

EU's Democratic Conditionality: Democratic Principles and Procedures?

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Abstract: This article aims at explaining the changes in the democratic conditionality of the European Union over time from the institutional contexts of the domestic and regional levels. The comparison milestones regard enlargements that happened between 1993 and 2014. Variations on the dependent variable are analysed in light of the principles and procedures of the concept of polyarchy (Dahl 1989). This analysis demonstrates and explains that the democratic conditionality of the EU has changed over time, becoming more complete and with more pluralist principles when applied to the enlargements. It also highlights the relation between the democratic conditionality and the *democratic deficit* of the EU by the incorporation of democratic principles and procedures in EU institutions.

Keywords: democratic conditionality, polyarchy, European Union, regional integration, decision-making.

Introduction

This paper analyses the *democratic conditionality* of the European Union (EU), and it is guided by this question: *why does the European Union's democratic conditionality vary over time?* We explain through a *longitudinal comparison* of the regional and domestic institutional features that cause variations in the democratic conditionality. We analyse how the EU has changed its democratic conditionality in interaction with the *enlargements*.

European integration has already undergone five significant enlargements: the 1st in 1973 (the United Kingdom, Denmark, and Ireland); the 2nd and 3rd between 1981 (Greece) and 1986 (Portugal and Spain), the 4th in 1995 (Austria, Finland, and Sweden), the 5th between 2004 (Czech Republic, Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, Malta, and Cyprus) and 2007 (Bulgaria and Romania) (Barnes and Barnes 2010). Croatia joined the EU in 2013, and it might indicate the beginning of a new wave of enlargement to the Western Balkans since Macedonia, Montenegro, Albania, Bosnia and Herzegovina,

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Serbia, and Kosovo are candidates or potential candidates for members of the EU (Simão and Rodrigues 2012:50)¹.

As we demonstrate, the EU's democratic conditionality has emerged and became more specific through the interaction with the waves of enlargement of new members to the EU. In this research agenda, most contributions address the influence and the role of democratic conditionality on countries' political regimes that apply for membership in the European Union (Simmons 2011:133; Gateva 2015).

The impact of EU enlargement is one of the areas which has blossomed and accumulated a growing body over the last decade, especially the influence of the EU on applicant and candidate countries [...]. Most of the theoretical discussion of EU conditionality examines the transformative power of the union by focusing on mechanism for inducing compliance with EU rules and assessing their impact on the domestic politics of the candidate countries. (Gateva 2015:2)

Among this literature, Pridham (2005) stands out for analysing the influence of the regional context on the democratic conditionality of the European Union concerning its objectives, scope, and priorities. Pridham also points out the need to consider the democratic conditionality contextually, analysing the regional and domestic aspects that influenced this institution's creation and development. Gateva (2015:4), in turn, seeks to understand how the EU's entire enlargement policy, which includes economic conditionalities and *acquis* implementation, has changed over time. The author considers the influence of multiple factors within the EU and external pressures on the enlargement conditionality.

Pridham's and Gateva's works influence the analysis made in this paper, and we seek to fill some gaps in this debate. Pridham (2005), despite the relevance attributed to the domestic level for the study of the phenomenon, has focused *only* on the regional context to explain the continuity and change of the European Union's democratic conditionality. This research adds to Pridham's contributions because it carries out a two-level analysis that observes the combination of institutional contexts at the regional and domestic levels. Also, this research is close to Gateva's work. However, it innovates in focusing on a *specific criterium* (the democratic one) and not the entire enlargement policy, which includes economic criteria and *acquis* implementation. By considering this particular criterium *and* using the polyarchy concept to analyse the changes in a regional norm, this research deepens the discussion on the topic.

This research logic approaches the changes in the democratic conditionality rule at the regional level in interaction with the political regimes of the different countries involved in the enlargements of the EU between 1993 and 2014. Thus, this research design differs for focusing on the regional level, while most recent academic contributions on the topic analyse the impacts and limitations of Europeanisation through democracy promotion (Kmezić 2018; Bieber 2018; Bieber 2019; Vachudova 2019) and state-building in the Western Balkans countries (Chandler 2010; Denti 2014; Keil and Arkan 2015).

