



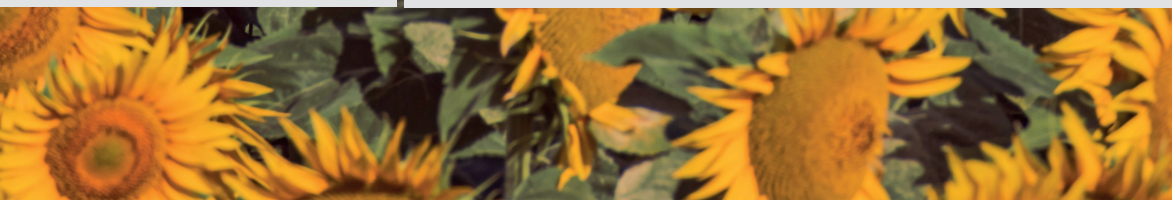
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What it takes to join the EU:
Conditionality, Sectoral Integration
and the Transformation of
Enlargement since 1991



What it takes to join the EU

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Andrea Gawrich/Doris Wydra*

Table of Contents

A.	Introduction	A 1
B.	From Copenhagen to Transformation: The Formation of Conditionality in the Eastern Enlargement Process	A 3
C.	Conditionality under Strain: The Western Balkans and the changing context of enlargement	A 8
D.	Reconfiguring Conditionality: Between sectoral integration and geopolitical enlargement	A 12
E.	Conclusion	A 18

A. Introduction

Enlargement has long been one of the European Union's central instruments for defining the continent's political and geographical contours. From early enlargements primarily aimed at consolidating and expanding a common market, to later rounds driven by explicitly political objectives, enlargement has served both economic and normative purposes. While the accessions of 1973 and 1995 were oriented mainly towards market integration and economic cohesion, the Southern and Eastern enlargements since the 1980s increasingly framed accession as a tool for making Europe safe for democracy. Enlargement thus became a strategy for fostering the societal foundations of democratic stability – economic development, elite commitment to democratic rules, and the institutional infrastructure required for democratic governance. In this understanding, enlargement served to anchor Europe in a shared commitment to liberal democracy and open markets, thereby transforming the continent

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into a space of stability, security, and peace, while simultaneously enabling the Union to project these achievements beyond its borders.

While democracy and market economy had always figured prominently in the logic of EU enlargement, conditionality acquired a qualitatively new role with the end of the Cold War and the accession aspirations of former communist states. Enlargement was no longer merely a process of incorporation into an existing political and economic order but simultaneously became a project of profound domestic transformation. It was under these circumstances that EU conditionality emerged as the central mechanism linking the promise of integration to demonstrable progress in political, economic, and institutional reform, allowing the EU to steer domestic change in candidate countries. This logic found its most explicit expression in the EU's Copenhagen criteria, which codified accession requirements and provided a more systematic and comparable framework for assessing candidates' readiness for membership.

In the enlargement rounds of 2004 and 2007, this model of conditionality appeared to prove remarkably successful. The prospect of EU membership, credibly linked to clearly defined reform benchmarks, coincided with sustained economic growth and processes of democratic consolidation in acceding states. For a time, enlargement seemed to confirm the transformative power of conditionality. Nevertheless, in the years that followed, signs of strain began to emerge. Patterns of democratic backsliding in several states post-accession have raised questions about the sustainability of the transformations induced under conditionality. At the same time, the protracted and increasingly complex enlargement processes in the Western Balkans have cast doubt on the effectiveness of conditionality in contexts characterised by diminishing credibility, new external pressures and heightened geopolitical and illiberal contestation.

This paper examines the evolving understanding of conditionality in EU enlargement. It begins with a retrospective reflection on the enlargement rounds of 2004 and 2007 and the transformations they set in motion, tracing how the abstract Copenhagen criteria were translated into concrete processes of Europeanisation with an evolving legal framework characterised by a distinctive interplay between legal rules, political discretion, and fiscally mediated, incentive-based conditionality. Because of its success, this conditionality-driven governance expanded beyond accession itself, shaping policy instruments such as the European Neighbourhood Policy. Conditionality here is understood not as a hierarchical legal relationship or a form of coercion, but as a governance arrangement in which compliance is generated through incentives – most notably access to funds, participation in institutional fora,

and the prospect of membership.¹ Building on this conceptualisation, the paper then turns to contemporary enlargement processes to assess how conditionality has changed since the “Big Bang” enlargement, examining shifts in both requirements and incentives, and situating these developments within a broader set of challenges facing merit-based and conditionality-driven enlargement.

B. From Copenhagen to Transformation: The Formation of Conditionality in the Eastern Enlargement Process

The EU’s groundbreaking eastward enlargement in May 2004 fundamentally shaped the Union’s subsequent development. The decision to proceed with enlargement in a ‘Big Bang’ format resulted in the accession of the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia, marking the most extensive territorial and political expansion in the EU’s history. Despite substantial criticism and evident shortcomings, the policy-driven enlargement negotiations since the late 1990s have provided significant impetus for the consolidation of democratic institutions, market reforms, and the rule of law across new Member States. From the perspective of the accession countries, “becoming EU member states was ultimately seen as a confirmation of their place as part of democratic and prosperous Europe from which they were torn by the Communist regimes”.² Notwithstanding economic weaknesses and ongoing disputes over the future of the EU’s constitutional architecture, parliamentary decisions in the EU Member States as well as referendums and parliamentary approvals in the candidate countries demonstrated solid legitimacy on both sides, despite limited public enthusiasm in the old Member States.³ This unprecedented enlargement unfolded under conditions of pronounced political urgency and is best understood as a policy characterised by procedural pragmatism. It retrospectively appears to have been a fast-track process, based on newly established policies and institutional arrangements on the EU side and accompanied by extensive

¹ A. Baraggia, M. Bonelli, Linking Money to Values: The New Rule of Law Conditionality Regulation and Its Constitutional Challenges, *German Law Journal* 23 2022, pp. 131 et seq.

² M. Mišík, M. Brusenbauch Meislová, 20th Anniversary of the EU Eastern Enlargement: Stocktaking of the Membership Experience, Challenges, and Opportunities, *Journal of Contemporary European Studies* 33 2025, p. 314.

