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EU partners or EU members: EU enlargement in Moldova, Ukraine and the Western Balkans

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Abstract
Following the 2004-2007 'Big Bang' enlargement, the European Union turned away from further enlargement prospects. Projects such as the European Neighbourhood Policy were launched with the express goal of limiting enlargement, and established commitments to regions such as the Western Balkans fell out of favour. The EU's apathy towards enlargement seemed to change in February 2022, following Russia's invasion of Ukraine. Ukraine applied for membership four days after Russia's invasion, with Moldova and Georgia following less than a week later. Four months later, the EU granted Moldova and Ukraine candidate status. As the EU claims that the accession process is merit-based, with a candidate's progression being directly related to their compliance with the Copenhagen accession conditions, that raises two questions: Why did the EU so radically change its view on enlargement, and were Moldova and Ukraine treated favourably in the accession process?

Using a comparative framework to assess the candidacy progression of Moldova and Ukraine against four Western Balkan candidates – Albania, Montenegro, North Macedonia, and Serbia – this paper argues that Moldova and Ukraine have been treated more favourably in the accession process, and that the reasons for this treatment cannot be attributed to these two countries' better compliance with the Copenhagen criteria.

Keywords: Enlargement, European Union, Moldova, Ukraine, Western Balkans

Introduction

Among the tools available for the European Union to exert itself on the international stage, the promise of membership has been considered one of its most effective instruments (Petrovic et al., 2015). However, while membership has historically been used by the EU as a means of securing favourable political developments in its neighbouring states (Moravcsik et al., 2005), the incentive of membership has been offered much less frequently in recent years. Since the 'Big Bang' enlargement of 2004, the EU has admitted three new member states – Bulgaria and Romania in 2007 (both of whom were intended to be part of the 2004 expansion), and Croatia in 2013 – and has accepted eight states as candidates: Albania (since 2014), Bosnia and Herzegovina (since December 2022), Georgia (since December 2022), Moldova (since June 2022), Montenegro (since 2007), North Macedonia (since 2005), Serbia (since October 2011), and Ukraine (since June 2022). Accounting for Türkiye, whose negotiations for EU membership have been suspended since 2019, half of the current EU candidate states received candidate status in the months following the Russian invasion of Ukraine in February 2022.

The EU is open about the requirements for candidacy, and the candidacy process. The core requirements it needs potential candidates to meet are known as the 'Copenhagen

criteria', a list of political and economic criteria defined at the June 1993 meeting of the European Council in Copenhagen in response to the strong desire by the former Soviet satellite states in Central and Eastern Europe to join the EU. Under the Copenhagen criteria, a prospective EU candidate must have achieved the following:

> stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. (European Council, 1993)

Additionally, any prospective candidate is assumed to have the ability to adhere to the EU's aims of political, economic, and monetary union. Since the Copenhagen criteria's introduction, however, additional modifications have been made, first in 2006 and again in 2020, ostensibly to improve the accession process, though it has been noted that these modifications also serve to make compliance with the criteria more difficult (Phinnemore, 2006).

The increasing demands of EU candidacy have also been tempered with the introduction of the European Neighbourhood Policy (ENP), a policy instrument launched in 2003 with the express goal of extending the EU's influence, without risking the stability of the Union by committing to the addition of any additional members (European Commission, 2003a). However, the fact that the ENP was expressly intended to limit the EU's expansion and prevent the EU's neighbour states from being able to join the EU in full, has proven to be controversial; the states affected by the ENP, especially those in Eastern Europe, have been frustrated by the ambiguity of the ENP – in particular, the ENP's promotion of integration between the EU and its neighbours, but without any of the practical benefits that full EU membership can bring (Flenley, 2018).

Methodology

This article examines the EU's approach to further enlargement into Eastern Europe and the Western Balkans from realist and constructivist perspectives and compares the EU's approach to Moldova and Ukraine regarding their candidacy against their approach to the candidate states of the Western Balkans.

As the EU does not set precisely measurable criteria for assessing candidate states' progress in democratisation, the analyses of Moldova, Ukraine, and the Western Balkan candidates will need to be accomplished via indirect methods, using NGO reports to measure the presence and stability of democratic institutions within the candidate states at the time of their candidacy. As there is no standardised methodology across different NGOs for these reports, one set of reports shall be used for this analysis: Freedom House's *Nations in Transit* report, which "evaluates the state of democracy in the region stretching from Central Europe to Central Asia." (Freedom House, n.d.) As Freedom House openly publishes its methodology and has been publishing the *Nations in Transit* report in its current form since 2005, it is well-suited for an analysis of democratisation across the candidate states.

