

**Europeanization and Administrative
capacity-building:
A comparative analysis of Bosnia and Herzegovina
and Czech Republic**

Master Thesis

For the purpose of obtaining
the master's degree
at
the Faculty of Political Sciences
of the Paris-Lodron-Universität Salzburg

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Salzburg, July 2020

Abstract

During the EU enlargement aspiring members undergo a process of Europeanization, which is understood as a process of changing their domestic political, economic and administrative rules in line with the EU standards. In order to analyse why was Europeanization successful during the enlargement towards Central Eastern European countries but is delivering only limited results in the current enlargement towards the countries for the South-Eastern Europe, this thesis will compare the Europeanization of the administrative capacity of Bosnia and Herzegovina and Czech Republic. Through the analysis of the EU official documents, analytical reports and action plans, this study concludes that the Europeanization of administrative capacity in BiH is more difficult when compared to Czech Republic because of the higher initial misfit at the beginning of Europeanization process, combined with a higher number of veto players and a lower conditionality credibility.

Key words: Europeanization, administrative capacity, enlargement, Czech Republic, Bosnia and Herzegovina

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Introduction

The research presented in this master thesis is focusing on the process of Europeanization in the context of the European Union (EU, the Union) enlargement policy. The enlargement policy widened the EU borders to 28 member states. After the successful enlargement towards Central Eastern Europe (CEE) countries, the total number of member states lowered to 27 with the Brexit, while in the meanwhile the Union has been negotiating with the countries from South Eastern Europe (SEE) which currently are in different stages of enlargement negotiations.

While the EU enlargement towards the CEE countries was successful and brought quick and consistent reforms (Schimmelfennig and Sedelmeier 2006), the current enlargement towards the Western Balkan countries seems to be much more challenging as the countries have been negotiating with the Union since decades already and some of them have delivered only limited results (Elbasani 2013). The process of reform at the domestic level is stimulated by the EU conditionality at the core of the enlargement strategy, which has been defined as “an instrument to exert political leverage on candidates to ensure the requisite outcomes in policy or legislation” (Huges and Sasse 2003, 1). The EU therefore offers incentives for aspirant members to comply with its conditions and download its rules, while the main reward offered for a successful reform process that brings the countries closer to the EU standards is the EU membership. The process of adopting EU rules at the domestic level is also understood as Europeanization (Schimmelfennig and Sedelmeier 2019). But, why was the EU rules adoption successful during the CEE enlargement, while for some of the SEE countries the situation is quite stagnated? What does influence the domestic transformation that narrows the gap between domestic conditions and EU standards? Can the conditionality and EU incentives be hold as adequate for the current enlargement negotiations?

To answer these questions a comparative qualitative analysis will be conducted to a country that successfully adopted the EU rules and complied with all the membership criteria and conditions becoming a member of the Union in 2004, the Czech Republic, and a country that has been negotiation with the Union since decades but still holds the “potential member” status, Bosnia and Herzegovina. The two countries at the core of the empirical analysis have in common the past in communist regimes, while many more differences characterize them as independent and sovereign states today. In this research their general domestic conditions are firstly presented with the purpose of highlighting the differences that differentiate them at the

beginning of the Europeanization process. This will be followed by a theoretical and methodological framework which will introduce the reader to the current findings on the concept of Europeanization, Europeanization of (potential) candidate countries and the mechanisms of influence, the conditionality and the external incentives model.

Considering the extent limits of a master thesis, and with the aim of offering major accuracy, the answering to the research question will be limited to the administrative capacity of the two countries, which is crucial for the smooth and successful EU rules adoption. Relying on the theoretical explanations, combined with the historical background of the two countries, this thesis assumes that, because of the higher misfit in the initial conditions at the beginning of the transformation towards fulfilment administrative membership criteria in BiH when compared to the Czech Republic, we will see not only a higher adaptation pressure, but also a more difficult transformation process as adaptation costs also become higher. In addition, although the determinacy of the administrative conditions is expected to increase in time, the process of Europeanisation is expected to be more challenging in BiH because of the lower conditionality credibility for BiH when compared to the Czech Republic.

CHAPTER I: HISTORICAL BACKGROUND

1 Europe in the 90s

This first chapter serves to set the scene of the paper and present the historical background of the two main actors in the play: Czech Republic and Bosnia and Herzegovina. Historical features of each country, combined with the theoretical explanations presented in the second chapter, form the ground for the development and understanding of the two hypotheses the thesis is seeking to verify.

In the late 80s and early 90s Europe was geopolitically changing, marked mostly by the fall of communism and creation of independent states in the east, and by an ambitious European integration plan in the west. On the one hand, countries geographically pertaining to western Europe were implementing the big project of joint forces whose core were economic and political integration. An important milestone of the project was exactly in the 90s: in the year 1992, the 12 members of the European Community signed the Maastricht Treaty which presented “a new stage in the process of creating an ever closer union among the peoples of Europe” (Maastricht Treaty, Article A). Entering into force in 1993, the Maastricht Treaty created the European Union and extended its areas for further cooperation, while introducing the concept of EU citizenship, among others. It could be therefore hold that in these years the European Community was writing a history of integration in which peace was promoted, freedoms cherished, and cooperation and prosperity fostered. On the other hand, countries from central, eastern and south-eastern Europe were living a different reality, marked by border changes and creation of new independent states, as consequence of the fall of communist regimes.

Czech Republic and Bosnia and Herzegovina in the 90s were both part of the second reality. As the communist regimes they were part of collapsed, both countries gained independence and sovereignty in the 90s and since then, as many other countries from the region, aimed at becoming part of the European Union integration project. From this it can be deduced that the two countries have some common features, such as the past in a communist federal regime, the separation from the latter and international recognition of independent states, and the desire of becoming members of the EU. However, there are many more factors that differentiate them as individual states, which is exactly what this chapter is going to analyse. In other words, through a historical analysis, this chapters seeks to analyse how did the separation from the communist regimes occur and which institutional changes and new institutional settings did it bring to the countries, but especially which implications this might have had on the Europeanization process. In fact, the presenting of the historical context and main events that contributed to the

development of the two states as we know them today will enable the reader to have a clear picture of the domestic institutional and democratic conditions each country disposed of before embarking towards the EU integration process, and give the first insights on the divergent outcomes of the same.

2 The emerging of new states

Czech Republic (also Czechia) is member country of the EU since 2004, but it has not always been closely related to the Western Europe. The country has been part of the Eastern Soviet block for many decades, maintaining only limited relations to western Europe and the then European Community (EC). The relationship between the country and the EC started changing in the late 80s beginning of 90s, when Czechia (as part of the Czechoslovak Socialist Republic) started a peaceful revolution against the soviet presence on the territory and against the communist regime. The so-called “Velvet revolution” changed the path of the Czechoslovak Republic, enabling the first democratic government in 1990 and marking the transition towards the EC (Marek and Baun, 2010).

Despite its democratic nature, the new federal state struggled surviving as the historical legacy and the previous presence of the communist regime caused impartial power distribution between political actors, making the separation between the two parties, Czechs and Slovaks, inevitable (Kirschbaum 1993). The legacies of the past combined with other factors, including lack of a new constitution and inability to reach agreement on it, as well as the lack of political parties representing both ethnicities, led ultimately to the separation between Czechs and Slovaks and the coming into existence of the independent and sovereign Czech Republic on January 1st 1993 (Kraus and Stanger, 2000). From this point on, the new independent Czech Republic redirected its efforts towards creating closer and deeper relationship with the European Community. Moreover, the membership in the European Community was seen as the best instrument for a ‘return to Europe’ for Czech Republic and the other Central and Eastern European countries (CEE) (Marek and Baun, 2010).

On the other hand, Bosnia and Herzegovina (BiH, Bosnia) was one of the six republics members of the Socialist Federal Republic of Yugoslavia, along with Croatia, Montenegro, North Macedonia, Serbia, and Slovenia and Kosovo and Vojvodina as autonomous regions. After the death of the Yugoslavia’s leader Josip Broz Tito the republics began materializing the desire of secession and creation of independent states. The declaration of independence started by the richest states (Slovenia and Croatia), followed by Bosnia. The latter is historically known as a

multi-ethnic state; in fact, according to data provided by Burg and Shoup (1999, 26), in 1991 the territory of BiH was populated as following: 43.7% by Bosnian Muslims, 31.4% by Serb and 17.3% by Croats. The multi-ethnicity in the country rendered the fight for independence much more difficult since the existence of Bosnians, as inhabitants of the Bosnian territory, was mostly in the geographical sense, while in the political the country was divided between Bosnian Muslims, Bosnian Serbs and Bosnian Croatians (Tabeau and Bijak 2005).

The EC recognizes the independence to Slovenia and Croatia in 1991 and to Bosnia and Herzegovina only in 1992. However, Bosnia's declaration of independence did not correspond to the preferences of the three major ethnic groups in the country and their leaders. The Bosnian Muslims (also denominated as Bosniaks) were led by the Party of Democratic Action (SDA) whose leader was Alija Izetbegovic. This majority was claiming for a multi-ethnic BiH within the newly recognized independent borders. Such idea of Bosnia did not meet the aspirations of the Serbs' leader and leader of the Serb Democratic Party (SDS), Radovan Karadzic, who was supported by the Serbian nationalist leader Slobodan Milosevic. The disputes resulted in a war on the Bosnian territory which started in 1992 and lasted until 1995. In this period all kind of atrocities and aggressive behaviours happened on the territory: it was a war of everyone against everyone; at some point, it even escalated in a war between Muslims. Although victims were numerous and belonging to all the three ethnicities, the majority of victims was Bosnian Muslims (Balázs 2008, Kalyvas and Sambanis 2005, Tabeau and Bijak 2005).

The Bosnian war is not the central topic of this thesis, and therefore it is not my aim to dig deeper into its particularities. Likewise, this thesis will not further elaborate on the separation of Czechia from Czechoslovak Republic or from the soviet communist influence. This first part of historical facts nevertheless demonstrates the main difference between the two countries: on the one hand, we have a country reached a peacefully divorce from a federal state, while on the other hand, BiH's fight of independence implied a military conflict. This is believed to have influenced their EU integration process. In addition, it cannot be neglected that many collateral effects of the war are still present, visible and alive in the present BiH which certainly affects its EU membership ambitions.

2.1. Czech Republic: The return to Europe

The proclamation of independence required a new constitution and, eventually, changes in the institutional settings of the countries. The new Constitution of Czech Republic was adopted by the National Council in 1992 and entered into force in 1993, establishing a parliamentary

democracy and proclaiming the *Charter of Fundamental Rights* as integral part of it. Czech Republic was proclaimed as a “sovereign, unitary, and democratic state governed by the rule of law founded on respect for the rights and freedoms of man and of citizens” (Constitution of Czech Republic, Article 1). As in any democratic state, the Constitution clearly specified the independence of executive, legislative and judiciary. The existing Constitution has been declared as containing many elements of the 1920 Constitution, in first place the essence of the unitary nature of the state (Elster 1995).

The new country started operating as a multi-party democracy, essential element that nevertheless was present in the Czechoslovak existence as well. According to European Election Database online platform, during the 1992 Czechoslovak parliamentary elections 12 parties participated, together with seven other minor parties, which justifies the existence of a multiparty political system. The election results from 1992 have been transposed to the new Republic, where 29.73% of votes belonged to ODS-KDS (Civic Democratic Party and Christian Democratic Party), the coalition that obtained the majority of seats against the second largest block in the Parliament, the KSCM-DL (Left coalition block) with 14.05% of the seats (European Election Database, 1992). The liberal conservative party, ODS, decisively obtained the highest voters’ support. The party was led by Vaclav Klaus, who was one of the most prominent political figures in the country and who ultimately was elected President of the Republic (Elster 1995).

One would assume that the CEE efforts towards creating closer ties with the European Community have been a consequence of a close cost-benefits calculation, as the literature usually suggests. However, scholars argue that the path towards the European Community after the fall of the communist regime seemed to be the only attainable choice for the CEE countries (Wedel 2015). As matter of fact, as Marek and Baun (2010) report, officials of Czech authorities also admitted how in the first stage the calculations of cost benefits have been totally overlooked, discovering only in a second stage the advantages and disadvantages of joining the Community (Marek and Baun 2010). Despite that, for a small country as the newly independent Czechia full incorporation in the Union could have prevalently brought new opportunities, including the advantage of participating in the Union’s policy-making or the potential access to a wide range of resources, which could have been enough for deciding to pursue the EU integration path (Pridham 2005). In addition, as it will be further discussed in the coming chapters, the ‘return to Europe’ was substantially welcomed by the European Community as it

meant a peaceful neighborhood in first place, but it did not lack conditionality clauses from the very beginning.

Upon the Czech Republic expression of interest in joining the EC, the Commission (1997a), declared that Czech Republic generally met the political conditions necessary for the membership and evaluated its institutions as stable and well-functioning. The elections the country held in 1992 and 1996 were assessed as fair and free and the political arena was regarded as reflecting political pluralism, while general protection of human rights, minorities and the guaranteeing of the freedom of expression were respected (European Commission 1997). Ultimately, the Commission's opinion highlighted that Czech Republic "could be in a position to satisfy all the conditions of membership in the medium term" if the country would maintain its strong efforts towards EU integration (European Commission 1997a, 80).

Considering this positive general evaluation from the Commission, Czech Republic appeared to have favorable grounds for a smooth EU integration process and the downloading of EU rules, given the continuous commitments towards the integration path. Schimmelfennig et.al (2004, 669) claim even that the initial EU governance was "unnecessary for the democratization and democratic consolidation" of Czech Republic, as the country already contained good democracy conditions before starting the EU accession negotiations.

2.2. BiH and the Dayton Peace Agreement

The situation in Bosnia and Herzegovina was obviously more complicated as there was a conflict on the territory which clearly needed the intervention of international community in order to be ceased. The conflict on the Bosnian territory was ended in 1995, with the General Framework Agreement (GFA) for Peace in Bosnia and Herzegovina, commonly known as the Dayton Peace Agreement or Dayton Accord from the name of the American city of Dayton (Ohio) where it has been reached. In total, the GFA is formed by twelve annexes and Annex four is the Constitution of Bosnia and Herzegovina. The remaining eleven are ancillary agreements that represent different forms of accords between the signing parties. The Constitution aims also at reflecting the multi-ethnic composition of the country by defining as constituent peoples Bosniaks, Croats and Serbs and Others (GFA, Annex 4, Constitution of BiH, Preamble).

Upon the signing of the Dayton Accord in Paris on 14 December 1995, BiH was finally proclaimed as an independent and sovereign country. However, apart from peace and ceasefire, the Dayton Agreement brought the formation of two entities on the Bosnian domestic level: the

Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH), along with a self-governing administrative unit, the Brcko District. As the Annex 2 of the GFA highlights, the creation of these two entities should not be taken as de facto creation of two separate bodies, considering that they are delimited by the “inter-entity boundary line”. However, Republika Srpska, which covers 49% of the whole BiH territory, is mostly populated by Bosnian Serbs, while the Federation of BiH, which occupies 51% of the Bosnian territory, is mostly populated by Bosnian Muslims and Bosnian Croats (GFA, Annex 4, Article I,3). The Dayton Agreement created also a whole new institutional setting that could fit the creation of two entities. Therefore, besides the state level institutional settings, each of the entities has an own set of political institutions, while the Federation of BiH is additionally divided in ten cantons with their own institutional settings. Clearly, the new independent BiH becomes a highly decentralized state with multiple institutional levels. The Constitution regulates also the division of power between the central state and the entities, which resulted in a very restricted amount of competences in the hands of the state institutions (for instance: foreign policy, foreign trade policy, customs, immigration, refugee and asylum policy, among others) (GFA, Annex 4, Constitution of BiH, Article III, 1).

