990s, interest groups from CEE were also impacted by the considerable changes upon converting to a democracy. During the last few years, the Polish interest group system has been especially impacted by processes of democratic backsliding (Labanino & Dobbins, 2023a, 2023b; Pospieszna & Vetulani-Cęgiel, 2021).

One aim of this article was to demonstrate that interest groups may be influenced in various ways by the Europeanisation processes. This argument is important because research often operationalises the Europeanisation of interest groups with a limited number of variables, such as contacting EU institutions, being in receipt of EU funds, and membership in EU-level umbrella organisations. Our analysis shows that interest groups from CEE have become “European” in a range of ways, namely, the same organisations have been Europeanised in different aspects. Still, some interest groups appear not to have been affected in any way by the Europeanisation process. Such organisations were shown to remain active on the national level,

not to network with other European organisations, to receive national sources of funding, and to find EU policies of little or no importance to them. At the same time, we also observe that regulatory and discursive Europeanisation is most typical of Polish interest groups, identity Europeanisation is more characteristic of Lithuanian interest groups, and financial and participatory Europeanisation is characteristic of Lithuanian and Polish interest groups, while organisational Europeanisation has the strongest effect on interest groups in Slovenia. Over 60% of interest groups are included in such networks and benefit in particular from the expertise and information they receive. The country differences in the Europeanisation of interest groups system in CEE confirm the call to pay more attention to each country's particularities rather than treating them as one region (Riedel & Dobbins, 2021).

Further, levels of different types of Europeanisation are correlated with individual interest groups, giving an idea of the impact of the Europeanisation process. The effects of Europeanisation make national interest groups more active in EU policymaking. Interest groups that find EU policies more important to them are also more likely to contact EU decision-makers, network with European organisations, and be in receipt of EU funds. Interest groups (but not Slovenian ones) that are members of European organisations have more contacts with EU-level decision-makers. In addition, interest groups (except those in Poland) for whom EU policies are important also participate more often in open consultations and advisory boards as well as include their members while making decisions within the organisation. This is especially important for the political socialisation of members (Warleigh, 2001).

Moreover, as Johansson and Jacobsson (2016) note, interest groups are not only objects but also subjects of Europeanisation when influencing the EU's internal dynamics. Following the 2004 enlargement, EU policymaking has been no longer a process of searching for a compromise between 15 member states, but between 25 member states (in 2004). Interest groups in older member states must now compete for influence with a growing number of potentially opposing interests. This can be seen in particular in the competitive environment for limited EU funds, access points to decision-makers and attracting attention in public consultations, yet at the same time interest groups' involvement in EU policymaking also increases the chances of building coalitions and forging alignments between different interest groups advocating the same policy position. The later is especially seen in the involvement of interest groups in EU-level umbrella organisations. Although this article mainly considered the effects of Europeanisation processes on interest groups from newer member states, the effects of working in the opposite direction cannot be denied.

### Funding

The authors acknowledge the financial support from the Slovenian Research and Innovation Agency (Research Core Funding Programme No. P5-0136 and Research Project No. J5-2563).

### Conflict of Interests

The authors declare no conflict of interests.

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## About the Authors



**Meta Novak** is an associate professor of policy analysis at the Faculty of Social Sciences, University of Ljubljana, and a researcher at the Centre for Political Science Research, where she was part of the INTEREURO project and the Comparative Interest Groups Survey project. Her main topics of research are interest groups, lobbying, and civil society organisations.



**Damjan Lajh** is a professor of policy analysis at the Faculty of Social Sciences, University of Ljubljana, and the head of the Centre for Political Science Research. He is the coordinator of the master's programme on comparative public policies and administration and the PhD programme of European studies at the same faculty. His research interests include policy analysis, EU policymaking, cohesion policy, democratic transition, and interest groups. He has led several national and European research and applicative projects.

# Annulment Actions and the V4: Taking Legislative Conflicts Before the CJEU

Marton Varju <sup>1</sup> , Veronika Czina <sup>2</sup> , Katalin Cseres <sup>3</sup> , and Ernő Várnay <sup>1</sup> 

<sup>1</sup> Institute for Legal Studies, HUN-REN Centre for Social Sciences, Hungary

<sup>2</sup> Institute of World Economics, HUN-REN Centre for Economic and Regional Studies, Hungary

<sup>3</sup> Amsterdam Centre for European Law and Governance, University of Amsterdam, The Netherlands

**Correspondence:** Marton Varju ([varju.marton@tk.hun-ren.hu](mailto:varju.marton@tk.hun-ren.hu))

**Submitted:** 31 July 2023 **Accepted:** 14 February 2024 **Published:** 18 April 2024

**Issue:** This article is part of the issue “From New to Indispensable? How Has the 2004 ‘Big Bang’ Enlargement Reshaped EU’s Power Balance” edited by Matej Navrátil (Comenius University) and Marko Lovec (University of Ljubljana), fully open access at <https://doi.org/10.17645/pag.i376>

## Abstract

The EU member states have been using the action for annulment to challenge the legality of EU measures while pursuing a range of non-legal and essentially political motivations. This also holds for the V4 member states, which have also resorted to annulment actions to judicialize their legislative conflicts within the EU before the CJEU. Among the V4, Poland has been the most frequent litigant, using this institutional tool increasingly actively during the last 10 years. Poland’s behavior appears to confirm expectations of differentiation among this group of member states. It also coincides with a period of political change marked by deep legislative conflicts within the EU. The V4 annulment challenges against EU legislative measures usually made a genuine effort to achieve the legal objective of annulling the challenged legal act. However, there is evidence that they also pursued certain political motivations or a combination of them. These could include the securing of gains in domestic politics, avoiding the local costs of an EU policy misfit and/or promoting a preferred policy position, and/or influencing EU competence arrangements. In a few cases, the litigant member state aimed to avoid concrete material disadvantages. Securing a legal interpretation from the CJEU that would influence the behavior of other EU actors or clarify the law affecting the position of the applicant member state also motivated some of the V4 legal challenges.

## Keywords

action for annulment; CJEU; European Union; legislative conflict; political motives; V4

## 1. Introduction

The action for annulment regulated in Article 263 TFEU enables public and private litigants—including the member states—to challenge the legality of EU measures before the CJEU. Primarily, it is available to achieve legal objectives, such as annulling and thus avoiding the binding effects of EU legal measures and imposing legal accountability on the EU decision-making process. However, the EU member states have been using this institutional tool to achieve non-legal objectives within the broader EU political framework. Similar to other potential litigants, they have been observed to pursue particular non-legal and essentially political motivations with their annulment litigation, bringing to light the political nature of the action for annulment and its relevance in EU political and policy conflicts. Some of the political motivations concern the ability to control developments at the EU level: shaping competence arrangements in the EU, in particular between the EU and its member states, or establishing an interpretation of legal provisions that would either generate certainty in the application of the law, or influence—and possibly constrain—the behavior of EU actors. Other motivations relate to the national level: securing concrete material gains or avoiding concrete material disadvantages, promoting or defending national policy preferences and/or avoiding the costs of local adaptation that could result from a misfit between EU and national policy, and securing concrete gains in national politics, such as mobilizing public support for the government that is seen as actively protecting national interests.

In this article, we examine how the V4 member states (Czechia, Hungary, Poland, and Slovakia), since their accession to the EU, have been using the action for annulment to challenge EU legislative measures, thus judicializing the disagreements and conflicts they encounter in the EU legislative process. On the one hand, we aim to investigate whether the V4 member states have exhibited divergent behavior in this crucial aspect of membership, possibly as a result of domestic political change. On the other, we seek to explore whether they have, like other litigants, including other member states, pursued motivations with their annulment litigation beyond its legalistic objectives, and which non-legal motivations have characterized their actions. As we are interested in how these member states judicialize their legislative conflicts in the EU; therefore, we restricted the scope of our research to actions taken against EU legislative measures.

The article is structured as follows: First, we will develop our research framework, paying particular attention to the limited, but groundbreaking research on the politics of EU annulment actions and the potential non-legal motives of annulment litigants. Then, we will present the statistics for V4 annulment litigation and identify the legal claims and other complaints brought forward by the applicant V4 state in individual cases. In the third part, we will analyze this evidence, focusing on the possible non-legal motivations behind the cases. We will conclude by characterizing the use of annulment actions by the respective V4 states, both in terms of their frequency and the motivations behind litigation.

## 2. Research Framework

Since 2004 the V4 member states have become, albeit in varying degrees, users of annulment actions to challenge EU legislative measures before the CJEU, thus judicializing their legislative conflicts within the EU. The V4 represents a group of member states that, despite being expected to behave homogeneously, have repeatedly been shown to exhibit divergent patterns of behavior in the EU (Bauerová, 2018; Mišík & Oravcová, 2022; Vachudova, 2001). Research on the Visegrad cooperation has anticipated differing national



pathways for these countries as EU members, especially for Poland, as a larger and more ambitious member state (Dangerfield, 2008; Kral, 2003; Nič, 2016; Vachudova, 2001). Furthermore, politics in these countries has, at different times and in different ways, experienced an illiberal turn and a way towards a more conflict-ridden relationship with the EU (Nič, 2016; Vachudova, 2005, 2020). Occasionally, they also have positioned themselves in opposition to the politics and policy priorities associated with the Western members (Kazharski, 2018, 2020). Examining their annulment challenges should offer an insight into whether the V4 member states have adopted differing membership strategies and whether changes in domestic politics have affected their actions in the EU.

Annulment actions against EU legislative measures represent a crucial aspect of the EU's membership. They enable the member states to continue the disagreements and conflicts that they encounter in EU decision-making within the formal parameters of judicial review proceedings before the CJEU (Adam, 2018; Adam et al., 2020). Annulment procedures have both legal and political relevance. In short, they can be used to bring legal accountability to the EU decision-making process as well as achieve a variety of political objectives, including those regarding the legislative conflict brought to the CJEU. It has been established in previous research that concerns of legality are not the only driving force for the use of annulment actions, which has its own politics with litigants following particular non-legal and essentially political motivations (Adam et al., 2020, p. 3). Legal success in itself may not be of importance for litigants, or may in fact be detrimental to the non-legal aims that they pursue with litigation (Adam et al., 2015, p. 198). This is particularly true for the member states, which, once they understand the strategic relevance of the case in domestic politics, launch their action before the CJEU without aiming to win (Adam et al., 2020, p. 193).

Research on the politics surrounding annulment actions has focused predominantly on annulment challenges by both private and public actors from the national level against administrative measures issued by the European Commission (Adam et al., 2015; Bauer & Hartlapp, 2010; Mathieu & Bauer, 2018). Other works have examined how EU institutions use annulment litigation, focusing mainly on challenges against EU legislative measures in the context of conflicts over the allocation of competences within the EU institutional framework (Hartlapp, 2018a, 2018b; McCown, 2003). Challenges by member states against EU legislative measures have not been analyzed specifically. Nor have they been subjected to comparative analysis within a smaller group of member states. Generally, this area of research rests on the premise that the CJEU is an important player in the EU policy process, which is activated when stakeholders bring litigation before it (Alter & Vargas, 2000; Kelemen, 2011; Mathieu et al., 2018; Schmidt, 2018; Stone Sweet, 1999). The CJEU is assumed to have institutional agency in the EU policy framework, although its autonomy as an actor is subject to different evaluations (Alter, 1998; Carrubba et al., 2008; Garrett et al., 1998; Martinsen, 2015; Mattli & Slaughter, 1998; Ovádek, 2021).

The use of the CJEU by the member states has been subject to previous research. However, this has been limited to preliminary ruling procedures (Granger, 2004) or, as previously indicated, to annulment actions against EU administrative measures (Adam, 2016; Bauer & Hartlapp, 2010). In the latter area, the work by Mathieu and Bauer (2018, p. 667) has established that the member states decide to judicialize their conflicts with the European Commission to pursue a range of “conceptualized motivations” and not simply to claim the illegality of the challenged measure. They also underlined the clear necessity of future research regarding what types of complaints the member states raise against EU measures, how they combine them

in individual annulment actions, and how differently particular member states select and present their complaints before the CJEU (Mathieu & Bauer, 2018, p. 668).