Enlargement of the European Union

Since the 2004 enlargement, the question of what costs and benefits continued enlargement would bring to the European Union have become increasingly frequent. Schimmelfennig and Sedelmeier, in their 2005 work *The Politics of European Union Enlargement*, provide a comprehensive examination of the 2004 enlargement, looking at the practical and ideological reasons the EU had to approve of bringing the Central and Eastern European countries (CEECs) into the fold. A similar assessment, though slightly less comprehensive, was undertaken by Vachudova (2005). Schimmelfennig and Sedelmeier's examination of the accession of the Central and Eastern European states raises interesting questions surrounding the EU's decision to expand into the former Communist bloc, as their assessment of the 2004 enlargement focuses heavily upon the EU's perception of itself with regard to its role in Central and Eastern European political discourse. Many of the post-communist governments specifically invoked the European Union in the promotion of democracy with slogans calling for a 'return to Europe', with EU membership comprising a core part of that campaign, the European Council acknowledged that they had a 'special responsibility' towards the CEECs (Sedelmeier, 2005).

This concept of a 'special responsibility' was then built upon by both internal and external observers, leaving the matter of fostering democratic development and post-communist recovery in the former Communist bloc in the EU's hands. In that environment, the EU proved particularly sensitive to external accusations of a lack of commitment; criticism of elements of the EU's approach to engagement with the CEECs, particularly their failure to uphold their 'special responsibility' by leaving membership for the CEECs ambiguous, and through failing to discuss how to adapt existing integration models for the CEECs. These criticisms, as Sedelmeier (2005) observed, led to the suppression of overt opposition to enlargement among the Member States and also among the European Commission; once the 'special responsibility' had been acknowledged, attempting to walk back enlargement discussions for any reason became untenable.

Additional discussions have emerged regarding the future of EU enlargement, and the logic behind the EU's reluctance to expand. In particular, two regions have come under the most scrutiny: the Western Balkans and the six post-Soviet states in the EU's eastern neighbourhood that constitute the Eastern Partnership. For the Western Balkans, the topic of enlargement is particularly sensitive; prior to the 2022 invasion of Ukraine, all but two states in the region (Kosovo and Bosnia and Herzegovina) had received candidate status. There has been extensive academic discussion on the enlargement prospects for the Western Balkans and how the EU's reluctance to commit properly to the prospect of enlargement (largely through the imposition of ever-increasing requirements) for the region undermines the EU's credibility and ability to project soft power (Petrovic, 2022; Petrovic et al., 2013; Elbasani, 2008; Belloni et al., 2017). In part, the problems the EU faces with regards to their legitimacy and credibility in the Western Balkans carries echoes of the problems they faced with the CEECs; however, the response on the part of the EU was significantly different. Rather than reactively changing their approach in response to external criticisms, the EU instead seems to be holding to its own processes, without particular regard for the consequences of their perceived lack of commitment. Further complicating the matter for the Western Balkan states is the fact that some Balkan states are already part of the European Union and are thus able to utilise their membership (and their veto power

in EU decision-making) to negatively impact the progression of candidate states with which they have unresolved diplomatic or political issues, separate to any of the accession criteria. The most famous example of this is Greece's naming dispute with North Macedonia, which saw North Macedonia's progression through the accession process stalled for over a decade until the Prespa Agreement of 2019 saw North Macedonia officially change its name. As observed by Zhelyazkova et al. (2019), this interference in the accession process by EU members hampers the EU's credibility in the region, with candidacy progression instead being defined by diplomatic manoeuvring, rather than by compliance (or lack thereof) with the EU *acquis* by candidates.

The other major enlargement prospect under discussion is the Eastern Partnership programme (EaP), which covers the states of Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine. As with the CEECs in the 1990s and early 2000s, and with the Western Balkans, there is a claim to be made that the EU has a 'special responsibility' to the Eastern Partnership states, and particularly to Moldova and Ukraine. Both countries, one currently being invaded by Russia and the other locked in a stalemate with a Russian-backed breakaway state, had been pursuing EU membership as a foreign policy goal for years, and several academics (Petrovic et al., 2013; Vachudova, 2014) have observed that – much like with the Western Balkans – the EU at large has been noncommittal about the prospect of integration for either state.