By agreeing and signing the Dayton Agreement, the parties agreed also upon the oversight and involvement of international organisations in the domestic sphere. The first international agency established was the Office of the High Representative (OHR). Contained in the Annex X of the Dayton Agreement, the High Representative should “facilitate the Parties’ own efforts and to mobilize and, as appropriate, coordinate the activities of the organisations and agencies involved in the civilian aspects of the peace settlement” (Article 1.2). His mandate is expected to ensure the compliance with the Peace Agreement and cooperation between the parties. The civilian aspect seemed to deserve special attention among the activities of the High Representative, as he was expected to “coordinate the activities of the civilian organizations and agencies in Bosnia and Herzegovina to ensure the efficient implementation of the civilian aspect of the peace settlement” (Dayton Agreement, Annex X, Article 2.1c). The powers of the High Representative were however not limited to those laid down in the Annex X, as in 1997 its role has transformed in one of the most powerful and influential figures with legislative and executive powers (Bieber 2005).

One might very quickly realize how the Dayton Accord is of a very complex nature. As Szasz (1996) argues, its extensive nature confirms the idea that the Agreement was not only about

reconciling the parties, but also about offering a general framework of country's functioning in the future (Szasz 1996).

Notwithstanding with its primary aim of ending the war atrocities and bring peace between the warrant parties, scholars have been debating over the past two decades over many other aspects of the DFA. Dampsey (1998, 1), for instance, argues that the Dayton Agreement might have been a necessary tool for ending the most serious war on the European territory after the World War II, but the goals it embodies, as the creation of unitary, multi-ethnic state, are not "realistic". Another important aspect that should not be overlooked is that its signatory parties, such as the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, had "little say over the content of the agreement" (Chandler 2005, 337). In fact, Chandler (2005, 338) argues how the process of Dayton agreement negotiation and creation was without historical precedents, as it "was based on the arbitrary and ad hoc use of international power to establish a unique regime of post-conflict external regulation".

Other scholars believe that Dayton was created primarily to cease the fire and establish peace, not to create a state (Ashdown 2004; Denitch 1996; Chivvis 2010). Finding a compromise between three ethnic parties was not certainly easy. Even if creating an "institutional monster", Dayton Agreement successfully ceased the violence between the citizens and established the basic conditions for "civil coexistence" (Belloni 2009, 359). It allowed the 2.2 million of displaced people to come back to their homes and it strengthened the state by creating six new Ministries over time (Ministry for European Integration, Human Rights and Refugees, Ministry of the Treasure, Ministry of Justice Ministry of Defence, Ministry of Communication and Transportation) to the existing three (Belloni 2009). It created the ground for the investigation and prosecution of war criminals and other infringements of the international humanitarian law (Bass 1998).

Despite the aim of the creation of the Dayton Agreement, it cannot be neglected that it created a political life stuck in the ethnic divisions. Political parties and their leaders are winning elections because they are promoted as defenders of the ethnic groups, while the other groups are often presented as enemies. Dayton Agreement might have ceased the use of weapons, but it created the ground for a war "by other means" (Belloni 2009). Moreover, the ethnic division does not lie only in the party agendas and their political campaigns but in the whole institutional setting of the country. Dayton has created a distinction between the constituent people and the "Others" and made the political representation depending upon ethnic belonging. It also

excludes the “Others” from participating in the political life. Ethnicity therefore is the integral part of the Dayton agreement, BiH constitution and political life.

3 Summary of the chapter

This chapter has demonstrated how Czech Republic and Bosnia and Herzegovina reflected some similar conditions in the beginning of 90s, before they started the process of separation from the federal and communist regimes. However, it can be seen how for Czech Republic both the Velvet Revolution from 1989 and the separation from Czechoslovakia were peaceful, while Bosnian path towards independence and sovereignty resulted to be aggressive and implied a conflict on the country’s territory. Czech Republic was internationally recognized as an independent state in 1993 and could redirect its effort towards the “return to Europe”. In comparison to this, BiH’s war ended in 1995 and the country had to rebuild from the ashes.

In the years when the European Commission expressed a positive general opinion on the initial conditions of Czech Republic and welcomed its interest and ambitions in creating closer ties with the EU, Bosnia and Herzegovina just came out from a war and had in hand a new Constitutions which required the building of new institutions, that would reflect the essences of a democratic state and the requirements of the Dayton Agreement. The assistance provided by international organizations has played a major role in rebuilding the BiH state, yet the functioning of the after-war Bosnia is still questionable. As a matter of fact, the statehood of the country is often a contested issue; the Dayton Agreement – which functions also as constitutional basis – is recognized to be complicated, but sensitive and dangerous to touch considering the turbulent past of this multi-ethnic state. Moreover, the ethnicity aspects which are anchored in the Constitution, are being politicized and misused for the political purposes. These are only few factors that show the fragility of the country.

The past is crucial for understanding the present and the present demonstrates that Czech Republic is a member of the EU since 2004, while BiH has not obtained the candidacy status yet, holding therefore in 2020 the status of a potential candidate state. Despite the similar initial context in the beginning of 90s, what can be assumed is that for Bosnia and Herzegovina has been much more difficult to comply with the EU membership criteria when compared to Czech Republic, because of its recent past marked by the war and the complicated multi-level institutional setting that resulted from the Dayton Peace Agreement. Said differently, it can be

assumed from this short historical context and main events that marked the coming into existence of the independent Czech Republic, that for this country it was easier to download the EU rules and comply with its membership conditions than for BiH, as from the moment of independence proclamation the country already possessed basic features of a functioning democracy. This conclusion is supportive to the assumption that the initial conditions of Bosnia in the process of Europeanization, when compared to Czech Republic initial conditions, were way more deteriorated.

CHAPTER II:

EUROPEANIZATION: A theoretical framework

3 Understanding Europeanization

Since the late fifties and early sixties, the literature analysing the European Union¹ was dominated by European integration theories explaining why sovereign states decide to integrate, which outcomes and developments might such integration bring, and how do the new institutions function. Scholars have taken different approaches when analysing and conceptualising European integration, and one of the first approaches was from the perspective of international relations theories.

Explaining European integration through the lenses of international relations theories led to a theoretical debate between neo-functionalists and inter-governmentalists (Risse-Kappen, 1996). On the one hand, Ernest Haas, the “father” of the neo-functionalist theory of European integration, defined European integration as “the process” in which “political actors shift their loyalties, expectations and political activities over the new centre” which results in the creation of a “new political community, superimposed over the pre-existing ones” (Haas 1958, 16). Central in the Haas’ explanation was the “spillover” idea, according to which integration in one sector will inevitably lead to integration in another sectors (“functional spillover”) which ultimately and eventually would lead to political integration (“political spillover”) (Haas 1958).

On the other hand, proponents of intergovernmentalism (as Hoffman 1966, 1982; Moravcsik 1993, 1998; Milward 1999) restrain from considering European integration as a process of creating supranational entities that superimpose and weaken national ones. Rather, they argue that national states, with their own identities, preferences and structures, play a crucial role in the European integration process, as the latter presents as an opportunity to pursue national preferences and bargain with other states at the European level. In the course of the years, other theories emerged, among them the New-institutionalism (rational choice, sociological and historical institutionalism) which emphasizes the role of the institutions in the process of integration (Pollack 1996) and Multi-level Governance which claim different authors from multiple levels of governance are crucial in the process (Hooghe et. At. 2001).

Understanding the field of European integration and the international relations² theories seeking to explain it is highly relevant for understanding the development of Europeanization, because the latter can be considered as a sub-field of European integration research field. As explained

¹ In the mentioned period “European Coal and Steel Community”

² For reviews on theoretical debates: Rosamond 2000, Caporaso and Keeler 1993

in the book “Transforming Europe: Europeanization and Domestic change”, the concept of Europeanization emerged as an attempt to move to the “next phase” in the European integration research, in which the analysis would go beyond the classic debate between European integration theories and their core questions whether European integration weakens or strengthens nation states and focus rather on the domestic impact European Union exerts on the domestic level of the countries (Cowles, Caporaso, Risse 2001, ix). This paper will focus mostly on Europeanization. However, it must be kept in mind that Europeanization is closely related to European integration.

As it will be argued in the following text, Europeanization is a relatively young concept, born as a result of an analytical shift from the classic European integration theories of why countries integrate towards the domestic changes and effects this integration has on them. Although the concept results to be not extensively elaborated, and although many aspects of Europeanization as a concept are still contested, literature shows that it has been applied to different levels of research (top-down, bottom-up, multilevel) and variegated contexts (policy, polity, politics, see Börzel and Risse 2009). This chapter will present the main research findings on Europeanization, such as its conceptual evolution, its boundaries and mechanisms of change, being the concept at the heart of the paper.

3.1. Europeanization: the concept

Although Europeanization emerged as a new concept few decades ago, scholars did not reach a common concept definition yet. The understanding of Europeanization has resulted to be adaptable to a vast range of field researches, while its connotation shifted over time from the classic top-down towards the bottom up and multidirectional approach.

Chronologically speaking, one of the very first definitions to be found in the literature is the one provided by Ladrech in his research on the EU impact on French domestic politics and institutions. He defines the concept as “an incremental process reorienting the direction and the shape of politics to the degree that EC³ political and economic dynamics become part of the organizational logic of national politics and policy making” (Ladrech 1994, 69). On the other hand, Buller and Gamble (2002) argue how perceiving Europeanization as a process might have restrictive empirical implication and offer thus an alternative connotation of Europeanization as “a situation where distinct models of European governance have transformed aspects of domestic politics” (2002, 17). Authors furthermore believe that considering Europeanization as

³ European Community

a situation helps to understand what Europeanization is. Neither a process, nor a situation, Europeanization has been also defined as “reorientation or reshaping of aspects of politics (and governance) in the domestic arena in ways that reflect the policies, practices and preferences of European level actors” (Bache 2005, 5).

Considered as process, situation or reshaping of domestic aspects, these definitions share the common top-down research approach, according to which, countries download EU policies, practices and rules, which also explains the way EU influences the domestic arena – core question of the Europeanization. All the definitions displayed above were furthermore developed while conducting specific researches (for instance, when analysing the impact of Europeanization on a specific policy, sector, field in a specific country, or cross-country context) rather than for general theoretical frameworks. Yet they all considered Europeanization as explanatory factor of domestic change.

Explaining Europeanization as a process has been adopted by other scholars too. Börzel (1999, 574), for instance, defines Europeanization as “a process by which domestic policy areas become increasingly subject to European policy-making”, while Radaelli (2003, 17) understands Europeanisation as a “processes of (a) construction (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies.”

Radaelli’s definition is one of the most influential and has been considered by other scholars as including both mechanisms and effects (Saurugger 2005). The author elaborated furthermore how the definition is broad enough to be applied to member states (MS) of the Union or other countries (as for instance potential candidate countries) and offers a basis for political scientists’ ample researches (as for instance in analysing identities, political structure or others) (Radaelli 2003).

The bottom-up understanding of Europeanisation brings into the scene other connotations and research design. This approach considers the domestic actors as the starting and ending point of the process. As Radaelli (2004, 22) explains, the starting point is the “system of interactions at the domestic level” and by using “temporal causal consequences” the approach can verify whether the EU policies have caused any form of change at the domestic level and its system of interactions. Therefore, the logic of the bottom-up approach suggests that, if we take into consideration a specific policy, the first step should be to analyse the status of the policy at the

domestic level before any external influence. Successively, it should be examined how the country interacts with the EU on that issue and how (or if) it succeeds to upload the domestic preferences at the EU level policy-making. This step is specifically important, because if the domestic preferences are transferred to the EU level and reflected in the policy outcome, as for instance new regulations, it will be easier for the country to implement the regulations as they would to some extent coincide to the national policies. Therefore, according to the bottom-up logic, after participating in the decision-making of a policy, the ultimate step would be to examine the effects of the latter on the domestic level. Additional explanatory definition of the bottom-up approach was provided by Howell, who explained it as “groups of interests and networks of connections which are an instrument by means of which preferences of individual bottom-up groups are considered on the level of the EU, influencing the development of its political structures” (2004, 21).

Worth to be mentioned is also the contribution by Cowles et al., who defined the concept as “emergence and development at the European level of distinct structures of governance, that is, of political, legal, and social institutions associated with political problem solving that formalizes interactions among the actors, and of policy networks specializing in the creation of authoritative European rules” (2001, 3). Radaelli (2004) criticizes this definition as not contributory towards drawing clear lines between the domestic impact of Europeanization and the creation of European governance, while Börzel and Risse argue that this definition offers the possibility to see the Europeanization as the process of institution-building at the European level, and then exploring the impacts of such process on the national level (2003, 3). According to such observation, Europeanization is a two-way or multi-directional process. Considering Europeanization as a two-way process has been supported also by Saurugger (2005) in her comparative analysis of French and German interest group behaviour and influence on EU level, where Europeanization is a downloading and up-loading process.

As it was observed by Saurugger (2005), despite the existent theoretical explanations and empirical research in the field of Europeanization it is often difficult to distinguish the latter from European integration. In fact, it must be acknowledged that European integration and Europeanization influence and interact with each other, as the former is usually the cause of the latter. In other words, while national states seek to integrate in the European Union, they are being influenced (read Europeanized) at the domestic level. The domestic change as result from Europeanization is a consequence or a requirement for further integration. Europeanization, nevertheless, can be seen not only on the domestic level of EU member states, but goes certainly

beyond that. For instance, some argue Europeanization could happen in the neighbourhood countries and, as the research demonstrates, is often closely connected with the EU enlargement and the accession negotiation.

The research in this paper is focusing on Europeanization in the process of EU enlargement. EU integration, EU enlargement and Europeanization are considered in this paper as interconnected. Through the process of EU enlargement, new countries become fully integrated in the EU. Therefore, full EU integration is the final outcome of an accession negotiation process. Europeanization, however, might occur in different stages. As it be discussed below, the Europeanization might occur in EU member states, (potential) candidate countries or, in some cases, might go beyond that too. However, as the research has shown common aspects of Europeanization of MS and Europeanization of non-member states, both areas will be elaborated. In addition, Europeanization in the context of enlargement will be closely examined and presented.

3.2. Boundaries of Europeanization

The concept of Europeanization could be argued as a contested one, since scholars could not find a common definition of its meaning. Moreover, the numerous definitions available in the literature are often differently interpreted by scholars. For instance, it might be case that one definition is falls within the bottom-up, top-down, or circular approach, depending on the interpreter. This general confusion, bad concept definitions and multiple interpretations, might have negative implications, such as 'conceptual stretching' and 'concept misinformation' (Radaelli 2000).

Relaying on the existing research outcomes, Radaelli emphasizes two crucial characteristics of a concept: extension and intension. The former refers to objects or bodies to which the concept can be applied, while the latter to the features it covers. According to author's assessment, the empirical research of Europeanization privileged extension over intension, focusing thus mostly on areas Europeanization could be applied to. Nonetheless, ignoring intension could lead to degreeism, or scenarios where "differences in kind are replaced by differences of degrees" (Radaelli 2000, 5). Not having clear boundaries and definitions of the concept presents the possibility to apply it to numerous areas, however this is not necessarily contributory to empirical research as it could render the results achieved fragile and lead to concept degreeism.

There might be various degrees of Europeanisation and various areas affected by it; we might hence follow the logic that everything is Europeanized to some degree. In order to solve the

connotative complexity of the term, Radaelli (2000) suggests the “unpacking” method, used as an instrument to decompose the concept and delineate which degrees of it are belonging to Europeanisation and which are falling apart. Through the method, Radaelli (2000) tends to separate between what Europeanisation is and is not. In that regards, he warns Europeanization is not convergence. In fact, scholars must distinguish between the process (Europeanization) and its potential consequences or results (convergence or divergence). Secondly, Europeanization is not the equivalent of harmonization, as MS are not necessarily solving problems in identical way and delivering same solutions. Finally, Europeanization is not political integration: the latter belongs to the understanding of why countries pull their sovereignty, shift loyalty and create supranational institutions, whereas the former examines the effect the supranational institutions have on the domestic level (Radaelli 2000).