³ B. Lippert, Die Erweiterungspolitik der Europäischen Union, in: Weidenfeld/Wessels (Hrsg.), *Jahrbuch der Europäischen Union* 2003/2004, 2004, p. 419-30.

economic, administrative, and political support for the candidate countries.⁴ Rather than following a comprehensive functional master plan or a clearly articulated normative blueprint, enlargement governance evolved incrementally. Gradual policy developments, subsequent adjustments, and political realignments shaped the instruments the European Commission employed throughout the preparation and negotiation phase. As Anghel and Jones observe, this pragmatism extended beyond the Commission to the European Council and national governments: “The principal actors in the European Union did not plan where they ended up in the enlargement story; rather, they made the best of a challenging set of influences and events”.⁵ The democratic backsliding after accession in Hungary, and to a more limited and temporally contained extent, in Poland also showed the fragility of the normative adjustments.

This mixture of normative framings – centred on democracy, the rule of law, and market-economy standards – and pragmatic, problem-solving-oriented control mechanisms has increasingly been interpreted as a specific method of European unification. Enlargement combined rational-institutionalist motives aimed at stabilising the continent and enhancing the competitiveness of the European market under global pressure, with constructivist self-descriptions of the EU as “normative power”, while deliberately preserving room for political discretion. Internally, the Union did not pursue a single comprehensive constitutional reform prior to enlargement. Instead, it relied on incremental treaty-based adjustments, notably the Amsterdam and Nice Treaties, reflecting a pragmatic approach to the simultaneous challenges of deepening and widening with functionality outweighing institutional elegance. Reform steps were often undertaken only once blockages became apparent, further underlining the tentative and adaptive character of enlargement governance. From today’s perspective, marked by re-autocratisation trends and the decay of the rule-based global order, the enlargement policy of the 1990s and early 2000s appears to have been shaped by an illusory end-of-history paradigm,⁶ assuming the fundamental attractiveness and self-sustaining superiority of democratic governance and market economies once institutional alignment had been achieved.

This procedural pragmatism must be situated within the broader transformation of EU enlargement following the Cold War. The EU faced a challenge

⁴ H. Grabbe, *Six Lessons of Enlargement Ten Years On: The EU’s Transformative Power in Retrospect and Prospect*, JCMS: Journal of Common Market Studies 52 2014, p. 40.

⁵ V. Anghel, E. Jones, *Failing Forward in Eastern Enlargement: Problem Solving through Problem Making*, Journal of European Public Policy 29 2022, p. 1106.

⁶ F. Fukuyama, *The End of History*, The National Interest 16 1989, pp. 3–18.

it had not previously encountered at this scale: how to organise enlargement toward a large group of politically and economically transforming states under conditions of institutional uncertainty, asymmetric readiness, and high geopolitical stakes. The prospect of accession for post-communist states created both strategic opportunities and regulatory risks. The Union responded by constructing an increasingly structured enlargement regime designed to discipline, sequence and incentivise domestic transformation and based on conditionality that translated broad accession principles into monitorable and incentive-linked reform requirements. What is now Article 49 TEU contains only sparse admissibility criteria; the practical governance of enlargement was therefore constructed through institutional practice: European Council criteria-setting, Commission opinions, screening procedures and negotiation frameworks. Enlargement thus developed less as a codified regime than as an evolving institutional process combining political discretion with structured compliance assessment.⁷ The Copenhagen criteria, adopted in 1993 and reaffirmed in Madrid in 1995,⁸ functioned as normative anchors within this architecture. However, they were permanently embedded in a decision structure in which the final determination remained political.⁹ This legal underdetermination proved constitutive rather than accidental. Because the Treaties did not predefine an accession methodology, the Union could progressively translate abstract accession norms into operational benchmarks and reform requirements.

The Copenhagen criteria are conventionally divided into three areas: political criteria relating to the stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities; an economic criterion requiring a functioning market economy capable of withstanding competitive pressures within the internal market; and the

⁷ O. Costa, G. Marti, K. Caunes, A Roadmap for Enlarging and Reforming the European Union: Taking the Report of the “Group of Twelve” Seriously, *European Law Journal* 30 2024, p. 468; A. Duff, How to Avoid Another Botched EU Enlargement by Sticking to the Rules, *Verfassungsblog*, 22 March 2024, <<https://verfassungsblog.de/sticking-to-the-rules/>> (accessed 01.02.2026); D. V. Kochenov, E. Basheska, Ukraine and the EU Enlargement: What Is the Law and Which Is the Way Forward?, *European Journal of Risk Regulation* 2025, pp. 1–17.

⁸ M. Fröhlich, A. Trautmann, 25 Jahre europäischer Beitrittsprozess von Osterweiterung über Stillstand zu notwendigen Reformen, *Zeitschrift für europarechtliche Studien* 25 2022, pp. 733–54.

⁹ R. Coman, A. Buzogány, The European Union’s Response to the Rule of Law Crisis and the Making of the New Conditionality Regime, *JCMS: Journal of Common Market Studies* 62 2024, pp.102–12; Z. Darvas u.a., Ukraine’s Path to European Union Membership and Its Long-Term Implication, *Bruegel Policy Brief* 05/2024.

adoption of the *acquis communautaire*.¹⁰ Yet both the political and economic criteria remained deliberately vague. EU heads of state and government avoided agreeing on explicit definitions of democracy, adequate rule-of-law standards, or human rights obligations, not least because these concepts were themselves only partially codified at EU level until the Lisbon Treaty entered into force in 2009. From a constructivist perspective, such vagueness poses clear risks. Compliance with international norms typically requires clarity and specificity; the more general the benchmarks, the greater the likelihood that they will be ignored, selectively interpreted, or contested. At the same time, the inclusion of vague terms may constitute a strategic choice, facilitating flexible negotiation and compromise under conditions of heterogeneity and uncertainty.¹¹ Such an impact has been, for example, particularly visible in the political criterion of respect for and protection of minorities.¹² The obligations reflected concerns among EU leaders that violent conflicts, minority disputes or severe discrimination might be imported into an enlarged Union. However, during the Eastern enlargement, the EU itself had not yet developed comprehensive internal standards in this field. As a result, the European Commission relied heavily on norms borrowed from other regional organisations, most notably the Council of Europe's Framework Convention for the Protection of National Minorities. Applying externally developed norms within the EU's conditionality framework generated legitimacy problems, as several Member States had not ratified the Convention themselves while demanding compliance from accession countries, which created a clear normative double standard. Minority protection has been absent from association agreements prior to the Copenhagen criteria, after which more concrete obligations have been imposed on the candidate countries, particularly in the Baltic cases, with an emphasis on language protection. Across Eastern candidates, the EU Commission reports increasingly focused on Roma protection, though these demands were softened toward the end of negotiations, suggesting strategic relaxation. Overall, minority-related conditionality expanded over time but remained unevenly applied.