Candidacy progression of the Western Balkan states

At the Thessaloniki summit in March 2003, the European Council declared that "the future of the Western Balkans is within the European Union" (European Commission, 2003b). The Thessaloniki Agenda, released in June that year, outlined the EU's intentions for accomplishing that goal, though it was careful to note that neither the agenda nor the declaration were promises of immediate expansion into the Western Balkans. Rather, they represented a commitment on the part of the EU to admit the Western Balkan states when they reached the required accession conditions; as Petrovic (2022) noted, however, this commitment did not preclude the EU from adding further conditions following the original declaration. Regardless of the consistency of the conditions imposed upon the Western Balkan states, it is clear that the region has not been a priority in the EU's foreign policy considerations, as shown in Table 1:

Table 1 – Timeline of candidate milestones for the Western Balkan candidates

Country	Application Submitted	Candidacy Granted	Negotiations Advised	Negotiations Approved	Negotiations Opened
N. Macedonia	22 March 2004	17 December 2005	1 October 2009	26 March 2020	19 July 2022
Montenegro	15 December 2008	17 December 2010	12 October 2011	29 June 2012	27 June 2013
Albania	28 April 2009	27 June 2014	9 November 2016	24 March 2020	19 July 2022
Serbia	22 December 2009	1 March 2012	22 April 2013	28 June 2013	21 January 2014

Source: European Commission

While the 2004 enlargement round took less than a decade to complete from start to finish (Nugent, 2004; Petrovic, 2017), the candidates of the Western Balkans have been waiting for at least that long to begin negotiations, with the EU not expecting to conclude negotiations with any of the current candidates until at least 2026 (European Commission, 2024). Explanations for the EU's laxity in bringing the Western Balkans into the European fold have typically involved discussions of 'enlargement fatigue', a nebulous concept outlining the EU's capacity to accommodate new members in both practical and idealistic terms (Emerson et al., 2006; Szołucha, 2010). This analysis will investigate the most official possibility – that the Western Balkan states simply do not fit the criteria to the EU's satisfaction.

On the surface, this theory does not seem to hold up; Freedom House's reports on the Western Balkan states in their *Nations in Transit* report shows that the level of democracy in each of the candidate nations has largely held steady through the accession milestones, with only North Macedonia and Albania (both lagging significantly in the accession process anyway) showing any major decline, as Table 2 demonstrates:

Table 2 – *Nations in Transit* scores for Western Balkan candidates at progression milestones

Country	Application Score	Candidacy Score	Negotiation Advised	Negotiation Approved	Negotiations Opened
N. Macedonia	4.11 (2005)	4.18 (2006)	4.14 (2009)	3.75 (2020)	3.82 (2022)
Montenegro	4.21 (2009)	4.18 (2011)	4.18 (2012)	4.18 (2012)	4.18 (2013)
Albania	4.18 (2009)	3.82 (2014)	3.86 (2017)	3.82 (2020)	3.75 (2022)
Serbia	4.29 (2010)	4.36 (2012)	4.36 (2013)	4.36 (2013)	4.36 (2014)

Source: Freedom House

In contrast to North Macedonia and Albania, Serbia and Montenegro appear to show a pattern of consistency, with both countries holding not just the highest scores in the grouping but also maintaining them throughout the accession milestones. As always, the devil is in the details; Serbia and Montenegro both passed through the accession milestones before a pattern of major democratic decline arose throughout Central and Eastern Europe (Petrovic, 2022), coinciding with a rise in authoritarian practices throughout the Western Balkans – a pattern which scholars have noticed the EU has been hesitant to openly criticise, often to the benefit of candidate state governments (Gafuri et al., 2021). Table 3 below shows that, much like Albania and North Macedonia, Serbia and Montenegro have undergone a major decline in their *Nations in Transit* scoring within the past ten years:

Table 3 – *Nations in Transit* scores for Western Balkan candidates, 2005-2022

Country	Score (2005)	Score (2010)	Score (2015)	Score (2020)	Score (2022)
N. Macedonia	4.11	4.21	3.93	3.75	3.82
Montenegro	4.21	4.21	4.11	3.86	3.82
Albania	3.96	4.07	3.86	3.82	3.75
Serbia	4.25	4.29	4.32	3.96	3.79

Source: Freedom House

What is interesting in this data is that at no point in the Commission's reports for any of these countries was a recommendation made to alter the pace of accession, despite the drop in score. Across the Commission's reports for all of the Western Balkan candidates, the EU's wording was very careful, highlighting concerns with the progress of pro-democratic reforms but never outright condemning candidate states for failing to implement them, or even for backsliding on democratic norms.

