

Historical Evolution of Conditionality Criteria in External Relations of the EU with CEEC. From the Cold War to the Accession: an Insider's Perspective

Carlos Puente¹

Abstract: *Conditionality is a concept frequently linked to funds received from international financial institutions by countries in trouble. Most cases depend on the financial support to developing countries of the IMF, but also of other institutions like the World Bank, ADB, IBD, EIB or the EBRD that are targeting the Central and Eastern European countries. Besides the financial framework there is another application of conditionality often used by organizations like the EU for applicant countries that are in the European integration process. Although no reference was made to any specific conditionality criteria in the Treaty of Rome, the EEC first and the EU afterwards applied a process of conditionality criteria during the commercial negotiations with Central and Eastern European countries (CEEC) in the 80's. While general principles were developed in international forum, from the Helsinki Final Act signed in 1975, until the Copenhagen criteria for membership adopted during the June 1993 European Council, a great evolution has happened and even stricter conditions were established in the future when Bulgaria and Romania became applicant countries. All these topics will be the purpose of the present article from an introspective point of view, providing relevant information of very little known bureaucratic procedures.*

Keywords: *positive and negative conditionality, retaliation, sanctions safeguard clause, freeze of negotiations, human rights, rule of law, democracy, market economy, acquis communautaire.*

Introduction

The concept of conditionality means that an action, a result or a benefit depends on a specific attitude. It is linked to the idea of conditions that comes from the world of psychology that dictionaries define as "a process in the behaviour of an organism in a particular response that becomes more frequent or more predictable in a given environment, as a result of having associated it with a stimulus or a reward."

The geographical distribution of power in the world establishes certain impositions from

¹ **Carlos Puente** is Doctor in Economics, and has a Masters Degree in Law, Political Sciences and European Law. He has carried out his professional activities in Europe, Asia and America in the private and government sectors. Former Commercial Attaché in Moscow. Former official of the European Commission. Visiting Professor, Columnist in newspapers in Europe and America and panellist in radio and television. He is presently based in Vienna. E-mail: cpmartin28@gmail.com

some countries on others when that influence is exercised through economic and business conditions on one hand, and politics on the other, either by way of collaboration or by force. In the first case it is due to the imbalance of political or economic power between States and, in the second situation, it is due to situations resulting from conflicts where conditions are included in a peace treaty. A third case of conditionality can be found in the framework of the internal relations of organizations and in this sense it may refer to the criteria of conditionality of the EU in its external relations and, mainly when candidate countries apply for membership.

One should distinguish the concept of conditionality from others that sometimes seem to be related. I mean trade *retaliation* in the language of international trade policy, where sanctions can affect different areas of international relations: political, economic, scientific-technical, cultural, etc. Conditionality may also have one or more actors in the case of *bilateral conditionality*, imposed by a state to one or more other states and *multilateral conditionality*, when the influence comes from an international organization or institution.

We can also talk about *internal or external conditionality* when we refer to the action of an organization within the framework of their responsibilities towards members of the organization, as it is in the case of the European Union. On the other hand external conditionality refers to autonomous actions in the relations between States. As for the reaction and the effects of applying conditionality to trade and economic relations there is a generally accepted principle that the more developed and powerful the offending State is in its economy, the lesser the effectiveness of sanctions is.

Positive conditionality

Basically the action of conditionality is applied by means of two tools: incentives and sanctions. In the first case we have the example of a positive conditionality when granting benefits, concessions, exemptions or privileges to others in international relations.

These incentives can influence the behaviour of a State in a number of different ways depending on the relationship between both States, although it is possible to impose conditionality criteria in a relationship of equals. Positive conditionality may affect relations between States in order to maintain a *status quo* or to obtain a convergence with certain goals or specific objectives, mainly in an increase in trade and economic co-operation, although sometimes this involves improving political or military relations. It is clear that a net advantage for only one side does not always occur.

Agreements on trade and economic cooperation with Romania and other agreements with some former COMECON member countries, like the trade agreement for industrial products signed by the European Economic Community and Czechoslovakia, are among the most significant cases where a *clause of conditionality* was not included. Nevertheless in the preamble of such agreements there was a reference to the Final Act of the Conference on Security and Cooperation in Europe and the respect for democratic principles and

human rights but it was not an essential element of the agreements². However there is another group of trade agreements and trade and economic cooperation agreements signed with the EEC that included an explicit reference in the agreement as an essential element and this involved only unilateral obligations.

Negative conditionality

Negative conditionality cannot be recognised as clearly as a positive conditionality since it is often hidden behind threats addressed to States under the influence of other countries and when there is an imbalance between both parts. This type of conditionality may adopt the form of delays, suspensions, the “*freeze negotiations*”, etc. Most cases involve a lack of transparency in international relations.

The essential difference between the negative and positive conditionality is that in the latter a State or an organization is using a coercive action to ensure a result not wanted by the other side. Actually there are sanctions whose effects may occur immediately or in the future, if the constraints required by the dominant actor are not accepted.

In the framework of relations of the European Community with CEEC we must remember that the first restrictive clauses, as a form of negative conditionality, appeared in the Agreement on trade and commercial and economic cooperation with Albania³ and in the Agreements on trade and trade and economic cooperation with the Baltic countries, all

² The Agreement between the European Economic Community and the European Atomic Energy Community, of the one part, and the Czech and Slovak Federal Republic, of the other part, on trade and commercial and economic cooperation in the preamble includes the following references:

“TAKING INTO ACCOUNT the favorable consequences of economic reform that is taking place in Czechoslovakia in trade and economic relations between the Contracting Parties;

DESIRING to create on the basis of equality, non-discrimination, mutual benefits and reciprocity, favorable conditions for the harmonious development, diversification of trade and the promotion of trade and economic cooperation in areas of mutual interest ;

CONSCIOUS of the importance of giving full effect to the Final Act of the Conference on Security and Cooperation in Europe, the Conclusions Document of the Madrid meeting and in particular, the Conclusions Document of the Vienna meeting”. OJ L 291 of 23rd October 1990.

³ Council Decision of 26 October 1992 concerning the conclusion of the Agreement between the European Economic Community and the Republic of Albania on trade and commercial and economic cooperation (92/535/CEE). OJ L343 of 25 November 1992. Article 1 of the Agreement between the European Economic Community and the Republic of Albania on trade and commercial and economic cooperation, May 11, 1992 says: “The democratic principles and human rights enshrined in the Helsinki Final Act and the Charter of Paris for a New Europe inspires the domestic and external policies of the Community and Albania and is an essential element of this Agreement “. And Article 21 provides that “This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties of the completion of legal procedures necessary to notify. The Agreement is concluded for an initial period of ten years. It shall be renewed automatically each year unless one of the Contracting Parties denounces it in writing to the other Party six months prior to its expiration.

However, the Contracting Parties may, by mutual agreement in order to take account of new developments, including Albania’s accession to the General Agreement on Tariffs and Trade. In this case, the Contracting Parties shall jointly prepare amendments to this Agreement necessary to take into account the Protocol on the Accession of Albania to the General Agreement. If the parties fail to reach an agreement, reserve the right to terminate this Agreement.