¹⁰ T. Marktler, *The Power of the Copenhagen Criteria*, *Croatian Yearbook of European Law and Policy* 2 2008, pp. 343–64.

¹¹ M. Finnemore, K. Sikkink, *International Norm Dynamics and Political Change*, *International Organization* 52 1998, pp. 887–917; T. Linsenmaier, D. Schmidt, K. Spandler, *On the Meaning(s) of Norms: Ambiguity and Global Governance in a Post-Hegemonic World*, *Review of International Studies* 47 2021, pp. 508–27.

¹² G. Sasse, *The Politics of EU Conditionality: The Norm of Minority Protection during and beyond EU Accession*, *Journal of European Public Policy* 15 2008, pp. 842–60.

All in all, the conditionality regime established for Eastern enlargement was the most comprehensive in the EU's history.¹³ Scholarly accounts of its impact have focused either on strategic calculations (where domestic actors adopt EU rules to solve policy problems or secure material benefits) or on processes of socialisation and norm internalisation.¹⁴ However, even during the first Eastern enlargement, it was a misperception to assume that the EU operated as a monolithic entity applying a uniform set of conditions independently of context.¹⁵ The EU's self-portrayal of 'objective' and equal treatment across candidates masked the central role of political compromise and steering in determining whether and how standards were deemed satisfied.¹⁶ The Eastern enlargement can therefore be understood as an iterative negotiation process in which the Commission and Member States repeatedly defined interim targets, introduced transitional periods, and established sectoral exceptions, such as in labour mobility or agricultural subsidies, to avoid political deadlock.

Within this architecture, conditionality operated through structural asymmetry. Candidate states were subjected to dense compliance expectations, while accession outcomes remained politically contingent. Fulfilling benchmarks never generated a legal entitlement to membership. In the context of the Eastern enlargement 2004, strategic calculations, geopolitical considerations, but also normative commitments of Member States constituted the decisive variables shaping accession decisions. Subsequent assessments have stressed the gains derived from the Eastern expansion of the Union,¹⁷ yet also note that successive crisis cycles, geopolitical shocks and widening preference

¹³ H. Grabbe, *European Union Conditionality and the "Acquis Communautaire"*, *International Political Science Review / Revue Internationale de Science Politique* 23 2002, pp. 249–68.

¹⁴ R. A. Epstein, U. Sedelmeier, *Beyond Conditionality: International Institutions in Postcommunist Europe after Enlargement*, *Journal of European Public Policy* 15 2008, pp. 795–805; F. Schimmelfennig, U. Sedelmeier, *The Europeanization of Central and Eastern Europe*, Cornell University Press, 2005; F. Schimmelfennig, U. Sedelmeier, *Candidate Countries and Conditionality*, in Graziano/Vink (eds.), *Europeanization: New Research Agendas*, Palgrave Macmillan UK 2008, pp. 88–101; A. Zhelyazkova u.a., *European Union Conditionality in the Western Balkans: External Incentives and Europeanisation*, in Džankić/Keil/Kmezić (eds.), *The Europeanisation of the Western Balkans: A Failure of EU Conditionality?*, Springer International Publishing 2019, pp. 15–37.

¹⁵ D. Kochenov, *EU Enlargement and the Failure of Conditionality: Pre-Accession Conditionality in the Fields of Democracy and the Rule of Law*, Kluwer Law International 2007, p. 312.

¹⁶ J. Hughes, G. Sasse, C. Gordon, *Conditionality and Compliance in the EU's Eastward Enlargement: Regional Policy and the Reform of Sub-National Government*, *JCMS: Journal of Common Market Studies* 42 2004, pp. 523–51; Sasse (Fn. 13); Schimmelfennig, Sedelmeier *Candidate Countries and Conditionality* (Fn 15).

¹⁷ Mišík/Brusenbauch Meislová (Fn. 3); P. Pasimeni, *Twenty Years After the Big Enlargement: Integration Within the Single Market*, *Intereconomics* 59 2024, pp. 222–3.

divergence among Member States have made the sustainability of earlier integration trajectories increasingly fragile – a development that directly affects the credibility and operation of enlargement conditionality,¹⁸ foreshadowing the challenges that would later become fully visible in the Western Balkans and beyond.

C. Conditionality under Strain: The Western Balkans and the changing context of enlargement

Rather than representing a structural shift away from a previously coherent conditionality regime, the Western Balkans enlargement process makes weaknesses of conditionality even more visible. Critical legal scholarship has long described it as a politically malleable and often overestimated governance device, marked by shifting benchmarks, limited legal determinacy and selective application, particularly in the non-acquis fields of democracy and rule of law.¹⁹ While the Copenhagen framework and chapter-based negotiations formally remained intact, their operation has been transformed by four cumulative pressures: protracted accession timelines, declining membership credibility, crisis-driven geopolitical reprioritisation, and the migration of internal EU rule-of-law and budgetary control instruments into the enlargement sphere. The functionality of conditionality has been recalibrated: rather than primarily serving as a vehicle for comprehensive domestic transformation, it was increasingly geared to risk containment and stability management, with corresponding implications for both effectiveness and normative credibility.

Western Balkan enlargement has been characterised by extended stagnation, repeated procedural resets and shifting methodologies. A growing body of scholarship highlights that the credibility of the membership perspective has eroded, weakening the incentive logic that conditionality presupposes.²⁰ When reform efforts no longer yield predictable forward movement, con-

¹⁸ Anghel/Jones, (Fn. 6); P. Bargués u.a., Engagement against All Odds? Navigating Member States' Contestation of EU Policy on Kosovo, *The International Spectator* 59 (2024), pp. 19–38.