While Bieber (2018) and Dudley (2020) observed a rise in anti-democratic actions by the Serbian government since EU accession negotiations began, the Commission's reports on Serbia merely stressed a need to comply with the Copenhagen criteria. Freedom House's reports from the same period are far more critical, claiming that judicial reforms instituted by the Serbian government were totally ineffective, with the judiciary still massively compromised by political interests (Freedom House, 2013). Despite it becoming increasingly obvious that, following his 2014 election, President Aleksandar Vučić was more than willing to utilise the same networks and behaviours to consolidate power as his predecessor Slobodan Milošević (Castaldo, 2020), the EU remained largely silent on the matter in its enlargement reports. In its 2022 report, some remarks were made about the dominance of the Serbian government in the media landscape, and how that dominance strictly advanced government interests, but the primary focus was on Serbia's relationship with Kosovo and Serbia's participation in the Belgrade-Pristina Dialogue. Serbia's relationship with Kosovo had always been a point of contention within the EU's reports, with the Commission continually stressing that normalisation of relations with Kosovo was an integral part of Serbia's EU accession, and Petrovic and Wilson (2021) theorised that the original delay in granting Serbia candidate status in 2011 was directly connected to Serbia's refusal to recognise Kosovo as a state. In its 2024 report, the Commission continued to stress the importance of Serbia continuing to engage constructively with Kosovo and also required Serbia to fully comply with EU foreign policy positions regarding sanctions on Russia. At the time of writing, the Commission expects both issues to be resolved before Serbia can progress any further towards accession (European Commission, 2024).

A similar pattern of authoritarian behaviour could also be observed in Montenegro; after negotiations were approved in 2012, it became increasingly apparent that pro-EU reform was incompatible with the clientelist system that President Milo Đukanović had established, placing Montenegro in a difficult position: either stalling its pattern of European integration, or removing the one person who had run the country for over twenty years (Vachudova, 2014). Protests against Đukanović's government in 2015 only further highlighted the authoritarian system underpinning his rule, with Freedom

House (2016) noting that his government's response served to further consolidate its hold on Montenegrin society. These events themselves culminated in an attempted coup d'etat in the 2016 elections; while the Montenegrin government claimed that pro-Russian elements were behind the plot, some scholars theorised that the coup was manufactured by Đukanović to further consolidate his hold on power (Bieber, 2018; Bechev, 2018). The government's defeat of the coup was criticised by the opposition, claiming that it negatively affected electoral turnout (Vasovic, 2016), though the Commission (2016) did not mention this possibility in their report. Despite this effort to hold onto power, Đukanović's government was defeated in the 2020 elections; while this change ostensibly boded well for Montenegrin democracy, the immediate outcome was a string of political conflicts including unstable government coalitions and boycotting of parliament by both the government and the opposition (European Commission, 2022). The change in government did not mean a change in approach to reform. As Freedom House (2022) noted one of the major parties in Montenegrin politics, the Democratic Front, shared Đukanović's reluctance for internal reform. Despite this spate of recent political instability, Montenegro is still further ahead in negotiations than any other EU candidate in the Western Balkans, with the Commission expressing its support for Montenegro's goal of concluding negotiations by 2026 (European Commission, 2024).

Albania and North Macedonia are more complicated stories than either Serbia or Montenegro. While many of the same criticisms of the EU's reporting made earlier in this article apply here, the major obstacles to their EU accession are less to do with the state of their democracy and more to do with internal EU forces.

North Macedonia, despite being the first candidate accepted out of the current group of Western Balkan candidates, is currently last among them to begin negotiations. This long delay has been in large part due to political issues with current EU Member States – first with Greece over the issue of the country's name, and then with Bulgaria over issues regarding the protection of Bulgarians in North Macedonia. For most of the past sixteen years, North Macedonia has been prevented from advancing in the accession process not because of its own faults, but due to the veto of one of those two countries. The Commission's reports have held that North Macedonia has been ready to begin negotiations since 2009, with their recommendation even abandoning the precondition of reform in their 2018 report. While the timing of that change in attitude was unusual, as North Macedonia had just emerged from a series of political crises that had seen a precipitous drop in North Macedonian democracy, and was only just beginning to properly recover (Freedom House, 2018), it was a recommendation that again reflected an international change more than a domestic one. The following year, North Macedonia settled its dispute with Greece over its name, and the Greek veto on negotiations was lifted. Once Greece gave its approval for negotiations to go ahead, Bulgaria stepped in to prevent it. While a provisional agreement was reached, where North Macedonia would amend its constitution to include protection for the Bulgarian minority in exchange for Bulgaria lifting its veto, the veto was reinstated in 2024 following claims that North Macedonia had failed to implement the requested amendments (European Commission, 2024).