The parties reserve the right to suspend all or part of this Agreement with immediate effect in the event of a serious violation of the essential provisions of the Agreement”.

of them signed on May 11, 1992⁴. The Article 1 of the Agreement with Albania states that “democratic principles and human rights are an essential element” and in conjunction with Article 21 *in fine* that gives to the parties the power to “suspend all or part of the agreement with immediate effect if a serious violation of the basic provisions occurs”. Agreements with the Baltic States also include the same provisions. Here we must emphasize the immediacy of the suspension without prior consultation with the other Party.

Moreover there are other arrangements that soften this situation and give an opportunity to political dialogue before the suspension occurs and this in line with the Vienna Convention on the Law of Treaties. In the European Agreement signed with Bulgaria in 1994, Article 6 reproduces the provision of Article 1 of the above mentioned agreements, stressing that “the principles of democracy and human rights are an essential element of this partnership”⁵. The preamble states: “CONSIDERING the opportunities to establish relationships of a new quality offered by the emergence of a new democracy in Bulgaria,” taking into consideration the possibility that, in case of a violation of essential elements of the Agreement, the Association Council shall be consulted in order to find a solution acceptable to the Parties, as provided in Article 118. Here it should be stressed that the text of Article 118 declares that, except for an emergency, the use of immediate dialogue with the other party, is mandatory, if a Party “has failed to fulfil its obligations under this Agreement, it may take appropriate measures ... except in cases of special urgency “.

⁴ Council Decision of 21st December 1992 concerning the conclusion of an Agreement between the European Economic Community and the Republic of Estonia on trade and commercial and economic cooperation (92/601/CEE). OJ L 403 of 31st December 1992.

Council Decision of 21st December 1992 concerning the conclusion of an Agreement between the European Economic Community and the Republic of Latvia on trade and commercial and economic cooperation (92/602/CEE). OJ L 403 of 31st December 1992.

Council Decision of 21 December 1992 concerning the conclusion of an Agreement between the European Economic Community and the European Atomic Energy Community and the Republic of Lithuania on trade and commercial and economic cooperation (62/603/CEE- EURATOM). OJ L 403 of 31st December 1992.

⁵ Decision of the Council and the Commission of 19th December 1994 concerning the conclusion of the Europe Agreement between the European Communities and their Member States, of the one part, and Bulgaria, on the other (94/908/CECA/CE/EURATOM). OJ L 358 of 31st December 1994. Article 6 of the Agreement states that “ Respect for democratic principles and human rights established by the Helsinki Final Act and the Charter of Paris for a New Europe inspire the domestic and external policies of the Parties and constitute an essential element of this partnership. “ And the wording of Article 118 is explicit:

“1. The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. The Parties shall ensure that the objectives are achieved in this Agreement.

2. If a Party considers that the other Party has failed to fulfil an obligation under this Agreement, it may take appropriate measures. Before doing so, except in cases of special urgency, it shall supply the Association Council with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties.

In the selection of measures, priority should be given to those which least disturb the functioning of this Agreement. These measures shall be notified immediately to the Association Council and shall be the subject of consultations if the other party requests it”.

Economic and trade conditionality

The aim of conditionality can be political, economic or commercial without changing its political nature. Enforcement and defence of certain principles such as the introduction of a democratic system, the existence of the rule of law, the establishment of the market economy as an economic system, the defence of human rights and the protection of minorities, etc. can be encouraged through economic and commercial sanctions. Economic and trade conditionality can also be positive or negative, in the first case by showing improvements in the economic *status quo* in exchange of political or economic reforms, and in the second case by imposing sanctions that may affect the reduction or total suspension of benefits.

The European Community used widely from the very beginning this mechanism of conditionality in trade and economic relations with third countries and also in the process of enlargement without discrimination because they were applied to Western and Eastern European countries. Here we are interested in the commercial and economic policy of the EU towards the countries of Central and Eastern Europe that were once part of the Soviet bloc that undoubtedly helped the political change in Eastern Europe.

Although restrictive clauses in trade agreements theoretically should target economic results, the truth is that many of these measures were included to exert coercive attitude towards the partner and the expected result was rather political than economic. Theoretically a “safeguard clause” is a trade defence measure to prevent the export of certain products covered by an agreement to cause or threaten to harm the EU economy. These measures, taken by the EU, could hide the pressure on some countries to obtain a political result or to take a commercial or economic initiative. What is certain is that the economic and trade conditionality have often been used instead of sanctions because to threat to use the application of a “safeguard clause” was more effective than its application, and it is more convenient to use “*ad hoc* negotiations” to solve a conflict.

The trade agreements of the first and the second generation signed by the European Community with the socialist bloc countries included the same commercial terms and the model did not change, though its effects were modulated according to the characteristics of each country. The wording of trade agreements negotiated and signed during the 90's of the XX century was a reproduction of the former Agreement on trade in industrial products signed in 1980 between the European Economic Community and Romania. It was the model with limited modifications to the Agreement signed with Czechoslovakia in 1988. Actually the European Commission was a “factory” of agreements where the only added value provided by the General Directorate for External Relations of the European Commission was to change the name of the country and very few innovations to specific cases.

In agreements signed with the socialist countries there was also a clause with a very special feature that limited the framework of the Community market. I refer to the “*territorial clause*”, known as “*Berlin clause*” which highlighted the existence of the western part of the capital of Germany, located in the territory of the former German Democratic Republic that was part of the European Community. This idea of “insularity” of this small part of the territory of the Federal Republic of Germany in the agreements was included in the agreements as a commercial condition, but was in fact a political requirement necessary for the trade agreement to be in force.

A major obstacle to put in practice some conditionality criteria against certain countries was its status as a contracting party to the General Agreement on Tariffs and Trade (GATT), referred to in the preamble of trade agreements. The Commission was very careful in such cases since Brussels did not grant the "most favoured nation" (MFN) treatment when the country in question had not established a customs duty recognized by the GATT and therefore the country could not act reciprocally⁶.

The principle of conditionality in the EEC and the democratic clause

The principle of political conditionality in the European Economic Community comes from the very beginning when the "Petite Europe", the EEC founding members, confronted the "Big Europe", including the Organization for European Economic Cooperation (OEEC), with the proposal of a project of a European Free Trade Area supported by the British since 1956. In 1958 the geopolitical role of the Commission of the EEC was very important in the relations of European cooperation, as Laurent Werlouzet declared⁷.

The most known experience of conditionality applied by the EEC must be found in the period before the first enlargement, mainly during the period of France's President General Charles De Gaulle with his anti British politics. Nevertheless "*stricto sensu*" the oldest trace of conditionality can be found in the attempts of the Spanish's dictator General Franco to approach the successful EEC in the 60's.

Indeed, on February 9th, 1962 the Minister of Foreign Affairs of Spain, Fernando Maria Castiella, addressed a letter to the President of the Council of Ministers of the EEC, Maurice Couve de Murville seeking to start negotiations to reach an association agreement and to join the supranational organization. It was a critical moment when President De Gaulle in France vetoed in 1963 the entry of Britain into the EEC. We must remember that the European Free Trade Association (EFTA) emerged in an attempt to attack the Franco-German power in Europe.