Litigants may pursue four main types of non-legal motivations with their annulment actions. These are material gains, institutional competences, ideological goals, policy preferences, and political trust (Adam et al., 2020, p. 6). Litigants have frequently aimed to secure material gains with annulment litigation, especially to improve their budget situation, for example by avoiding substantial expenses (Adam et al., 2020, p. 84). The influencing of competence arrangements within the EU has regularly motivated annulment challenges, in particular by the member states and the EU institutions (Adam et al., 2020, p. 85). Applicants have also—though less commonly—used annulment litigation to defend or promote a particular ideological or policy position threatened by EU policy (Adam et al., 2020, p. 85). The member states have also launched annulment actions as a symbolic political act to signal the national government's “responsiveness and trustworthiness” (Adam et al., 2020, p. 85). In such cases, domestic political factors influence the legal challenge, in particular, the political benefit of communicating it to voters or using the CJEU's judgment as leverage in domestic politics (Adam et al., 2015, p. 185).

In annulment litigation launched by the member states, the motivations outlined above may overlap with further motivations. In actions aiming to secure protection for a particular national position, the national government may pursue the parallel aim of avoiding local adaptation costs that may arise from a high degree of misfit between EU and national policy (Adam, 2016, p. 2). Influencing the interpretation of the law is often a self-standing motivation for member states in annulment challenges; however, it is frequently combined with the motive of shaping EU competence arrangements (Adam et al., 2020, p. 85). When member states turn to the CJEU for a certain interpretation of the law, their motivation may also include the desire to influence the behavior of other EU actors, such as the EU institutions and other members, or bring about some degree of legal certainty in the particular area (Adam, 2016, p. 43).

In the following section, we will apply this research framework to the annulment cases launched by the V4 member states against EU legislative measures. We will rely on the evidence collected from the publicly available case documents, along with the relevant litigation statistics. Our evidence is partially incomplete as the relevant cases include both closed and pending cases, and detailed case documentation may only be obtained in the cases closed by the CJEU. We aim to examine the potential motivations of V4 member states by analyzing their legal claims, as well as the particular complaints put forward by them. By distinguishing conventional legal complaints from those revealing a political disagreement or grievance encountered in EU decision-making, we aim to identify the concrete non-legal motivation(s) pursued in the annulment case. Since the legal weakness of the annulment action may indicate that litigation was inspired by non-legal motivations, we will also consider the strength and soundness of the claims presented by the applicant.

### 3. Annulment Actions and the V4 Member States

The V4 member states have all launched annulment actions against EU legislative measures since their accession. In this group, Poland is the most frequent user of this institutional tool. The other three members have challenged EU legislative measures before the CJEU much less frequently (see Table 1).

When compared with other former socialist member states in the EU's periphery, the V4 member states—with the visible exception of Poland—demonstrate a similar general reluctance to challenge EU legislative measures before the CJEU. Hungary may also be regarded as another exception. In contrast to Bulgaria, Lithuania, and Romania, which only challenged the different measures adopted in the EU's 2020 transport policy package, its comparable litigation activity, as demonstrated in Table 2, was not restricted to a single area of EU action.

As demonstrated in Figure 1, except for a few years, data from the past two decades suggest a general reluctance on the part of the EU member states to bring actions for annulment against EU legislative measures. The relatively higher numbers in 2020 and 2023 relate to litigation launched against EU legislation adopted in a legislative package, such as the EU's 2020 transport policy package. Data from the last 10 years indicate that Poland has become an increasingly active litigant, responsible for the majority of legal challenges. Litigation activity from the other V4 members largely conforms to the EU average.

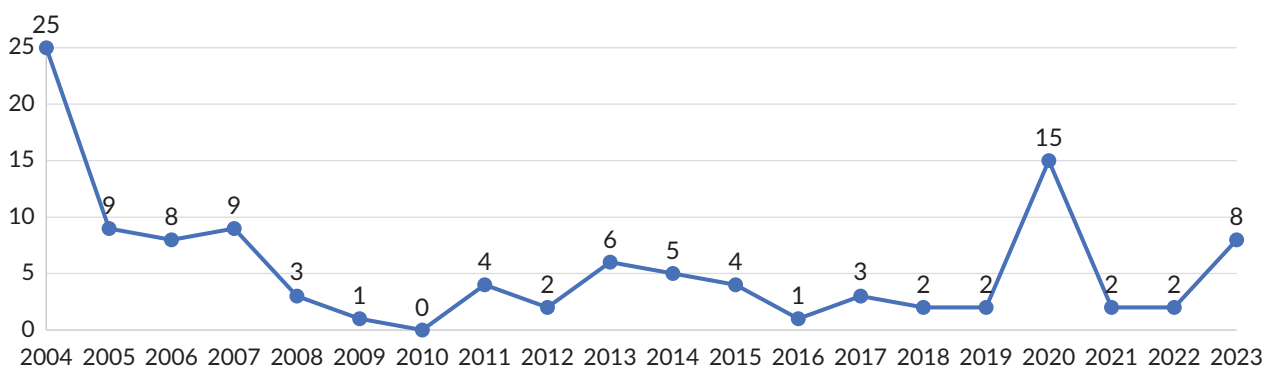
As the analysis of Figure 2 shows, except for the two early cases brought by Poland in 2004 and 2005, to challenge the conditions of accession in the immediate post-accession period, the first decade after 2004 was characterized by inactivity in annulment litigation against EU legislative measures by the V4 member states. This changed in the second decade of EU membership when each year saw legal challenges against EU legislation presented by the V4 members (Czechia in 2017; Hungary in 2015, 2018, 2020, and 2021; Poland in 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023; and Slovakia in 2015). There was a higher

**Table 1.** The number of annulment actions by the V4 against EU legislation (2004–2023).

Czechia	Hungary	Poland	Slovakia
1	4	19	1

**Table 2.** The number of annulment actions from member states in the EU Eastern periphery against EU legislation before the CJEU (2004–2023).

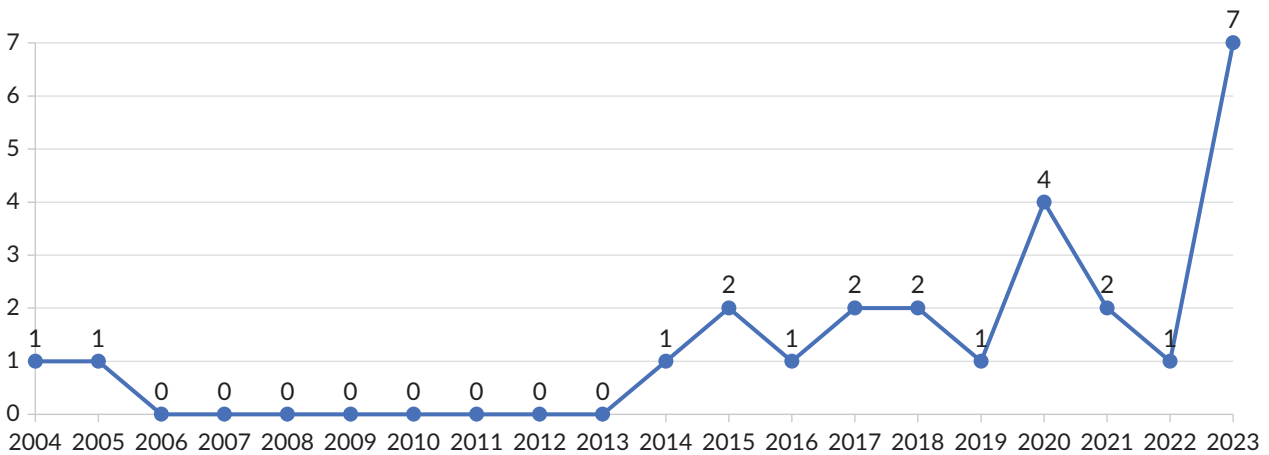
Bulgaria	Croatia	Estonia	Latvia	Lithuania	Romania	Slovenia
3 (2020 transport package)	0	1	0	2 (2020 transport package)	3 (2020 transport package)	0



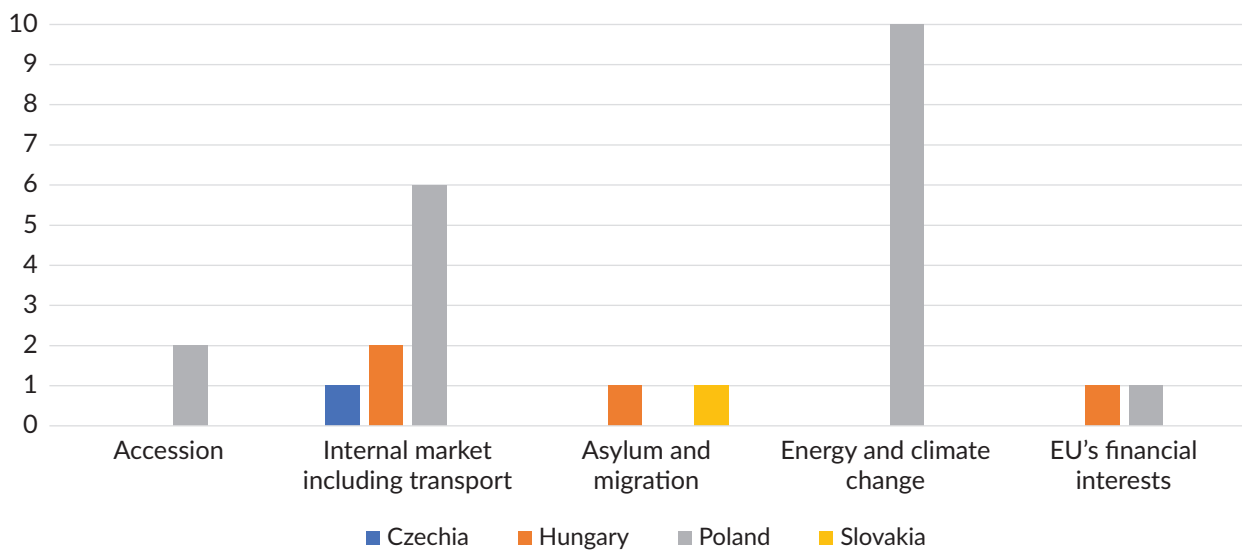
**Figure 1.** The number of annulment actions brought to the CJEU against legislative measures by all EU member states (2004–2023).

intensity of litigation activity in the years when the EU adopted complex legislative packages—in 2020 due to the EU transport policy package (Hungary and Poland) and in 2023 due to the EU climate law package (Poland).

Thematically, the legal actions brought by the V4 members against EU legislative measures concerned five larger areas of EU action (see Figure 3). These were the conditions of accession, internal market harmonization, including the common transport market, asylum, and migration, the protection of the EU’s financial interests (and the EU rule of law), and energy and climate change. From the V4 group, only Poland challenged the asymmetric conditions of EU accession, although one of its actions was supported by the interventions of Hungary, Latvia, and Lithuania. So far, legislative measures in EU energy and climate change policy have only been contested by Poland. Only the V4 member states directly impacted by migration policies measures and policies for the protection of financial interests showed interest in challenging them. Internal market harmonization seems to be a common, although not particularly intensively litigated, area of concern for these member states.



**Figure 2.** The temporal distribution of annulment actions from the V4 member states against EU legislation before the CJEU (2004–2023).



**Figure 3.** Areas of EU action affected by annulment actions from the V4 member states (2004–2023).

Thus far, the V4 member states have failed with their annulment challenges against EU legislative measures, as all the actions were rejected by the CJEU. In their annulment actions, this group raised different complaints against the EU legislative measures. The discriminatory or unacceptably differentiated treatment of member states emerged as a complaint in several cases. In the two early cases concerning the conditions of accession, Poland essentially challenged the asymmetric transitional arrangements of the accession period that disadvantaged the new member states vis-à-vis the position enjoyed by older state members.

In the direct agricultural payments case (*Poland v. Council*, 2007), Poland explicitly claimed that there was unacceptable discrimination between the old and the new member states in accessing direct agricultural subsidies in the Common Agricultural Policy. It aimed to protect its position held during the accession negotiations, that its agriculture was entitled to complete access to the entire Common Agricultural Policy, and contended that the “phasing-in system” agreed in the Act of Accession for direct subsidies for the new member states as set out in Council Decision of 22 March 2004 (2004) was unlawful. In the other case (*Poland v. Parliament and Council*, 2007), Poland did not rely on the equal treatment principle. It challenged Directive 2005/36/EC (2005) on the ground that it was not supported with adequate reasons. The directive, which retained the rule included originally in the Act of Accession, prescribed a longer period of professional experience as a condition for the automatic recognition of Polish qualifications for health care workers than that applicable to other national qualifications.