Among this literature, Kmezić's (2018) and Bieber's (2019) works point to the limitations of the EU conditionality as a transformative tool that lacks clarity and credibility. Also, this view considers that 'democracy in the Western Balkans has been stagnated or weakened even after the countries moved towards EU membership since 2000' (Bieber 2019:53). According to Denti (2014) and Keil and Arkon (2015), the Union's policy towards Western Balkans characterizes the EU as an 'active state-builder, promoting specific institutional arrangements and adjusting political systems [...]' (Keil and Arkon 2015: 6). In this way, Denti (2014: 10) approaches the Union's will of building further member states while integrating them, using the concept of 'EU member-state building'. However, Chandler (2010: 69-83) criticizes this strategy for being depoliticized and technocratic, and for promoting EU power as a 'civilising mission' that undermines the building of institutions responsive to the citizens, leading to weak states. Similarly, Bieber (2018: 245) argues that the Europeanisation policy toward the Western Balkans is a 'process of constructing relational spaces characterized by asymmetric relations in which ideas, rules and norms are constructed, transferred, adopted, implemented, transformed and rejected'². In other words, while these recent contributions emphasize the effects and limitations of the democratic conditionality in the political regimes of the candidate states, this work focuses on the changes in the democratic conditionality when interacting with the political regimes of the different countries during the EU enlargements.

We investigate the interaction between institutional contexts at the regional and domestic levels on the topic of *democracy*. Based on this thematic specificity, we use the concept of polyarchy (Dahl 1989; 2005; 2012), the mainstream in democratic theory. It is mainly used to explain and characterize political regimes within the scope of the nation-state and is suitable for analysing any political decision-making process (Dahl 1989:76). Thus, some relevant works use the concept of polyarchy to analyse and substantiate the argument of the European Union's democratic deficit (Follesdal and Hix 2006) or to characterize its institutional arrangement (Lijphart 2003: 47). Besides, recent studies (Lopes 2016; Lopes and Casarões 2019) use polyarchic democracy to analyse the institutional structure of global intergovernmental organizations, exemplifying that the concept is suitable for different political processes within the scope of the nation-state or not.

Also, this research analyses a specific institution (the democratic conditionality of the EU) and not all EU polity. We understand that as EU democratic conditionality incorporates principles and procedures of polyarchic democracy, it *approaches the ideal type* of polyarchy (Dahl 1989). We do not intend to reduce EU institutional complexity or neglect its *sui generis* nature but to analyse how pluralist is the complex procedure that evaluates applicants' political regimes at the EU level. Besides, the Regional Integration subarea is founded on interdisciplinary efforts (Weiner and Diez 2009), and this research is placed at the intersection of the disciplines of International Relations and Political Science. Thus, using the polyarchy concept in this analysis, summed with the focus on the changes of the rules on the regional level, highlights its innovative contribution.

We adopt the comparative method using the longitudinal comparison strategy, cutting out different moments in time of the same phenomena (Przeworski and Teune

1970). The comparative milestones regard the enlargements of the EU, starting in 1993 (when the Copenhagen Criteria were created) and considering the following moments: T_1 (1995 – 4th enlargement); T_2 (1997/1998 – the start of access negotiations with 5th enlargement countries and Turkey’s declaration of eligibility); T_3 (2004/2007 – 5th enlargement) and T_4 (2013/2014 – Croatia’s accession/start of access negotiations with Serbia). The main research technique is the documental analysis of primary sources, like Treaties, Declarations, Resolutions, and other official documents of the European Union, especially those elaborated by the European Commission about the enlargements.