Despite the “unpacking method”, the many shades and multifunctional uses of the concept have caused “disorder” in the field (Olsen 2002). With that in mind, and with the aim of offering higher clarity, Olsen (2002) classifies five phenomena of change that might result from Europeanization. They are: a) changes in external boundaries: Europe is becoming a single political space while enlarging its borders; b) developing institutions at the European level; c) central penetration of national systems of governance: though Europeanization different level of governance get adapted; d) exporting forms of political organization: for instance, in non-European actors; e) political unification process: the extent to which Europe is becoming even stronger political entity is effected by Europeanization (Olsen 2002). The author underlines, nevertheless, how this classification does not embrace the meaning of Europeanization but underlines how the concept could be used to understand European polity’s emerging changes.

A similar approach in adding explanatory value to the boundaries of Europeanization was presented by Radaelli (2000), who by relaying on Morlino’s (1999) distinction between Europeanization of the polity and Europeanization of public policy, provided a comprehensive overview of segments of macro domestic structure and public policy and cognitive-normative structure that can be Europeanized (Radaelli 2000; 2003). Within the concept of macrodomestic structure, the author differentiates between political structure (under which he classifies institutions, public administration, intergovernmental relations and legal structure) and structures of representation and cleavages (as political parties, pressure groups and societal-cleavage structures). The Europeanization of public policy might influence the national policy making, its actors, instruments or resources. Lastly, Europeanization can influence national

values, norms and discourses, which might lead to the changes in political and policy elements (Radaelli 2000, 2003).

Knowing the boundaries of a concept and the areas to which can be applied is the basis of any (empirical) research, including this one. According to the classification offered by Olsen (2002) and presented above, Europeanization is closely related to the enlarging of EU borders and EU integration. According to his assessment, Europeanization has as final effect the widening of EU space. This clarification serves the finalities of the paper and confirms the correct application of the term Europeanization. Secondly, the decomposition of the concept presented by Radaelli (2000), will ease the operationalisation process in the empirical part and is therefore expected to facilitate the assessment of which segments of the complex domestic structures are suitable for this research.

4 Theoretical background

The different mechanisms that explain the MS domestic change and their responses to the EU adjustment pressure are mostly developed within the framework of the International Relations theories of rationalist and sociological (or constructivist) institutionalism (Börzel 2003; Börzel and Risse 2000; Börzel and Risse 2003) which explain the EU domestic impact by following two logics: the logic of consequentialism versus the logic of appropriateness (March and Olsen 1989, 160).

The rationalist institutionalism theory considers states as rational and goal-oriented actors (Hall and Taylor 1996) who by following the logic of consequentialism (cf. March and Olsen 1989) tend to use the resources at their disposal in order to maximise their utilities (Börzel and Risse 2003). The theory considers domestic change as a result of redistribution of resources (Börzel 2003) and assumes that the “misfit” (which will be elaborated later in the text) between European and national institutions, policies or processes is an opportunity creation for domestic actors, who can use the newly created opportunities to achieve or maximise their interests. The process empowers certain actors and changes the domestic opportunities structure and resources distribution (Sedelmeier 2011). Whether the new distribution of power resources will result in domestic change or not will depend upon the ability of domestic actors to use the new opportunities at the best while avoiding constrains. In this process, two important mediating factors with divergent effects might influence the outcome: on the one hand multiple veto players present in the country might generate non-facilitating environments for Europeanization; on the other hand, formal institutions might have an opposite effect, hence

provide actors with favourable environment for exploiting in the best way the new opportunities (Börzel and Risse 2003).

The sociological constructivist theory, on the other hand, follows the “logic of appropriateness” (March and Olsen 1989). It assumes that European policies and norms are creating adaptational pressure on domestic level, as they are not compatible with the domestic understanding and norms. Accordingly, if the process will bring to application of European standards and internationalization of domestic norms will depend upon two mediating factors: the “change agents”, called so because of their mobilizing activities which aim to influence interests and identities on domestic level; and the political culture which favours the consensus creation (Börzel, Risse 2000).

The two theories clearly provide different explanations on how the EU causes domestic change, but they also emphasize the use of different instruments in the process, which has enabled the scholars to develop different types of “mechanisms” of Europeanization. In fact, the rationalist institutionalist theory emphasizes the application of conditionality by the EU, while the sociological institutionalism relays on the use of persuasion and socialisation strategies to analyse the domestic change (Sedelmeier 2011). In the following section, the different mechanisms scholars have developed relaying on this theoretical basis will be presented.

However, the two theoretical approaches and the mechanisms subsequently developed share some common findings. In fact, the two theories are usually not automatically excluding each other, but are rather often linked or occur simultaneously (Börzel and Risse 2000, Sedelmeier 2011). They also share the common finding that the EU impact on MS varies from country to country and from policy to policy and agree on the fact that for a change to be realized or influence to be exercised, there must be a certain degree of “misfit” between national and EU level. The degree of change will consequently depend on the specific “mediating factors” pertaining to each mechanism (Börzel 2003), which will be also further elaborated in the coming chapters.

Having in mind this theoretical debate and different explanations of the EU domestic impact, for the purpose of this paper the rationalist institutionalism theory appears to be the most suitable. Understanding Europeanization as process in which the misfit between national and EU level leads to the adaptational pressure and change of opportunity structures at the national level, and relaying on conditionality that provides incentives to domestic actors for adopting EU rules, serves as theoretical ground of this paper and its analysis of different impacts of the EU and different degrees of Europeanization in candidate countries.

5 Mechanisms of Europeanization

As mentioned in the previous section, different theoretical approaches towards Europeanization brought to the development of different mechanisms of how the domestic change occurs in practice. Some of the most common mechanisms in the Europeanization literature will be presented in this section but, before that, highlighted will be the features of main aspect the two institutionalists approaches share: the misfit (Börzel 1999). Relevant to mention is also that the focus of this section will be on the mechanisms of Europeanization relaying on rational institutionalism theory whose core is the resource distribution approach.

The misfit can be described as the “incompatibility between European rules and regulations” and the domestic “institutional structure” (Börzel 1999, 574), and corresponds to what has been denominated also as the “goodness of fit” (Cowles et. al. 2001). Without a minimum degree of misfit, there is no space for Europeanization. The misfit (as it will be called from this point on in this paper) is highly important, as is it determines the adaptational pressure. The higher the misfit between European and domestic level, the more intensive will the adaptation pressure be (Börzel 1999, Börzel 2003, Cowles et.al. 2001). Börzel (1999) contributes also to the rational institutionalism resource distribution mechanism of Europeanisation by developing the idea of institutional dependency: according to this mechanism, the resource distribution alteration caused by the EU adaptational pressure does not result in direct empowering of certain actors, but it rather empowers the domestic institutions to distribute resources among their domestic actors and to determine therefore to which degree the response to the adaptational pressure will result in Europeanization (Börzel 1999).

Misfit can be present on the policy or institutional level. The policy misfit is present in the differences between EU regulations and rules and the domestic ones. Often, it could be a challenge for MS to comply with the EU rules, which is why they tend to influence the EU policy-making. Institutional misfit, on the other hand, challenges the “domestic rules and procedures and the collective understanding attached to them” (Börzel and Risse 2000, 7). The misfit as explanatory mechanism has nevertheless encountered critics in the literature, as it has been assessed as an appropriate model for general analysis and explanations only, considering that the concept embraces a wide range of elements (Radaelli 2000). Additionally, focusing on institutional capacity in redistributing resources in the process of Europeanization limits the mechanism to be applied to countries with limited or fragile institutional capacity (Morlino 1999). The latter is especially the case for the latest waves of Europeanization, namely to the countries of CEE and WB where the Union has played a role in building democratic institutions,

rather than changing them. Further research has affirmed misfit and the correlated adaptational pressure is a necessary but not sufficient for domestic change to happen. (Börzel and Risse 2009).

If the domestic change is analysed from policy misfit perspective, assumed is that the change will occur only in cases where the costs of non-implementing a specific policy are higher than adaptational cost. According to Börzel (1998), in this case the change is more probable to happen if the adaptational pressure is deriving from above as for instance in the form of threat from the Union to initiate an infringement proceeding, and below through the domestic engagement. The latter might facilitate versus hinder the process of adaptation.

Critiques have assessed the existing research in the domain of misfit as “abstract” and “limit(ing) the analytical benefits” (Knill and Lehmkuhl 1999, 2). In that regard, Knill and Lehmkuhl (1999) developed three mechanisms of Europeanization, contributing so to the understanding of how Europeanization could occur. Accordingly, through the mechanism of *positive Europeanization*, the EU imposes specific institutional conditions MS are required to comply with, or, in other words, “prescribes an institutional model” to follow. The mechanism of *negative Europeanization* on the other hand, describes Europeanization as result of the adaptational pressure which causes altering effects on the domestic actors and opportunity structures, and hence challenges institutional equilibrium without prescribing a model to follow. Last, the *framing Europeanisation*, believes adaptational pressure creates changes in domestic beliefs, which subsequently leads to changes in strategies resulting in institutional transformation. This mechanism is the most indirect and gradual and depicted by the authors as the weakest (Knill and Lehmkuhl 1999).

Europeanization mechanisms, according to Radaelli (2003), can be classified in vertical and horizontal mechanisms of change. Europeanization is a vertical process, because the EU is producing a policy, rule, or model (what is defined by Knill and Lehmkuhl (1999) as positive Europeanization) which have to be adapted at the national level. At the heart of the vertical mechanism of Europeanization is the adaptational pressure and the correlated misfit. Contrary, the horizontal mechanism of Europeanization does not relate with the compulsory adaptational pressure, but rather to patterns of socialization, changes of ideas, consumers’ choices, which lead to domestic change. This mechanism follows the cases where the EU does not prescribe a model to follow (negative or framing Europeanization, as mentioned by Knill and Lehmkuhl 1999). By not prescribing a specific model to follow and not exercising pressure to adapt to an EU model, national regulatory frameworks and domestic equilibrium (hence domestic

opportunity structure) are still affected. In addition, instead of applying “hard” adaptation instruments, as directives or European Court of Justice (ECJ) decisions, the Union has been prone towards using softer regulatory techniques, as non-compulsory regulations or minimalist directives to “encourage convergence” (Radaelli 2003, 43).

There are many more mechanisms that seek to explain Europeanization and even more aspects that have not been covered in this paper. That is because the aim of this first part of research is to give a general idea and overview what Europeanization is, how it developed over the last decades and to which research areas it has been applied. In this research paper the understanding of how Europeanization happens corresponds the explanations of the positive or vertical mechanism of Europeanization. Considering that the research is focusing on the Europeanization in the enlargement process, we expect the Union to prescribe a model to be followed to the candidate countries.

6 Europeanization and Enlargement

Notwithstanding with the living debate and numerous aspects of Europeanization, its mechanisms of influence, as well as the domestic fields it might effect, scholars recently began distinguishing EU influence on non-member states as a separate field of research from Europeanization on EU MS. The reason of the recent turnover is twofold. Firstly, being Europeanization itself a relatively young field of research, it did not result in direct development of sub-groups. Secondly, for a long time scholars have considered EU external influence on non-MS as noncomparable with its influence over MS and as such not part of Europeanisation area of research (Sedelmeier 2011).

Before digging into the essence of Europeanization of non-MS, it is necessary to differentiate between Europeanization and Enlargement and outline the connection between these two concepts. As Europeanization has been largely discussed in this paper, it should be clear that the concept addresses the question which effects does the Union exert on the domestic level and how does it change in line with its standards. On the other hand, theories of enlargement focus rather on the question why the EU extends its borders and accepts other countries as members and why those countries decide to join (Schimmelfennig 1998). Although the two concepts should be kept separately, “Europeanisation is linked to the politics of enlargement in practice” (Grabbe 2003, 7), reason why it cannot pass unobserved in this research. In fact, a legitimate question when trying to understand and analyse enlargement from the perspective of candidate countries is how the Union affects or change the domestic level of this countries

during the pre-accession. As it has been noticed by scholars, this area lacks contributory research (Schimmelfennig and Sedelmeier 2002, 507). Also, enlargement as research field has captured little scholars' attention, as the EU studies have emphasized more the "deepening" of the EU rather than its "widening" Schimmelfennig and Sedelmeier (2002, 501).

So, what is exactly enlargement? Enlargement can be defined as a "process of gradual and formal horizontal institutionalization of organisational rules and norms", where horizontal institutionalization corresponds to the concept of widening the Union (Schimmelfennig and Sedelmeier 2002, 503). According to the Article 49 of the Treaty on European Union (TEU) any European state that respects and commits to the values the EU is founded upon is eligible to apply for EU membership. The Article 2 of the TEU defines those values as: "respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities (...) in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail." Besides the primary EU law, additional guidelines on the enlargement were achieved with the establishment of Copenhagen criteria, which outline the accession criteria countries must satisfy for a successful EU integration. Defined at the European Council in Copenhagen in 1993, Copenhagen criteria are the following:

- Stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- a functioning market economy and the capacity to cope with competition and market forces in the EU;
- ability to take on and implement effectively the obligations of membership, including the aims of political, economic and monetary union.

The Copenhagen criteria include therefore political, democracy-related and economical criteria, along with the demonstrated capacity to implement the *acquis* which can be considered as the legal aspect.

The accession criteria have been extended in the years. Two years after the establishment of the Copenhagen criteria, the Madrid European Council concludes in 1995 that:

"(...) to make sound preparation for enlargement on the basis of the criteria established in Copenhagen and in the context of the pre-accession strategy defined in Essen for the CCEE; that strategy will have to be intensified in order to create the conditions for the gradual, harmonious integration of those States, particularly through the development of the market

economy, the adjustment of their administrative structures and the creation of a stable economic and monetary environment.” (Madrid European Council 1995).

With the Madrid Council, the administrative capacity becomes an additional prerequisite for EU membership. This new criterion results to be a crucial element that would ensure smooth Europeanization and successful integration, as it affects the countries capacity to transpose the EU legislation and implement it properly.

Interesting is that this aspect was not present in the previous waves of enlargement. Moreover, the EU does not dispose of a common EU-wide administrative rules, yet it decided to make use of enlargement instruments to support administrative reforms in candidate countries, while developing over the years and a more explicit administrative capacity criterion (Elbasani 2009). The emergence of this new criteria for accession arises from the EU recognition from the very beginning that the countries pertaining to the new waves of enlargement needed the EU support in developing effective governance and institutions that would guarantee a proper functioning of the administrative body, which would ultimately ease the EU integrations process (Tatham 2009). Especially in the post-communist countries, as Czech Republic and Bosnia and Herzegovina, which have gone through a transformation process in many institutional segments, the reform of the administrative capacity and the ability to fully implement the Union acquis was highly connected with the pre-accession enlargement process (Dimitrova 2002). According to the official EU glossary, the process of reinforcing the institutional and administrative capacity in candidate and potential candidate states falls under the concept of institution-building, which is financed by the Instrument for Pre-Accession Assistance (European Commission, Glossary).