When the EEC was negotiating with the accession of Britain and two other members of the EFTA, Denmark and Ireland, the Spanish government of General Franco addressed a new letter to the Council of Ministers on February 14th, 1964 expressing the interest of Spain to start exploratory talks which was accepted on July 2nd of that year. On December 9th, 1964, a Spanish delegation led by Ambassador Nuñez began negotiations in Brussels with the EU delegation headed by the Commissioner for External Relations, the Belgian Jean King.

It looked like as if the political conditionality was left behind as the main obligation because the internal crisis suffered by the EEC, allowed changing the priority to other

⁶ The Preamble of the Agreement on industrial products with Romania established "l'attachement de la Communauté et de la Roumanie à l'accord general sur les tarifs douaniers et le commerce, y compris le protocol d'accession de la Roumanie" but in practice the EEC did not recognize the MFN clause to Romania.

⁷ Warlouzet, L. wrote that the Free Trade Area "présentée comme complémentaire de la CEE elle pourrait rapidement se révéler concurrente et même incompatible. Si une ZLE trop ambitieuse entre en fonction, la CEE risque d'être gênée dans ses initiatives et les pays qu'y participent n'auront plus aucun intérêt à s'investir dans l'Europe des Six". "La Commission européenne face au défi de la Grande Europe: la négociation de la zone de libre-échange en 1958", page 365.

principles not related to democracy and the respect for human rights that were systematically violated by the dictator. Although the EEC had only offered a preferential trade agreement, the aggressive action of the Spanish diplomats managed to change the view of Brussels and the Council of Ministers of the EEC accepted the Spanish position on October 16th, 1969, concluding a preferential agreement between Spain and the EEC which was signed in Luxembourg on June 29th, 1970. In fact it was a success of the government of General Franco, which was not in accordance to the current EEC strategy.

In certain European *forums* there were some rumours about the participation of Spain in one of the blocks despite its lack of democracy and non respect of rule of law. Some countries members of the EFTA, like Portugal, didn't meet with the democratic principles that were the identity of most EFTA members. In those days there was a competition between the European Free Trade Association and the European Economic Community and any country was welcome to join any of both organizations⁸. A competition between the two economic blocs to attract a significant number of members started. It seemed that the only conditionality criteria required was to be an European country and the openness of its market.

The Central and Eastern European Countries faced a very different situation when they applied to join the EEC, since the priority was the political strategy to recover the Eastern part of the continent, with the aim of building a united Europe. The easy going attitude of the European Union countries to welcome the former socialist countries members of the Council for Mutual Economic Cooperation (COMECON) was a political decision taken not only in Brussels but simultaneously in several Member States. The philosophy is based on the principle that economic success would imply a democratic transition to democracy, the rule of law and the market economy. The facts would show that such assumption would not be fully confirmed by the subsequent evidence.

The exception of Ceaușescu's Romania

Romania was the first country from the socialist bloc to recognize the European Communities and open a diplomatic mission in Brussels. In the 1960's Romania was out of the Warsaw Pact and condemned the invasion of Czechoslovakia in 1968. Ceaușescu kept his independence from Moscow in international relations and maintained leadership in the Non-Aligned Countries group. The dictator decided to repay the external debt of Romania by increasing exports of agricultural and industrial products, causing shortages of food, energy and other consumer goods which affected the standard of living of the population.

⁸ The European Free Trade Association (EFTA) was set up at the Stockholm Convention signed on January 4th, 1960, under the initiative of the United Kingdom whose members were Portugal Austria, Denmark, Norway, United Kingdom, Sweden and Switzerland. A conditionality related to democracy was not required for membership in the EFTA bloc and the Spanish dictatorship could not face to any conditionality even for the integration of Spain into the EEC but the Spanish government didn't take advantage from this situation. The recognition of the Franco regime by the United States, with whom he had an important military alliance, could have been the key for his "legitimacy" by other European states. It is not clear whether the obstacles to the integration of Spain in the EEC were political or economic.

As I already mentioned, the European Economic Community signed several agreements focused on specific sectors with most countries of the socialist bloc. It was in 1974 when the EEC decided to develop its relations with Romania despite the lack of political and economic freedom under the dictator Ceaușescu. There was already the precedent of the 1962 preferential agreement with Spain, under a strong political control of Franco, but this time the aim was to drive a wedge inside the Communist bloc. Shall we think that the EEC was dealing with a geopolitical conditionality in the case of Romania?

The EEC adopted a selective approach based on political criteria in its relations with the countries of socialist economy. Let's see the origins of these trade relations, which represented a qualitative improvement in the relations between the EEC and the countries of Eastern Europe. In January 1972 Romania requested the European Community the application of the benefits from the Generalized System of Preferences (GSP), which the Community granted in 1974. This was the EEC response to the rejection by the socialist states of the proposed negotiations of bilateral trade agreements with the European Community.

Next step was the negotiation between the EEC and Romania of an agreement to set up a joint committee and an Agreement on trade of industrial products between the European Economic Community and the Socialist Republic of Romania, ruled by Ceaușescu. What was the strategy of the EEC? To whom the EEC imposed a political and trade conditionality? To Romania? No. Brussels had sent a message to the COMECON informing them that the only way of approaching was bilateral and never between organisations. Moreover, the EEC underlined the criteria for selective application to states according to their attitude towards the European Community.

The EEC for the first time signed a classic bilateral trade agreement with a COMECON member state in December 1980. The Agreement on trade in industrial products was concluded for a period of five years and the Agreement on the Joint Committee for an unlimited duration. Moreover, this first agreement with a socialist country was a model for future agreements that the EEC was ready to negotiate with other socialist countries. The Agreement on trade in industrial products with Czechoslovakia signed in 1988 was negotiated following the Romanian model.

The agreement signed with the Socialist Republic of Romania was a concession to the country and a prize given to Ceaușescu to reward his independence from the Soviet bloc and the Warsaw Pact. Furthermore, the Ceaușescu's government maintained a close relationship with the Community. The agreement included all typical elements of a trade agreement, like the clause of the most favoured nation, although it was only theoretical, since it could not be applied reciprocally because Romania did not have a customs tariff recognized by the GATT. A safeguard clause, a clause of prices and the territorial clause or "Berlin clause" were also included in the text of the agreement.

Romania was a member of the "Group of 77" which made it easier to grant the country some privileges as a commercial partner⁹. It was, therefore, another advantage offered to

⁹ The G77 organised in 1964 joined 77 developing countries under the umbrella of the United Nations, to perform coordinated actions on specific topics in areas of trade, agriculture, energy, raw materials and other matters of interest to all its members. The number of members has now reached 130 states and Argentina in the chair for the presidency from January 2011.

Romania and not applied to the rest of the socialist countries of Eastern Europe. It was a clear measure of discriminatory conditionality due to a political decision. All these concessions were not free of charge because conditionality was running along with obligations which, in the case of Romania meant, among other obligations, to provide "business opportunities" to economic operators from the EEC, decreasing its trade flows with other CMEA countries.