Discrimination among the member states as an explicitly formulated complaint emerged only exceptionally in subsequent V4 annulment litigation. In one of its 2023 climate law cases (*Poland v. Parliament and Council*, n.d.a), Poland, as part of its multi-tiered litigation strategy, put forward a general claim of discriminatory treatment (and of creation of an “unjustified imbalance”) among the member states. In the atmospheric pollutant emissions case (*Poland v. Parliament and Council*, 2019), Poland contended—among its other claims—that in the legislative process, the member states and their interests were subjected to unequal treatment, which contradicted the EU principle of sincere cooperation. It also claimed that the measure violated the principle of equality of member states as it imposed the same obligations on members with different economic, social, and technological conditions. This latter complaint of subjecting different member states in objectively distinct economic and social contexts to equal European requirements was raised in other cases too. For example, in the cases *Hungary v. Parliament and Council* (2020) and *Poland v. Parliament and Council* (2020), where these member states challenged the Directive (EU) 2018/957 (2018), it was not evident that a non-discrimination claim was being formulated. However, it was contended that the new common rules eliminated legitimate competitive advantages, enjoyed by a certain cohort of member states due to the lower wages and lower labor costs in their economies, within the EU.

As an alternative complaint, V4 cases challenged EU legislative measures for the disproportionate or unfair disadvantages they allegedly caused for economies and societies in the EU periphery or a particular member state. In the 2020 transport policy package cases—see *Hungary v. Parliament and Council* (n.d.) and *Poland v. Parliament and Council* (n.d.g, n.d.h, n.d.i)—the applicants claimed that the new regulatory requirements, by excessively increasing their regulatory, financial, and operational burdens, undermined the position of transport undertakings from the “EU-13 member states” in the competition with their West European competitors. The competitive position of undertakings in Eastern Europe was also undermined by the imposition of uniform EU rules despite their objectively different situation from undertakings from Western Europe. Hungary contended specifically that this violated the non-discrimination principle as

regards the undertakings affected, which should have been considered by the EU legislature alongside the “special circumstances” of countries on the EU periphery. In its early energy and climate change policy cases (*Poland v. Parliament and Council*, 2018, 2019), Poland complained about the excessive and disproportionate local costs of implementing the EU measure and/or its potential for undermining the competitiveness of the economic sector affected and the national economy at large. In its tobacco control regulation case (*Poland v. Parliament and Council*, 2016), Poland challenged the internal market harmonization measure on the ground that it threatened to disadvantage the Polish economy disproportionately, amounting to concrete economic and social losses.

The failure to analyze using reliable evidence and data and to take into account a member state’s particular situation, interests, or reservations about the EU policy in the EU legislative process emerged as a complaint in a considerable number of Polish annulment cases. Substantively, this complaint is largely congruent with the complaint concerning the disproportionate local disadvantages of EU policy; however, it was raised as a separate annulment claim. In some instances, it was linked to other substantive complaints, such as the ones regarding the threat of vital national interest and the ignorance in the EU decision-making process of the actual pressures and limitations faced at the national level. Poland has been using different concrete legal claims to put forward this complaint before the CJEU. In its more recent energy and climate change policy cases, it relied on the EU principle of energy solidarity (*Poland v. Parliament and Council*, n.d.c, n.d.d, n.d.e), the EU principle of sincere cooperation (*Poland v. Parliament and Council*, n.d.d, n.d.e), the principle of proportionality (*Poland v. Parliament and Council*, n.d.c, n.d.d), the requirements imposed in Article 191(3) TFEU on the impact assessment preparation of EU environmental policy measures (*Poland v. Parliament and Council*, n.d.a, n.d.b), and the general requirement of adequate legislative impact assessment (*Poland v. Parliament and Council*, n.d.a, n.d.b, n.d.c). These actions followed the example set in the earlier atmospheric pollutant emissions case (*Poland v. Parliament and Council*, 2019), in which Poland claimed the violation of the principles of sincere cooperation, equal treatment, proportionality, openness, transparency, the general requirement of adequate legislative impact assessment, and the obligation to provide sufficient reasons.

Competence arrangements within the EU, in parallel with the protection of national competencies and policy autonomy, presented a further area of challenge in V4 annulment litigation. A complaint could be formulated as a simple claim that the legal basis selected to adopt the challenged measure was unsuitable (*Hungary v. Parliament and Council*, 2020; *Poland v. Parliament and Council*, n.d.e, n.d.f, 2020) or in a more elaborate argumentative way, aiming to protect national competencies and/or prevent EU interferences in areas of exclusive national competence (*Hungary v. Parliament and Council*, 2020). The violation of the conferred powers principle has also been raised in several cases (*Czechia v. Parliament and Council*, 2019; *Poland v. Parliament and Council*, n.d.a). In the Polish energy and climate change policy cases (*Poland v. Parliament and Council*, n.d.a, n.d.b, n.d.c, n.d.d, n.d.e, n.d.g, n.d.j, n.d.k, 2018, 2019), the central claim was that an incorrect legal basis had been used to adopt the legislative measures challenged. The choice of this legal base prevented Poland from protecting the national competence in determining the national energy mix and the general structure of the energy supply. Poland also complained about external interference in its energy sovereignty, in particular as regards its choice of relying on fossil fuels within its energy system. In annulment litigation against internal market harmonization measures (*Czechia v. Parliament and Council*, 2019; *Poland v. Parliament and Council*, 2016), the litigant member states raised the traditional, although usually unsuccessful claim that the internal market harmonization competence conferred on the

EU cannot be used to adopt measures the genuine aim of which is to regulate the market. The Czech case (*Czechia v. Parliament and Council*, 2019) also claimed that the EU measure constituted unlawful interference in core areas of national sovereignty and the fundamental rights of its citizens. In some cases (*Poland v. Council*, 2007; *Poland v. Parliament and Council*, 2018), the illegality of the measure was claimed also on account of violation of the relevant power arrangements among the EU institutions.

The V4 annulment cases also challenged EU legislative measures for what seemed like genuine legal errors. The lack of proportionality, in light of the objectives to be achieved, of the regulatory or administrative burdens that may arise from the challenged measure for the member states and/or for individuals was litigated frequently (*Czechia v. Parliament and Council*, 2019; *Hungary v. Parliament and Council*, n.d., 2020; *Poland v. Parliament and Council*, n.d.a, n.d.b, n.d.e, n.d.g, n.d.h, n.d.i, n.d.k, 2016, 2018, 2020; *Slovakia and Hungary v. Council*, 2017). The legal errors litigated also included the violation of the Charter of Fundamental Rights (*Poland v. Parliament and Council*, n.d.g, n.d.h, n.d.i, 2022b), the breach of the principle of good faith (*Poland v. Council*, 2007), unjustified discrimination between private individuals (*Poland v. Parliament and Council*, n.d.e), the violation of the principles of legal certainty, legislative clarity, and/or the protection of legitimate expectations (*Czechia v. Parliament and Council*, 2019; *Hungary v. Parliament and Council*, n.d., 2020; *Poland v. Parliament and Council*, n.d.g, n.d.h, n.d.i, n.d.j., 2018, 2020), the breach of the institutional dimension of the subsidiarity principle (*Poland v. Parliament and Council*, n.d.e, 2016), and the violation of parallel provisions of EU law (*Hungary v. Parliament and Council*, 2020; *Poland v. Parliament and Council*, 2020). In its recent climate law cases, Poland decided to litigate the violation of the EU's general socio-economic objectives laid out in TEU and TFEU provisions by pointing out that EU policy will lead to economic decline, reduced social well-being, a rise in unemployment, and greater social equality and exclusion (*Poland v. Parliament and Council*, n.d.b, n.d.c). It also claimed a breach of the proportionality principle on account of these negative social consequences (*Poland v. Parliament and Council*, n.d.b).

Generally, the annulment actions from the V4 member states challenged EU legislative measures on multiple grounds. This was demonstrated clearly in the earlier overview of the different legal claims and complaints raised in V4 annulment litigation. Slovakia and Hungary followed the same strategy in their annulment actions (*Slovakia and Hungary v. Council*, 2017) against the Council's 2015 temporary relocation mechanism decision (Council Decision (EU) 2015/1601, 2015) in the field of EU asylum and migration policy. They contended that the measure was disproportionate and violated legal certainty and legislative clarity, it was adopted using the wrong legal base, the legislative process was vitiated by serious errors, (during the adoption of the measure) the respective powers of the EU institutions had not been observed, the measure was adopted by qualified majority even though the European Council favored a decision by consensus, national parliaments had not been allowed political control over its adoption, and the EU legislature had failed to take into account the particular local circumstances and relevant changes in them. The Hungarian and the Polish challenges (*Hungary v. Parliament and Council*, 2022; *Poland v. Parliament and Council*, 2022a) against the EU rule of law conditionality regulation (Regulation (EU, Euratom) 2020/2092, 2020) were constructed similarly. They claimed the violation of EU competence arrangements on multiple grounds, of parallel provisions of EU law, the principle of proportionality, and the principle of legal certainty. Poland also claimed the breach of the institutional dimension of subsidiarity, the obligation to provide sufficient reasons, and the principle of equality of member states. It also tried to litigate the key TEU and TFEU provisions introduced to protect national competences, the essential functions of member states, and national identities.

## 4. Analysis

The litigation statistics suggest that Poland has adopted, in the specific domain of judicializing legislative conflicts within the EU, a different approach to EU membership from the other V4 states. Its preparedness to bring disagreements and conflicts before the CJEU has varied over time; however, the data indicate a behavior that is exceptional within the V4 group and, more recently, even within the EU. Hungary's behavior may also be distinguished among the V4. Hungary was a somewhat more active and conscious litigant than the very reluctant Czechia and Slovakia. The increase of litigation activity by Poland in the second decade of EU membership coincided with a change of government and domestic politics; however, there is no obvious relationship between the political turn and the cases launched. The case files in the Czech, Hungarian, and Slovak cases do not enable do not enable inferences about the impact of national politics on the use of annulment litigation.

Analyzing the motivations of the V4 member states in annulment litigation against EU legislative measures, having regard to the complexity and the sometimes controversial nature of claims and complaints presented in their cases, is a challenging task. In the majority of cases, the litigant member state put forward a multi-tiered annulment challenge that addressed a broad range of alleged legal errors combining conventional and less conventional complaints. It is rather difficult to distinguish, based on the case documents, which of these multiple claims presented genuine legal challenges and which were submitted for a different purpose, for example, to express a political grievance instead of convincing the CJEU of the illegality of the EU measure. In such circumstances, it may be impossible to establish that the member state concerned did not have any interest in achieving the narrower legal objective of securing the annulment of the challenged EU measure and was pursuing exclusively one or more possible political motivations with its action. The complexity of multi-tiered annulment claims also means that any attempt to determine with precision which exact non-legal motivation, or which combination of motivations, may have driven the litigant member state to judicialize its legislative conflict within the EU may encounter considerable difficulties. As a final difficulty, the V4 annulment cases involved different types of challenges, with certain groups of cases sharing similar patterns, which require different ways of assessing the potential motivation of the litigant member state.

As a particular problem for our analysis, it is rather evident that in some cases the member state concerned aimed to bring before the CJEU a political grievance suffered in EU decision-making and it had to seek ways to present its grievance as a legal error that is admissible in an action for annulment. In these cases, it is difficult to establish whether the applicant believed that the reframing of its political grievance as a ground for annulment may lead to legal success in litigation, or it had no intention of succeeding with its legal claim and its purpose with litigation was political. As shown earlier, Poland, and to some extent Hungary and Slovakia too, tried judicializing the intra-EU conflict, claiming that its interests and/or its economic and social circumstances (or those of the member states in the EU's Eastern periphery) had been suppressed or overlooked in EU decision-making. The relevant Polish annulment actions seem to have resorted to different legal strategies, which suggests experimentation with potential legal grounds to bring this grievance before the CJEU. In a few cases, the action claimed discrimination between the member states and the violation of the principle of equality. In other cases, the grievance was formulated as a complaint of disproportionate or otherwise unacceptable disadvantaging of the member state(s) affected. Alternatively, the member state concerned would claim a failure to assess appropriately the consequences of the challenged EU measure at



the national level. These choices by Poland can indicate that it had genuine intentions of eventually succeeding with its claim, or the opposite, that its aim was solely to voice its grievance in different ways.