¹⁹ D. Kochenov, Overestimating Conditionality, SSRN, 5.1.2014, <<https://papers.ssrn.com/abstract=2374924>>.

²⁰ M. G. Amadio Viceré, M. Bonomi, External Differentiation as a Strategy of System Maintenance: EU Enlargement towards the Western Balkans, *West European Politics* 2025, pp. 1159–85; N. Kaveshnikov, Ukraine's Membership Application As a Trigger to Reform the EU Enlargement Policy, *Herald of the Russian Academy of Sciences* 92 (2022), pp. 651–59; M. Rabinovych, EU Enlargement Policy Goes East: Historical and Comparative Takes on the EU's Rule of Law Conditionality vis-à-vis Ukraine, *Hague Journal on the Rule of Law* 16 (2024), pp. 715–37.

ditionality risks becoming symbolically demanding but strategically blunt. Empirical assessments of rule-of-law promotion in the region reinforce this diagnosis. The EU Court of Auditors' (ECA) evaluation concludes that EU action in the Western Balkans contributed to formal reforms, but outcomes remain "technical and operational". The delivery of training courses, the provision of experts to help draft legislation or guidelines, or the renovation of court buildings (as some examples of EU assistance provided) contributed to efficiency, but without the political will in the candidate countries, the ECA concluded, EU conditions and financial means had only limited impact.²¹ This gap between formal compliance and substantive transformation recurs across studies relating in particular to the highly sensitive rule of law and democracy related enlargement negotiation chapters, which frequently report institutional redesign without durable behavioural change.²² Compared to the 2004/2007 Eastern enlargement conditionality has thus become more detailed but not necessarily more effective – a typical case of increasing monitoring density paired with declining transformative return. The 2020 "new methodology" for enlargement – after all seven years after the last enlargement with Croatia joining in 2013 – intensified this trend rather than mitigating it. By clustering chapters and placing the "fundamentals" (especially Chapters 23 and 24 on judiciary, fundamental rights and justice and home affairs) at the centre of negotiating sequencing, the Commission sought to restore procedural structure and political credibility after the French veto on opening accession negotiations with Albania and North Macedonia in 2019. The reform of the enlargement methodology was directly shaped by the French non-paper, which argued that transformation in candidate states had been "too slow" and that tangible benefits for citizens remained insufficient, calling instead for more stringent conditions, stage-based integration and a formally reversible process.²³ The 2020 Communication of the European Commission reframes conditionality from a primarily forward-driving transformation mechanism into a tightly managed compliance regime centred on the fundamentals cluster and continuous political steering. The resulting model preserves conditionality but strengthens the weight of sanction capacities, reversibility and executive oversight, recalibrating conditionality from a rewards structure for

²¹ European Court of Auditors, EU support for the rule of law in the Western Balkans: despite efforts, fundamental problems persist, Special Report 01/2022 (Luxembourg: European Court of Auditors, 2022), pp. 46 et seq., <<https://op.europa.eu/webpub/eca/special-reports/eu-support-to-the-rule-of-law-in-Western-Balkans-01-2022/en/>>.

²² Rabinovych, (Fn. 21), p. 720.

²³ France, Non-Paper: Reforming the European Union Accession Process, November 2019, <<https://www.politico.eu/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf>> (accessed 17.11.2025).

reform success toward an ongoing risk-control architecture.²⁴ The introduction of new instruments, such as the Interim Benchmark Assessment Report (IBAR), illustrates this move toward granular compliance tracking. It carries particular weight in the accession process as it assesses whether interim benchmarks in Chapters 23 and 24 have been met, on which progress across all other reform and negotiation areas depends. Still, the robustness of this seemingly technical assessment process is questioned, as IBAR approvals may signal political encouragement rather than fully verified reform performance.²⁵ Montenegro was the first of the Western Balkan countries to receive a positive IBAR in mid-2024, thereby opening the door to the provisional closure of other negotiating chapters.²⁶ However, the 2025 enlargement report indicates that while key legislative reforms have been adopted on paper, enforcement and institutional practice continue to lag behind.²⁷ This points to a core tension of conditionality: benchmark fulfilment can enable procedural advancement even where deeper governance deficits remain unresolved, creating a partial decoupling between formal performance indicators and substantive progress. Serbia shows a related pattern under different conditions. Having accepted the revised methodology in 2021, it remains formally bound to intensified rule-of-law scrutiny, yet negotiations have stagnated in key clusters amid persistent corruption and governance concerns. Despite documented democratic and rule-of-law backsliding, Serbia has continued to receive procedural advancement signals where technical conditions were met, indicating that economic and geopolitical considerations may override a strictly merit-based fundamentals approach.²⁸ Serbia's growing importance for the EU's lithium

²⁴ European Commission, Enhancing the accession process – A credible EU perspective for the Western Balkans, COM(2020) 57 final, <https://enlargement.ec.europa.eu/document/download/ef0547a9-c063-4225-b1b4-93ff9027d0c0_en?filename=enlargement-methodology_en.pdf> (accessed 16.1.2026).

²⁵ M. Muharemović, P. Usvatov, IBAR: Der Zwischenbericht zur Rechtsstaatlichkeit im EU-Beitrittsprozess, Konrad-Adenauer-Stiftung, Länderberichte, 2024, <<https://www.kas.de/de/laenderberichte/detail/-/content/ibar-der-zwischenbericht-zur-rechtsstaatlichkeit-im-eu-beitrittsprozess>> (accessed 25.1.2026).

²⁶ European External Action Service (EEAS), Historic Day: Montenegro receives positive IBAR, Delegation of the EU to Montenegro, Press and Information Team, 27.06.2024, <https://www.eeas.europa.eu/delegations/montenegro/historic-day-montenegro-receives-positive-ibar_en> (accessed 25.1.2026).

²⁷ Commission Staff Working Document, Montenegro 2025 Report, SWD(2025) 754 final/2, 4.11.2025, <https://enlargement.ec.europa.eu/document/download/9ae69ea7-81d6-4d6a-a204-bd32a379d51d_en?filename=montenegro-report-2025.pdf> (accessed 17.1.2026).