In 1986 the Council authorized the replacement of the Agreement with Romania signed in 1980 by a broader one, although negotiations were cancelled in April 1989 and the current agreement was frozen due to the repression of Ceaușescu's government against the population.

In January 1990 a provisional government in Romania was set up, which established a commission for the transition towards a market economy. In the first elections held in May, the National Salvation Front won with a huge majority and, in June 1990, Petre Roman was appointed as the first Romanian Prime Minister of post socialist era¹⁰. The two agreements with Romania signed in 1980 were replaced by an Agreement on trade and commercial and economic cooperation, signed in October 1990. Very few people know which was the role played by Western countries and the European Community in the events that put an end to 22 years of the Ceausescu rule and which was the starting point for Romania's transition to democracy with the perspective of its integration into the EU¹¹.

The Agreement on trade in industrial products which the European Community signed with Czechoslovakia in 1988 was negotiated on the basis of the existing agreement with Romania signed in 1980. Later on, in 1990, this agreement was replaced by the Agreement on trade and commercial and economic cooperation following the guidelines of the agreement which was under negotiations with Hungary. The EEC started the rule of "differential character" in the negotiation of trade agreements with the countries of Central and Eastern Europe according to the principle of "*conditionality and individual merits*".

Trade Agreements EEC-CEEC

The European Economic Community, in its commercial relations with the countries of Eastern Europe met with a specific case which limited the possibility of applying the principle of trade conditionality. The EEC could not impose other obligations to the Federal Socialist Republic of Czechoslovakia, as they were a contracting party of the GATT. It is true that the Prague's government did not respect its obligations as a member of GATT and therefore even the United States did not recognize their rights as a founding member and contracting party of the GATT.

The Agreement on trade in industrial products between the EEC and Czechoslovakia was the first that the EEC signed with a socialist country founder party of the General

¹⁰ Petre Roman, who was prime minister of Romania between 1989 and 1991 spoke perfect Spanish, being the son of the Spanish Hortensia Vallejo who married Valter Roman, a member of the International Brigades that participated in the Spanish Civil War.

¹¹ The Services of the Directorate General for External Relations of the European Commission organized the trip of Commissioner Andriessen, to Prague, Sofia and Bucharest, which took place on January 14, 1990 in order to analyze the evolution of the facts in these three socialist countries that were under surveillance by the European Commission with great interest and concern, especially after the tragic events that occurred in Romania.

Agreement on Tariffs and Trade. The negotiations of this agreement which was replaced by the Agreement on trade and commercial and economic cooperation signed in 1990, suffered from the political turmoil in the country and the European Commission applied the principle of "stop and go" and even adopted diplomatic pressures due to the violation of human rights in Czechoslovakia. Gustav Husak, the President of the Republic of Czechoslovakia from 1975 was ruling the country with authoritarian manners so he faced frequent popular demonstrations since the late 1980s¹².

The immolation of the student Jan Palach on August 19th, 1988, on the anniversary of the invasion of Czechoslovakia by the troops of the Warsaw Pact showed repression by the State Security Police (StB). In late 1989 the regime could not fight the pressure of the population and the "Velvet Revolution" succeeded and put an end to the presidency of Husak and it was also the end of the communist era in Czechoslovakia. In the meantime negotiations between the EEC and the Czechoslovak representatives in Brussels and Prague continued. Once again I wonder about the role played by the trade relations and the conditionality applied by the EEC in the transformation of the communist regimes in Central European countries.

The appointment of Mikhail S. Gorbachev as General Secretary of the CPSU was a surprise to the experts in the Soviet Union affairs including admirers and detractors of the communist bloc, which is the birth of the greatest transformation suffered by the continent since the October Revolution of 1917¹³. The geopolitical impact will have a great effect for generations born under European socialist regimes in Eastern Europe. The new president of the USSR made possible the signature of the "EEC-COMECON Joint Declaration", which took place in Luxembourg on June 25th, 1988 and was the starting point of a new era of rapprochement between the European countries of different ideologies.

The Luxembourg Declaration left the way open and free for the European Community to be legally recognized and the establishment of diplomatic relations between the Community

¹² Gustáv Husak was secretary general of the Communist Party of Czechoslovakia between 1969 and 1987 just after the invasion of the Warsaw Pact troops that ended the "Prague Spring" led by Alexander Dubcek. Both were of Slovak origin. In 1950 he was the victim of the Stalinist purges and imprisoned between 1954 and 1960. Suffered the enmity of the Czech nationalist and former SG of the Communist Party and President Antonín Novotný was pardoned in 1963. He was deputy prime minister in the reformist Dubcek in April 1968 and participated in negotiations between Dubcek and Brezhnev in Moscow, after the invasion of Warsaw Pact troops in August 1968. He cancelled the Dubcek reforms who was separate from the government and Husak became president in 1975 during the period known as the "Standardization". He resigned as president of the Republic in 1989 after the triumph of the "Velvet Revolution".

¹³ As a representative of Spain I had the opportunity to attend meetings that took place in the embassies of Western countries in Moscow during that period. At a meeting held at the Embassy of a Western country in March 1985, after the death of Konstantin Chernienko, the first secretary of the embassy informed us that "a certain Mikhail Sergeyevich Gorbachev had no chance to become General Secretary of the USSR" A few days later, on March 11, he was appointed general secretary of the CPSU of the USSR and was the first president born in communist times. I realized that most of so called "experts on Soviet affairs" *sur le champ* had very little information on Soviet politics.

Later on, in talks with former leaders of the Soviet Union I learnt some rumours about the appointment of Gorbachev as the last choice to become Secretary General of the Communist Party since there was a general attitude against "non-Slavic" candidates to avoid what had happened with Stalin. It seems that there was a great consensus on another candidate within the "troika" to appoint the general secretary of Communist Party of Azerbaijan but Gorbachev is of Russian - Ukrainian descent.

and the CMEA countries¹⁴. During the signature ceremony of the Joint Declaration on the establishment of official relations between the EEC and the CMEA the Minister of Foreign Affairs of the Federal Republic of Germany, Hans-Dietrich Genscher was present, acting as president of the Council of Ministers of Foreign Affairs of the EEC, and for CMEA participated Mr R. Rohlicke, president of the executive committee of the CMEA, along with Viacheslav Sytchov, Secretary General of the COMECON.

Between 1988 and 1990, the European Community had negotiated trade agreements and trade and economic cooperation agreements with Hungary, Poland, the Soviet Union, Czechoslovakia, Bulgaria, Romania and the former German Democratic Republic. During this period there was a competition between governments of the countries of Eastern Europe to show Brussels their firm decision to abandon the path of socialism and embrace the democratic system and market economy. The Community agreed to reward each country accordingly with the conditionality criteria based “on the merits of each candidate”.

What were the conditions that converted candidates into beneficiaries of a trade and cooperation agreement? Firstly, the Community requested the state concerned to negotiate and sign an agreement with an explicit recognition of the legal personality of the European Communities by establishing diplomatic relations. We must remember that the CMEA had always proposed relationships between the two organizations on a level of equality, to which the European Community was firmly opposed in the absence of symmetry between the two organizations.