If the country satisfies the criteria established by Article 2 TEU, it can present the application for membership to the Council of the EU, who will inform the European Parliament (EP), the European Commission (EC) and the national parliaments about the application. Successively, the EC, after consulting the Council of the EU, issues an opinion on the application, upon which the applicant country might be granted a candidate status. The following stage is the opening of negotiations and the opening and closing of chapters the EU acquis chapters. The EU acquis chapters are classified in policy areas (as for instance, free movement of goods, education, environment) and currently there are 35 field chapters. The chapters contain all the EU rules pertaining to the specific area countries need to achieve (or download) in obtain a national legislation that is in line with the EU rules. The alignment of the national legislation with the EU acquis is executed during the screening process, which is carried out jointly by the

Commission and the national authorities. As the outcome of the screening, the Commission issues a recommendation to either benchmarks, and thus require compliance with additional conditions, or close the chapter because in line with the EU legislation. Once all the chapters have been successfully closed, the accession treaty is prepared and unanimously approved by the Council of the EU, subject to previous approval by the EP, and ratified by all MS (European Commission, DG Neighbourhood and Enlargement).

In the case of Western Balkans, a special framework has been established with the aim to promote regional co-operation, enhance political stability of the region, and support their transition to market economies (European Commission, DG Neighbourhood and Enlargement). If a country is granted a potential candidate status, as in case of BiH and Kosovo, this means the country is not ready for starting the accession negotiations and thus does not comply with the political Copenhagen criteria which are the prerequisite for launching the accession negotiations. However, this does not imply an absence of agreements (in the case of Western Balkan countries, the stabilization and association agreements), capacity-building assistance, trade concessions and financial assistance (European Commission, DG Neighbourhood and Enlargement). In 2003, the EC declared that „enlargement has unarguably been the Union’s most successful foreign policy instrument” (European Commission 2003a, 5).

The enlargement and the EU relationship with candidate countries is often argued to be a process of transposing “European governance” to candidate countries with the ultimate objective of “complete Europeanization” of their domestic level (Schimmelfennig 2012, 661). In addition, literature has demonstrated that this process relies predominantly on conditionality criteria, while the nature of the process resembles scarcely to a negotiation (as commonly defined) as the candidate countries usually do not have any influence upon the rules imposed (Schimmelfennig 2012). This will be further examined in the next paragraph.

4. Conditionality: the game changer

What distinguishes Europeanization of member versus candidate countries are the instruments used. When exercising influence over MS, the Union has on disposition treaty-based sanction instruments that might encourage the adoption of EU rule. On the contrary, in the negotiation with non-member states softer instruments are used (Sedelmeier 2011). In fact, in the Europeanization of candidate countries, conditionality has resulted to be the main driver of effective EU rule export (Schimmelfennig and Sedelmeier 2005a, 221). Conditionality is described as the promotion of EU rules as conditions countries have to meet in order to obtain

rewards; contrary, if the conditions are not met, countries risk to face sanctions or see the financial assistance withdrawn (Schimmelfennig 2012). Conditionality is especially a highly influential instrument in the pre-accession period (Sedelmeier 2011) as it is fostered by the high asymmetric interdependence between the Union and the candidate country. In fact, while the Union does not depend economically or politically on the candidate states, the latter seek the full EU integration hoping to grasp the benefits, economic and political, from its membership (Vachudova 2005).

If an aspiring member country is successfully complying with the Copenhagen criteria, established by the Union as rules to be downloaded nationally, it will be rewarded by means of technical or financial support (coined as *positive conditionality*). Such rewards might be incentivising enough for the country to alter its resource distribution or status quo and conduct reforms. Contrary, if there is no progress is visible, as consequence the EU might initiate withdrawals of its assistance benefits (coined as *negative conditionality*) (Börzel 2009). Therefore, the EU delivers conditionality in the form of enforcement of its rules, expecting the candidates to show compliance even before they become full members (Vachudova 2005). Generally, it is considered the Union restrains from negative conditionality, and if the progress is limited, prefers leaving the countries “in the waiting room” (Schimmelfennig 2010, 9). This is because it would be costly for the Union as well to throw in the water all the efforts and financial assistance delivered. But how long can a country be hold in the Union’s waiting room?

The rule adoption in candidate countries is driven by the conditionality and “reinforcement by reward” (Schimmelfennig et. al. 2003, 496), which is also described under the term “meritocracy” (Vachudova 2005, 112). Accordingly, the pre-accession phase is perceived as a merit-based one: those candidates that comply with EU conditions, receive their merits/rewards. While, the asymmetric interdependence and the enforcement in the pre-accession give credibility to the EU’s threats of exclusion and withdrawal of assistance, the “meritocracy” gives credibility to its rewards, hence eventual membership (Vachudova 2005). The reward-punishment approach implemented in the enlargement strategy is also known as the carrot and stick approach (Geddes et.al. 2013, 14). Conditionality and the correlated practice of offering rewards for compliance and sanctions for non-compliance, is argued to be a mechanism used by the Union to manipulate applicant countries’ cost-benefit calculation (Schimmelfennig 2012). This aspect will be further elaborated in the next section.

Besides offering a model to follow and financial incentives or rewards for the progress achieved, Grabbe (2003) individualized another set of conditionality tools the EU has

successfully implemented during the accession negotiation. One of them is the “benchmarking and monitoring”. As the conditions for membership expressed in the Copenhagen Ministerial Council Decision are general conditions, the EU has made use of additional documents along the accession negotiation (as it is the Accession Partnership, Stabilization and Association Agreements or EC Regular Reports), that contain more specific definition and steps to be taken in order to achieve a target. This is believed to give the EU the power to monitor the progress, provide roadmaps for national policy-making, establish benchmarks and offer examples of good practices (Grabbe 2003, 10). Another tool is the “twinning programme”, through which EU civil workers are seconded in the candidate country administrative corps and provide their expertise and advice (Grabbe 2003, 11). It could be argued that through twinning both sides can benefit as candidate states receive expert advices on how to adopt and implement correctly an EU rule, while for the EU, the programme presents an opportunity to directly be involved in the national policy-making. Additional conditionality tool proofed to be efficient in incentivising domestic change is the “gate-keeping”: if candidate countries are granted access to the next stage of the negotiation process, it is more likely it will to keep the progress alive and deliver more positive results (Grabbe 2003, 11).

During the enlargement in the CEE countries, conditionality proved to be a great Europeanization tool. However, limitations of its efficiency and effectivity have also been individualized, especially in the current enlargement wave in the countries from the Western Balkans. The External Incentives Model, analysed in the paragraph below, addresses these problems and develops a theoretical framework that explains under which conditions conditionality as Europeanization tool is successful, and hence which national and EU elements are necessary for a successful downloading of EU rules on the national level.

7 External Incentives Model

The external incentives model is a rationalist institutionalist approach designed at the beginning of 2000 with the aim of explaining the different outcomes of Europeanization in CEE through the accession conditionality criteria. Its revisited version from 2019 confirms the suitability of the theoretical framework for other researches, as the post-access Europeanization in CEE and the EU rules transfer in the current enlargement to the South-East Europe (Schimmelfenning and Sedelmeier 2019). The model assumes countries are rational actors that based on a cost-benefit assessment aspire to join the EU. Ideally, they avoid negotiations with extensive costs and aim to maximize their benefits. The external incentives model embraces the idea of enlargement based on conditionality and the incentives approach, which alter the domestic

opportunity structure and stimulate actors inclined towards EU integration to reconstruct domestic institutions or redirect political practices towards EU standards. Nevertheless, the model follows the basic rule that EU rules will be adopted only if the reward of adopting them exceeds the domestic adoption costs (Schimmelfennig and Sedelmeier 2004, 664).

It is relevant to mention that both EU-related and domestic conditions are relevant for a favourable Europeanization outcome. In fact, the External Incentives Model individualizes the following four conditions that affect the EU rule transfer outcome: 1) determinacy of the EU conditions, 2) credibility of the membership perspective; 3) capacity of candidate state and 4) adoption cost of transferring EU rules on national level (Schimmelfennig and Sedelmeier 2004; 2019, Zhelyazkova et al. 2019). As it can be observed, the first two factors, the determinacy of conditions and the credibility of the EU membership, are conditions set and controllable by the EU. Contrary, the capacity of the state and the adoption costs are factors related to the candidate country's domestic level. This offers a complete picture of national and EU factors that influence the EU rules transfer. Below, a short explanation of each factor that will be presented.

- 1) *Determinacy of EU conditions* and rules is essential for successful Europeanization. The formulation of clear and formal enough conditions, along with exact indications of actions to be taken, significantly eases the candidate countries in the process of achieving the EU requested aim. Determinacy of conditions helps targeted governments to assess what they must do to be rewarded, determines the binding nature of the conditions and limits the interpretation manipulation of the conditions. The letter strengthens the conditionality credibility, but it also limits the EU power to manipulate the interpretation whether a condition has been fulfilled. To sum up, according to the external incentive model: the higher the determinacy of conditions set for rewards, the more effective the transfer of rules (Schimmelfennig and Sedelmeier 2004).

It is argued that in the course of the years, although the determinacy of EU conditions increased, the conditions itself become more demanding (for instance, the Balkan countries are subject to Copenhagen Plus criteria, which will be addressed further in the course of the text, or added rules related to state building), which might result in higher adoption cost and reduced probability of rules adoption (Schimmelfennig and Sedelmeier, 2019). On the other hand, the enhanced EU enlarged strategy, its new monitoring instruments and benchmarking, and the modification of the suspension clause according to which EC can decide to suspend the opening of new chapters if the progress is scarce, are expected to detect the compliance problems in an early stage and

react by providing more specific instructions. Determinacy therefore is considered as generally increased with the new strategy which, based on the previous enlargement experience and lessons learned, is enhanced and so the conditions are more explicitly expressed (Zhelyazkova et al. 2019).

- 2) *Credibility of accession* depends on more factors. In the 2004 external incentives model, Schimmelfennig and Sedelmeier (2004) argued that the rule transfer is more effective when the size and speed of rewards are higher. Nevertheless, the rewards offered have to be realistic and realizable. The same credibility must hold for the threats of withdrawing, which the Union shall be able to realize with low or zero costs for itself. Withdrawing costs for the EU will nevertheless be higher in advanced stages of accession, reason why Union prefers to leave countries in the “waiting room” (cf. paragraph 5). Credibility depends also on the consistence of rewards as well as the question whether countries might achieve their aims through other organisations at lower adjustment costs.

As specified in the revisited external incentives model, common for CEE and SEE is the asymmetric interdependence in favour of the EU and the full membership as final reward. Due to their smaller economic development and smaller size, SEE countries are less attractive to the EU and thus the asymmetric power is even higher. Another crucial difference is the change in the approach and EU’s decision to “judge” each country separately, while CEE countries entered the EU as one wave. Separate judgement based on own merits does give credibility to conditionality, yet the EU in SEE countries concentrated more on stability in the region and state-building instruments than democracy promotion as in CEE. Not to mention the public support for enlargement dropped significantly, while the number of MS introducing referendums for future accessions increased. Playing against a credible accession are the hostilities among the states of the regions. Together these factors weakened EC’s commitments toward enlargement, Europeanization and lowered the accession credibility (Schimmelfennig and Sedelmeier 2019). The EU has suffered in the last years internal challenges (Euro crisis, migration crisis, Brexit) which may have shifted its attention from the enlargement policy, but the low enlargement credibility affected governments cost-benefit calculations: considering the distant in the future possible membership (time of reward) and the long time-frames enlargement in WB countries takes (speed of reward),

current governments are unwilling to proceed with costly and unpopular reforms in favour of EU integration.

3) *Domestic capacity* is not among the explicit elements of the external incentives model designed for CEE by Schimmelfennig and Sedelmeier (2004) nor in the revisited version from 2019, but is listed under the conditions in the Zhelyazkova et al. 2019 paper on Europeanization in Western Balkans. In fact, the authors argue how the Western Balkans countries are among the poorest and least developed countries in Europe, with characteristics as unemployment, slow liberalization and recession attached to their economies. Their administrative reform has also showed poor results, recruitment based on meritocracy professionalization is absent, affecting the efficiency and degree of EU rules adoption. As the implementation of *acquis* presents a challenge and burden for national bureaucracy, the above elements have strongly influenced the countries' capacity to comply with EU conditions and adapt its rules. Domestic capacity as a factor mediating the degree of Europeanization was mentioned by Börzel (2011b) as well, who argued that this specific factor can determine whether the country is capable of adapting EU rules. Supplementary to the state capacity, is the administrative capacity of the country as a strong mediating factor (Börzel 2011b). In other words, research and literature bring us to the assumption that weak country capacity and limited statehood, combined with low administrative capability, negatively influence the outcome of EU influence on the domestic level.

4) *Domestic adoption costs* are assumed to be always present during the rule transfer, according to the external incentives model. In fact, the adoption costs are considered as the decisive factor whether the EU conditions will be accepted, and rules transferred, or not. Costs can have different sources: they might be perceived as opportunity costs of giving up alternative adjustments, but they might be also in the form of power cost for public or private actors. As mentioned earlier, the cost-benefit calculation is manipulated by the conditionality: although being aware of the cost that adopting EU conditions entails, for the same condition adoption countries are offered rewards. Hence, costs of adoption might become negative.

Costs of adoption might also be caused by government preferences and by the 'veto players', who are defined as "actors whose agreement is necessary for a change in the status quo" (Schimmelfennig and Sedelmeier 2004, 666). It must be distinguished nevertheless between governmental veto players – parties in the government that by using the threat to leave the coalition can block the rule adoption – and societal veto

players – interest groups or movements needed for compliance, or who are powerful enough to threaten governments with re-election prospects (Schimmelfennig et al. 2006). Generally, the authors in the external incentive model assume that the number of veto player is associated with the net cost of rule adoption; in other words, the higher the number of vetoes, the higher the adoption cost (opportunity cost, welfare or power losses). In addition, adoption costs are expected to be higher in countries with Eurosceptic parties at the government and anti-EU social attitudes (Zhelyazkova et al. 2019).

As Bulmer and Burch (1998, 608) affirm, “however efficient, the official side of the machine cannot work to full effect if there is a lack of momentum on the political side”. Thereby, high importance is given to the political life and elites in the process of Europeanization, considered as mediating/constraining factor. Political elites are indeed crucial actors in leading the domestic change and in responding towards the EU adaptation pressure, as they lead the negotiations with the Union. If the EU rule adoption is perceived as cost by those actors, they will restrain from conducting a costly operation and hence limit the level of Europeanization (Dimitrova 2016). The cost-benefits calculations of EU conditionality is usually the calculation of personal costs rising from adoption of EU conditions, which comprise the risk of compromising the political power or the gains from the rent-seeking practice (Dimitrova 2016).

In the revisited external incentives model, it is pointed out that the political and administrative adoption costs were lower for the CEE enlargement than for the current one. Considering the initial misfit, SEE countries suffer from a higher misfit than the CEE countries. Many SEE states are still facing statehood and transformation challenges, among them BiH. In fact, the domestic adoption costs in SEE result higher: governments are required to give up more power in order to accept conditions, they have additional conditions to comply with (usually relating to sensitive issues, as ethnic or identity related matters), and are faced with higher political costs (Schimmelfennig and Sedelmeier 2019). While in the CEE countries the number of veto players was small, the number of societal or governmental veto players seem not to be largely present in the Western Balkan either (Schimmelfennig and Sedelmeier 2019). Yet, the domestic adaptation costs in SEE countries are expected to be much higher and play an important part in explaining non-compliance in the region than in CEE (Zhelyazkova et al. 2019). This is mainly due to the fact EU conditionality touches upon sensitive ethnical or statehood issues, which makes the countries reluctant and resistant in complying with such

rules (Freyburg and Richter 2010; Subotic 2010). Despite the absence of Eurosceptic parties in the government non-EU-prone behaviour was clearly demonstrated in some countries. In the case of Bosnia and Herzegovina, the multi-level/decentralized political system creates a good ground for the veto players to block the rule adoption on different levels (Zhelyazkova et al. 2019).

8 Research design

Until now this paper presented the up to date findings on Europeanization (of member and candidate states) and theoretical explanations on when does the EU rule transfer result in successful rule adoption on the national level, along with the historical background of the countries protagonists of the research. Let's now outline with major details how will the empirical research be conducted.