²⁸ M. Emerson, S. Blockmans, A Redynamised EU Enlargement Process, but Hovering between Accession and the Alternatives, SCEEUS Report No 1 2025, Stockholm Centre for Eastern

and critical raw materials strategy increases the political stakes of confrontation, creating additional incentives for restraint in the activation of negative conditionality instruments.²⁹ This illustrates how strategic sectoral interests can moderate the practical deployment of negative conditionality.

While the Serbian case illustrates that the strengthened enforcement vocabulary of the revised methodology does not necessarily translate into the systematic activation of reversibility, the North Macedonian trajectory highlights a different vulnerability of the same framework: even where Commission assessments are broadly positive and technical criteria appear fulfilled, progress may be blocked or redirected through member state-driven conditions and the politically elastic notion of “good-neighbourly relations”. In practice, bilateral disputes, notably Greece’s long-standing veto linked to the Macedonian state name issue and Bulgaria’s subsequent objections concerning historical interpretation, language and minority recognition, halted the progression of negotiation stages and contributed to domestic perceptions of inconsistency in the application of the Union’s merit-based approach.³⁰ Through the combination of unanimity in decision-making and the loosely defined principle of “good neighbourliness” as an additional benchmark, EU Member States have transformed what was intended as a norm of mutual respect into a strategic instrument for advancing national interests. Under such conditions, conditionality generates political backlash dynamics in candidate states, including heightened nationalist rhetoric and populist mobilisation,³¹ which complicate rather than reinforce the reform and stabilisation goals associated with EU conditionality.

European Studies, <<https://sceeus.se/en/publications/a-redynamised-eu-enlargement-process-but-hovering-between-accession-and-the-alternatives/>> (accessed 7.1.2026), p. 7.

²⁹ S. Subotic, Serbia’s Lithium Dilemma_ A Challenging Test for the EU’s Raw Materials Diplomacy, *Future Europe*, 20.9. 2025, <<https://feu-journal.eu/issues/securing-the-essentials-in-a-turbulent-world/serbias-lithium-dilemma-a-challenging-test-for-the-eus-raw-materials-diplomacy/>> (accessed 18.1.2026).

³⁰ B. Altiparmakova- Marusic, Mickoski: Instead of the Balkans Being Europeanized, Europe is Balkanized; Macedonia Has to Have EU Path Predictability, *MIA*, 16.2.2025, <<https://mia.mk/index.php/en/story/mickoski-instead-of-the-balkans-being-europeanized-europe-is-balkanized-macedonia-has-to-have-eu-path-predictability>> (accessed 15.10.2025); D. Wydra, L. Vasileska, Good Neighbourly Relations: Strategic Actors in North Macedonia and Member State-Driven Conditions, in Wydra/Beshu/Koxha (eds.), *New Dynamics of Contestation in EU-Western Balkan Relations: Adapting to Protracted Accession amid Geopolitical Rivalries*, Palgrave Macmillan, forthcoming.

³¹ A. Zdeb, *Fragility of Post-Conflict Consociational Democracies: Bosnia and Herzegovina and North Macedonia in the Quest for Democratic Stability*, in Sawicka/Gruszczyk/Zdeb, *Democracy and Its Fragility*, Routledge 2025, pp. 155-73.

Taken together, these developments distinguish Western Balkan conditionality from the former “Big Bang” Eastern enlargement model along three structural dimensions: reduced credibility of the membership perspective, increased political mediation and fragmentation of instruments, and a reordered objective hierarchy in which stability and geopolitical alignment carry greater operational weight relative to transformative depth. The EU’s conditionality has been reconfigured towards the Western Balkans: it operates through more granular monitoring, expanded compliance instruments and reversible sequencing, while simultaneously becoming more exposed to political gatekeeping and cross-sectoral linkage. This densification does not necessarily strengthen enforcement capacity. It also widens discretionary margins in both activation and suspension, loosens the coupling between benchmark fulfilment and procedural advancement, and increases the scope for member state-driven and geopolitical filtering. The Western Balkans experience, therefore, suggests that intensified conditionality does not automatically produce stronger transformative effects; under conditions of weakened credibility and politicised application, it may instead yield diminishing reform returns and greater contestation of its legitimacy.

D. Reconfiguring Conditionality: Between sectoral integration and geopolitical enlargement

Recent developments in the Union’s enlargement policy suggest not only mounting pressure on existing conditionality frameworks, but a change in how enlargement itself is functionally deployed as a governance instrument. The enlargement turn triggered by Russia’s war against Ukraine does not merely intensify existing pressures on conditionality but alters its functional role. With the rapid granting of candidate status to Ukraine and Moldova, the Union has begun to use the enlargement framework not only as a transformation instrument, but also as a vehicle for strategic anchoring, accelerated alignment and sectoral incorporation under conditions of geopolitical urgency.³² Enlargement governance is thereby partially detached from its traditional sequencing logic and increasingly organised around differentiated access formats, staged integration and policy-specific participation. The current reconfiguration of enlargement conditionality cannot be adequately captured by an incremental extension of existing typologies. Rather than a mere accumulation of instruments, it reflects a qualitative shift in how conditionality operates as a mode of governance. Conditionality increasingly operates

³² A. Gawrich, D. Wydra, *Perspektiven der Erweiterung – Ein Versprechen, Multiple Szenarien, Integration* 46 2023, pp. 229–43.