During the Cold War the Community only maintained relations with the Socialist Republic of Romania and the Socialist Federal Republic of Yugoslavia. Certainly, the first socialist country that had an ambassador accredited to the Communities was the Yugoslavia of Josip Broz “Tito”¹⁵. However, we must remember that the only two agreements signed with these two socialist countries, the preferential trade and cooperation agreement in 1970 with Yugoslavia, and the Agreement on trade in industrial products in 1980, with Romania, were suspended for political reasons in November 1991 and April 1989 respectively. In addition, Yugoslavia had a partnership status to the Council for Mutual Economic Assistance¹⁶.

Also during the Cold War, Western countries had provided certain commercial advantages and opportunities of economic cooperation and technical assistance to countries of the Soviet bloc in exchange for respect of human rights and civil liberties. The EEC had included this principle of conditionality in their trade relations with the CMEA countries as well.

¹⁴ Council Decision 88/345/CEE of 22 June 1988 concerning the conclusion of the joint declaration on the establishment of official relations between the European Economic Community and the Council for Mutual Economic Assistance (OJ L 157 of 24th June 1988, page 34).

¹⁵ The Socialist Federal Republic of Yugoslavia existed between 1963 and 1992, which had replaced the Democratic Federal Republic of Yugoslavia, founded by Josip Broz “Tito” who kept the unity of the Balkan federation until 1980. Tito stayed away from Soviet influence and criticized the invasions of Hungary and Czechoslovakia by troops of the Warsaw Pact.

¹⁶ Although the Federal Republic of Yugoslavia was a state trading country in the European Commission was included under the Directorate “Mediterranean, Near and Middle East” in DG External Relations.

Trade and cooperation agreements were considered “first generation agreements” from the point of view of their content and in the perspective of future agreements between the EEC and the countries of the former CMEA. The “European Agreements” represent the “second generation agreements” that were pre association agreements with states which left behind the socialist ideology and the centrally planned economy. In the first generation of agreements, a reference to the respect of the Final Act of the Conference on Security and Cooperation in Europe of Helsinki and the final documents of the Madrid and Vienna meetings, were included.

The European Community and the European Union afterwards have always applied conditionality “ex ante” with the countries of Central and Eastern Europe, giving special treatment to each country according to their willingness to accept the conditions imposed by Brussels. Conditionality involved political, economic, and respect of human rights. Therefore, in the preambles of agreements, reference is frequently made to the obligation to respect political, economic, civil liberties and human rights, as well as to abolish monopolies, and other restrictions to market economy. So business facilities offered by the European Union involved a conditionality criteria at different levels: social, political and economic.

The Copenhagen criteria for accession

The accession to the European Union is a complex and uncertain process because there are never two candidates with identical characteristics, not only if you consider the political and economic situation of the candidate, but also because the principle of conditionality is applied according to the “merits of each candidate,” as it is repeatedly mentioned in documents and conclusions of the European Council presidencies.

This is a process which applies criteria acting as “entry barrier” known as the “Copenhagen Criteria for accession”, adopted at the European Council in Copenhagen held in the Danish capital on June 21st and 22nd, 1993¹⁷. Therefore, any European country that submits its candidacy to the Union to become a member state must comply first, with the obligations under Article 49 and the principles of Article 6, paragraph 1, of the Treaty of the European Union. The European Council in Copenhagen in 1993 established the “Criteria for Membership” which, subsequently were reinforced by the European Council in Madrid in 1995, requiring that any candidate to join the Union must meet the following criteria:

a. Political criterion. A country must have stable institutions guaranteeing democracy, the rule of law, respect of human rights and respect and protection of minorities;

¹⁷ Paragraph 7 of the Conclusions from the Presidency of the Copenhagen European Council of 21-22 June 1993 on “Relations with the countries of Central and Eastern Europe” provides the “Criteria for Membership” in the following way :

“The European Council agreed on the date that the associated countries of Central and Eastern Europe that want become members of the European Union will do so. Accession will take place as soon as a country is able to assume the obligations of membership by satisfying the economic and political conditions.

Membership requires that the candidate country has achieved stability of institutions, a guarantee of 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 ability to cope with competitive pressure and market forces within the Union. Membership supposes the candidate's ability to assume the obligations of membership and the aims of political, economic and monetary Union.”

b. Economic criterion. The new state must guarantee the existence of a functioning market economy, capacity to cope with competitive pressure and market forces within the Union;

c. Criterion of the *acquis communautaire*. The candidate must have the ability to assume the obligations of membership, including to agree with the goals of the political, economic and monetary union.

There were essentially three criteria that conditioned the accession of new members to the European Union, but there is still a fourth criterion affecting the ability of the Union to support new enlargements. The capacity to accept new members which will not interfere with the integration process of the Union itself was an important condition for both the Union and the candidates themselves.

Before the opening of negotiations for the accession it is necessary that the candidate meets the political criteria. Also in the course of negotiations it is an important element in establishing and strengthening the potential of the public administration to apply and manage the EU law in the country. As far as the economic reforms are concerned, section 7 of the conclusions of the Presidency "Relations with the countries of Central and Eastern Europe" highlighted the efforts being undertaken by CEEC for "modernizing their economies weakened by forty years of central planning, and to ensure a quick transition to a market economy"¹⁸.

Conclusion number 23 of the Luxembourg European Council of 1997 states that "The Commission opinions on the candidate countries are a good overall analysis of the situation of each candidate in light of the accession criteria set by the European Council of Copenhagen. The perspective for membership is a unique incentive for candidates to accelerate the implementation of policies in line with the *acquis communautaire* of the Union". The aligning of its legislation with the *acquis communautaire* of the Union is a necessary but not sufficient condition, since it will also be necessary to ensure its practical application¹⁹.

The 25th conclusion stresses the priorities for accession: "Respect for the Copenhagen political criteria is a prerequisite for the opening of any negotiations for accession. The economic criteria and the ability to assume the obligations for membership have been and must be assessed in a forward-looking and dynamic way"²⁰. As noted above, the ability of the Union to absorb new members without affecting the proper functioning of the European

¹⁸ The Copenhagen European Council of 21 and 22 June 1993. Presidency Conclusions, paragraph 7: Relations with the countries of Central and Eastern Europe

A. The associated countries

i) The European Council made a detailed discussion on the relationship between the Community and the countries of Central and Eastern Europe with whom the Community has concluded or undergo to conclude Europe Agreements ("partner countries"), based on elaborate communication by the Commission at the European Council in Edinburgh.

ii) The European Council welcomed the courageous efforts undertaken by partner countries to modernize their economies weakened by forty years of central planning, and to ensure a rapid transition to a market economy. The Community and its Member States confirm their support to the reform process. Peace and security in Europe depend on the success of these efforts.

¹⁹ Luxembourg European Council of 12 and 13 December 1997. Conclusions of the Presidency.

²⁰ Luxembourg European Council of 12 and 13 December 1997. Conclusions of the Presidency.

institutions is also important. In a time where the EU was considering institutional reforms, some worries appeared when discussing the enlargement of new members from Eastern Europe because it could be a challenge for European integration itself.