Albania, by contrast, was the last of the candidates in this analysis to be accepted. While it was not significantly less democratic than other successful candidates in the region when it applied in 2009, scoring only slightly lower than Montenegro in Freedom House's assessment, the Commission noted that Albania's political landscape

was marked by unstable institutions and irreconcilable conflicts between the government and the opposition (European Commission, 2010a). By 2012, the Commission had recommended Albania receive candidate status, but the decision was put off; Bieber (2020) noted that Albania had been criticised sharply in 2011 for its violent crackdown on protests against government corruption with the EU itself intervening to call for peace, which may provide a measure of explanation for the Council's reluctance to grant candidacy. Following the change in government in the 2013 elections, the EU granted Albania candidate status in 2014, though Albania's score in Freedom House's reports was significantly lower than when Albania had first applied, dropping from 4.18 in 2009 to 3.82. Despite Albania's score continuing to drop after this period, the European Commission recommended opening negotiations with Albania, even going so far as to remove any conditionality in its 2018 recommendation. Considering Freedom House's report from that year (2018) indicates a continuous pattern of undermining political and judicial reforms, the decision to unconditionally recommend candidate status is confusing. This pattern of behaviour – where progression through EU accession in Albania went hand in hand with political crises – continued in 2020, where the EU agreed to open negotiations with Albania (European Commission, 2020) despite mass political resignations taking place and impeachment proceedings being launched against the Albanian president (Freedom House, 2020). When negotiations were finally approved for Albania in 2022, mere weeks after Ukraine and Moldova received candidate status, it again came among a period of dramatic democratic backsliding in Albania – Freedom House's 2022 report gave Albania its lowest score since the *Nations in Transit* series was launched, with observations of vote buying, voter intimidation and political violence in the 2021 elections influencing their decision (Freedom House, 2022). Negotiations with Albania were opened in October 2024, with the Commission's report praising Albania's efforts to implement judicial reform and align with EU foreign policy. Albania's government has expressed a goal of concluding accession negotiations by 2027, which the Commission notes to be ambitious and requiring a rapid pace of reform in order to be achieved (European Commission, 2024).

Candidacy progression of Moldova and Ukraine

While the EU made no open promises to Moldova and Ukraine of future membership like they did to the Western Balkan states in Thessaloniki, both countries had long aspired to EU membership. In 1993, Ukraine declared EU membership as a foreign policy goal (Shyrokhykh, 2018), and Moldova announced EU integration as a foreign policy objective in 1995 (Shapalova et al., 2012). However, patterns of behaviour in both states following those announcements made it clear that their commitment to democratic reforms, and subsequently a pro-EU footing, were strictly superficial. The EU was willing to extend Partnership and Cooperation Agreements (PCAs) to both countries, but little further effort at integration was made. With the launch of the European Neighbourhood Policy in 2003, Ukraine and Moldova were placed squarely beyond the scope of EU membership, but not necessarily beyond EU integration. Both countries signed action plans with the EU shortly after the ENP's launch, ostensibly providing them with a roadmap for integration and how the EU could best assist them in that process.

2005, coincidentally the same year that Freedom House launched their *Nations in Transit* project, proved to be a significant year for Moldova and Ukraine. Moldova signed their Action Plan, and the EU appointed a Special Representative for Moldova

shortly after (Shapalova et al., 2012). In Ukraine, the Orange Revolution took place, which began due to allegations that President Leonid Kuchma had rigged the 2004 parliamentary elections to favour his preferred candidate, Viktor Yanukovych. The revolution ended when a new round of voting was called, and opposition leader Viktor Yushchenko won. Yushchenko's victory served to prevent both of Ukraine's highest offices being held by Russian-leaning politicians (D'Anieri, 2012), though it also marked the beginning of a dark trend in Ukrainian politics as allegations of Western influence in the Orange Revolution took hold and Russia realised it now had competition in Ukraine (Herd, 2005).