Because of the limited legal claims submitted to the CJEU, the early Polish cases challenging the conditions of accession are perhaps the least complicated to analyze. Poland disagreed with the unequal conditions of membership laid out in the Act of Accession and challenged the subsequently adopted EU legislative measures implementing them. Although it managed to put together generally respectable legal challenges, its annulment claims were not particularly strong considering that the legal situation arising from the relevant provisions of the Act of Accession was clear. The Polish applications were dismissed by the CJEU in relatively short judgments. The broader motivations of Poland for these actions are not disclosed in the case documents; however, the strength of Poland's legal arguments and their eventual treatment in the CJEU's judgments suggest that the actions may have primarily served symbolic political purposes, indicating the preparedness of the government to protect local interests, in particular financial or other similar interests of domestic constituents. Securing full access to EU agricultural subsidies and reducing the burdens of accessing the EU labor market for domestic workers were salient issues in national politics in the immediate post-accession period. By actively challenging the EU legislative rules contradicting local interests, the national government could expect to gain political benefits at the national level.

As discussed in the previous section, in the four cases challenging internal market harmonization directives, the litigant member states put forward legal claims that are rather conventional in annulment litigation. They included the use of an unsuitable legal base to adopt the contested legislative measure, the violation of general principles of EU law, and the breach of specific provisions of EU substantive law. The choice of these claims may indicate that litigation aimed to secure the annulment of the challenged EU measure. However, since the majority of the alleged legal errors related to the division of competences between the EU and the member states, it is rather evident that the member state concerned also aimed to interfere with EU competence arrangements, possibly to its own advantage. These claims also demanded the interpretation of the law from the CJEU, indicating that the actions might have been motivated by the intention of shaping the legal discourse and, with that, influencing the behavior of the EU actors that participate in the EU legislative process. The circumstance that the claims relating to the use of the EU's internal market harmonization legal base were not particularly strong and that the CJEU dismissed them together with the other claims, as well as the reliance in some of the cases on rather unconventional complaints against the challenged EU measure suggests the presence of other motivations too.

The complaints alleging that the internal market harmonization measure in question caused disproportionate economic and social disadvantages domestically or that it undermined legitimate national competitive advantages are likely to have been motivated by the determination of the litigant member state to avoid the costs of adaptation that may arise from a misfit between national policy and the uniform policy implemented by the common EU rules. Arguably, these complaints also represent policy preferences in the member state concerned that are different from the objectives of the EU policy. Signaling towards the relevant local constituents the preparedness of the national government to protect their interests may also have motivated these actions. The harmonized rules increased the regulatory burdens of identifiable national actors and/or interfered with their preferred way of conduct. Poland's action against the digital single market copyright directive (Directive (EU) 2019/790, 2019) is perhaps an exception within this group of cases. The legal challenge claiming the breach of EU fundamental rights seemed genuine and Poland genuinely

sought a legal interpretation from the CJEU. However, no other motivation for the action can be identified based on the documents of the case.

The actions in the road transport cases combined annulment grounds that, on the one hand, suggest a genuine intention by the litigant member state to secure the annulment of the challenged measure. However, on the other, as revealed in the previous section, Hungary and Poland also made it clear in their largely corresponding actions that the local costs and other burdens of policy adaptation would be disproportionately, unfairly high, and that their policy preferences do not correspond with the EU policy's direction. Based on the specific arguments put forward in support of the legal claims, the actions may also have been submitted to the CJEU to demonstrate, in the domestic political arena, the preparedness of the national government to protect the interests of local actors, thus gaining their trust.

The motivations of Poland in its energy and climate change policy annulment cases appear to be similarly multifaceted. Based on the legal claims litigated in these cases, it cannot be excluded that Poland launched these actions with a genuine interest in legal success. However, multiple indications demonstrate that achieving the annulment of the challenged EU measures may not be/may not have been a priority for Poland. In particular, from time to time, it relied on a litigation strategy, such as the claim of discrimination between the member states or the claims regarding atmospheric pollutant emissions, that had not proven successful the first time around. Its actions also included legal claims, such as the violation of the general socio-economic objectives expressed in the TEU and the TFEU, that are likely to be inadmissible before the CJEU. The potential political motivations pursued by Poland also emerge from the particular complaints put forward in the cases. Poland specifically addressed the EU competence arrangements aiming to shelter national competences. It also sought legal interpretation on the division of competences in energy policy. Finally, it also made it clear that it was dissatisfied with the local disadvantages of EU policy and the overlooking of particular local circumstances and that it aimed to protect evident local interests. Therefore, motivations, such as the protection of national policy preferences, the avoidance of policy adaptation costs, and even political signaling towards the electorate and/or other political partners might have influenced its actions.

In their challenges against the 2015 temporary relocation mechanism, Hungary and Slovakia put together a complex set of rather similarly formulated legal claims. These claims reveal several motivations for their actions beyond the objective of securing the annulment of the Council's decision that both these members, having regard to the litigated legal errors, assumedly pursued. Both member states contended that the EU measure does not fit with local policy preferences and with the particular local circumstances and the changes in them. They also aimed to influence competence arrangements in this specific area of emergency EU action. Regardless of the strength of the legal claims presented in the cases, the launching of the actions had evident benefits in national politics in the political circumstances of the time. The annulment actions against the rule of law conditionality regulation relied on legal claims that suggest that legal success was a probable aim for the litigant member states. However, the actions also reveal that both Hungary and Poland wanted to address competence arrangements within the EU, aiming to avoid an unwanted extension of EU competences into matters of national importance. Poland went further and litigated, in a not particularly convincing manner, some general EU institutional principles to support its claim against the exercise of EU competences and EU intervention in domestic matters. Considering the specific objectives of the conditionality regulation, these were annulment actions in which the outcome of litigation had a direct impact on the material interests of

the member state concerned. Also, both cases presented an evident opportunity for national governments to demonstrate their trustworthiness and responsiveness towards local constituents.

## 5. Conclusions

The V4 member states have been using the action for annulment to challenge EU legislative measures, and there is evidence that they have been using the procedure for purposes beyond its legalistic objectives. Confirming expectations of divergent behavior among this group in the EU, Poland has emerged as the most frequent V4 litigant to judicialize its EU legislative conflicts. In the last decade, coinciding with a period of illiberal political change domestically, it has become the EU's most frequent user of annulment actions against EU legislation. The other V4 member states have been more reluctant litigants. Only Hungary shows some propensity to bring its legislative conflicts to the CJEU. The areas of conflict judicialized by Poland included EU energy and climate change policy, internal market harmonization including transport policy harmonization, the linking of the EU's financial interests to the EU rule of law framework, and, immediately after 2004, the conditions of EU accession. Poland initiated parallel annulment challenges against the measures in significant EU regulatory packages, most recently the 2023 climate law package. Poland's legal challenges have been characterized by repeated attempts to complain that EU decision-making and the legislative measure adopted had overlooked particular interests or particular socio-economic conditions in Poland or other member states in the EU periphery. Additionally, it also complained about discriminatory or unacceptably differentiated treatment among the member states by EU legislation adopted to realize common European objectives. The evidence we have collected, which was predominantly legal—and sometimes incomplete—evidence, did not provide proof that Poland's annulment challenges or the specific complaints raised would have been influenced by a change in domestic policy.

The case documents examined revealed that V4 challenges against EU legislative measures have pursued one or a combination of the political motivations identified in previous research. In litigation by every V4 member state, we found evidence that the applicant state—the issue being a component of its legal challenge—aimed to shape EU competence arrangements, either to protect national competences or to avoid EU interference with certain domestic matters. As a parallel motivation, they also sought to influence the CJEU's interpretation of the relevant competences provision. Avoiding the costs of local policy adaptation and/or the protection of the promotion of a particular policy preference has also motivated the actions for annulment launched by the V4 member states, in particular litigation by Poland. The motivation for securing material gains was not particularly prevalent in annulment litigation by the V4 member states against EU legislative measures. This may be explained by the circumstance that this particular motivation had been established by previous research in connection with annulment actions initiated against EU administrative measures with direct financial implications that were issued in the context of EU State aid, agricultural, or regional development policy. In our assessment, the case documents provide evidence that the member states in the V4 group have tried to secure gains in domestic politics with their annulment challenges. We inferred this from the litigation strategy pursued in the case and/or the relative strength of legal claims concerning their likelihood of success before the CJEU, sometimes together with the concrete policy or political context of the case.

## Conflict of Interests

The authors declare no conflict of interests.

## Data Availability

To have access to the data contact the corresponding author.

## Supplementary Material

Supplementary material for this article is available online in the format provided by the authors (unedited).

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## About the Authors



**Marton Varju** is a research professor at the Institute for Legal Studies, HUN-REN Centre for Social Sciences in Budapest. He is also affiliated with the Faculty of Social Sciences, ELTE University, Budapest. Marton holds a PhD in law from the University of Hull, UK. His research interests lie in European legal studies, the regulation of novel technologies, and the Europeanisation of legal systems.



**Veronika Czina** is a research fellow at the HUN-REN Centre for Economic and Regional Studies, Institute of World Economics. She holds an MA in international relations from ELTE University, Budapest (2012) and from Central European University (2013). She earned her PhD from the University of Debrecen in 2021. Previously, she has been an external lecturer at ELTE University, Institute of Political and International Studies. Her research focuses on Hungary's membership of the EU, the EU rule of law mechanism, and EU decision-making.



**Kati Cseres** is an associate professor of law at the Amsterdam Centre for European Law and Governance (ACELG) and program director of the MA in EU law at the University of Amsterdam. She is the co-director of the Good Lobby Profs initiative and an editor of the journal *Legal Issues of Economic Integration*. Her research investigates uneven power structures and relations in (EU) competition law, consumer law, constitutional law, and sectoral regulation (energy law).



**Ernő Várnay** is a research professor at the Institute for Legal Studies, HUN-REN Centre for Social Sciences in Budapest. He was formerly professor of law and head of department at the University of Debrecen, Faculty of Law. His research interests lie in the institutional and procedural law of the EU, EU constitutional law, and empirical European legal studies.

# Enlargement of the EU Towards the East: A Pivotal Change in EU's External Policy?

Zbyněk Dubský , Kateřina Kočí , and Markéta Votoupalová 

Department of International and Diplomatic Studies, Prague University of Economics and Business, Czech Republic

**Correspondence:** Kateřina Kočí ([katerina.koci@vse.cz](mailto:katerina.koci@vse.cz))

**Submitted:** 31 July 2023 **Accepted:** 17 October 2023 **Published:** 12 February 2024

**Issue:** This article is part of the issue “From New to Indispensable? How Has the 2004 ‘Big Bang’ Enlargement Reshaped EU’s Power Balance” edited by Matej Navrátil (Comenius University) and Marko Lovec (University of Ljubljana), fully open access at <https://doi.org/10.17645/pag.i376>

## Abstract

The EU’s Eastern enlargement in 2004 was marked by the entry of mostly smaller states, whose ability to shape the external direction of the EU was questioned. However, the EU’s response to the war in Ukraine has shown how important the Eastern dimension of external policy is for the EU and that this Easternisation of the EU has occurred precisely in the wake of the 2004 enlargement. This is due to the fact that these states have been able to push their own narratives in the discourse on the EU’s Eastern direction, particularly in the case of the Eastern Partnership. This article analyses the discourse of Central and Eastern European states regarding the Eastern partnership, specifically the narratives of the official documents of three Baltic and four Visegrad group countries in the 2009–2022 period. The analysis made it possible to identify narrative structures and showed that the narratives are relatively similar in the selected countries. Despite the lack of cooperation between the two groups and the West’s neglect of the Eastern Partnership policy, they were able to individually strengthen their position in the EU and maintain the discussion about the Eastern Partnership at the EU level as a result.

## Keywords

Eastern Partnership; European Union; Easternisation; V4; B3

## 1. Introduction

The 2004 enlargement of the EU was specific in that it was dominated by Central and Eastern European (CEE) countries and mostly included small countries. This predetermined the perception of these countries’ position in the European integration process (Panke, 2010; Wallace, 2005). The adaptation of the new member states (MSs) to the realities of membership was assumed, while their influence on the future shape of the EU was



rather underestimated (Matlak et al., 2018). The ability of the new MSs to determine and manage the EU's external direction was not taken into account, which made them learn the “pointlessness of being small and being isolated, especially in EU foreign policy making, which rests on consensus” (cf. Delreux & Keukeleire, 2017; Edwards, 2006, p. 146). Governing the EU's external direction was a task for the large MSs, or the so-called traditional European core—i.e., Germany and France (Arter, 2000; Panke, 2011).