If conditionality criteria were established for new countries to join the Union, the EU also needs a period of adaptation to the new European reality. For some time the option "enlargement-reforms" was studied and the eventual possibility of delaying any enlargement before the necessary reforms was rejected to ensure the objectives of the Union. It was essential to realize that the reform processes could interfere with the adoption of resolutions and decisions, and during that time of great uncertainty, it was not clear that the reforms of the institutions could be performed simultaneously with the preparation of new candidates for EU enlargement. This was the reason to agree on a "strategy for accession" as a "roadmap" for candidates and for the Union to avoid any risk of malfunctioning of the European institutions.

After the "Phare" program, which was a real "European Marshall Plan", although its adoption within the "G -24" also included other countries that were not part of the European Community and not even the European continent, countries of the former Soviet bloc adopted deep and huge economic reforms and they progressed in the democratization of its institutions, even if there was a big gap with Western countries. To cut this gap, reforms were a priority for the Union before absorbing new members with the necessary guarantees for both the Union and the candidate countries. Out of the four presidents of the European Commission dealing with the process of accession of the countries from Eastern Europe, Jacques Delors was the only statesman who could manage the process in the right direction with a clear vision²¹. President Romano Prodi dealt with the first wave of accession which took place with the arrival of the first ten candidate countries of which eight were CEEC.

The strategy of pre-accession was based on the steps that were applied to all CEEC:

- Partnership agreements, better known as "European Agreements", including political dialogue, the establishment of a free trade area, the cooperation on the basis of previous agreements and technical and financial assistance and cooperation in other areas;
- Accession Partnership and National Programmes for the Adoption of the *acquis communautaire* (NPAA);
- Assistance during the pre-accession PHARE program which included support for investment in transport and environment (ISPA), the agricultural support (SAPARD) and funds from international financial institutions;
- Opening of agencies and programs to the EU candidates.

²¹ Jacques Delors was president of the European Commission since January 7th, 1985 until January 24th, 1995. He was member of the French Socialist Party and minister of finance. His successor was the Social Christian and Prime Minister of Luxembourg Jacques Santer until March 15th, 1999. The President of Council of Ministers of Italy, Romano Prodi Social Christian, was president of the Commission since September 17th, 1999 until November 22nd, 2004 followed by the current president, José Manuel Barroso a Portuguese conservative. The Spanish socialist and Vice-President of the Commission Manuel Marin was president of an *interim* basis between March 15th and September 17th, 1999.

Furthermore, the Annex IV “Report of the Council to the European Council in Essen is a strategy to prepare the accession of CEEC partners” of the Presidency Conclusions of the European Council in Essen on 9 and 10 December 1994, reaffirmed the Copenhagen criteria. Above all, candidates might meet with political and economic conditionality simultaneously as agreed in the conclusions of the Copenhagen European Council.

The above mentioned conclusions underline the fourth requirement for membership: “The Union’s capacity to absorb new members, while maintaining the momentum of European integration and respecting their internal cohesion and its fundamental principles is also an important consideration in the interest of both the Union and the candidate countries”. This statement emphasizes new criteria for the future enlargement process and for the first time takes into consideration to make compatible the identity of the EU and the entry of new members without putting in danger the internal cohesion.

The political nature of this decision is clear because the institutional conditionality of the Union refers to the conclusion of the Intergovernmental Conference in 1996 that should be held before the starting of negotiations for accession of the candidate countries. “The Council would like to have available a detailed analysis prepared by the Commission on the impact of enlargement in the context of current EU policies and development”: the Union might also accept a technical and political precondition.

The Copenhagen criteria imposed a double conditionality, on the one hand, “the partner countries need to prepare for accession and to strengthen their ability to assume the responsibilities as a Member State” and on the other hand the Union had a necessary institutional conditionality to ensure the proper functioning of EU policies, for that the Council having to impose the Commission the obligation to prepare an impact study of the accession of new members.

The Conclusions of the Presidency of the Copenhagen European Council of 1993, in section 7 on relations with the countries of Central and Eastern Europe stressed that the Council had agreed that the associated countries from Central and Eastern Europe which applied to become members of the Union would be accepted if they meet with the required economic and political obligations²². Meanwhile the European Council in Amsterdam in 1997 pushed ahead the process of negotiations for accession and the European Commission adopted in July 1997 the “Agenda 2000” whose subtitle was “for a stronger and wider Union”. The Agenda included reports on applications for CEEC and opinions on enlargement and the financial framework, in addition to the recommendations on the strategy for membership. On May 6th, 1999 the European Parliament adopted a “Resolution on the Communication from the Commission - Agenda 2000 for a stronger and wider Union”.

The conclusions adopted at the Luxembourg European Council on December 12th and 13th, 1997 became the basis for the enlargement of the Union to the East of Europe. It was agreed to take the “necessary decisions to start the process of global expansion”

²² The original version is the following: “Le Conseil européen est convenu aujourd’hui que les pays associés de l’Europe centrale et orientale qui le désirent pourront devenir membres de l’Union européenne. L’adhésion aura lieu dès que le pays membre associé sera en mesure de remplir les obligations qui en découlent, en remplissant les conditions économiques et politiques requises”.

and to "prepare accession to the Union ... in a comprehensive, inclusive and ongoing process which will take place in stages, and each candidate country will proceed at their own pace depending on their level of preparation". Once again the EU emphasizes the different situation of the "readiness" as *ex ante* conditionality. It also reaffirms the self-imposed conditionality for the Union, reiterating what prevented as the fourth criterion for membership in the Council in Copenhagen in 1993, insisting "as a prerequisite for the enlargement of the Union, the functioning of institutions should be strengthened and improved in accordance with the institutional provisions of the Treaty of Amsterdam."

The above mentioned conclusions of the European Council included to set up an "European conference to put together Member States of the European Union and European State candidates that share their values and internal and external objectives" whose members must also "share a common commitment to peace, security and good neighbourhood, respect for the sovereignty of other countries, the principles on which the European Union is founded, integrity and inviolability of external borders and the principles of international law and a commitment to the settlement of territorial disputes by peaceful means, in particular through the jurisdiction of the International Court of Justice in The Hague" . It was agreed that the first meeting of the Conference would be held in London in March 1998.

In the section concerning the "process for accession and negotiations," the Council conclusions referred to this point to be set up on March 30th, 1998 in "a meeting of the Foreign Ministers of the fifteen Member States of the European Union and the ten candidates of the States from Central and Eastern Europe and Cyprus." The accession strategy was to provide all candidates of Central and Eastern European states to become members of the European Union and, to that end, should adopt the *acquis* before accession. Since the European Agreements remained the basis for relations between the Union and the candidate countries, this strategy was focused on Accession Partnerships and the pre-accession aid was increased.

Conditionality criteria established in Copenhagen were repeated once again as a *sine qua non* condition to become member of the Union. It was a non-negotiable condition although all necessary facilities by the Commission could be supplied. It was an obligation non negotiable by the candidate countries.