While the EU originally seemed to be ignorant of the rising competition between itself and Russia (Haukkala, 2016), the next step in their engagement with Moldova and Ukraine reflected a deeper interest than what the ENP could provide. The Eastern Partnership (EaP) program, launched in 2009, aimed to promote cooperation between the EU and the post-Soviet states of Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine while still respecting the geopolitical realities of their region (European Commission, 2008). While the EaP was meant to reflect a growing European interest in the region, it failed to solve the major problem that the ENP had: lack of incentive. Without an enlargement perspective, or some more meaningful promise than deeper cooperation, the EU could not hope to project influence into the region at a level great enough to matter (Petrovic et al., 2015).

2014 saw a flurry of activity for Moldova and Ukraine, starting with Ukraine's Euromaidan protests. The protests, which sprang up in response to President Viktor Yanukovych's shock refusal to sign an Association Agreement with the EU (Arel & Driscoll, 2023), saw Yanukovych's government ousted and replaced with an EU-friendly interim government which quickly signed the Agreement. In response to this, Russia invaded and annexed the region of Crimea and supported separatist movements in Donetsk and Luhansk, sparking the Russo-Ukrainian War (Youngs, 2017). This also marked the opening steps of direct EU support for Ukraine's democratic reforms, as the EU approved an advisory mission with the express goal of aiding Ukraine with civilian sector reform in the wake of the invasion (Meszaros & Ţoca, 2020).

Moldova also managed to sign their Association Agreement that year, as well as receiving approval to become one of the countries that could travel to the EU without requiring a visa (European Commission, 2015). What began as a positive year for Moldova did not end that way, as Moldova was struck by a massive bank fraud involving the disappearance of US$1 billion from state banks. The EU's response to this incident was to suspend all funding for Moldova, which caused outcry in Moldova, and a drop in support for the EU which took years to recover (Corman et al., 2023).

The success of pro-reform candidates in Moldova and Ukraine in 2019 saw a resurgence in pro-EU sentiment at a political level, though these victories were marred by controversy. In Moldova, while the 'ACUM' political alliance – formed in 2017 by the pro-European PAS and PPDA parties in opposition to the corruption of the incumbent Moldovan government ("PAS şi Platforma DA au anunţat oficial participarea în bloc la alegerile din 2018", 2017) – prevailed in the parliamentary elections, it collapsed less than a year later necessitating new elections, and the victory of pro-EU candidate Volodymyr Zelenskyy in Ukraine was undercut by observed

violations of the democratic process to try and rush pro-democratic reforms through parliament (Freedom House, 2022).

Following the Russian attack on Ukraine in February 2022, Ukraine, Moldova and Georgia all submitted applications for candidate status. In June 2022, the Commission recommended that Ukraine and Moldova receive candidate status, on the condition that several key reforms were undertaken (European Commission, 2022). For Ukraine, these reforms involved anti-corruption and de-oligarchisation efforts, the protection of minority rights, the finalisation of ongoing judicial reforms, and the reform of Ukraine's media landscape; Moldova's list of reforms was similar. The Commission's report also stated that Ukraine and Moldova would be reviewed at the end of the year to determine whether they would maintain their candidate status. Both countries were later confirmed to remain as candidates, though Freedom House's reports indicate that the Commission is taking a soft line with both of them. The Commission's report on Moldova entirely omitted a corruption scandal involving leaks alleging the pro-EU government placed pro-reform loyalists in several legal institutions, and that the government's response was to investigate who leaked the information rather than the veracity of the claim (Freedom House, 2023). Similarly, the Commission's report on Ukraine appeared to overlook the impact of martial law on civil liberties and media freedom in Ukraine, as well as the unexplained uses of extraordinary powers by the Ukrainian government, inviting speculation that these powers were being used to eliminate political competition (Freedom House, 2023).

The *Nations in Transit* scores for Moldova and Ukraine in Table 4 show that, despite their aspirations for membership, neither country even approached the Western Balkan candidates in terms of democratisation when the first report was being published. However, the gap in score between the candidates does narrow over time:

Table 4 – *Nations in Transit* scores for Moldova, Ukraine and the Western Balkan candidates, 2005-2022

Country	Score (2005)	Score (2009)	Score (2014)	Score (2019)	Score (2022)
N. Macedonia	4.11	4.21	3.93	3.75	3.82
Montenegro	4.21	4.21	4.11	3.86	3.82
Albania	3.96	4.07	3.86	3.82	3.75
Serbia	4.25	4.29	4.32	3.96	3.79
Moldova	2.93	2.93	3.14	3.04	3.11
Ukraine	3.50	3.61	3.07	3.36	3.36