less as a linear incentive for comprehensive political transformation, but more as a relational governance device structuring differentiated access, allocating risk, and stabilising cooperation under uncertainty.³³ This shift foregrounds a constitutional paradox of enlargement law: conditionality performs extensive regulatory and steering functions despite lacking a Treaty-based legal framework, while the absence of any enforceable right to accession leaves compliance outcomes ultimately contingent on Member State discretion.³⁴ Conditionality should therefore be read less as a stable doctrinal template than as an instrument whose operative meaning shifts with changing enlargement priorities, particularly when enlargement is mobilised as a geostrategic foreign-policy instrument in response to external shocks.³⁵ Candidate status and the opening of negotiations are weak predictors of actual accession trajectories, since they primarily activate procedures of review and negotiation without constraining the Union's discretion over the pace, direction, or outcome of accession.³⁶ What matters is less formal compliance with predefined benchmarks than how integration-related tensions are managed and redistributed across policy domains and institutional arenas.³⁷ The Western Balkans experience had already captured this logic: political assurances of membership were formally reiterated (e.g. at the Sofia summit 2018), while the 2020 reform of enlargement methodology increased Council control, reversibility and geopolitical discretion, allowing accession steps to be suspended or delayed despite benchmark fulfilment, further eroding the expectation-stabilising function of conditionality.³⁸ But it also resonates with the post-2022 cycle: initial crisis leadership by the Commission enabled rapid agenda-setting, but these innovations were only partially institutionalised (by attaching reform benchmarks to funding disbursement rather than to accession progression); the centre of gravity then shifted towards Council politics, ad hoc coalitions, and veto players operating under unanimity.³⁹

³³ K. Slootmaeckers, *A Relational Approach to Study Europeanisation via Enlargement, Geopolitics* 2025, p. 1-27.

³⁴ Kochenov/Basheska (Fn. 8), p. 5.

³⁵ M. Ghincea, L. Pleşca, *From Transformation to Demarcation: Explaining the EU's Shifting Motivations of the Enlargement Policy*, *Journal of European Public Policy* 32 2025, pp. 2999-3033; N. Koval, M. Vachudova, *European Union Enlargement and Geopolitical Power in the Face of War*, *JCMS: Journal of Common Market Studies* 62 2024, pp. 135-46.

³⁶ F. Schimmelfennig, *The Advent of Geopolitical Enlargement and Its Credibility Dilemma*, in Džankić/Kacarska/Keil (eds.), *A Year Later, War in Ukraine and Western Balkan (Geo)Politics*, European University Institute 2023, pp. 185-93.

³⁷ Slootmaeckers (Fn. 34).

³⁸ M. Petrovic, N. Tzifakis, *A Geopolitical Turn to EU Enlargement, or Another Postponement? An Introduction*, *Journal of Contemporary European Studies* 29 2021, pp. 157-68.

³⁹ Koval/Vachudova, (Fn. 36).

While formally anchored in accession benchmarks and Copenhagen-based criteria, conditionality is increasingly operationalised across adjacent regimes – an evolution traced by Rabinovych and Pintsch (2025) in their analysis of the Union's wartime conditionality toolbox vis-à-vis Ukraine. They conceptualise this toolbox as comprising three functionally distinct yet partially overlapping conditionality regimes. Pre-accession conditionality is organised around the seven conditions attached to Ukraine's candidate status, remaining embedded in the broader accession logic of continuous, stage-specific conditionality, theoretically governing the progression of accession negotiations (if the veto of member states can be overcome), most prominently with regard to the permanent fulfilment of rule-of-law standards. Here, conditionality operates primarily as an orientation and signalling instrument structuring long-term reform trajectories and societal mobilisation. Macro-financial (MFA) conditionality, by contrast, is defined by legally specified, time-bound governance and rule-of-law requirements that are directly tied to disbursement decisions, reflecting a predominantly intergovernmental bargaining logic with limited space for local ownership. Recovery-related conditionality, institutionalised through the Ukraine Facility, embeds reform priorities within a multiannual reconstruction and resilience framework, combining elements of ex-ante and ex-post conditionality while anchoring them in programme-based funding and implementing structures. Rabinovych and Pintsch demonstrate that these regimes institutionalise a systematic coupling of enlargement conditionality with the EU's Global-Strategy-based crisis management and resilience agenda, thereby reconfiguring conditionality from an accession-sequenced compliance device into a hybrid mode of governance situated at the intersection of enlargement law and conflict management, hinting towards an increasingly differentiated and pragmatic engagement with accession candidates. This logic is also exemplified by the expansion of external differentiated cooperation: a form of consensus-based, non-homogeneous and partly ad hoc participation through which accession candidates are selectively integrated into EU policy responses short of membership. Operating largely independently of accession sequencing and conditionality in the strict sense, this mode of engagement reflects a pragmatic recalibration of participation boundaries in response to crisis-induced interdependence.⁴⁰ Western Balkan countries are embedded in operational cooperation with Frontex, Europol, Eurojust and EUAA (European Union Agency for Asylum), enabling joint operations, data exchange and functional alignment in migration, border management and criminal justice without membership. While this participation remains formally non-decisional and differentiated across agencies –

⁴⁰ Amadio Viceré/Bonomi, (Fn. 21).

being most advanced in Frontex, more structured but constrained in Europol, and largely capacity-building-oriented in EUAA – it nonetheless places Western Balkan authorities in routine, quasi-internal operational roles within core EU policy domains.⁴¹ This differentiated participation is legally structured through agency-specific eligibility regimes: Frontex deployments rest on status agreements and operational plans embedding fundamental-rights safeguards and suspension clauses; Europol and Eurojust cooperation is calibrated through the law of information exchange, with operational depth contingent on the legality of (personal) data transfers; and EUAA external action proceeds via Commission-approved working arrangements subject to human-rights screening. Ukraine has followed a comparable but markedly accelerated trajectory since 2022, characterised by intensified cooperation with Europol⁴² and Eurojust,⁴³ and cooperation between Frontex and the European Advisory Mission to Ukraine (EUAM),⁴⁴ and full operational integration into the EU Civil Protection Mechanism.

In this setting, gradual integration becomes a concrete modality for translating conditionality into actionable governance: major funding instruments embed reform benchmarks, timelines, and sector-specific “phasing-in” arrangements.⁴⁵ Sectoral integration decouples functional participation from the formal sequencing of accession chapters, enabling selective access to internal market segments, energy, digital, or justice and home affairs policies on the

⁴¹ I. Damjanovski, Z. Nechev, External Differentiated Integration in Justice and Home Affairs: Participation of the Western Balkan Countries in EU Agencies, EU-IDEA Policy Paper No. 20 2022, <<https://www.cidob.org/en/publications/external-differentiated-integration-justice-and-home-affairs-participation-western>> (accessed 26.1.2026).