Finally the conclusions of the Council in Luxembourg included to call for bilateral intergovernmental conferences in spring of 1998 and to begin negotiations with Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia under the conditions to join the Union and to introduce the necessary modifications in the Treaty. These negotiations would be based on the general negotiating framework recognized by the Council of December 8th, 1997. In the case of Romania, Slovakia, Latvia, Lithuania and Bulgaria, negotiations would be accelerated through a review of the state of adaptation of the *acquis communautaire*. The Commission undertook to submit periodic reports to the Council, together with any necessary recommendations to exam the progress made by each candidate according to the Copenhagen criteria, and particularly with regard to the transposition of the *acquis*.

Final steps of the process of conditionality in the EU

The pre-accession conditionality and post-accession conditionality answer different dynamics and it was not always possible to compare them. When a country is applying for membership to the EU the conditionality was clear and precise and they were essentially the “Copenhagen criteria”. Candidate countries were ready to meet these requirements and adopted all obligations to impress officials in Brussels. In fact there was a “competition” between candidates to prove which is the best among the applicant countries to meet the requirements.

From all the requirements as conditionality for membership of a candidate country, only some acquired the status of “fundamental” and others became “rules of conduct” and occasionally Brussels officials introduced some remarks. An evolution of the criteria with a degree of flexibility in its demand occurred. The political criteria of establishing institutions that “guaranteeing democracy, the rule of law, human rights and protection of minorities” was devaluated after the accession to the EU of some countries. The same we can say about the obligation to ensure a market economy when its operation was subject to the power of the mafia, bribery and corruption.

Unfortunately the European institutions have allowed this phenomenon to occur, and in some countries it was getting worse. The original conditionality criterion has lost its power and has become simply “conditionality rules under control.” After the integration of new countries into the EU-15 the gap between them was even greater. This fact has happened not only in the case of member States from Eastern Europe but also among former MS because of the current economic and financial crisis, where some members of the Union have abused from this lack of control and flexibility of conditionality rules. Some MS have even provided false or inaccurate data to the European Commission that has not checked the accuracy of such information and if it meets with the conditionality of the convergence criteria of Maastricht. It was too late when this situation came out in the case of Greece when the country was in a deep economic crisis. At the same time the economic crisis has brought up a large number of cases of corruption that have affected the economy not only in Greece but in Spain, Portugal or France and in other Member States as well. All these Member States had sworn democratic principles and the criteria of the rule of law but they didn't stand for it.

The European Commission often made statements or included clauses in the reports for monitoring and control of the applicant states like this: “Further efforts are necessary in the reform and modernization of the judiciary system, the fight against corruption and organized crime and control of agencies responsible of the management of European Funds”. The Commission services delegates its responsibility as a result of excessive bureaucracy of the institutions. The control was not efficient and transparent enough to detect possible abuses and corruption, which coexists with a judiciary system that is not independent and does not guarantee the independence and effective judicial protection to citizens and businessmen.

The two candidate countries who became Member States in 2007, Bulgaria and Romania, suffered the application of the most strict conditionality clauses that were not used with the candidate countries of the first wave of accession in 2004. The Report of the Commission to

the European Parliament and the Council on the progress made by Bulgaria regarding the complementary measures after accession of June 27th, 2007 clearly underlined that “when Bulgaria joined the European Union on January 1st, 2007, special provisions to facilitate and support its membership and ensure the proper functioning of EU policies and institutions “ were adopted. And it adds, “The accession of Bulgaria is also accompanied by a series of specific complementary measures designed to prevent or mitigate the gaps in the field of aviation safety, the safety of food products, funds for agriculture, the judicial system reform and the fight against corruption and the organized crime. A mechanism for cooperation and verification of several indicators in order to create the necessary framework for monitoring progress was established”²³.

Conclusions

The Treaty of Rome did not include specific conditionality criteria to be adopted by candidate members during early times. Nevertheless general principles on democracy, rule of law and market economy were frequently a guideline for its Member States. It was a heritage from the Marshall Plan introduced into the OECE as well.

As soon as human rights started to be developed in International forum, the respect of minorities and other basic principles were adopted in Constitutions and fundamental laws of developed countries, these criteria became also the basic criteria for future applicants for EU membership.

The EU-15 reinforced the basic criteria based on democracy and human rights. This situation made a consensus on the Copenhagen criteria possible which was applied to any candidate from Central and Easter Europe that left behind communism recently.

Common rules were not applied to all candidate countries for membership in the EU, but a clear discrimination was established according to the level of development of reforms and the engagement with respect to the fundamental principles of the EU.

So the conditionality criteria within the EU have been a process whose rules were applied by the Institutions to allow a European integration to take place, that was based on common principles including fundamental laws whose *acquis communautaire* was the most important and permanent condition.

²³ The Report of the Commission to the European Parliament and the Council on the progress made by Bulgaria regarding the complementary measures after accession of 27th June 2007 [COM (2007) 377 final], draws the attention to the circumstances in which these measures of conditionality were adopted. Thus, referring to the mechanism for cooperation and verification states that “ This mechanism was created due to the great importance attached to an administrative and judicial system that works properly in Bulgaria and allow to honour all its obligations and exercise the rights that the membership confers. It also reflects the need to fight corruption and organized crime. The mechanism for cooperation and verification is to ensure that measure in Bulgaria and the other Member States decisions and administrative and judicial practices in these areas became similar to the rest of the EU. Advances in the field of judicial reform and the fight against corruption and organized crime will allow Bulgarian citizens and companies enjoy the rights they are entitled to as citizens of the EU. If Bulgaria fails to succeed in irreversible progress in these areas there is a risk of not apply the EU law in the proper way”.

References

OFFICIAL DOCUMENTS OF THE EU

- European Council, "Declaration on Democracy", Copenhagen European Council, 7-8 of April 1978, EC Bulletin nº 3, 1978.
- Letter of Mijail S. Gorbachev to President François Mitterrand on July 14th, 1989.
- Council Regulation (EEC) No. 3906/89 of 18 December 1989 on economic aid to the Republic of Hungary and the Polish People's Republic.
- EEC-Romania Agreement Council Regulation (EEC) No 3338/80 of 16 December 1980 on the conclusion of the Agreement on the establishment of the Joint Committee and the Agreement on trade in industrial products between the European Economic Community and the Socialist Republic of Romania, O.J. L 352 of 29 of December 1980.
- European Council of Copenhagen. Conclusions of the Presidency - Copenhagen, June 21-22 1993.
- European Commission, 'White Paper – Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union', COM (95) 164, Bruselas 1995.
- European Council, Presidency Conclusions, Madrid European Council Meeting, 15 and 16 of December 1995.
- European Commission (1997), 'Partnership for Membership', 1997.
- European Commission. "Agenda 2000: Commission Opinion on Romania's Application for Membership of the European Union. Brussels, 1997, page 73.
- European Council, Presidency Conclusions, Helsinki European Council Meeting, 10 and 11 of December 1999, Annex III: An effective Council for an enlarged Union, Guidelines for reform and operational recommendations, 1999.
- European Commission. 1999 Report from the Commission on Romania's Progress towards Accession, Brussels, 1999.
- European Council, Presidency Conclusions, Santa Maria Da Feira European Council Meeting, 19 and 20 of June 2000.
- European Commission, "White Paper on European Governance - Enhancing democracy in the European Union", Work Programme, Commission staff working document, SEC (2000) 1547 final of 11 October 2000, Brussels.
- European Commission, "Making a Success of Enlargement: Strategy Paper and European Commission on the progress towards accession by each of the candidate countries", Brussels, 8 of November 2000.
- European Council, Presidency Conclusions, Nice European Council Meeting, 7, 8 and 9 of December 2000.