Nevertheless, historical experience, interdependence with the Eastern European space, and concerns about its development (including fears of Russia's growing assertiveness) posed such a fundamental challenge for the new MSs (Baun & Marek, 2013; Tulmets, 2012) that the EU also began to perceive it. The Easternisation of the EU can be identified in its emphasis on strengthening cooperation projects as well as in its discourse on the policy towards the East (Dangerfield, 2009; Pastore, 2013). A significant milestone was the creation of the Eastern Partnership (EaP) in 2009 (Council of the EU, 2009), which was initiated and strongly supported by the new MSs. The assumption of a weak role for these states in the EU's external direction can thus be challenged, pointing to the role of their discourse (and the narratives they use) on this.

This article analyses the discourse of CEE countries regarding the EaP. Specifically, it focuses on the narratives of official documents of three Baltic states (B3: Estonia, Lithuania, and Latvia) and four Central European states (V4: Poland, Czech Republic, Hungary, and Slovakia); accompanied by two core MSs (Germany and France) and the EU, taken as an umbrella of its major institutions (European Commission, European Parliament, European Council, and Council of the EU), which were involved, in various degrees, in the functioning of the EaP during the 2009–2022 period. Two research questions are set: (a) Which narrative dominates the discourse on the EaP in the B3 and V4 countries? (b) Is the narrative on the EaP of the B3 and V4 countries consistent with the discourse of the EU and the European core?

For the analysis, countries from the 2004 enlargement wave, that can be considered a relatively homogeneous group, were selected, except for Poland, which is a special case. Firstly, it is significantly larger than the other states in this enlargement wave and, secondly, its ambitions to profile its influence were more in line with those of a large state. This was evident after EU accession when it vetoed the EU–Russia Partnership and Cooperation Treaty in 2006. On the other hand, the instability and immaturity of the political scene, the economic parameters, and the reluctance of traditional large EU states to recognise it as a large state place it closer to the group of small states. Simultaneously, we examine the narratives of two large states (Germany and France), who have often been considered the motor of EU integration (Moravcsik, 1998), with substantial influence on EU policies, including their external dimension (Delreux & Keukeleire, 2017). Although their views on the EaP may differ due to the geographical context, their stances towards the EaP may also vary from the positions maintained by CEE countries. The analysis of the discourse and the role of narratives at the level of the MSs allows us to explain how these new MSs perceive and influence the external direction of the EU and its policy towards its Eastern European neighbours. Discourse analysis at the MSs level has not received sufficient attention so far. Studies that examine the role of discourse at the level of the EU institutions and their influence on outcomes can be a starting point for this article (Cianciara, 2016; Schumacher, 2015).

The article is based on two arguments: First, the meaning of the narratives used is not only relevant but essential to the analysis of the actual reality of the external direction of the EU. The article thus subscribes to an approach that can be described as a “narrative theory of action,” based on the key role it attributes to

narrative for action and change. Narratives provide a causal mechanism through which the separate sphere of thought can be linked to the dynamic sphere of action (Ringmar, 1996). The individual narratives within the EaP are characterised by a narrative structure (whether in text or verbal statements) and are a kind of storytelling about the issue. In doing so, narratives can be used to manipulate relational differences, certain levels of agency can be emphasised, and other facts can be withheld (Hagström & Gustafsson, 2019), thus defending a consensus on the right course of action and discrediting other alternatives (Curran, 2012). Narratives can activate interests and are also what connect the interests and actions we perform (Ringmar, 1996, p. 89). Second, the narratives of the new MSs on the EaP are not only important for the formation of their actions but also can influence actions at the level of the EU and other EU MSs. It is through the narrative on the EaP that the new EU MSs became important agents of policy, regardless of their formal and informal power. It is also interesting to check whether the V4 and B3 countries reflect their own successful experience (transformation and Europeanisation) in their discourse, advocate idealistic, normative, and value approaches, and promote solidarity towards their Eastern neighbours. A similar idealistic approach that the EU manifested upon the accession of the CEE countries in 2004 (Cianciara, 2016).

The study is structured in several sections: The second section presents the EaP as a part of the Easternisation of the EU after its enlargement in 2004. The third section focuses on the methodological framework, based on the discourse historical approach (DHA). The fourth section presents the results of the analysis of the narratives of the selected countries in line with achieving the objective and answering the research questions. The final discussion places them in the context of EaP reality.

## 2. The EaP as a Part of the Easternisation of the EU After its Enlargement

The disintegration of the USSR and the aspirations of the CEE states to become part of the West represent a turning point in the European integration process. However, it is only the Eastward expansion of European structures, in particular the EU enlargement in 2004, that confirms this (Sedelmeier, 2005). Moreover, in 2004, the EU involved the countries directly neighbouring the enlarged EU in the European Neighbourhood Policy, and then in 2009, in the EaP (E. Korosteleva, 2011).

While the CEE is undergoing a process of adaptation and transformation, which can be described as Europeanisation (Matlak et al., 2018), changes are also taking place on the EU side. This can be described as the Easternisation of the EU (cf. Cohen, 2007). This is a use of the term in a new context, bearing in mind that the label “Easternisation” is also used when referring to EU/Western/European relations with non-Western/Eastern states/economies (specifically the shift of economic power from the West to the East). Firstly, an important topic of the Easternisation of the EU, which happened even before the expansion, is the impact of the EU’s shifting borders on the nature of the integration process: it was politically moved in an Eastward direction (Schimmelfennig, 2021; Sedelmeier, 2003). Secondly, the principle of equality has given the new MSs a formally prominent position in EU institutions and decision-making processes (the Council of the EU is a particularly good example), which has made them potentially important actors after enlargement, given their number and potential for coordination (Schild, 2010; Toshkov, 2017). Thirdly, after the enlargement, the integration process gained a direct border with the post-Soviet space and the importance of policy towards it was strengthened. This may have led to a relative weakening of the importance of other strands of EU external direction, manifested, for instance, by the dichotomy between the EU’s Southern/Mediterranean policy and the EU’s Eastern dimension (Cianciara, 2009). The EaP project could

confirm this. Fourthly, the CEE is traditionally and strongly linked to the post-Soviet space, which creates pressure on the EU policy-making, as it (the EU) seeks to weaken these (not only economic) ties (O'Brennan, 2006). Simultaneously, the EU is forced to consider the Eastern direction through the security dimension (Cohen, 2007). Finally, the importance of this influence can be seen in geopolitical terms over the last decade. The East of the European continent is a source of challenges and threats for the EU itself, especially given the developments in Ukraine after 2014. The EU is coming into direct geopolitical confrontation with a major actor in this space—Russia (Casier, 2019; Tchakarova, 2017). Conceptually, the Easternisation of the EU can be seen as a complex transformation in terms of the EU's direction (reflected in its actions), the weight of MSs in decision-making processes, and, especially, the emphasis on priorities in a geographical sense, which of course has major political, economic, and power/geopolitical implications.

A special case of the Easternisation of the EU is the EaP, which can be examined both at the EU level and at the level of EU MSs, including those that joined in 2004. At the EU level, this includes a comprehensive approach to the EaP (E. A. Korosteleva, 2011; Łapczyński, 2009; Tyushka & Schumacher, 2021), gradually much more focused on its security dimension (Christou, 2010), power-politics, and geopolitical implications (Crombois, 2019; E. Korosteleva, 2017; Nielsen & Vilson, 2014). At the level of the new MSs from CEE and their relationship to the EaP, not only have their approaches to the EaP been addressed (Adamczyk, 2010; Cianciara, 2009; Copsey & Pomorska, 2014; Tulmets, 2012), but their potential for a stronger position in the EU has been discussed, including their ability to influence its external direction (Dangerfield, 2009; Lamoreaux & Galbreath, 2008; Pastore, 2013). The EaP has proved to be crucial for the new MSs and several studies have concluded that they have had a significant impact on the EU's Eastern policy (Dangerfield, 2009; Pastore, 2013). The new MSs from CEE are becoming active promoters of the further Easternisation of the EU. Interestingly, however, these studies were predominantly produced after the launch of the EaP, with interest declining rapidly. In addition, these studies have not been based on emphasising the role of discourse and the narratives used in this regard. This role has so far been analysed at the level of EU institutions (Cianciara, 2016; Schumacher, 2015). Studying the discourse and the role of narratives at the level of MSs allows the interpretation of how these new MSs influence the external direction of the EU. This being said, we fully acknowledge the difficulty of proving influence and causality (Copsey & Pomorska, 2014). Hence, we focus on the relations between narratives and practices and their correlation with national and EU levels, rather than on causal mechanisms (Ringmar, 1996). This study attempts to fill this research gap and focuses on the monitoring of narratives at the level of the new MSs concerning the EaP. Furthermore, it enriches the current literature by exploring recent events up until the end of 2022.

### 3. Methodology

The arguments in the previous section are supported by the selected methodological framework, that draws on the DHA, which claims that discourse is both constituted by and constitutive of reality (Wodak & Krzyżanowski, 2008). Thus, it is entirely in line with the idea of narratives leading to action. Indeed, as Wodak and Krzyżanowski (2008) claim, discourse can also mean narratives in a restricted or broad sense of the term. In practice, the DHA consists of two levels of analysis: First, it explores the topics that are discussed in the selected discourses; and second, the in-depth level of analysis focuses on nomination, predication, and argumentation strategies—i.e., the *topoi*. By investigating both levels, the narrative structures are disclosed.

Political discourse and political communication were identified as the relevant fields of action for our analysis (Wodak & Krzyżanowski, 2008, pp. 14–19). The data collection proceeded as follows: First, the genre of strategic documents of the selected MSs was identified (national security strategies, foreign policy strategies, governmental programs, and EU presidency programmes). Additionally, official websites were explored for official statements of the leading political representatives debating the EaP (by using the keyword “Eastern Partnership” in the respective languages and considering linguistic mutations, such as suffixes). Here, one of the limitations of our analysis must be stated for Hungary, as not many relevant documents were found either in English or Hungarian. We compensated by coding statements and speeches given by relevant political representatives (e.g., Péter Szijjártó and Viktor Orbán). The investigated time frame began with the launch of the EaP in 2009 and ended in December 2022. It was ensured that all coded documents were representative of both the selected time frame and all selected countries. Altogether, 279 documents were analysed (cf. Table 1 in the Supplementary File).

Subsequently, the data was analysed qualitatively in the NVivo program. Open or data-driven coding was employed, i.e., the coding was led by data (Gibbs, 2018). Specifically, a small data sample was selected and, based on the initial observations, dominant topics and argumentative strategies were identified and preliminary *topoi* were prepared in NVivo (Wodak & Krzyżanowski, 2008). The argumentation strategies are to be understood as linguistic and cognitive processes of problem-solving which consist of relatively coherent statements. These statements aim to justify what is right and wrong by convincing or manipulating, either openly or implicitly. The identification of the main *topoi* was inspired by previous research (Cianciara, 2016; Pastore, 2013; Tulmets, 2012) but new *topoi* were conceptualised inductively, which is a strategy allowed by the DHA (Wodak & Krzyżanowski, 2008). Subsequently, all the documents were coded, and the *topoi* were amended accordingly. Then the analysis on both levels of the DHA proceeded.

As the in-depth analysis investigates the representation of relevant social actors and their argumentation strategies systematically, it also allows us to determine whether the identified narratives are introduced differently in the selected countries. As the DHA transcends the linguistic dimension of discourse and emphasises the role of a specific context, political and social aspects are taken into account. Hence, this triangulation should decrease the risk of critical bias (Wodak & Krzyżanowski, 2008).

#### 4. Discourse on the EaP in the B3 and V4 Countries: The Narratives Structures Used and the European Context

The application of the methodology revealed several interesting findings. The B3 and V4 states view engagement in the EaP as a means of enhancing international prestige and visibility within the EU, or as the Latvian foreign affairs minister puts it: “to forge closer relations with European partners and further enhance Latvia’s image and reputation” (Latvian Ministry of Foreign Affairs, 2019). The need for prestige stems from the feeling of inferiority (the position of being in between two worlds—the Western and the Eastern world—and their existence as “small states”) and a willingness to be considered equal (Kesa, 2012, p. 99; Lamoreaux & Galbreath, 2008). The EaP countries are seen as close partners and neighbours due to their geographical proximity and historical ties (e.g., Latvian Ministry of Foreign Affairs, 2011; it confirms the thesis of Kesa, 2012 and Pastore, 2013). Indeed, the Baltic countries prefer to be labelled as Eastern Europe rather than former Soviet republics and they perceive the EaP as a part of the same region, considering themselves as MSs of the same European community, using “we” to emphasise the shared identity (Latvian

Ministry of Foreign Affairs, 2016; cf. Kesa, 2012; Mälksoo, 2009). Moreover, all countries mentioned the EaP among their priorities for the Presidency of the Council of the EU (Council of the EU, 2022; Estonian Presidency of the Council of the EU, 2017; Hungarian Presidency of the Council of the EU, 2011; Latvian Presidency of the Council of the EU, 2015; Lithuanian Presidency of the Council of the EU, 2013; Slovak Presidency of the Council of the EU, 2016).