Source: Freedom House

Now, this data raises some concerns about the Commission's claim that enlargement is a merit-based process. First, as observed earlier in this article, a merit-based process should be expected to slow, if not stop outright, when a candidate fails to implement pro-democratic reforms. Second, unless this merit-based process is carefully tailored to the capacities of each state (which would arguably undermine the point of having common democratic norms and values), then there should be a clear, consistent and common level of democratisation that all of the candidates exceed in order to receive

candidate status. As Table 5 shows, when the scores for each candidate in the year of their candidacy are put together, there is a clear deviation from any inferred standard:

Table 5 – *Nations in Transit* scores for Moldova, Ukraine and the Western Balkan candidates at time of candidacy

Country	Score
North Macedonia	4.18 (2006)
Montenegro	4.18 (2011)
Albania	3.82 (2014)
Serbia	4.36 (2012)
Moldova	3.11 (2022)
Ukraine	3.36 (2022)

Source: Freedom House

While some comfort can be taken from the Commission's declaration that both Moldova and Ukraine were subject to several conditions for receiving candidacy, those conditions were not meaningfully distinct from the conditions that had been applied to the Western Balkan candidates when they received candidacy.

At the time of writing, Moldova and Ukraine have both begun negotiations, but they have yet to open any chapters (European Commission, 2024).

Theoretical explanations

Rationalist analyses hold that actors make policy decisions based on what provides them the largest benefits with the least cost (Morgenthau, 1985). Schimmelfennig and Sedelmeier's (2005) analysis of the 2004 enlargement wave found that a purely rationalist cost-benefit approach fails to adequately account for why the EU decided to enlarge into Central and Eastern Europe. Materially, the CEECs were poorer than the EU Member States, with such a gulf between the two groups economically that analyses at the time expected that the CEECs would never contribute more to the EU budget than they required in support. Individual Member States also had rationalist reasons to oppose enlargement, on account of the heavily agrarian economies of the CEECs infringing upon their own agricultural sectors under the EU's Common Agricultural Policy. However, there was one rationalist argument that supported enlargement, and that was when the benefit examined was security – the benefits of having a neighbouring state securely integrated into European systems vastly outweighed the costs of integrating them, as the costs of integration were less than the costs of dealing with the prospect that said neighbouring state could fall victim to destabilising forces. In part, this perspective of enlargement as a securitising force can explain why the EU has been so reluctant to engage further with the Western Balkans.

The Stabilisation and Association Process was originally implemented to promote stability and regional cooperation among the Western Balkan states, and subsequently created a zone of apparent regional stability, thus removing securitisation and

preservation of regional stability as an enlargement incentive for the EU. In acknowledging that, while there is no longer conflict in the Western Balkans on the level of the 1990s, several longstanding animosities in the region have yet to be resolved, with the most obvious being the conflict between Serbia and Kosovo. While the EU has overseen efforts to normalise relations between the two states in the Belgrade-Pristina dialogue, no end to the conflict seems to be in sight. Additionally, the countries within the Western Balkans themselves are aware of this factor influencing the EU's approach, which Elbasani (2008) has identified as a confounding factor in Western Balkan enlargement discussions.

Attempting to apply the same analysis to enlargement in eastern Europe leads to similar conclusions. From a security standpoint, enlargement to Moldova and Ukraine was unappealing; Russia registered objections to the Eastern Partnership when it first launched on the grounds that the Partnership was a threat to Russian influence, and the Eastern Partnership was intended as an alternative to proper enlargement (Stewart, 2009). In that light, full enlargement was non-viable as it would only further inflame tensions in eastern Europe, which would undermine the goals of creating stability on the EU's borders. In acknowledging this, it also serves as an explanation for why the EU considered applications from the Eastern Partnership states after Ukraine was invaded by Russia – with Russia already active in the region, the risk of inciting destabilisation was no longer in effect. However, there is a difference between no longer denying a membership perspective and granting candidate status; where the former implies that membership may be an achievable future goal, the latter is almost promissory – membership must happen in a reasonable timeframe, lest it endanger the credibility of the procedure (Petrovic, 2022).