- European Commission. Communication from the Commission to the Council and the European Parliament, 8th May 2001, "The European Union's role in promoting Human rights and Democratisation in third countries". COM (2001) 252 final.
- European Council, Presidency Conclusions, Göteborg European Council, 15 and 16 of June 2001.
- European Council, Presidency Conclusions, Laeken European Council, 14 and 15 of December 2001.
- European Commission, "Common Financial Framework 2004-06 for the Accession Negotiations", SEC (2002) 102 final, Brussels, 30 of January 2002.
- European Commission. "Towards the enlarged Union", Strategy Paper and Report of the European Commission on the progress towards accession by each of the candidate countries", [SEC (2002) 1400 - 1412], COM (2002) 700 final, 9 of October 2002.
- European Commission, "Treaties of Accession to the European Union", Brussels, O. J. L 236 of 23 September 2003.
- European Parliament, Report on Romania's Progress Towards Accession, 24th February 2004, pages. 5 y 16.
- European Commission, DG Enlargement, "From Pre-Accession to Accession: Interim Evaluation of PHARE", Support Allocated in 1999-2002 and Implemented until November 2003, Consolidated Summary Report, Brussels, March 2004.
- European Commission, Treaties of the Accession to the European Union of Bulgaria and Romania, OJ L 157 of 21 of June 2005.
- European Commission, Press Information, "The Conditions to apply to the Postponement Clause: Romanian Case, Brussels, 2005.
- European Commission. "Romania 2005 Comprehensive Monitoring Report", SEC (2005) 1354, Brussels, 25 of October 2005.
- European Commission, "2005 Enlargement Strategy Paper" COM (2005) 561, Brussels, 2005.
- European Commission, "Enlargement Strategy and Main Challenges 2006 – 2007" Including annexed special report on the EU's capacity to integrate new members, COM (2006) 649. Brussels, 2006.
- European Commission. Communication from the Commission to the Council and the European Parliament: "Enlargement, Two Years After - An Economic Success". Brussels, 3.5.2006, [COM (2006) 200 final].
- European Council. Presidency Conclusions of the Brussels European Council, 15-16 June 2006, Brussels.
- European Council, Presidency Conclusions of the Brussels European Council, 14-15 December 2006, Brussels.

- European Parliament. Regulation (EC) no. [1889/2006](#) of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide. O. J. of the European Union L 386, page 1, 29.12.2006.
- European Commission. Report from the Commission to the European Parliament and the Council on Bulgaria's progress on accompanying measures following Accession. Brussels, 27 June 2007 [COM (2007) 377 final].
- European Commission. Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, 23 July 2008, [COM (2008) 494 final].
- European Commission. Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism. Brussels, 23 July 2008. [COM (2008) 495 final].
- European Commission. Communication from the Commission to the European Parliament and the Council. "Enlargement Strategy and Main Challenges 2011-2012", Brussels, 12.10.2011. [COM (2011) 666 final].
- European Commission, Regular Reports on Progress towards accession. Several countries and several years.
- Statement of President Barroso at the signature ceremony of the Accession Treaty of Croatia. Signature of the Accession Treaty of Croatia. Brussels, December 9th, 2011. Reference: Speech/11/869.

OTHER SOURCES:

- Grabbe, Heather, "A partnership for Accession? The Implications of EU Conditionality for the Central and East European Applicants", Robert Schuman Centre Working Paper 12/99, San Domenico di Fiesole, European University Institute, 1999.
- Grabbe, H., "The EU's Transformative Power: Europeanization through Conditionality in Central and Eastern Europe", Basingstoke, Palgrave Macmillan, 2006, page 29.
- Lavigne, Marie. "Les Accords de coopération économique entre la CE et les pays de l'Est ". Problèmes économiques núm. 2345, octubre 1993.
- Pridham, Geoffrey, "Enlargement and Consolidating Democracy in Post-Communist States – Formality and Reality", *Journal of Common Market Studies* no. 40, 2002, page 958
- Puente, Carlos, "Las nuevas relaciones comerciales de las Comunidades Europeas con los Países de Europa Central y Oriental", Doctoral Thesis, Universidad Complutense, Madrid 1992.
- Puente, Carlos, "Geopolítica de las Relaciones Económicas Internacionales", Vienna, 2013.

- Sedelmeier, Ulrich, "EU Enlargement, Identity and the Analysis of the European Foreign Policy: Identity Formation through Policy Practice". EUI Working Papers, RSC 2003/13 European Forum Series. Rober Schuman Centre for Advance Studies. European University Institute, 2003.
- Sedelmeier, Ulrich, "Eastern enlargement: risk, rationality and role compliance" in F. Schimmelfenning y U. Sedelmeier (eds.), *The Politics of European Union Enlargement: Theoretical Approaches*, London, Routledge, 2005, page 130.
- Sedelmeier, Ulrich, "Pre-accession conditionality and post-accession compliance in the new member status: a research note" in W. Sadurski (eds.). *Enlargement: Legal and Political Responses in Central and Eastern Europe*, Robert Schuman Centre, European University Institute, 2006, pages 145-146.
- Smith, J., "The evolution and application of EU membership conditionality" in M. Cremona (ed). *The Enlargement of the European Union*, Oxford University Press, 2003, page 113.
- Transparency International, "Post-Communist Institutions Failing to Stop Corruption in Visegrad Countries" – New study on corruption risks in the Czech Republic, Hungary, Poland and Slovakia. Visegrad Integrity System Study, Hungary, 2012.
- Transparency International, Corruption perception index. Years 2000, 2004, 2012, 2013, 2014. Berlin.
- Trauner, Florian. "Post-accession compliance with EU law in Bulgaria and Romania: a comparative perspective". Institute for European Integration Research. Austrian Academy of Sciences, Austria, Special issue 2, Vol. 13, 2009.
- Vence Commission. Opinion on the three legal questions arising in the process of drafting the new constitution of Hungary. Opinion 614/2011 adopted by the Venice Commission at its 86th Plenary Session, Venice, 25-26 March 2011.
- Vida, Krisztina. "The Management of Accession to the European Union: EU-Related Decision and Policy-Making in Hungary. Institute for World Economics, Hungarian Academy of Sciences, Budapest, Working Paper No. 128, October 2002.
- Warlouzet, Laurent. "La Commission européenne face au défi de la "Grande Europe": la négociation de la zone de libre-échange en 1958", in Bossuat, Gerard y Deighton, Anne (eds), *L'Union Européenne, Acteur de la Sécurité Mondiale*, Etudes contemporaines, Soleb, Paris 2007, pages 364-381.