It should be clear that Europeanization in this paper is highly related with enlargement. As argued earlier, Europeanization and enlargement are interconnected. Europeanization is understood here as a top down process in which the EU imposes a model to follow and candidate countries download the EU rules on the domestic level in order to achieve a higher similarity with the EU policies and be suitable to become members of the Union. Therefore, from what has been explained in the theoretical part of the paper, there is Europeanization without enlargement, but there is no enlargement without Europeanization as candidate countries are requested to download all the EU rules on the national level for successful membership, process in which the EU plays an active role. As literature and theory further suggest, Europeanization is strongly influenced by the conditionality, which is at the heart of the enlargement strategy. Dimitrova (2016) suggests that “the effectiveness of conditionality can be measured by adoption of EU-promoted reforms by candidate states”. The adoption of EU reforms or rules is in other terms what we understand as Europeanization.

With this in mind, the research starts from the general question when does Europeanization in the context of enlargement lead to domestic change, under which circumstances do countries aspiring towards EU membership decide to face domestic costs in order to transform and meet EU standards, but most importantly why for some countries Europeanization and the EU incentives/conditionality approach lead to positive membership outcome while for others it does not. As mentioned earlier in the text, the EC declared enlargement as its most successful foreign policy instrument. In this paper, it is questioned whether this declaration can be still

hold true and whether the current enlargement approach is suitable for the countries aspiring EU membership.

The research in this paper is of comparative and qualitative nature. Compared will be two countries, Czech Republic and Bosnia and Herzegovina, which are signed by a past in the communist regimes and successive embark towards EU integration. However, the progress they have demonstrated is highly divergent as Czech Republic became member of the EU, while BiH is still only a potential candidate country. When analysing which factors or conditions intervene and mediate in the divergent outcomes the research will rely on the model developed by Schimmelfenning and Sedelmeier (2004; 2019), which is the External Incentives Model.

Based on the theoretical explanations and the historical background of the two countries, two assumptions have been developed. This empirical research therefore aims to verify the following:

- 1. Because of the higher misfit in the initial conditions at the beginning of the process of fulfilment of the membership criteria in Bosnia and Herzegovina when compared to Czech Republic, we see not only a higher adaptation pressure, but also a more difficult Europeanization process as adaptation costs are higher.*
- 2. Although the determinacy of EU conditions is expected to have increased in the current enlargement when compared to the enlargement towards CEE countries, the process of Europeanization in Bosnia and Herzegovina is limited by the lack of conditionality credibility.*

The misfit of the initial conditions in Bosnia when compared to the Czech Republic is expected to be higher because of the numerous fragilities caused by the war. As explained in the first chapter, the two countries were for decades under communist regimes and had only limited relationship with the Union. After the Velvet Revolution, Czechoslovakia opened the road towards democracy, and in 1992 Czech Republic declared independence from this federal state becoming independent in 1993. Bosnia's declaration of independence from Yugoslavia nevertheless was not a peaceful process as a war disrupted on its territory. This had fatal consequences for the country, which had to restart from the ashes. In addition, the challenging Peace Agreement, whose Annex four functions also as the Constitution of the country, created a very challenging road towards democracy with a very complex institutional and political system.

In the meantime, the EU enlargement strategy is believed to have enhanced in terms of conditions determinacy, clarity and formality during the years. The Union has enlarged to current 27 Member States and revised its strategy several times, therefore it is believed many aspects of the enlargement policy have improved, based on the lessons learned, among them the way the Union outlines its conditions. Despite this, it is expected that in the case of BiH the increasing in EU rules determinacy did not result in increased EU rules implementation, as the theory would suggest, because of the lack of credible enlargement. Recalling that theory suggest that implementation of EU rules is always costly and that higher degree of determinacy of EU conditions leads to easier compliance with the EU rules as the countries know better which actions need to be taken in order to achieve the reward, this assumption suggest that despite higher clarity and determinacy of conditions a country might not be willing to face costs if knowing that the rewards are not credible.

Clearly, not all the policies and aspects of the enlargement and Europeanization can be taken into consideration. Hence, this research will be limited to specific aspect of the accession criteria mentioned in course of the text: the administrative capacity and the public administration reform. Along with the Copenhagen criteria, the administrative capacity presents the main prerequisites for the accession. As mentioned throughout this chapter (in particular paragraph 5), aspiring member states are expected to demonstrate adequate administrative capacity that would allow them to transfer EU rules on the national level and correctly implement them. Therefore, this aspect of the national institutions is crucial for effective Europeanization and smooth EU integration. Theory assumes that countries with weak administrative capacity will demonstrate scarcer Europeanization results, and in the recent waves of enlargement the EU has demonstrated to have used enlargement tools to Europeanize the public administration of the candidate countries.

In order to analyse the Europeanization progress, firstly the initial conditions of the public administration in Czech Republic and Bosnia and Herzegovina will be examined at the stage before Europeanization. Although the initial conditions are expected to be far from the EU standard in both countries, the misfit between BiH administrative capacity and EU administration standards is expected to be higher because of country's complex institutional system. Following the determination of the initial conditions, analysed will be which were the EU standards on the administrative capacity and which changes did it request from the countries to conduct on the national level. This analysis will allow me to assess the misfit between EU and domestic rules on public administration. As last stage, the empirical analysis will determine

which conditions were accepted and which new rules were implemented and at what cost. This assessment will allow me to determine the degree of Europeanization in each country.

To verify the second assumption, compared will be determinacy of EU conditions in the area of administrative capacity for Czech Republic and Bosnia and the rewards the Union promised for the successful rule transfer and implementation. Assessed will be whether the determinacy was higher as expected and whether the rewards were credible, while taking into account also the costs of adaptation assessed during the testing of the first hypothesis.

The empirical analysis will be conducted through the use official EU documents as Commission's Progress Reports, EP opinions and recommendations.

CHAPTER III:

EMPIRICAL RESEARCH: Europeanization of the public administration in Bosnia and Herzegovina and Czech Republic

9 Introduction to the comparative analysis

The third and last chapter of this paper includes an empirical testing of the two assumptions developed on the basis of the theoretical explanations. For easy reference, the two assumptions expect that:

1. *Because of the higher misfit in the initial conditions at the beginning of the process of fulfilment of the membership criteria in Bosnia and Herzegovina when compared to Czech Republic, we see not only a higher adaptation pressure, but also a more difficult Europeanization process as adaptation costs are higher.*
2. *Although the determinacy of EU conditions is expected to have increased in the current enlargement when compared to the enlargement towards CEE countries, the process of Europeanization in Bosnia and Herzegovina is limited by the lack of conditionality credibility.*

Before digging into the analysis of the two assumptions outlined, which will be applied exclusively to the area of public administration, this analysis will in the first place present an overview of the enlargement strategy development and EU relationship with both countries. Such analysis is considered as following the purpose of the paper and as contributory to the two assumptions. In particular, the outlining of the relationship development between the EU and both countries and the comprehending of the bilateral agreements at the heart of the EU integration process EU developed for each of the countries, will provide us with the first insights on the misfit aspect, the Europeanization process and the determinacy of the EU conditions. In addition, tackled will be the aspect of the size of rewards the Union was offering at the different stages of negotiations, which will help to assess the credibility of the EU conditionality or its capacity to pay the rewards if conditions are met, hence withhold the rewards if these are not met.

The analysis will then proceed with directly addressing the first assumption, hence assessing the misfit. This will be realized through presenting the EU standards and understanding of the public administration, and then comparing it with the public administration conditions in Czech Republic and Bosnia. The assessing of the misfit will lead to the assessing of the adaptational pressure. After having a clear idea of how similar or divergent were the domestic standards to the EU standards in the reference to the public administration, and in the light of verifying the process of Europeanization and its eventual outcomes, analysed will be a) which rules did the

EU set as conditions to be met during the public administration capacity-building in Czech Republic and Bosnia and Herzegovina; b) how did the countries respond to those conditions and c) which domestic cost did the eventual implementation of those rules imply.

The analysis of the first assumption will ultimately allow to assess the second assumption as well. The analysis of which conditions did the EU set to be achieved, will for instance allow me to examine also their determinacy and the rewards attached to their successful implementation.

10 The EU and the Czech Republic

Historically speaking the reconcile between Czech Republic and the EU could be analysed through three periods of time (Grabbe 2015). The period aftermath the Velvet Revolution clearly marks the starting point of closer relations between the Union and the CEE countries, among them Czechoslovakia – later Czech Republic, while the ending point is believed to be the year 1993, when the Copenhagen accession criteria were established. The first period was characterized by the initiation of financial aid programmes for the countries from the region which were going through a transition from communist regimes towards liberal democracies, along with the first wave of trade agreements. As some scholars argue, this period shall not be considered as part of the Europeanization process (Dimitrova 2004). As matter of fact, to consider all the domestic transformations of CEE countries after the fall of communism as result of EU rule transfer and their downloading on the national level would be quite “Western European centric” (Dimitrova 2004, 7). In particular, the aftermath of communism and Velvet Revolution was rather a period of democratic transition characterized by strong post-communist change where the EU might have been a model to follow but did not exert much transformative power. Hence, the changes occurred in these years were part of democratization or choosing the democratic constitutional basis, which should not be confused with consolidation, and Europeanisation enters in play during the latter only (Dimitrova 2004).

A progress in creating closer relationship was significantly influenced by the establishment of the Copenhagen accession criteria which paved the way towards the full EU integration and hence demonstrated that membership aspirations CEE countries were reserving were recognized by the EU and could be materialized. This second phase can be considered as lasting until 1997, moment when the European Commission expressed the first opinion on Czech Republic’s application for membership of the EU. The last stage comprises the period between

1997 and 2002, when the EC opened, hence closed, the membership negotiations with the Czech Republic (Grabbe 2015).

From the EU perspective, the first attempts of achieving closer relationship with the CEE countries were framed in the context of financial aid programmes. In 1989, the Poland and Hungary, Aid for Reconstructing Economies Programme (PHARE) was created, with the main aim to “support post-communist transformation in CEE” (Grabbe 2015, 7). Along with PHARE, SAPARD and ISPA were other significant financial instruments, through which multiple grants for projects in different areas were launched, tackling areas where each country was lacking behind mostly. The Commission monitored strictly the proceeding of the financial flows and conducted evaluations through a set of “performance criteria” (European Commission 1991). Elements of conditionality were not absent in this phase, as granting the assistance was based on demonstrated respect of essential elements of a democracy, democratic stability and human rights (Dimitrova 2004). With the establishment of Copenhagen accession criteria, PHARE was redirected towards prioritizing areas essential for accession (European Commission 2002a), strengthening so the EU transformative tools.

The European Commission welcomed the CEE countries’ impulse to ‘rejoin Europe’ from the beginning, defining it as triumph over divisions and the right path towards reaching common goals of peace, democracy and prosperity (European Commission 1990a). In the light of achieving goals of mutual interest, and in the spirit of creating a legal framework establishing the relationship with the CEE countries, the Commission proposed the establishment of bilateral Accession Agreements – referred to as Europe Agreement – with each CEE country. Europe Agreements marked an important passage from mere cooperation towards association. However, the achievement of this bilateral agreement was conditional upon principles of democracy, rule of law, respect of human rights, multiparty systems obtained through democratic elections and liberalised market economies (European Commission, 1990a). We cannot neglect the evident similarity of the criteria necessary for achieving the bilateral association agreement mentioned above and the subsequently formulated Copenhagen membership criteria.

The Europe Agreement served almost as a guide establishing a general framework the countries had to follow in order to preserve and enhance political and economic cooperation, including the process of approximation of legislation (Grabbe 2015). As matter of fact, if looking into the essence of the Europe Agreements criteria such as political dialogue, liberalization of trade regarding industrial goods within a 10 years framework, rules on the trade of agricultural

products, chapters on the EC four fundamental freedoms, titles on competition rules and cooperation on other relevant rules are to be found (Grabbe 2015). Probably one of the main disappointing points of the promising Accession Agreement, at least from the perspective of aspiring members, was the lack of a prospect of membership, remaining only a plain promise of closer association. As matter of fact, when Czechoslovakia, Hungary and Poland make a request to the Commission to provide a timetable and specific conditions for eventual accession, the Commission rejects such request, describing the stage of relations premature for offering a timetable, while general conditions on which progress shall be demonstrated are outlined (European Commission 1992).

Therefore, it can be observed how in the first step of cooperation between Czech Republic and the EU the reward was not the EU membership but rather closer economic and political relations and opening of commercial barriers. Such reward might have not reflected the ambitions of aspiring members, yet it shall be acknowledged that adapting the size of the award to the circumstances might have contributed to its credibility and realizability of the initial integration process. Along with the smaller reward size, also the asymmetric power between the two parties is evident: on the one hand we have the Union's financial aid with conditions attached and a legal framework that defines other conditions for closer relations. On the other hand, there are CEE countries in the need of the financial aid and aspiring towards full EU integrations, that however have little or no say in the establishment of conditions. These countries have a lower bargaining power and are faced with domestic costs.

Not long later, the Copenhagen Council brings substantial changes in the determinacy of conditions and the reward, as for the first time the EU declares that "associated countries in Central and Eastern Europe that so desire shall become members of the European Union" (European Council 1993, 13). The reversing of the relations brought a change in the size of award; if the Accession Agreements were limited to closer and deeper relations, now the Union seems eager to reward the countries with membership. Not granting the reward of membership at the beginning of relations and declaring the latter as premature for even establishing a timetable for accession, might contribute to the credibility of the conditionality. Additionally, through the formulation of the Copenhagen Political criteria, the determinacy of the conditions increased.

Three years later, in 1996, Czech Republic presented its application for Membership to the EU and one year later the Commission delivered the "Agenda 2000", as part of the pre-accession strategy. The latter was a proposal of reinforced strategy for enlargement which would have

acted as guide in preparing candidate countries for potential membership. The strategy had two new components: in first place it included all the existing assistance offered to candidate countries in one single “Accession Partnership”, and secondly it enabled a slow and step-by-step familiarization to EU policies through including candidate countries in community programmes (European Commission 1997b, 2Europea). The main objective of the new strategy was to prepare the CEE countries for the accession to the EU, and tack the main problems individualized by the Commission in its opinions on each country’s application. Interestingly, the requirement common for all CEE countries specified in the document is the necessity to reinforce and institutions and their administrative capacity, to which is referred as to “institution-building” (European Commission 1997b, 4).

Particularly relevant in the Agenda 2000 was also the acknowledgement of the broad nature of the Copenhagen criteria. To that regard, the Commission offered major determinacy of political criteria by specifying the conditions to be adopted, underlying that functioning democracy is the basis of assessing the membership application. As it concerns the democracy and the rule of law, the Commission expressed in this document the necessity of guaranteeing political pluralism, freedom of expression and religion; each country must have functioning democratic institutions, independent judiciary and constitutional authority; the elections shall be free and fair, parties should be alternated in power and the oppositions should have the ease of expression as well. Secondly, human rights must be guaranteed and the freedom of expression and association as well as the independent providing of information to citizen shall be strengthened; minorities must be protected and their rights ensured, while easing their integration in the society and preserving so democratic stability (European Commission 1997a).

Innovative components of the Agenda 2000 were Commission’s opinions on the progress achieved by each country and on their application for membership, produced on the invitation of the Council of the European Union. Based on the Commission assessment that political criteria in Czech Republic were largely satisfied, expressed in the opinion on its application for membership, the Commission recommended the opening of negotiations with the country, along with other four applicant countries (Estonia, Hungary, Poland, Slovenia), highlighting the merit-based approach (European Commission 1997a). From this assessment emerges also that Czech Republic is expected to establish functioning administrative structures in medium term and enable therefore the implementation of a big part of the *acquis* (European Commission 1997a).