This is in contrast with the EU (and its institutions), where, initially, the EaP was largely overlooked in the strategic documents, as the focus was on the Union for the Mediterranean and the EU's next enlargement. The EaP only received more attention between 2011–2014 (e.g., European Commission, 2011), but the focus has varied depending on the external and internal factors. In the B3 and V4, interest seems to be more stable and rather unconditional. Also, Germany has mentioned the EaP in all coalition agreements since 2009 and during its EU Presidency in 2020, being among its priorities. The German security strategy was not finalised by the end of 2022 (cf. Bundesregierung, 2023). However, in the white book on security, a note on the EaP is included (Bundesregierung, 2016). Overall, Germany acknowledges that the EaP project is useful, while simultaneously claiming that it is necessary to reform it (Deutscher Bundestag, 2017, p. 2). Contrarily, France does not mention the EaP initiative in any of its strategic documents. Emphasis has only recently been put on Ukraine as one of the members of the EaP, the rest of the countries remain entirely missing (Hollande, 2017; Sarkozy, 2009).

Identified *topoi* allow us to distinguish individual narratives. The most prominent *topoi* in the V4 and B3 countries are solidarity and assistance, followed by the *topos* of transformation. Solidarity is expressed in terms of the necessity to help partners/neighbours in the region, sharing of experience (Rinkēvičs, 2014), and financial aid, such as development aid (Ministry of Foreign Affairs of the Republic of Poland, 2012) or special funds (Latvian Ministry of Foreign Affairs, 2014, 2015; Visegrad Group, 2012). In the beginning, as Kesa (2012, p. 98) explains, such policies corresponded to a certain sense of duty and ethics, which could be summarised as “we have received a lot of help; it is now our turn to do the same.” Latvia, in particular, prioritised experience sharing with Ukraine after 2019, when it officially supported Ukraine's EU membership (Latvian Ministry of Foreign Affairs, 2019). The solidarity expressed by the B3 countries seems to be rather unconditional. As for the V4 countries, the principle of “more for more” or merit-based funding is occasionally mentioned to emphasise that the EaP countries should deserve support (Visegrad Group, 2011). However, such conditionality is not key in the V4 and B3 approach. Contrarily, it is crucial to the EU (and to its institutions). The EU documents stress the need to adjust the amount of EU support for partners according to progress in political reforms and in building a strong democracy (European Commission, 2011).

While the *topos* of transformation is present mainly regarding the democratisation of countries or the strengthening of institutions, less attention is paid to economic transformation (e.g., Latvian Ministry of Foreign Affairs, 2015). This *topos* dominates in B3 countries and Slovakia. Estonia positions itself as an actor who “is able to mediate the reform experience or a powerful reform-facilitator using bilateral projects and hundreds of experts who may help with the transition based on their experience” (Republic of Estonia Ministry of Foreign Affairs, 2020). Indeed, countries seem to offer their help rather unselfishly and do not act superior to anyone, as opposed to Germany, which seems to expect the EaP countries to deliver rather than offering them help and advice as equals: “In addition to far-reaching structural reforms (...), the German Bundestag expects a credible and consistent fight against oligarchy, nepotism and corruption” (Deutscher Bundestag, 2017, p. 4). Also, the EU stresses the need for economic, political, and institutional reforms in all

EaP countries (European Commission, 2011) and showed a significant lack of progress because of “the activities of other entities and—sometimes by conflicting—goals” (European Commission, 2013a, 2014).

The *topos* of transformation is also often accompanied by an emphasis on values and democracy-building, as well as compliance with the EU and Euro-Atlantic values. Furthermore, the differentiation element plays a significant role concerning the ability of the EaP countries to transform. The Baltic countries often stress the necessity to integrate countries with association agreements into the Euro-Atlantic community to show them support (Republic of Estonia Ministry of Foreign Affairs, 2020; Landsbergis, 2022). Moreover, the *topos* of values include dialogue with Belarus, promoting the rule of law, enhancing public administration, fostering free media, disinformation, and digitalisation (Republic of Estonia Ministry of Foreign Affairs, 2020; Landsbergis, 2022; Latvian Ministry of Foreign Affairs, 2019). Occasionally, the importance of supporting civil society in EaP countries is highlighted (Visegrad Group, 2020), but much less than in Germany, where this discourse dominates the narrative (Deutscher Bundestag, 2017). In the EU, democratisation and spreading EU values were prioritised during the aftermath of the revolutions in Ukraine, Georgia, and Moldova, but later these *topoi* became less prevalent, and a decreasing amount of assistance followed (European Commission, 2015).

On the other hand, the documents increasingly mentioned the *topos* of security, particularly linked to stability and resilience. In 2014, the first turn toward security narratives appeared in relation to the situation in Ukraine, hence, energy security and Russia as a security threat were mentioned frequently (European Commission, 2013b). These aspects confirmed the changing attitude of the EU towards the Eastern region, which was accompanied by lower involvement and diminishing responsibility towards EaP partners (European Commission, 2014). Recently, assistance has been linked to stabilisation and resilience as well (European Commission, 2021). Moreover, the *topoi* of security, stability, and resilience are the only present in France. However, only in the context of self-protection, not assistance (Hollande, 2015; Secretariat General de la Défense et de la Sécurité Nationale, 2022). Contrary to the EU and France, stability or resilience are scarcely used in the documents of all countries. In the B3 and V4, the *topos* of security is present mainly in the context of relations with Russia, which is more or less explicitly seen as detrimental (Ministry of Foreign Affairs of the Republic of Poland, 2017). And, while Kesa (2012, p. 98) states that after the accession of the B3 countries to NATO, Russia was no longer a direct threat, the discourse of B3 countries became more openly negative towards Russia after the annexation of Crimea. Views towards Russia slightly differ. After the annexation of Crimea in 2014, negative narratives prevailed (except for Hungary, see the last paragraph in this section). The B3 and V4 countries claim that they recognise the sovereignty and territorial integrity of the EaP countries, mostly in the case of Ukraine. Moreover, the countries acknowledge that the conflicts and separatism in the EaP region might have an impact on their own stability and border protection (Ministry of Defence of the Republic of Slovakia, 2021; Ministry of Foreign Affairs of the Republic of Poland, 2017). Therefore, cooperation within PESCO, the need for the harmonisation of NATO–EU relations, and the role of the joint military advisory and training mission outside Ukraine are stressed (e.g., Landsbergis, 2022; Sprūds & Broka, 2020, 2022).

The *topos* of differentiation is also rather frequent. Overall, support towards the EaP has been significant and almost unlimited since its introduction. Only sporadically were reservations about Belarus raised in the beginning (Visegrad Group, 2011). Later, the differentiation between Ukraine, Georgia, Moldova, and the rest of the EaP became more intense (Czech Government Office, 2015). While Belarus remained portrayed as the most problematic member of the EaP (with particular emphasis paid by Latvia and Lithuania as its

neighbours) and Azerbaijan and Armenia were criticised for the conflict in Nagorno Karabakh and for not complying with EU values (Rinkēvičs, 2013; Visegrad Group, 2016), Ukraine was pinpointed as the most promising member in terms of potential EU membership, especially after the Russian invasion in 2022, or even before (Office of the Slovak Government, 2010). In Czech foreign policy conception, Armenia and Azerbaijan are completely omitted in the section on values and transformation (Ministry of Foreign Affairs of the Czech Republic, 2011). Furthermore, EU membership has rarely been offered to the remaining EaP countries in strategic documents. The exception being Latvia in 2009 (Latvian Ministry of Foreign Affairs, 2009), Poland's stance during Radosław Sikorski's tenure as the Minister of Foreign Affairs (Sejm Rzeczypospolitej Polskiej, 2013), and the programme statement of the Slovak government from 2010 (Office of the Slovak Government, 2010). In the EU, differentiation became more pronounced after 2017, when Ukraine, Georgia, and Moldova signed and ratified association agreements with the EU (EaP Eastern Partnership, 2018).

Regarding the *topos* of interest, the EaP is mentioned explicitly in the B3 more often than within the V4 (Republic of Estonia Ministry of Foreign Affairs, 2020; Latvian Ministry of Foreign Affairs, 2014, 2015; Ministry of Foreign Affairs of the Republic of Lithuania, 2016; Office of the Slovak Government, 2012). Moreover, it is very often accompanied by the *topos* of solidarity, particularly in the case of Hungary ("The Eastern Partnership," 2020). Hence, pragmatism seems to be compatible with help. The Czech EU Presidency concludes that the EaP has been supported by the sum of €600 million, which is "an important step for an enhanced EU engagement towards its Eastern neighbours that can be beneficial for both participating parties" (Czech Presidency of the Council of the EU, 2009). This combination is seen predominantly in the times of Covid-19 (2019–2021). Contrastingly, this *topos* was initially much less visible in the EU documents. It only appears in the EaP Eastern Partnership (2018) and is more explicitly pronounced after 2020 (European Commission, 2021).

To sum up, the main narratives are similar across all B3 and V4 countries (Cf. Tulmets, 2008). The most open example of differences is the benevolent stance of Hungary towards both Belarus and Russia, which manifested itself after the Russian invasion of Ukraine, particularly. Indeed, Hungary explicitly claims that it does not interfere with the internal affairs of the EaP countries, since it is none of their business. However, this did not prevent Hungary from supporting the EaP since the beginning ("The Eastern Partnership," 2020). Our findings seem to be more optimistic than the rather negative assessment of the Hungarian stance towards the EaP by Tulmets (2012). In this sense, it is rather surprising that the V4 and B3 countries do not refer to each other in their discourse on the EaP and cooperate rather within their respective blocs. Indeed, Pastore (2013) suggests that geographic proximity is more pronounced by small states in their foreign policies.

## 5. Discussion: The Narratives in the Context of the EaP Reality

The findings of the discourse analysis and the narratives used, provide arguments for the following discussion. Firstly, for the B3 and V4 countries, the need for prestige stems from a sense of inferiority related to their position between two worlds (West and East), their existence as "small states" and their view as pupils (Lovec et al., 2021) integrating into the EU. Supporting the EaP is about emphasising equality, increasing importance in the EU, and thus raising self-esteem. The B3 and V4 states succeeded in raising the issue of Eastern European and Caucasian states during their EU Council presidencies (2009, 2013, 2015,

and 2018), when they advocated for policy revisions on high-level summits. More recently, they have succeeded in putting the EaP on the common EU agenda. The EaP, firstly, presented an opportunity to play the role of a “bridge” (Lamoreaux & Galbreath, 2008) between Western and Eastern Europe. However, the V4 and B3 countries have become active participants who want to determine the direction of the EaP. This also includes the issue of Ukraine’s membership (and subsequently Moldova’s and Georgia’s), which was already raised by Slovak representatives in 2010 and by Latvian representatives in 2019.

Although Dangerfield (2009) claims that the national interests of V4 members as well as Western countries decrease the impact of the V4, our findings suggest that the discourse of the V4 on the EaP is quite ambitious. The V4 countries actively promote the V4 format, including issues related to the EaP. However, the V4 countries do not coordinate their activities with the B3 countries, even though all surveyed countries present the EaP as a priority and stress their support for EaP partners. While the V4 countries stress the importance of the V4 when dealing with the EaP (Visegrad Group, 2020), the B3 countries perceive the EaP not only as their top priority but also as a matter of promoting the prestige of B3 countries at the EU level. This is a missed opportunity for broader cooperation and progress on the EaP, especially recently, when the EU discourse seems to be converging to some extent with the narratives of the V4 and B3 countries, with the catalyst undoubtedly being Russia’s aggression against Ukraine in 2022 (Kaunert & Pereira, 2023).