As Sedelmeier (2005) has previously observed, where rationalist analysis fails to provide an adequate explanation for enlargement, constructivist views can often fill in the blank. Constructivist assessments of enlargement tend to focus on the EU's identity and ideals as explanations for enlargement decisions, with those concepts being informed both by candidate state perceptions and by the EU's own officials (Vassiliou, 2007; Sedelmeier, 2005). For the EU, its identity is characterised by shared values and norms of liberal democracy, constrained only by the geographic limitations of Europe, per Article 49 of the Treaty on European Union. In the 2004-2007 enlargement wave, this identity was used by supporters of enlargement to argue that the EU had a "special responsibility" to the CEECs, and that enlargement was a necessary part of fulfilling that responsibility (Sedelmeier, 2005).

As the EU has been consistent in its publications that it considers the promotion of democracy, rule of law, and respect for fundamental rights as foreign policy goals, it can be inferred that the EU continues to perceive itself as a supporter of liberal democratic norms. EU support for democratisation in eastern Europe has historically been marginal; while the EU paid lip service to the promotion of democracy in the Eastern Partnership states, little was done to address infringements upon democracy in those states from a foreign policy standpoint (Anghel & Džankić, 2023). With the invasion of Ukraine in 2022, and Ukraine's subsequent application for EU membership, the EU was forced to react in order to preserve the legitimacy of its image as a supporter and defender of democratic norms and the rule of law. Sedelmeier's analysis of the 2004-2007 enlargement wave identified a 'community trap' that the EU had become ensnared by in that wave, wherein the EU's image, alongside a particular framing of the accession process, forced the EU to ultimately allow the CEECs to join,

regardless of their final readiness. Failing to have them join in a timely fashion risked damaging the credibility of the enlargement process and called into question whether the post-communist states were capable of being fully integrated into the European project. Ukraine's application for candidacy thus drew the EU into another such trap: while Ukraine was underqualified as a candidate, rejecting Ukraine as a candidate in the context of its geopolitical situation risked the perception of abandoning a state finally making headway on democratic reform (Anghel & Džankić, 2023). Stuck between two positions, the EU chose candidacy over criteria.

This 'trap' narrative also explains the sudden renewal of interest in enlargement more generally; if Ukraine and Moldova were perceived to be the only beneficiaries of a renewed EU interest in enlargement, caught in a moment of crisis as they were, it creates the impression that the EU's enlargement agenda is shaped entirely by geopolitical conflict and crisis, rather than by adherence to criteria and conditionality. For the Western Balkans, avoiding such a perception is critical; belief in EU enlargement is already on the decline in that region (Bieber et al., 2019), and any overt indication that the enlargement process is guided by more than just criteria and conditionality would be highly damaging to the EU's influence in the region.

Conclusion

The granting of candidacy to Moldova and Ukraine in 2022 caught observers by surprise; neither state was considered as an enlargement candidate in anything more than distant hypotheticals, with the Western Balkans being seen as a more credible (if not necessarily less distant) avenue for future enlargement. This analysis has found that Moldova and Ukraine were not held to the same democratic standards as the Western Balkan states, thus allowing them to progress through the candidacy process while ignoring their lower levels of democratisation. While rationalist arguments about the costs and benefits of enlargement fail to account for this special treatment at an institutional level, rationalist theory can explain the support for enlargement at a member-state level. Long-time proponents of enlargement in Central and Eastern Europe have viewed Russia as a much more significant threat than the older Member States in Western Europe and subsequently see expansion into the former Soviet states as being a guarantor of their security against Russian expansionism. However, rationalist arguments alone, predicated on the desires of a minority of Member States, do not explain such a deviation from established standards on the part of the European Union. As Schimmelfennig and Sedelmeier have argued, a mixture of rationalist and constructivist arguments is required to fully identify the reasoning behind enlargement decisions. Constructivist arguments of role conception, predicated on the EU's self-perception as a promoter of democratic norms and principles alongside a framing of the conflict in Ukraine as being between authoritarianism and democracy, offer an explanation that reaches beyond the interests of the Eastern European member states.

This argument also calls to mind the 'community trap' identified by Schimmelfennig and Sedelmeier (2005) in the 2004 enlargement wave, where enlargement into Central and Eastern Europe was re-framed from economic considerations about whether the incoming candidates would ever benefit the EU financially towards the successful recovery and transition of the post-communist states into a liberal democratic order, where the possibility of the EU's failure to facilitate such a transition was presented as a failure of the EU to appropriately work with the incoming members, and not a failure of the incoming members to meet the EU's standards. In any case, while Moldova and

Ukraine rapidly progressed through the early stages of candidacy, the two states have yet to complete the negotiations process, which may allow for the EU to equalise the apparent imbalance in treatment between Moldova and Ukraine and the Western Balkan candidates.

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