The accession negotiations were launched officially in 1997 at the Luxembourg European Council and in 1998 the Accession Partnership entered into force, emphasizing short- and medium-term priorities and the timeframe for adopting them, guiding so the candidate countries towards membership (Accession Partnership 1998). The opening of accession negotiations with five candidate countries and while putting on hold the remaining five, based on the argument that their progress was not sufficient enough and that the EU following a merit based process, substantially contributed to the credibility of EU conditionality (Schimmelfennig et al. 2005).

The first opinion on the Czech Republic's membership application expressed a generally positive opinion on the status of the country's democratic and political conditions. However, the gaps in standards between domestic and EU policies were also emphasized. Among them, the administrative capacity was required as needing considerable efforts. In particular the "lack of any substantial or coherent plan for public administration modernisation is the single greatest cause for concern" in the field of public administration (European Commission 1997c, 105).

11 The EU and Bosnia and Herzegovina

The European Union started developing a structured policy towards the WB region only from 1999 onwards (Dzihic & Wieser 2008), when it announced the launching of Stabilization and Association Process (SAP) as a strategic framework for the EU relations with the region, stating that the EU has the "responsibility to contribute to the stability (...) and the general stabilization and development of the region" (European Commission 1999a, 1b). However, in the years of and preceding the conflict, the EU reacted to a limited extent to the disorders, instabilities and atrocities just over its borders.

Taking a step back to the years of SFRY, literature suggests that Yugoslavia was from crucial importance for the European Community, due to its strategic position between the Western countries and the Soviet bloc. This fact can be demonstrated by the great privilege Tito's federal republic was enjoying, namely the exemption from the customs duties payments for the goods exported to Western Europe (Dover 2005). Considering the strategic position and the geographical closeness of the WB to the EU borders, the Union was expected to be responsive towards the turbulent situation in those countries following the dissolution of Yugoslavia. How the Union responded to the crisis in the Balkans and the war in Bosnia and Herzegovina received the attention of many scholars. Some argue that the members of the European Community failed in finding a common position on the Yugoslav crisis, preferring therefore to take a neutral stance, including avoiding the labelling of aggressor or victim between countries

(Caplain 2005). They moreover expressed the wish for SFRY to remain in the existing composition, refusing initially to recognize independence to Slovenia in Croatia. The Netherlands Presidency of EC proposed to send Western European Union (WEU) intervention forces to the region; this proposal was supported by France and Germany but opposed by UK, Denmark and Portugal (Gerbet 2016). Other scholars argue that the EC was not prepared to face and manage a crisis. The EC was heading towards the preparation of the Maastricht Summit in December 1992, having many internal issues to discuss and decide upon, among them the common foreign policy issue (Weller 1992). Hence, the absence of action is justified mainly by the argument that the military intervention was not foreseen by any treaty-based provisions (Arikan 2009).

At the London International Conference on the Former Yugoslavia (ICFY) held in 1992, a framework for negotiating the peace in the countries of former Yugoslavia was established. This initiative was led by the United Nations and the European Community (United Nations). The limited attention dedicated by the international community, among them the EC, to the crisis in the Balkans led to terrific results, as it was the Bosnian war, which in broader sense did not mean only a disaster for the Balkan region, but also for the Union, as its capacity to prevent and manage conflicts was confirmed as a failure (Gallagher 2003).

In the aftermath of the Bosnian war and following the signing of the Dayton Peace Agreement in 1995, the EU developed a Regional Approach for BiH, Croatia, the Federal Republic of Yugoslavia, the former Yugoslav Republic of Macedonia and Albania. As contained in the Commission's official documents, the aim of the regional approach was twofold: to promote all those elements necessary for a functioning of a democracy based on rule of law and respects of human rights; and to assist, improve and enhance the economies of these countries (European Commission, 1998). As highlighted, the Regional Approach was based on and subject upon political and economic conditionality (European Commission 1999a).

The establishment of the Stabilization and Association Process (SAP) in 1999 was introduced as a new approach that aimed to abandon the general terms of the Regional Approach and "offer higher incentives" to the countries from the WB region, while demanding even higher conditionality compliance (European Commission 1999a, 3). In fact, the core of the new SAP was to establish bilateral contractual relationships with each of the country: the Stabilization and Association Agreement (SAA). This bilateral contract aimed to allow the EU to evaluate the situation of each country separately as well as to assess the main challenges they were encountering. SAA's main incentive was the membership, of course upon successful

compliance with the Copenhagen criteria, but not only (European Commission 1999a). The SAP includes new conditionality elements without precedent, as the cooperation with the International Criminal Tribunal for former Yugoslavia and the cooperation with the countries from the regions (Commission 1999). Therefore, SAA aimed at increasing and enhancing the trade between the countries in the region and between WB countries and the Union, and to stimulate regional cooperation in justice and home affairs and other fields, such as education, science, technology, energy, among others (European Commission 1999).

The concluding of the SAA, which is a high-level contract between the aspiring member state and the EU, was not an easy game. The Commission and the Council agreed to put high in the agenda of conditions countries were asked to comply with the respect and implementation of the peace agreements, along with elements pertaining to economic and political developments necessary to allow the country to initiate and bilateral agreement (European Council 1996, European Commission 1999a). Shortly after the introduction of the SAP, the Commission assessed that major engagement from BiH was needed towards enhancing and strengthening the domestic political and economic conditions, and hence the country did not satisfy the minimum criteria for starting the SAA contractual negotiations. In particular, in the democratization and human rights, economy as well as Dayton Accords implementation were necessary. Based on that, BiH was not able to enjoy full PHARE assistance either (European Commission 1998a).

For BiH to achieve the signing of the SAA and meet the political and economic criteria outlined as prerequisites was a real challenge. Despite this and many other challenges BiH and other countries from the region were facing in the path towards closer EU integration, in the 2003 the European Council conclusions and the Thessaloniki agenda for the Western Balkans reaffirmed that the future of the countries from the region is in the EU, declaring without precedent that all the countries are potential candidate countries. However, emphasized was also that such future depends upon countries progress in implementing reforms and respecting the EU conditionality (European Council 2003). With this message, the EU confirmed its intentions to welcome WB countries in Union, but only upon full compliance with and demonstrated commitment towards the EU rules and conditions. In the same year, Bosnian institutions were once again assessed as fragile, while the lack of support from the entity level was deemed as one of the major constrains for the progress towards further EU integration and the SAA negotiations (European Council 2003). Clearly, a renewed approach towards the country was needed.

In the year 2004, the Union launches the first European Partnership. Relying on the potential membership status conferred to all the countries of the region, the Union establishes a partnership with each country, within the framework of the SAP. The partnership served as a framework for defining priority actions reflecting the individual conditions of the countries, which would be contributory towards the aims of regional cooperation and further EU integration and therefore would support the countries in implementing and meeting the Copenhagen and SAP criteria (European Council 2004). In total, 16 short- and medium-term priorities were outlined in the partnership document with Bosnia and Herzegovina, among them more effective public administration (Council Decision 2004). In fact, the 2004 European Partnership with Bosnia declares that the country will receive financial assistance primarily for the area of administrative capacity building, including the public administration reform (Council Decision 2004).

In the 2005, the new Enlargement Strategy Paper was presented, which reiterated the principle of “fair and rigorous conditionality” necessary for the progress. With the latter it is reminded that only upon demonstrated progress in conducting reform and credible compliance with the EU conditions, potential candidate countries can be promoted to the next stage of negotiation. The new enlargement strategy included also recommends to open SAA negotiations with Bosnia, which implies the successful compliance with conditions attached to it (European Commission 2005a). However, progress in the following areas was demanded, in order to open the negotiation of SAA: cooperation with the ICTY, adoption of the Law on Broadcasting Service and implementation of the public broadcasting legislation, and the implementation of the police reform (European Commission 2005b). The opening of negotiation was forced to be postponed as no agreement on the police reform was reached (Denti 2015).

In 2008 the country signed the Stabilization and Association Agreement (together with an interim Agreement that regulated trade and trade related matters), which nevertheless entered into force only in 2015. The ratification of the agreement was frozen during these years as Bosnian Constitution was ruled by the ECtHR to be violating the Convention on Human Rights in the case *Sejdic and Finci* (Denti 2015) as it granted the right to candidate for Bosnian presidency and the House of the Peoples only to the three constituent peoples, excluding so the Others. As the conditionality attached to the case *Sejdic and Finci* and the constitutional reform it requested could not find consensus on the domestic level, the Union agreed in 2014 that the new approach is needed for the case of Bosnia and Herzegovina. Therefore, on the British-German initiative, instead of requesting the constitutional reform it was requested from the

Presidency of BiH to express in a written agreement that the commitment towards undertaking necessary reforms in the EU path will be delivered in the years to come (Commission Opinion 2019; Denti 2015). The result of the united forces was the entry into force of the SAA in 2015 and the application for membership in 2016. With SAA, the contractual relationship between BiH and the EU has been reached after a decade of negotiations. Important to mention is that a special group working on the public administration reform in the country has been meeting since 2017 (Commission Opinion 2019).

In 2018, under the Juncker Commission, the new “Credible Enlargement Strategy” is launched, bringing nevertheless not so many concrete changes. The EU institutions reaffirm the future of the WB countries in the EU and reaffirms also the merit-based process. In this strategy, the Commission conveys the possibility for Montenegro and Serbia to potentially be ready for membership by 2025, given the continuous reform progress. The strategy presented six focus areas, in which the EU committed in offering “unprecedented support” (European Commission 2018a, 18). The areas in question are rule of law, security and migration, socio-economic development, energy, digitalization and good neighbourly relations. and by the 2020 Commission new accession process aiming to make the process “more credible, with a stronger political steer, more dynamic and predictable” (European Commission 2020). Following the failure of opening the accession negotiations with Albania and North Macedonia (blocked in by France, Denmark and the Netherlands) during the EU summit in October, in February 2020 the new Commissioner for Enlargement, Olivér Várhelyi, announced the revised methodology of the Enlargement strategy. Accordingly, the new methodology would reaffirm the merit-based approach but would seek to enhance the credibility and the predictability of the strategy and increase the trust between the stakeholders (Commission 2020). The new methodology would also bring an innovative aspect, which is the grouping of the acquis chapters in six thematic clusters, and each of them would be opened as a whole, after meeting the opening benchmarks, which would render the process more dynamic (European Commission 2020).

Generally, the so far presented text could be considered as supportive to the general assumption that the initial conditions of Czech Republic were closer to the EU standards than the initial conditions of BiH. If we consider the developing of the relationship between the EU and the each of the countries explained above, it can be argued that for Czech Republic it was easier to meet the EU criteria, establish bilateral agreements and achieve the opening and closing of negotiations with the Union. Contrary, due to its difficult recover from the wartime destructions, the challenging decentralized institutional set up whose functioning is complicated by ethnic

features and political parties vetoing reforms, BiH achieved the signing of the SAA agreements in 2015 only. Additionally, the revised Commission enlargement strategies have confirmed that the special case of Bosnia, needs special treatments. For instance, the fact that the signing of the SAA agreement was achieved only because the EU leaders agreed to postpone the *Sedic and Finci* related constitutional reform and accept instead a written statements from the Bosnian leaders is a proof of an uncommon treatment.

10. Administrative capacity: assessing the initial misfit

The empirical research in this chapters seeks to test the first element of the first assumption which is that that the misfit of the initial domestic conditions and EU standards with reference to public administration, were higher in Bosnia and Herzegovina than in Czech Republic.

However, turning to the core of the research, thus the administrative capacity-building, in order to assess the misfit between the EU standards and the domestic conditions of the public administration three steps are necessary: firstly, presented will be the EU standards; secondly the domestic capacity with reference to the public administration before the application of the EU administrative conditionality to their respective national institutions; and lastly the assessment of the misfit.

The administrative conditionality was first mentioned in the conclusions of Madrid European Council in 1995, where it was pointed out that, along with the Copenhagen accession criteria, enlargement should comprise the adjustment of the administrative structures of aspirant states, to guarantee a harmonious integration in the Union (Madrid European Council 1995, 18). Afterwards, the administrative conditionality became present in all the Commission Regular Reports, Phare programmes, Accession Agreements, SAP, Commission Strategy Papers and Opinions. The administrative capacity became so connected not only with the membership political criteria or with the capacity to implement the *acquis Communautaire*, but also with the capacity to implement the bilateral agreements. Administrative capacity of candidate countries emerged to be one of the most important aspects for the smooth Europeanization process as good administrative structures permit to the candidate countries to transpose the extensive EU *Acquis Communautaire*.

It must be noted that when the administrative conditionality was developed, the EU did not dispose of a common framework of administration organisation at the EU level. Besides that, the public administration does not fall under EU competencies, but the members of the Union are obliged to implement and enforce the EU directives and regulations. The latter is

particularly important as only through proper implementation all the EU citizens can enjoy of the same rights in all EU member states (Pereto and Freiberty 2007). Clearly, the absence of a solid public administration model which the candidate countries shall follow what might have created confusion and uncertainty which reform process was suitable (Dimitrova 2004). However, despite the absence of a legal ground that would harmonize horizontally the public administration among the EU states, throughout the years a common understanding and general consensus on the key principles and components pertaining to a functioning public administration was developed, including principles of rule of law, accountability, predictability, reliability, transparency, technical and organizational capacity and inclusion of citizens' participation (OECD 1999). This brought to the establishment of the general conditions and principles of the "European Administrative Space", which embodies the convergence of the administrative practices of the MS that should be taken into consideration by candidate countries in order to share the same common standards.

With regard to that, the EU launched in cooperation with the Organization for Economic Co-operation and Development (OECD) a joint initiative on Support for Improvement in Governance and Management (SIGMA), whose first main task was to develop the 'European Principles for Public Administration' and secondly to guide the countries in public administration reforms (OECD 1999). Accordingly, the initiation of SIGMA's had three aims: 1) firstly, to guide and assist the countries in building and improving their administrative capacities in respect of the democratic values, ethics and rule of law; 2) prepare so their administrative capacities for EU integration and internationalization; 3) co-ordinate the financial support offered to the beneficiary states by the EU and other donors (OECD 1999, 2). Moreover, although the public administration has different legal grounds among the MS, different definitions and organizational structures, SIGMA individualized the following public administration principles common to the MS of the Union: "1) reliability and predictability (legal certainty); 2) openness and transparency; 3) accountability and 4) efficiency and effectiveness (OECD 1999, 8).

With Sigma, a set of conditions corresponding to the modern civil service reform in democratic states were established. These conditions were: separation of public and private sphere; separation politics and administration; well educated civil servants; job protection, stability pay and definition of right and duties of civil servants; recruitment on merit basis (OECD 1999). To be added to this are the following general principles countries shall take into account: 1) civil service values are legal values that are legally binding by constitutional arrangements and/or

administrative laws; 2) civil servants are not to be considered as employees of the state, but as important actors in our democratic societies, which shall be regulated by the public law and not ordinary labour law; 3) a good public administration does not depend on the civil service system, but other legislative acts shall ensure its proper and efficient functioning(SIGMA 2019). SIGMA reports and data collected are used by the European Commission in the producing of country reports.

Czech Republic

In the frame of Commissions “Agenda 2000” published in 1997, Czech institutions were defined as stabile and capable of guaranteeing democracy and rule of law. However, the public administration was acknowledged as not sufficiently prepared for guaranteeing a smooth integration in the Union, while Czech institutions were deemed as not dedicating enough efforts towards the modernization and reform of the public administration (European Commission 1997c). During the communist regime, the Czech institutions were subject to a centralistic planning based on party policy, where crucial elements of rule of law were lacking. The legacy of the past was entrenched in the public administration: many employees from the communist regime were still employed and maintained their positions, the public administration was still highly connected with politics and/or under political control, the public administration was corrupted and episodes of power abuse present. The public administration capacity was not only fragile but the drawbacks it presented undermined also the public trust in its efficiency (European Commission 1997c).