Secondly, in discussions on the EaP, the B3 and V4 countries are more likely to be critical of Western countries (including concerns about German cooperation with Russia, e.g., Nord Stream and participation in the Normandy format) and EU promises that are not being fulfilled. This is despite the fact that Germany’s support was crucial for the creation of the EaP (France has shown virtually no interest in the EaP). The B3 and V4 countries have been pushing for greater accountability, concrete action (e.g., specific projects and cooperative measures), and tangible results, rather than relying on symbolic gestures. Hence, the analysis proves that it is the new MSs as (autonomous) actors, together with external events (e.g., the Russian annexation of Crimea and the invasion to Ukraine), that have maintained the focus of the EU as a whole on the EaP. The B3 and V4 countries have managed to participate in shaping the discourse, while at the same time pushing for a more proactive and assertive approach to solving problems in Eastern Europe.

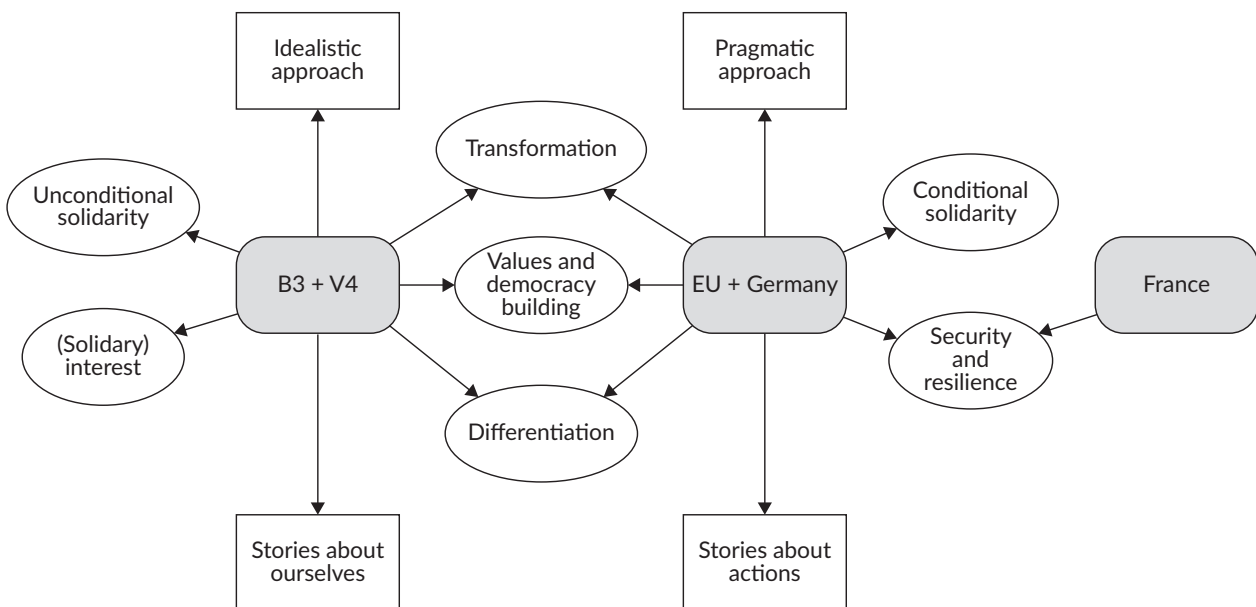
Thirdly, it appears that the V4 and B3 countries perceive the need for assistance and exchange of experience. This may indicate an awareness that these countries themselves have received significant assistance. Such a perspective is conceptualised with a narrative of solidarity/transformation without emphasising conditionality and the fulfilment of objectives, which is done by both Germany and the EU. This is an interesting finding (given the proximity to an unstable space), as transformation and assistance in both the V4 and B3 countries as well as the path to membership have been linked to the fulfilment of objectives and conditionality. In this regard, it is also significant that while the discourse in France, Germany, and the EU institutions are more affected by external events and view the EaP primarily through the lens of security and resilience, according to the narrative analysis, the V4 and B3 countries tend to maintain a more consistent position towards the EaP. In the long term, they focus on partnership, aid, and transformation. Given the proximity to an unstable space and concerns about Russia, this is a surprising finding.

Fourthly, the pressure for differentiation within the EaP is indeed apparent. The EaP project may become marginalised in the future due to divergent expectations and the perspectives of the actors involved (including the B3 and V4). Moreover, these findings may suggest that the EaP should be seen in the context



of renewal and full acknowledgement of power rivalry in the European region, which implies the impossibility of a partnership between the EU and Russia (Siddi, 2022). This may mean a shift in the EaP format, but it will most probably not change the trend towards the further Easternisation of the EU in the future.

Finally, the analysis of the narratives points to the fact that the V4 and B3 countries often show more normative or idealistic tendencies, emphasising solidarity and value-based approaches (cf. Cianciara, 2016), while the EU (and its institutions) tends to take a more realistic or pragmatic stance on the EaP, taking into account practical concerns and strategic considerations, rather than the idealistic ones which were once manifested upon the reintegration of the CEE region back in Europe (Cianciara, 2016). Such a change has been registered especially after 2015 and appeared in the literature since then (e.g., Wagner & Anholt, 2016). Nowadays, it seems that it has been mainly the B3 and V4 narratives on the EaP which essentially retell the success stories of EU membership. If Ringmar (1996, p. 87) identifies “an analytical distinction between two different kinds of stories: stories we tell about actions and stories we tell about ourselves,” the B3 and V4 narratives fall under the second type. Through them, a “presence for ourselves in time and in space” (Ringmar, 1996, p. 87) is created for these states. This may also explain the focus on partnership, solidarity, and the more idealistic approach of these countries. They see themselves as an example of successful transformation without taking into account their own problems (democracy, respect for human and minority rights, respect for the rule of law, and corruption). For the EU and the core countries, the EaP is more of a tool with specific tasks and objectives; the narratives correspond to “stories about actions,” having a security emphasis.



**Figure 1.** Graphic summary of the main narratives for B3, V4, EU, Germany and France.

## 6. Conclusion

The analysis of the discourse on the EaP in the B3 and V4 countries allowed the identification of narratives, including narrative structures. The narratives appear to be relatively similar in the B3 and V4 countries.

The new states perceive the EaP project as crucial and have been able to increase their position in the EU through it, despite the disinterest and neglect from the West. Hence, it can be concluded that the V4 and B3 countries have been consistent in promoting the EaP project and its principles, even as they cope with national differences and the evolving geopolitical context. Simultaneously, a dichotomy may be identified between the pragmatic stance of the EU, emphasising conditionality, and the idealistic approaches of the CEE countries, taking an unconditional and supportive stance.

It is thus apparent that the CEE countries have not only added to the discussion but have also successfully kept the EaP on the table. Undoubtedly, this has a positive impact on their prestige at the EU level, and it also represents a step forward towards the Easternisation of the EU. However, the dynamics of the EaP are not exclusively linked to the development of discourse. It appears that the actual dynamics and interest in the EaP also depend on the context of European developments and the evolution of the relations towards Russia. These “external” shocks especially affect the positions of France, Germany, and EU institutions, which not only are manifested through their focus on security and resilience but were also significant drivers of the change in the approach of the EU towards pragmatism (Wagner & Anholt, 2016). At the same time, the weakness of the CEE is that while the discourse has been rather similar and consistent for the V4 and B3, these states have not been able to translate the discourse into common action in support of the EaP as a project. A realistic option may be to build larger supportive platforms for CEE countries (e.g., the Bucharest Nine group) in the future to further strengthen their role in the EU.

Finally, relations towards Russia and the possibility of negotiations on the accession of Ukraine, Moldova, and Georgia to the EU will affect the future of the EaP. And while the EaP may change its format or disappear completely (possible differentiation and a shift of interest towards Central Asia), it is probable that (also due to the role of the CEE countries) the Easternisation of the EU remains a solid pillar of the EU's future development.

### Acknowledgments

The authors wish to thank the anonymous reviewers and editors for their most constructive comments and suggestions. They also greatly appreciate the help of Rafał Ulatowski.

### Conflict of Interests

The authors declare no conflict of interests.

### Supplementary Material

Supplementary material for this article is available online in the format provided by the authors (unedited).

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## About the Authors



**Zbyněk Dubský** is an assistant professor at the Prague University of Economics and Business. His research focuses on the distribution of power in the international system, specifically on energy security in the international context, security relations with an emphasis on the European continent, EU common security and defence policy, and current issues of the development of the European integration process. These topics are the dominant subject of his publications.



**Kateřina Kočí** is an assistant professor and research fellow at the Prague University of Economics and Business. As a researcher, she focuses on gender in diplomacy, EU actorness, common foreign and security policy, and the CEE region in the EU. In these areas, she has recently published several articles and book chapters. She is a member of the Consortium for Political Research (ECPR), its standing group on Gender and Politics (ECPG), and the Gender in Diplomacy network (GenDip).



**Markéta Votoupalová** is affiliated with the Prague University of Economics and Business as an assistant professor. Her research interests include discourse analysis, international migration, freedom of movement, Schengen Area, asylum policies, energy policies, state sovereignty, notion of boundaries, and solidarity. She has worked for several NGOs, the European Migration Network at the Ministry of Interior, and the Probation and Mediation Service. She conducted her research at the Vrije Universiteit in Brussels and the University of Warsaw.



## Three Lessons From the 2004 “Big Bang” Enlargement

Veronica Anghel  and Erik Jones 

Robert Schuman Centre, European University Institute, Italy

**Correspondence:** Erik Jones ([erik.jones@eui.eu](mailto:erik.jones@eui.eu))

**Submitted:** 13 March 2024 **Accepted:** 19 March 2024 **Published:** 8 April 2024

**Issue:** This commentary is part of the issue “From New to Indispensable? How Has the 2004 ‘Big Bang’ Enlargement Reshaped EU’s Power Balance” edited by Matej Navrátil (Comenius University) and Marko Lovec (University of Ljubljana), fully open access at <https://doi.org/10.17645/pag.i376>

### Abstract

The 2004 “Big Bang” enlargement was a powerful reminder that European integration is an instrument for peace and not just prosperity. The pace of that enlargement depended more on the requirements for stability than on the transformation of the candidate countries. It was also a reminder of the importance of forward-looking analysis. Candidates might meet the criteria for membership at the time of accession, but that is no guarantee that they will develop in ways that continue to reflect those criteria once they have gained entry. Finally, it was a reminder that enlargement changes the experience of membership for all member states and not just for those countries that gain entry. A larger Union requires greater self-discipline to hold down congestion in decision-making and greater multilateral surveillance to prevent the actions of one member state from undermining the benefits of membership for the rest. These reminders are important lessons in planning the European Union’s next historic enlargement. The next enlargement will follow a pace set by security considerations more than the transformative power of the accession process. It will depend on a robust analysis of convergence together with contingency planning for any staged accession. And it will require commitment from existing member states as well as candidate countries to what will become a very different European Union. This next enlargement will be challenging for all parts of Europe. Nevertheless, it is better than the alternative of no enlargement or an accession process with no credible endgame.

### Keywords

accession; Central Europe; Eastern Europe; enlargement; European integration; European Union; regional integration; Russian invasion; Ukraine; Western Balkans

## 1. Introduction

The European Council announced in December 2023 that it would open accession talks with Ukraine and Moldova, added Bosnia and Herzegovina to the list of countries of the Western Balkans who are already

engaged in accession negotiations, and granted candidate status to Georgia. If successful, this new round of enlargement could add as many as nine member states to the European Union. The scale is comparable to the “Big Bang” enlargement of 2004. However, given the diversity of the candidate countries involved and the domestic and international challenges they face, this next round of enlargement is even more ambitious. Nevertheless, the European Council seems determined both to launch this process and to bring it to completion. Not all member states agree with the idea of a 2030 target date, but there is an agreement that the process should make consistent and demonstrable progress. Most member states also accept that success may ultimately require a fixed target date to ensure that the process has sufficient momentum.

The “Big Bang” enlargement teaches us a lot about the strength of the European Council’s determination to enlarge. Specifically, it reminds us that there are moments when the pace of accession reflects the broader requirements for European security more than the transformation of the candidate countries. By focusing on this point, we complement the argument made by Navrátil and Lovec (2024) in their editorial introduction. At its core, the European project is at least as much about peace as it is about prosperity. That emphasis on peace is a source of strength. As Navrátil and Lovec (2024) underscore, the “Big Bang” enlargement also shows the unequal effects of the transformative power of European integration. The accession process created leverage to help accession countries meet the convergence criteria. That leverage largely dissipated once the candidates became member states and was replaced with competing processes of resistance to change and inevitable deeper integration. But that is not the whole of the story. Importantly, assessments of convergence failed to highlight how those candidate countries might develop once they acquired membership. Finally, the “Big Bang” enlargement revealed the implications of having a wider and more diverse membership for all member states. It also revealed the extent to which formal enlargement was only part of the reason for that transformation of the European Union. The “Big Bang” enlargement was challenging, but the alternative of no enlargement or an interminable accession process would have been even harder for the European Union to digest.