⁴² Agreement between Ukraine and the European Police Office on Operational and Strategic Cooperation, concluded at The Hague on 14 December 2016, entered into force 2017, <https://www.europol.europa.eu/cms/sites/default/files/documents/agreement_on_operational_and_strategic_cooperation_ukraine.pdf> (accessed 17.1.2016).

⁴³ The Cooperation Agreements were signed in June 2016 and are operational since August 2018. As early as 2022, Eurojust supported the establishment of a Joint Investigation Team to investigate alleged crimes committed in Ukraine. In 2023, the International Centre for the Prosecution of the Crime of Aggression against Ukraine was established as a unique judicial hub.

⁴⁴ In February 2024, Frontex and the EUAM Ukraine signed a working arrangement to cooperate in combatting cross-border crime and dealing with irregular migration at the EU's Eastern borders, see: <<https://www.frontex.europa.eu/media-centre/news/news-release/frontex-and-euam-ukraine-strengthen-cooperation-b75OyF>> (accessed 17.1.2026).

⁴⁵ P. Buras u.a., Gradual Integration: Bringing Aspiring Members Closer to the EU, European Council on Foreign Relations, 2025, <<https://eunighbourseast.eu/wp-content/uploads/2025/09/report-gradual-integration-bringing-aspiring-members-closer-to-the-eu.pdf>> (accessed 17.1.2026).

basis of capacity and alignment rather than comprehensive compliance. This functional rationalisation, however, does not depoliticise enlargement governance. On the contrary, formalisation relocates political contestation into distributive arenas in which access to funds, programmes and sectoral participation remains subject to member-state gatekeeping and unanimity-sensitive decision-making. As intermediate stages become increasingly benefit-rich, conditionality is no longer exhausted by compliance assessment but turns on distributive judgments over who gains access on what terms, and with what tolerance for backsliding – particularly where crises compress asymmetries of dependence and enhance candidate bargaining power.⁴⁶ It is precisely this relocation of conditionality into distributive decision-making that strains collective steering capacities. The post-2022 phase illustrates how, even as enlargement is rhetorically elevated to a strategic imperative, governance increasingly unfolds through leaderless intergovernmental bargaining and bilateral veto practices that undermine the predictability and enforceability of conditionality.⁴⁷ This constellation marks the point at which geopolitics intersects with constitutional structure: geopolitical urgency can erode the normative legitimacy of bilateral gatekeeping, insofar as rhetorical commitments to enlargement continue to constrain most Member States (except for those who like Hungary no longer internalise the Union's value framework);⁴⁸ yet it simultaneously risks diluting the enforceability of the “fundamentals” when integration advances through functional inclusion rather than accession sequencing. Keil sharpens this tension: a re-foundation of enlargement primarily on geopolitical interest-selection would require specifying “Union interests” as operative admission and sequencing criteria, shifting the justificatory basis of enlargement away from a normative thick legal-constitutional project toward a thinner security-economy rationale – an adjustment that would reverberate back onto intra-Union rule-of-law discipline and the credibility of values-based contestation.⁴⁹

In doctrinal terms, the resulting enlargement regime is best understood as modular conditionality governance characterised by relational steering, functional access, and risk-managed integration. Conditionality no longer derives effectiveness primarily from the promise of accession, but from the continuous modulation of participation across policy domains. This enhances

⁴⁶ Amadio Viceré/Bonomi, (Fn. 21), p. 1167.

⁴⁷ Koval/Vachudova, (Fn. 36).

⁴⁸ D. Leuffen *u.a.*, Rhetorical Action in a Liberal International Order in Crisis: Theorising EU and NATO Enlargements Post-2022, *Journal of European Public Policy* 32 2025, pp. 3113–58.

⁴⁹ S. Keil, Enlargement Politics Based on Geopolitics? A Proposal for a Geopolitics-Driven Enlargement Policy, in Džankić/Kacarska/Keil (eds.), *A Year Later, War in Ukraine and Western Balkan (Geo)Politics*, European University Institute 2023, pp. 185–93.

flexibility under geopolitical pressure, yet it raises concerns about coherence, transparency, and normative consistency. The modularisation is not merely instrumental but also normative: Compliance is increasingly evaluated across discrete performance domains, such as sectoral compatibility, administrative reliability, and institutional resilience, alongside classical rule-of-law and democracy benchmarks. In a modular conditionality regime, these functional criteria do not merely complement one another; they function as sector-specific proxies for compliance, enabling selective integration rather than comprehensive liberal-democratic consolidation. Reform expectations are decomposed into policy-specific compliance bundles, each linked to differentiated access thresholds and reversible participation rights. In relational terms, the content and meaning of EU conditions are continuously redefined through interaction and contestation.⁵⁰ This also alters the relationship between conditionality and domestic politics in candidate countries. Classical ex-ante conditionality relied on the mobilisation potential of a distant but symbolically powerful reward. Modular conditionality operates through immediate incentives like funding tranches, market access, and programme participation, whose effects are more technocratic and less identity-laden. Domestic engagement increasingly takes the form of negotiation, translation, and tactical adaptation rather than straightforward compliance and resistance. At the same time, sectoral integration can heighten suspicion precisely because it blurs boundaries without guaranteeing a trajectory: absent a credible linkage to membership progression, intermediate inclusion may be perceived as looser cooperation rather than as predictable accession. The Western Balkans experience adapts to the rationality of such suspicion: where accession is repeatedly stalled, domestic actors learn that compliance signals can be politically discounted, incentivising performative alignment rather than costly transformation.⁵¹

A final structural implication follows. Modular conditionality can serve as a governance substitute when accession credibility is weakened: sectoral integration and staged funding preserve EU influence and regulatory convergence without resolving accession deadlock. In this configuration, the promise of enlargement is re-functionalised as a governance resource. Precisely because accession remains formally open yet substantially deferred (due to EU-internal veto dynamics, reform requirements, but also a lack of transformation in candidate countries), the membership perspective shifts from a credible endpoint to a flexible instrument of influence. The enlargement promise retains its governing effect not through its imminent fulfilment, but

⁵⁰ Sloomaeckers, (Fn 34).