The salaries in the public sector were up to three times lower than in the private sector, reason why many qualified public officials abandoned their posts to seek for a job in the private sector. This emerged to be problematic and not only led to the lack of qualified experts but also affected a correct, modern, and effective functioning of the public administration. Moreover, subject to concerns was also the fact the country was missing a plan for modernizing the public administration (Commission 1997).

Czech Republic therefore did not dispose of an “unified system of public administration” and was governed by an adequate management (European Commission 1999b). A legal definition of a civil servant, or distinction between political appointees and career officials was missing. As matter of fact, the civil service was governed by the Labor Code, meaning civil servants were treated as any other worker in the country (Freedom House 2003). The coordination between ministries was scares and inefficient, while the lack of legal experts was affecting

effective EU integration, and low salaries were favouring an environment for short-term employments and discouraging professionalism (European Commission 1999b).

Bosnia

When taking into consideration the Commission's first reports, in the frame of SAP, on the countries progress towards closer relationship with the EU, it can be noticed that the Commission acknowledged the fragile administrative structures in the region, emphasizing the lack of qualified staff and operational budget, what makes the implementation of new laws, when adopted, very scarce. As it is noticed, this is many due to the recent history of the countries, which were still under the process of institution-building and democracy consolidation (European Commission Report 2002, 2003). In fact, while the Commission highlighted the importance of a modern, functioning and democratically accountable administration for the further membership and urged the SEE countries to demonstrate commitment and engage in the reform of the public administration, for BiH other priorities are individualized. Namely, in the first Commission reports, the country is asked primarily to concentrate on becoming a "self-sustaining European state" based on rule of law. As explained in the previous chapter, BiH suffered highly from the war which was concluded with the Dayton Peace Accord. The new decentralized system was difficult to be translated in practice and the country was highly depending on international community in the process of institution-building (European Commission 2002b, 2003). Moreover, relying on the Constitution, the public administration and the civil service is ethnically institutionalised, and it shall represent the proportion of the population according to the latest census (OECD 2012).

As in many other areas, there was no clear and effective distribution of competencies regarding public administration in BiH, while a very wide number of politically motivated public servants were employed at the state, entity as well as cantonal levels (European Commission 2004).

However, when in 2000 the Commission published the "Roadmap" containing 18 conditions BiH should meet for a successful launching of a feasibility study on the countries readiness to initiate SAA, the second political point was the adoption of a civil service law. Similarly, in the 2003 Feasibility Report it is confirmed that if progress towards EU integration wants to be achieved, the country has to create the grounds for an effective public administration, including cost assessments for public administration reform as well as no how the competences should be shared between certain levels. As the public administration was multi-layered competencies between the different level were not clearly defined and in some cases there was an overlapping of competencies. In addition, this comported an extensive expenditure of money. The staff

employed were badly equipped and trained, while their remuneration needed to be cleared. These challenges are explained as a consequence of a country which saw public administration as “patronage resource”, where it was difficult to adopt and implement a non-politically driven instead of a rather merit-based recruitment (European Commission 2003b).

In 2004 the first European Partnership public administration reform and the pertaining action plan for achieving a more effective public administration and Civil Service Agencies at State and Entity levels are deemed as necessary conditions.

The misfit: a comparison

The first analysis conducted confirms the first part of my assumption. The misfit of initial conditions was higher in Bosnia and Herzegovina than in Czech Republic, with regards to the administrative capacities of the two countries and the EU public administration standards.

For Czech Republic is easy to see the misfit as the elements of public administration the country was lacking behind are clearly identified by the Commission in the first yearly reports and opinions. The country is generally lacking a plan for public administration reform, its civil servants are not legally defined and are governed under the Labor code instead of public law as per EU standards, the boundaries between the public administration and politics are blurry, including corruption and misuse of power, the workers are not qualified enough and those qualified leave the posts because they are underpaid. In comparison to this assessment BiH had to firstly go through a process of democracy consolidation and institution-building. The multi-level system that resulted from the Dayton agreement brought to the overlapping or unclear distribution of competencies. However, in BiH as in Czech Republic, the workers were badly equipped and trained, the politics was entrenched in the institutions and the merit-based recruitment was not a common practice. Contrary to Czech Republic, the remuneration in BiH was not clear.

Higher misfit implies higher adaptational pressure, and the assumption in this paper assumes also that due to the higher misfit and higher adaptation pressure, there was a more difficult process of Europeanization in BiH when compared to Czech Republic. This aspect will be addressed in the following paragraph.

12 Building the administrative capacity in Czech Republic

Although the Czech administrative conditions were better developed than when compared to the BiH administrative capacity, the misfit between domestic and EU public administration

standards was still considerable, as assessed in the previous paragraph. In the analysis to follow, examined will be which conditions did the Union set for Czech Republic, how the country responded to them and at which cost were the EU conditions met (if they were met).

As mentioned earlier, the Commission criticized the absence of an action plan for modernizing and reforming the public administration and therefore demanded a reform of the administrative structures in the medium term, which would enable a higher quality service and reinforce Czech's ability to implement all the reform necessary for the pre-accession agreements and successively transpose, implement and enforce the *acquis* (European Commission 1997c).

The Accession Partnership (1998) provided a more detailed list of priorities and necessary reforms. The document contained short-term priorities (to be met by the end of the year) and medium-term priorities (more than one year necessary to achieve them), and the reinforcement of institutional and administrative capacity was defined as short-term priority, which emphasized the urgency of a reform. All the shortcomings of the Czech public administration (lack of staff, lack of qualified staff, low salaries, rules for recruitment, lack of a body with oversight on the civil service and the lack of the civil service law) were tackled by the Accession Partnership. In this regard, the Commission also highlighted that around 30% of the total Phare assistance was dedicated to institution-building, including the strengthening of public administration structure, and how further financial assistance will highly depend upon the compliance with all the criteria outlined in the Accession Partnership. Contrary, if progress is not achieved the suspension of financial help could follow (Accession Partnership 1998). In addition to the strengthening of the administrative capacity as a whole, the introduction of a civil service law was also determined as a short-term priority the country urgently had to meet by 2000 (Council Decision 1999).

As the short-term priority of the public administrative reform has not been met by due time (European Commission 2000) EU institutions have requested the country to show major efforts in the field, as the capacity of implementing the EU *acquis* was highly depending on its the administrative capacity. With the aim of intensively addressing the issue, the EU allocated €4.75 million through the PHARE Programme to the strengthening of the administrative bodies of the country, offering training and preparations to Czech authority officials in the area of *acquis* implementation at regional and national level, EU funds management and training to Supreme Audit Office (European Commission 2001). In addition, technical assistance was provided for the public administration reform (European Commission 2001).

From Czech Republic's side, in the light of the calls from the EU to initiate a reform of public administration because it is highly necessary for the advancements of the EU talks, it can be seen that in 1998 the Government presented the Resolution n. 202/98, which delivered a timetable for the reform of the civil service. However, considering that a legislative proposal was not drafted at that time, a prolongation of the reform and its implementation was expected. Accordingly, the initial timeframe for the new legislation on civil service was scheduled to come into force by January 2000 (Commission Report 1998). In line with such time ambitions, and with the conditions set in the Accession Partnership (1998) of reaching a reform as a short-term priority, the civil service reform was proclaimed as short-term priority by the Czech Government as well. Despite that, the Act on Civil Service was passed by its predicted term (European Commission 2000). Instead, it was postponed and a new timetable for entering into force was scheduled to be 2002 (European Commission 1999b), year in which the Act on Civil Service was ultimately passed. However, its implementation was forecasted to be extended until 2006 (European Commission 2002c). The new civil service law did tackle those issues the Commission identified as problematic, including: the minimal education for civil servants, the requirements for passing exams, the limitation of civil servants' activities, the limitation of political interference, a better social security and social privileges (Freedom House 2003).

Despite deferrals on the civil service law, the Commission Reports provided information on positive steps towards meeting EU criteria. For instance, the Government established an office – the Department for Civil Service – whose responsibility was to coordinate and carry the civil service reform. A Code of Ethics has been established as response to the critique of the lack of such codes for Czech civil servants. As response to the lack of qualified legal experts the Institute of State Administration was established, which would offer training to civil service and increase their legal expertise (European Commission 2001). Moreover, after the Act on Civil Service was passed in 2002, a General Directorate for the Civil Service in the Government Office was created (Meyer-Sahlin 2009). The Czech Parliament passed also a Constitutional Act on the creation of 14 regions, as foreseen by the Constitution (European Commission 1998b). The coming into existence of 14 new regional administrative corps at the beginning of 2001 had a positive effect on the overall administration in the country (European Commission 2001), as it meant decentralizing the system, lightening the central administrative burden, transferring of competencies on regional level and creating a new level of public administration. Ultimately, it significantly contributed to the entering into force of new laws in several areas such as education, social affairs, culture (European Commission 2001).

On the other hand, the efficiency of many alleged steps towards complying with EU administrative conditions has been questioned. For instance, Sigma Reports declare that the establishment of the General Directorate did not bring a substantial change considering that a head of directorate has never been appointed and meaning thus that the office has never been fully operational. As matter of fact, it has been closed in 2005. The was stated on the efficiency of state trainings, which theoretical aimed at equipping civil servants with knowledge on EU political and legal system. Yet, there was no institution in charge of the training management and administration. The Institute of the State Administration was instead delivering trainings on EU presidency, meaning that general training on EU policies were not available (Meyer-Sahling 2009). Finally, the Code of Ethics for Employees of the State Administration has also been criticized as “vague” and with “minimal publicity” (Freedom House 2003).

Clearly, the public administration reform presented also a political cost, since the Union referred in many Reports delivered by the Commission, how the Civil Service Act had to find political agreement, as its promulgation was essential for showing the capability of absorbing the different demands the EU membership was carrying. Additionally, the absence of the same was negatively impacting the public administration, as career perspectives were distorted, short-term appointments were stimulated, and the overall public administration was inefficient. Some authors argue that the civil service reform was blocked by the government deadlock (Beblavy 2002) and by a valuable veto player present in the country - the ODS party in the parliament and the president Klaus (Dimitrova 2005) – fostered further by a weak government coalition who explained the delay of entering into force of the law only in 2005 as due to the floods of 2002 (Freedom House 2004). The Commission repeatedly stressed how political commitment and agreement on the content of the civil service reform was needed in order to achieve an administrative level capable of bearing the responsibilities of an EU membership. The civil service reform was an unpopular, thus politically costly, reform because it implied a de-politicization of the public administration by “removing the discretion of individual minister over personnel decisions in their departments” (Marek and Baun 2010, 57). Dimitrova argues that Vaclav Klaus’ ODS party, as the main opposition party in a government led by CSSD that was also labelled as Eurosceptic in some stances, was systematically rejecting the public administration and civil servant law arguing that such law was not needed, and that modernization could have been achieved by other means (Dimitrova 2005). Such statement and interpretation of the civil service reform relayed on a “political and ideological preferences for a system in which civil servants’ job security would not be guaranteed” (Dimitrova 2005, 31). When the ODS party took over the leadership of the government in 2007, the implementation

of the civil service law was even further postponed (Marek and Baun 2010). The ODS under the leadership of Klaus showed some Eurosceptic aspects and therefore could count as a credible veto player that influenced the process of domestic Europeanization and EU integration (Dimitrova 2005).

In the Commission's communication on the preparedness of the country for the membership published in 2003 it has been stated that Czech administrative capacities were sufficient for the implementation of the EU acquis and for bearing the membership responsibilities, although the Civil Service Act was expected to enter into force only in 2005 (European Commission 2003c). When Czech Republic joined the Union one year later, it was the only Member State without a law regulating the public administration. That meant that in practice the EU minimum standards, legal requirements and principles of good administration were not met (Meyer Sahling 2009). The implementation of the law has been postponed several times, and in 2014 the country was still not disposing of such a law. A country without a legal basis governing the administrative branch implies no boundaries between the politics and administration (Meyer Sahling 2009). According to the same Sigma Report, the not implementation of the Civil Service Act has negatively impacted many aspects, as for instance the transparency of the job advertisement. Due to absence of the civil service law, job vacancies advertisement was not compulsory. Some positions were published, but the higher the level of the position, the lower was the probability it was going to be published. Hence, the competition was influenced as well as the transparency of vacancies fillings.

As mentioned already, the entering into force in 2005 of the civil service law did not happen. Czech Republic has postponed the enforcement of the Civil Service Act until 2014, when a new Act (replaying the one from 2002) has been passed, with expected enforcement in 2015 (European Commission 2018b).

13 Building the administrative capacity in BiH

In the case of Bosnia, administrative conditionality can be found in nearly every official document related to enlargement, starting from the "Regional Approach" from 1996, which among others objectives included the reform of public administration in the countries of the WB.

Although Bosnia and Herzegovina showed some progress in the past two decades, currently it is still holding the status of potential candidate only. That means, the country did not reach the sufficient level of preparedness to start opening the accession negotiations yet. In 2019, the

European Commission published its Opinion on the BiH application for membership, in which it declared that the public administration is at “an early stage” of reform (European Commission 2019, 27).

The reform of the public administration in the country started in 2003, when the Council of Ministers of BiH adopted the “Public Administration Reform – Our Programme” document, which recognized the fragility and inefficiency of the public administration in the country as well as the citizens’ dissatisfaction with it. The document expressed the willingness of the State level to establish a better organized public administration, with professional civil servants and high quality of services for the citizens. It also aimed at establishing conditions for better expenditure of public taxes and for achieving an overall public administration in line with EU best practices. In regard to that, in the light of achieving better coordination and cooperation, an Inter-Ministerial Working Group composed by state, entity and Breko District (BD) representatives and heads of civil service agencies of BiH and RS was formed and expressed common commitment towards developing a public administration reform strategy by 2004 (Directorate for Economic Planning 2010).

In the same years (beginning of 2000), a civil service law was adopted by state, entity and BD authorities. Nevertheless, the degree of civil service law implementation was not equal among these levels: while RS and BD were showing considerable progress, such process in FBiH was far behind. Important to mention is that the FBiH employed at that time 70% of all civil servants in BiH (Directorate for Economic Planning 2010). In 2003 the Directorate for European Integration was established at the state level. The newly established institution intended to coordinate between the numerous ministries and to assist in the tasks as strategic analysis, aid co-ordination and legal harmonization. The Commission asked for full operativity and functionality of DEI as soon as possible (Feasibility Study 2003).

These first steps were welcomed by the Council in 2004, although further political commitment and coordination was highlighted as crucial. The Council admitted that difficulties in achieving a comprehensive and effective public administration reform will arise due to the multi-level system and therefore required leadership on BiH level (European Partnership 2004).

Important for the coordination and implementation of the PAR has been the establishment of a Coordination Office for Public Administration Reform in 2004, which was created following the recommendations of the feasibility study. It has been a challenge to make the Coordination Office operational: as the Reports show, two years after its establishment the office was not still fully operational as it was lacking human and material resources to accomplish its mission

(Council Decision 2006). But, once the Coordination Office started executing its tasks positive improvements were visible, as it engaged also in monitoring the funds for the PAR and in cooperating and coordinating the activities between the different executive levels in the country. Despite that, the missing political willingness was compromising significant results that would ease, or sometimes even allow, the progress towards further EU integration. As the Commission later expressed, the “country’s complex and cumbersome institutional structure continues to undermine efficiency” of the PAR and the new laws implemented as the Civil Service law (European Commission 2008, 11). In 2005, the Commission (2005, 14) expressed that “Entity governments, in particular Republika Srpska’s, have occasionally been hostile to rationalising the public administration, as this would entail a transfer of competence from the Entity to the State level”.