## 2. Strategic Imperative

Real time or contemporary analysis of the “Big Bang” enlargement focused on its transformative potential. The countries of Central and Eastern Europe were engaged in a dual transition from communist authoritarianism and a centrally planned economy to liberal democracy and free markets. The European Council established the 1993 Copenhagen criteria to set benchmarks for achievement in qualifying for membership. The European Commission used those benchmarks to exercise both active and passive forms of leverage over the governments of the candidate countries to ensure they undertook the necessary political and economic reforms to complete their transition process. That enlargement ran alongside a widening interest in the Europeanization of politics and policymaking across the European Union in a uniquely dense framework for multilevel governance. The success of that enlargement in 2004 was widely regarded as a demonstration of the transformative power of Europe.

That view of the “Big Bang” enlargement is accurate but incomplete. The European Union did succeed in demonstrating its transformative power. But it also showed significant flexibility in terms of the pace and timing of the accession process and of the application of its criteria for membership (Anghel & Jones, 2022). What started as a slow process with a limited number of candidate countries that were constrained to move together at the same pace suddenly shifted at the end of 1999 to a much quicker process with a wider number of countries that could compete with one another to see who could complete accession negotiations the

fastest. The criteria that were announced in Copenhagen in 1993 as prerequisites to begin talks became goals to achieve at the end of the accession process when the decision was taken to conclude the “Big Bang” enlargement in Copenhagen in 2002. In the case of Bulgaria and Romania, some of those goals could be met after accession to full membership.

This acceleration, widening, and loosening of the enlargement process started in June 1999, when the European Council “invited” the Commission “to consider measures which can help crystallize [the] prospect [of membership] for all applicant countries” (European Council, 1999, p. 22). In its response, the European Commission acknowledged that the impetus came from the “greater awareness of the strategic dimension of enlargement” provided by the war in Kosovo that unfolded over the spring of that year (European Commission, 1999, p. 4). The result was a faster, more inclusive enlargement process that laid the foundations for the decision by the Copenhagen European Council to admit 10 new member states in 2004 and another two in 2007 (European Council, 2002). The European Council also called for the inclusion of the candidate countries in the negotiation of institutional reforms to run alongside enlargement. And it provided transitional arrangements to support the candidate countries in making their own institutional reforms along the way. For Romania and Bulgaria, such provisions extended beyond formal accession. Transformation was essential, but strategic considerations were imperative.

### 3. Transformative Power

The effectiveness of that transformative power is now open to question. Many commentators looking back on the European Union’s historic enlargement to Central and Eastern Europe focus more attention on the failures than the successes. Hungary and Poland were two countries that played a central role in the fall of communism. They were part of the first group to participate in the enlargement process after the opening of negotiations in 1997. And they were at the vanguard of the dual transition to liberal democracy and market capitalism. Nevertheless, within years of joining the European Union, both countries elected governments with anti-liberal social programs and anti-democratic political ambitions. Hungary slipped furthest after the government of Viktor Orbán came to power with a two-thirds majority that gave it the ability to pass legislation, make key self-serving appointments, and amend the constitution without reference to the opposition. And while the European Union has instruments to push back against these changes, European institutions and member states seem either powerless or unwilling to use them. The result is a sort of “authoritarian equilibrium” (Kelemen, 2020).

These shortcomings are important. It is obviously true that it is more difficult to exercise leverage over a member state than over a candidate country. But it is worth considering whether the difference between the two periods is as great as imagined. A closer examination of Hungary’s political development in the period before it was accepted for membership suggests that the country’s democratic resilience was already and demonstrably under threat (Anghel & Jones, 2024a). In this reading, the problem was not that the accession process failed to lock in Hungary’s dual transformation at the high levels required for membership, but rather that the assessments made of Hungary’s performance in meeting the Copenhagen convergence criteria were ineffective at identifying the true political and economic challenges Hungarians faced. Moreover, what is true for Hungary is also possible for other countries. What is surprising is not those cases where countries failed to live up to the Copenhagen criteria but rather where they were seen as succeeding in such a major transformative process over such a short period with European assistance.

This alternative reading of the experience of Hungary raises the obvious counterfactual: Would that country have had greater or lesser difficulties consolidating liberal democracy and building a market economy outside the European Union? It is hard to look at the experience of Turkey or of the countries of the Western Balkans and the Eastern European neighborhood, which were either placed in a much slower accession process or never given a membership prospect, and imagine a better outcome outside the European Union. Europe's transformative power during accession is only as great as the credibility of the accession process to offer a clear prospect for membership. The European institutions were right to focus on the strategic imperative of enlargement after the war in Kosovo. The alternatives of a long, inconclusive enlargement or no membership prospect are not favorable if the goal is to ensure the consolidation of liberal democracy and free markets. However, the accession process could be strengthened. The Hungarian case reveals the weakness of static evaluations of performance and the importance of forward-looking scenario planning. Such improvements would only strengthen the advantages of accession over the alternatives.

#### 4. Transformative Enlargement

European integration is a source of European peace and prosperity. European enlargement promises to widen that peace and prosperity to countries that border the European Union. However, the cost of that enlargement is to bring greater diversity and congestion into European institutions and decision-making procedures. It brings more competition into European markets for goods, services, capital, and labor. And it brings greater problems with gamesmanship or free riding, particularly when the transformative power is insufficient to ensure democratic consolidation. The European Union is hardly alone in experiencing these consequences of enlargement. Any international organization that expands its membership faces similar challenges (Anghel & Jones, 2024b). But the European Union is more encompassing than any international organization—closer to a political system in its own right—and so the impact of greater diversity, congestion, and free riding is most consequential for existing member states.

The question is whether this negative impact of enlargement is sufficient justification for overlooking the advantages of enlargement. The answer depends on how the European Union regulates access to the “goods” that it creates, meaning, among others, the single market, the single currency, and the single financial space. In reality, those goods can already be accessed by firms, investors, workers, and people on the move from outside the European Union. The challenge for the European Union is to ensure that these non-state actors do not play a disruptive role in terms of lobbying European institutions, undermining European competitiveness, taking control over strategic sectors of the economy, or seeking to access European labor markets and social services through irregular processes. By engaging directly with the home governments of these non-state actors, enlargement offers the European Union huge leverage over how those non-state actors behave. The transformative power of enlargement is far greater in relations between countries than within them, in that sense. This transformative power is most useful for those countries with which the European Union engages most intensively—and those tend to be the same countries that seek the advantages of membership.

Here again, the choice is between alternatives. The historic enlargement of the European Union to the countries of Central and Eastern Europe changed the experience of membership for all participating countries, both East and West. However, the alternative of engaging economically with the countries of Central and Eastern Europe without enlargement would have been more disruptive and less productive for

the European Union. Enlargement is transformative, but so are the alternatives. The difference with those alternatives is that the direction of transformation is less attractive.

## 5. Conclusion

The “Big Bang” enlargement was a watershed moment in the history of European integration. The lessons it taught are that the European Union is a source of peace and stability, which is its strategic imperative. The transformative power of European integration is not complete or fully controllable, but it is significant, and it can be strengthened through enhanced monitoring and reciprocal surveillance. The transformative power of enlargement for Central and Eastern European countries also shows that its pursuit is often better than the alternatives we witnessed in the countries of the Western Balkans, the Eastern Neighborhood, or Turkey. More importantly, by focusing on the lessons from the “Big Bang” enlargement, policymakers can strengthen the accession process. Enlargement is a strategic imperative, it is better than the alternatives, but that leaves plenty of space for improvement.

## Acknowledgments

This work was created within the context of “The Enlargement Hub,” which is a joint venture between the Central European University, the European University Institute, and the Kyiv School of Economics. The usual disclaimer applies.

## Conflict of Interests

The authors declare no conflict of interests.

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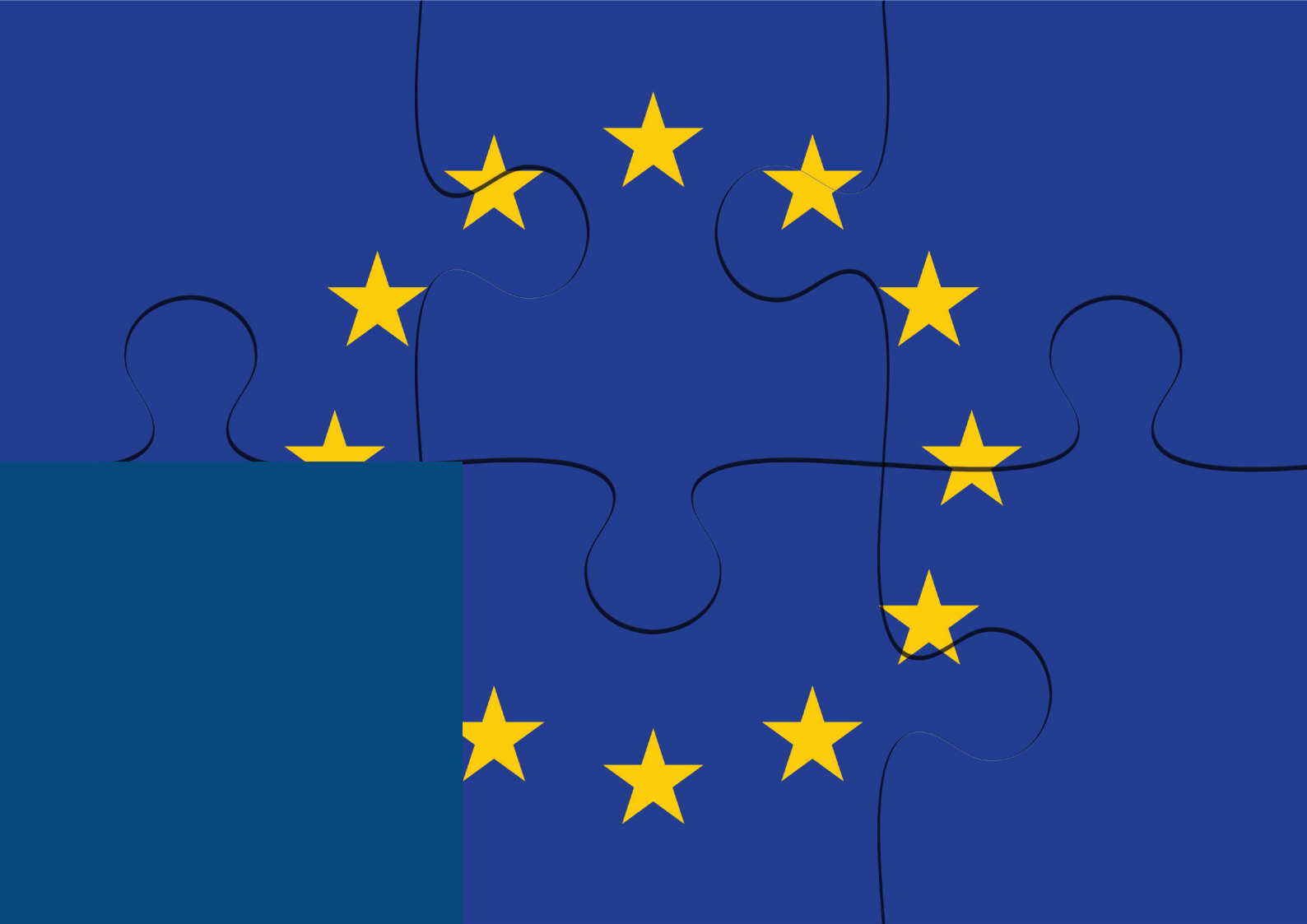
## About the Authors



**Veronica Anghel** is a lecturer at the Johns Hopkins School of Advanced International Studies and a visiting fellow at the Robert Schuman Centre for Advanced Studies at the European University Institute. Her research focuses on European integration, enlargement, and democracy building, and has been published in *West European Politics*, *Political Communication*, the *Journal of European Public Policy*, and the *European Journal of Political Research*.



**Erik Jones** is director of the Robert Schuman Centre for Advanced Studies at the European University Institute. His research focuses on the political economy of Europe and the transatlantic relationship. He has published in *Comparative Political Studies*, *European Journal of Political Research*, *International Affairs*, *Journal of Common Market Studies*, *Journal of European Public Policy*, *Survival*, and *West European Politics*.



POLITICS AND GOVERNANCE

ISSN: 2183-2463

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