⁵¹ Petrovic/Tzifakis, (Fn. 39).

through its indefinite postponement, which allows the EU to leverage anticipation and partial inclusion as tools of regulatory and political steering.

E. Conclusion

The emerging enlargement regime may therefore be understood as modular conditionality governance under geopolitical competition: relational steering through differentiated access, continuous recalibration of rewards, and boundary adjustments designed to manage systemic exposure. EU enlargement is increasingly mediated through an investment-centred governance architecture, in which the EU Commission's DG ENEST coordinates development banks and blended finance instruments to steer reforms and integration pathways, further reinforcing modular conditionality and strengthening executive steering and bankability with a risk of weakening domestic ownership and long-term transformative capacity.⁵² Against this background, “what it takes to join the EU” can no longer be reduced to *acquis* compliance. Instead, accession increasingly requires navigating a discretionary, unanimity-gated decision structure in which conditionality is implemented through functional participation and sectoral access regimes, whose allocation remains politically contestable. The critical implication is clear: where conditionality operates through multiple partly disconnected channels, its transformative promise becomes harder to sustain. Geopolitical enlargement may restore the plausibility of the membership promise, but if it simultaneously erodes the credibility of exclusion for non-compliance, it risks drifting toward integration by strategic necessity with attenuated “good governance” discipline.⁵³

At the same time, the experience of the 2004 and 2007 enlargements cautions against overly pessimistic assessments of enlargement's institutional consequences. Fears that eastward enlargement would undermine the functioning of the EU institutions have largely not materialised. Empirical assessments suggest no generalised negative institutional effects, but rather partial and sector-specific adjustments.⁵⁴ Where institutional gridlock has emerged, it is more closely linked to processes of unexpected autocratisation – most notably in Hungary – than to the increased number of Member States as such. Studies on Central and Eastern European countries further indicate the enduring relevance of pre-accession conditions. Research in sectors such as

⁵² M. Thiemann, D. Mocanu, D. Piroška, *The Rise of the European Enlargement State: Blended Finance, Development Banks and the New Modalities of EU Accession*, *Journal of European Public Policy* 32 (2025), pp. 2936–72.

⁵³ Schimmelfennig, (Fn. 37).

⁵⁴ Mišík/Brusenbauch Meislová, (Fn. 3).

agriculture suggests that initial conditions and administrative preparedness may have exerted a stronger long-term influence than previously assumed.⁵⁵ At the same time, a significant lack of knowledge remains in comparative research on enlargement effects at sub-national and regional levels, both for the post-2004 Member States and for current candidates. In the present enlargement context, the strong geopolitical framing risks obscuring such differentiated, long-term transformation dynamics.

Looking ahead, the prospects for further enlargement depend on two interrelated conditions. First, candidate countries must pursue comprehensive reforms to align legal frameworks, institutional capacities, and societal practices with EU standards, while actively countering the risk of regression, as illustrated in Hungary. Second, the Union itself must apply enlargement conditionality in a consistent and rules-based manner. Gradual accession processes, allowing a step-by-step integration in areas where progress is evident, have proven effective in earlier enlargement rounds and remain a viable approach for managing heterogeneity among future applicants. The 20th anniversary of the 2004 enlargement serves as a reminder that the EU's democratic project requires continuous vigilance, institutional adaptation, and credible rule-of-law enforcement both within and beyond its borders. The historical comparison of enlargement phases highlights a shift in underlying policy logics. While enlargement towards Central and Eastern Europe in the 1990s was predominantly guided by a transformation logic, enlargement since follows a stabilisation logic, and since 2022, a demarcation logic aimed at limiting the influence of strategic rivals, combined with a logic of cohabitation that maintains engagement with neighbouring countries without necessarily advancing full integration.⁵⁶

All in all, lessons from the 2004 and 2007 enlargements underline the structural limits of conditionality, as in that period, it depended on a specific social and normative context associated with the “return to Europe”.⁵⁷ The EU's direct political influence declined after accession, even where legal compliance persisted, as especially in Romania and Bulgaria. Hence, conditionality is a context-dependent governance mechanism whose transformative capacity weakens once its societal anchoring erodes.

Under geopolitical pressure, enlargement shifts from a socially mediated process of transformation to an executive logic of risk management, under-

⁵⁵ A. Jambor, M. Gorton, *Twenty Years of EU Accession: Learning Lessons from Central and Eastern European Agriculture and Rural Areas*, *Agricultural and Food Economics* 13 (2025).

⁵⁶ Ghincea/Pleşca, (Fn. 36).

⁵⁷ Grabbe, (Fn. 5).

mining the social mechanism through which conditionality generates compliance. A further consequence is the emergence of a de facto geopolitical hierarchy among accession candidates. As access to integration benefits becomes increasingly mediated by strategic relevance, candidates' prospects are no longer ordered by reform performance but by their perceived contribution to the Union's security and geopolitical objectives. This dynamic is acutely perceived in the Western Balkans, where governments fear being structurally relegated in the accession queue as enlargement priorities shift eastward. The contrast is instructive: when Hungary's veto on opening accession negotiations with Ukraine was effectively neutralised through procedural manoeuvring, the signal was unambiguous: unanimity constraints can be overcome where sufficient political will exists. The absence of similar determination in addressing Bulgaria's long-standing blockage of North Macedonia underscores that such flexibility is not evenly distributed among the Member States across the candidate countries but selectively activated in line with geopolitical salience.

This asymmetry feeds back into the logic of modular conditionality itself: it reinforces perceptions of discretionary enlargement governance, weakens the stabilising function of accession conditionality, and risks entrenching differentiated trajectories of integration in which strategic indispensability, rather than reform credibility alone, becomes a key determinant of progress. This logic is also visible in recent proposals to fast-track Ukraine's accession by recalibrating both eligibility and procedure, most notably through security-coding accession criteria, Commission-driven chapter advancement subject to reverse qualified majority blocking, and a model of probationary membership that shifts parts of the reform burden into structured post-accession transition arrangements.⁵⁸

⁵⁸ Andrew Duff, How Ukraine Should Join the European Union, *Verfassungsblog*, 26 January 2026, <<https://doi.org/10.59704/6d4cfbda61c9dd49>> (accessed 19.1.2026).

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