In particular, the inability of the state level authorities and government to positively influence the process was not welcomed by the Commission (European Commission 2010), who reported that the state level blocked the appointment of personnel to key state bodies due to political reasons (European Commission 2010). The poor effectiveness of the state level public administration was emphasized by Sigma in its 2010 report as well. For instance, the appointment of some crucial bodies, as the Communications Regulatory Agency, State Aid Council and electric transmission company TRANSCO, expects the state authorities. However, this has been postponed for years, postponing in that way also the fully operability of those bodies (European Commission 2011, European Commission 2012, European Commission 2013). The Commission reported on attempts to politicize managerial staff at the state level (European Commission 2013).

The civil service maintained in BiH remained fragmented, with the fragmented nature being intensified in the FBiH (OECD 2013). In the area of civil service law, the Federal Civil Service Agency lost its authority on the West Hercegovina canton, which set up its own Civil Service Agency. The Federal Constitutional court ruled the decision as not unconstitutional, to what the Union responded with concerns. Such ruling created not only cause further budgetary burden on the Federation, but also paved the way for even further fragmentation in the already fragmented civil administration and established the legal ground for other cantons to institute their own Civil Service Agencies (Sigma 2010, European Commission 2010). Over the years, this resulted to be the case as in 2019 there were seven out of 10 cantons with their own civil service laws. This was assessed by the Commission as a backslide, accentuated fragmentation and risk of even higher politicization (European Commission 2016).

On top of that, the distribution of power was still unclear in many segments not between the different government levels, but also at one single level. The progress in the civil service and administrative laws showed to be uneven across the country, RS showed better improvements when compared to state, federation and BD level (Sigma 2010). As the Sigma 2010 Report highlighted, under the current constitutional set up of the country, the achievement of an unified and well-coordinated public administration is almost impossible. Furthermore, the constituents have demonstrated only limited interest in achieving a constitutional reform and hence in easing a PAR that is efficient, transparent and less costly (Sigma 2010).

In 2015 the FBiH amended the Civil Service Law by removing senior and middle management officials from the legal definition of civil servants. This was another clear sign of a backsliding and attempts of politicizing the appointment of civil servants in the Federation (European Commission 2016).

The complexity of the Dayton Peace Agreement combined with the lack of political support made the public administration in BiH a mission impossible. The decision-making in the country is based on the consensus-building practices at all the levels established by the Constitution, which gives room to a vast range of veto players and, with that, possibilities to block the decision-making and slow down the reform process (Sigma 2010). This clearly brought to the amendment of Civil Service laws adopted over years on all the four levels (BiH, FBiH, RS and BD) towards different directions, resulting in different, overlapping, contradictory legislations.

The political interference and political membership were still highly present in the process of employing staff in public administration, although the State Civil Agency showed some improvements, as actively providing training to its staff. The recruitment had to be modernized, but also urgently needed to “limit the role played by ethnic identity” in this process, while it expressed concerns on politically motivated recruitment procedures (European Partnership 2004).

The problem of politicization of the civil service was present in all the Reports. The civil service remained highly politicized while the calls for modernization and transparency were not taken into consideration yet. In fact, no progress was showed in the fight against party affiliation in the process of employment of staff (European Commission 2010, 11). The Commission additionally reported attempts by the Federal authorities to politicise the civil service (European Commission 2010, 11).

The ethnic interference in the public administration is able to “mask political patronage and cronyism” and block a creation of a professional public administration (Sigma 2010, 7). Throughout the years, the authorities made sure to include merit-based recruitment as one of the main principles of PAR, but it practice the tendency has been to continue promoting internal competition, while the managerial positions remained attached to the political affiliation and ethnic belonging (Commission Report 2014) and the legal procedures and their applications were unclear (Commission Report 2016). Ethnic based provisions in the Constitution are being misinterpreted and misused against the merit-based procedures (Commission 2019). The Constitutional provisions aim to ensure that all the constituent peoples are represented proportionally to their population in the country, which does not correspond to ethnic proportionality in the civil service system. Therefore, stricter merit-based rules should be developed in order to ensure that the two principles are correctly applied (Commission 2019, 25). Ethnic representation moreover leads to the employment of civil servant pertaining to the three major constituent peoples, while limiting the opportunities of the other ethnic minorities (OECD 2012).

The remuneration of civil servants resulted to around 40% higher than in the private sector. Moreover, as different pay systems were in place, there was no harmonized remuneration inside the country and the same service was often not remunerated equally (European Commission 2015). The sole appointment of the members of selections committee in recruitment process was not transparent while the political heads of an institutions would have the final scrutiny on who would be chosen. At the cantonal level, evidence showed that ethnic belonging is the most important factor in selecting a candidate, ignoring the merit-based procedure practices (European Commission 2019).

Overall, there was no significant improvement in training the staff and employing qualified personnel in none of the levels (European Commission 2005c).

The strategic framework on PAR adopted in 2006 by BiH authorities and revised in 2011 was expiring in 2014, and the authorities had to develop a new framework for carrying out the reform. By 2019 the strategic framework for PAR for the 2018-22 timeframe was adopted by State, FBiH and BD but not by RS (Commission Opinion 2019). Once again, the political support hinder the harmonious implementation of reforms at all governments levels; in that regard, the Commission considers it necessary to create a functioning political body that would “steer and coordinate reforms across all levels of government, strengthen the existing

coordination structures at technical level, and ensure sufficient funding for the reform efforts.” (European Commission 2019, 24).

However, despite all the challenges, the lack of progress and not implementation of the many European Commission priorities, the PRA and the Action Plan 1, with all its fragilities and almost impossible coordination and realization, presented one of the policies with an approved Strategy on State, FBiH, RS and BD level. In addition, the PAR was repetitively mentioned as a priority for state, entity and BD levels (OECD 2014, Sigma 2017). In 2014, the Commission as well emphasizes the strengthening of the administrative capacity as one of the key priorities (Commission 2014) and in 2015 the SAA enters in force.

14 More conditions determinacy, less conditionality credibility?

The administrative conditionality was introduced by the Madrid European Council in 1995, two years after the formal establishment of the Copenhagen accession criteria. The importance of the administrative conditionality can be noticed through its presence in all enlargement strategical documents, progress reports, action plans and opinions on the (potential) candidate countries.

However, with establishment of the administrative conditionality the Union was requiring reforms, changes and modernizations, without being itself a model to be followed since it did not dispose of common administration rules, nor common framework of administrative standards. The absence of the common EU rules on the public administration at the beginning of the opening of negotiations with Czech Republic (1997) and at the time of initiating the regional approach towards the Western Balkans countries (1998) affected the assessment of the initial misfit. The idea of the public administration at the EU level was very vague, until the cooperation with the OECD and the establishment of SIGMA and European principles in late 90s (Meyer-Sahling 2009). Only upon the establishment of clear conditions from the Union's side, it was possible to identify a clear and high misfit and adaptational pressure for both Czech Republic and BiH. As explained, according to the principles outlined by SIGMA, the countries were expected to: de-politicize the administration, offer training to civil servants, define their rights and duties, define the concept of civil servant, offer a clear separation between public and private and between public and politics and develop a merit-based recruitment process. With this, not only the misfit becomes clearer, but the clarity of the EU conditions becomes higher.

Moreover, if we compare the first Commission's opinion on the Czech Republic's application for membership (from 1997) with the opinion on the BiH's application, we can see a higher degree of clarity of administrative conditions, as the second document provides a definition of public administration reform in the context of enlargement. Accordingly, the document specifies how an effective reform of public administration should be based on six areas (provided by the Principles of Public Administration) which are: "professional civil service; inclusive and evidence-based policy and legislative development; well-defined accountability lines between institutions and towards citizens; capacity to deliver services to citizens and businesses; and a sound public financial management system" (European Commission 2019). The aspects of the administrative conditionality became present in all the Commission reports and opinions, being tackled in the chapter dedicate to the executive and additionally having a

separate chapter on the administrative conditionality. Through that, and through the establishment of the EU principles of good administration by SIGMA, the clarity and formality of the conditions has significantly increased.

Before the clear listing of administrative capacity principles, good administration inside the Union might have meant different concepts for any of its MS. Such conditions affect the consistency of the conditions and, as end effect, the credibility of conditionality. Later on, we can see that for Czech Republic the increase of EU criteria determinacy did not lead to the direct implementation of the rules and reform of public administration. The country has manipulated to some extent the administrative conditionality and entered the Union without meeting the criteria related to it. The small improvements Czech Republic showed and single issues it tackled in the period prior to the accession can be considered as way to present a “reform by other channels and means” that has not contributed to the “suitability or effectiveness of the reform, but simply the response to EU conditionality” (Dimitrova 2005, 32). The manipulation of the interpretation is a sufficient form for negatively affecting the credibility of conditionality.

Furthermore, in the case of Czech Republic, it must be noted that the country was generally meeting the EU accession criteria and in overall progressing well towards meet the remaining conditions, as expressed by all the reports. The reward the Union was offering for complying with its rules was the full Membership. Nevertheless, if we rely on the assumptions of the External Incentives Model, being close to the membership usually implies higher degree of rule adoption, as the countries want the final big reward. The public administration reform does not meet this assumption. The fact Czech Republic achieved some degree of compliance with the EU standards but avoided big and substantial reforms, therefore did not fully comply with the administrative conditionality, but yet entered the Union could be explained as the following. Because of its closeness to the membership, the country enjoyed of a lower threat of exclusion from the full integration in the Union and hence the threat of losing the final reward. Dimitrova (2005, 37) argues that “Low credibility of the threat of exclusion from the enlargement process has made rule adoption more difficult in countries perceived as forerunners and has made changes in adopted rules a possibility at a later stage.”

Allowing a country to become full member of the EU while being the only country without a functional administrative system that meets minimum EU standards, directly affects the reliability of the administrative conditionality and raises the question if the future candidate state are going to respect this condition when knowing that, based on this example, administrative conditionality can be manipulated and eventually reforms can be implemented

after accession. Recent developments of the Czech reform of public administration show the implementation of a new Act in 2015, after the EU has threaten of withdrawing the financial aid allocations. This demonstrates the power of the conditionality credibility and especially of the threat of withholding the rewards in the case of non-compliance.

When we compare this credibility of conditionality to the Bosnian case, it could be argued that the use of conditionality in Europeanizing and creating and effective public administrations in BiH results not to be effective or even applicable to the complicated nature of this country (OECD 2012). In fact, conditionality was created for sovereign countries that do not depend on international community to function. In the meanwhile, BiH has seen a strong and influential presence of the international community on the one hand and on the other hand weak, ethnically and nationally prone political atmosphere and politicians unable to take ownership of their reforms live in an absence of a central government capable of exercising the powers of a sovereign state. The EU final reward, the membership in the Union, is clearly so far in the time for BiH and is not credible for the current situation of the BiH institutions, presenting therefore a not credible or enough incentive for the domestic actors to conduct costly reforms as the public administration reform.

15 Europeanization of the public administration in BiH and CZ: A conclusion

The empirical analysis presented in this paper was qualitative and comparative. Bearing in mind that during the enlargement process the Union europeanizes the aspiring members in the way that it requires from them to conduct reforms that are in line with the EU standards, this thesis asked why was Europeanization successful for some countries and ultimately led to EU membership, while for other countries, especially in the current enlargement, the Europeanization appears to deliver only limited results.

To answer the research question, this research compared the process of Europeanization of the administrative capacity of Czech Republic to the process of Europeanization of the administrative capacity in Bosnia and Herzegovina, based on the External Incentives Model. The method utilized was the progress tracking. The first stage of the comparison was the analysis of the domestic administrative capacity conditions of both countries before Europeanization, followed by the assessment of EU conditions the countries had to comply with. The final stage was to analyse how (or if) the two countries have complied with the EU

rules, including which constraints that have faced, what rewards they have been offered and how determinate were the conditions expressed by the Union.

The analysis followed two assumptions and from the empirical testing these conclusions can be drawn:

Firstly, the assumption that the initial conditions of Czech Republic at the beginning of the process of European integration were closer to the EU standards than those of BiH has been tested as valid. Misfit of the initial conditions of the public administration in BiH when compared to the misfit in Czech Republic was higher. Bosnia showed to face many more challenges and struggled with the democracy consolidation and institution building processes, along with the highly decentralized and multi-layered public administration system. Therefore, Bosnia and Herzegovina faced a higher adaptational pressure, when compared to Czech Republic.

The initial misfit influenced the process of Europeanization of the public administration. Although efforts were present in both countries, the higher number of veto players in BiH jeopardized the downloading and implementation of EU rules and limited therefore the degree of Europeanization. Veto players are considered higher in number in BiH because of the multi-layered system that allows the blocking of a policy on many levels. The veto players, however, impeded the Europeanization process in Czech Republic as well. Although the latter met some parts of the EU administrative conditionality criteria, the public administration reform was blocked by the veto in the country.

Over the years, the determinacy of EU conditions with regards to the administrative capacity increased. When introduced in 1995, their nature was very vague and left a large space for misinterpretation and manipulation. SIGMA provided from 1999 a clearer definition of the public administration principles and the European administrative space, and outlined the basic values of a modern, transparent and efficient public administration. With this, the first part of the second assumption can be confirmed.

However, the increasing of the determinacy of the EU conditions did not lead to a more effective implementation of EU rules, as the process of Europeanization was limited by a low conditionality credibility. A low conditionality credibility has been tested for both countries, Czech Republic and Bosnia and Herzegovina. Combined by the presence of the veto players, this highly influenced the process of Europeanization of the public administration in both countries. However, the conditionality credibility is tested as even lower for Bosnia and

Herzegovina than it was for Czech Republic, which can be argued as an additional factor hindering the successful Europeanization.

Therefore, we can conclude that:

- The misfit as prerequisite for Europeanization was present in both countries, however this was higher in Bosnia and Herzegovina than in Czech Republic,
 - The adaptation of EU rules was costly for both countries. The presence of veto players was evidenced in both countries, and in both countries it hindered the process of Europeanization. Nevertheless, the higher number of vetoes in Bosnia when compared to Czech Republic contributed to a more difficult process of Europeanization;
 - The determinacy of EU conditions did increase over time,
 - but the conditionality credibility decreased in the context of public administration, what contributed towards limiting the process of Europeanization in both countries.
- Notwithstanding with the low conditionality credibility in both countries, the credibility was tested lower in BiH when compared to Czech Republic.

The assessment of the two hypotheses allows the answering to the main research question. It could be argued that the Europeanization outcome, as the literature also suggests, depends on domestic and EU factors. From the comparison presented in this paper, it can be seen how the initial misfit plays an important role, however it is not the only precondition for successful Europeanization. Although Czech Republic presented a lower misfit in initial conditions than Bosnia and Herzegovina, it did not fully comply with all EU rules regarding the administrative capacity, showing hence a limited degree of Europeanization. Factors that might have influenced the restricted compliance were identified to be the veto players, the low conditionality credibility and the closeness to the final reward: the EU membership. The initial misfit in BiH was much higher than the one verified for Czech Republic. In addition, the internal institutional setting and the presence of many vetoes combined with the low conditionality credibility could be argued to be the cause of the limited Europeanization of the public administration in BiH.

The scope of the study was to contribute to the understanding of Europeanization in the context of enlargement. However, the outcome of this analysis might have implications on the

enlargement as a whole because through this analysis one could also learn that the conditionality principle and the external incentives which successfully functioned in CEE countries and delivered positive results, are not appropriate for a country that is democratically, politically and institutionally fragmented and fragile as BiH is. However, this thesis and the analysis conducted does not allow me to come to conclusions on what kind of approach would be more appropriate for easing and unblocking the Europeanization and accession process of Bosnia and Herzegovina, which is one limitation of the study. It is an aspect that deserves a separate study, and which does not fall under the scope of this study.

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