About this paper’s structure, we first discuss the European Union’s democratic conditionality, placing it as part of the *Europeanisation* studies. Also, we approach the debate about the EU democratic deficit. Later, we show the analytical model, the hypothesis, and the empirical analysis as follows: ‘*The rules at the regional level*,’ characterizing the main changes in EU’s institutions regarding the enlargements; ‘*Changes in EU’s democratic conditionality: the principles*,’ approaching the variations on the dependent variable regarding the inclusion of democratic principles; and ‘*Changes in EU’s democratic conditionality: the procedures*,’ regarding its decision-making. Finally, we show how these changes relate to the democratic deficit and the political use of the democratic conditionality.

Approaches about the EU’s democratic conditionality and the democratic deficit

Democratic conditionalities are sets of rules incorporated into the norms of the international organizations (IOs) to rule the existence of democratic institutions as conditions to enter and remain as a member state of an IO. Thus, they are tools of compliance with international/regional norms by their member states (Schimmelfennig, Engert and Knobel 2003).

The democratic conditionality of the EU was first institutionalized by the Copenhagen Criteria (1993), which established that acceding to the EU was conditioned to

1. stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
2. a functioning market economy and the ability to cope with competitive pressure and market forces within the EU;
3. ability to take on the obligations of membership, including the capacity to effectively implement the rules, standards and policies that make up the body of EU law (the ‘*acquis*’), and adherence to the aims of political, economic and monetary union. (EUR-Lex 2016)

Copenhagen Criteria are still in force and define the conditions for membership and permanence of the members of the EU. Also, Articles 2, 7, and 49 of the Treaty on European Union (TEU) currently regulate the procedures for the accession and permanence of states in the EU. The institutionalization of democratic conditionality was gradual and influenced by variations in the integration, especially the enlargements. These

phenomena correspond to the greatest empirical challenge to studies on regional integration, according to Schimmelfenning (2010: 45).

As aforementioned, most of the academic production on this topic focuses on the normative and transformative power of the EU over its aspiring member states (Simmons 2011:133; Gateva 2015). This literature is called *Europeanisation* and is currently defined as the study

of transformative dynamics of norm transfer from states to the EU and vice versa. Europeanisation is now largely taken to denote a two-way process. In other words, Europeanisation entails not only the domestic adaptation to EU norms, laws, and rules (top-down), but also the changes in the dynamics of Europeanisation as a result of domestic change (bottom-up). (Džankić, Keil and Kmezić 2018:4)

Therefore, this work is framed on this second branch of the *Europeanisation* agenda. It explains how the *democratic conditionality*, a tool of the enlargement and *Europeanisation* policies, has changed over time in interaction with different political regimes.

We also consider that '[b]etter connections need to be made in the academic literature between the so-called "democratic deficit" within the EU, problems of democracy within the existing EU Member States, and the problems of democracy promotion in the EU's neighborhood [...]' (Simmons 2011:137-138). Although democratic conditionality is considered the main instrument for promoting democracy, especially for countries that belonged to the Soviet bloc, there is an important debate about a *democratic deficit* within the EU (Majone 1998; Moravcsik 2004; Follesdal and Hix 2006).

Generally, arguments supporting the democratic deficit thesis are (Follesdal and Hix 2006: 534-537; Chrysochoou 2010: 378):

- I. The empowerment of the executive power and a decrease of parliamentary control. The method of constituting decision-making bodies, especially the European Commission and the Council of Ministers, implies limitations to the exercise of accountability by citizens and representatives;
- II. The European Parliament (EP) seems weak when compared to the Commission and the Council. These limitations have been mitigated by the empowerment of the European Parliament since the Single European Act and achieved its apogee in the Treaty of Lisbon;
- III. The lack of *genuine* European elections, since the governments nominate the Commissioners and are part of the Council, and the elections for the EP are treated as second-order national contests, meaning the absence of *genuine* European *demos*;
- IV. The EU policies are drifted from the citizens' ideal type preferences and tend to be oriented to the right of domestic policies.

Majone (1998:28), in opposition to these, argues in favour of the 'delegation to European institutions of specific functional tasks that can be tackled more efficiently and/or credibly at the supranational level'. In this sense, the EU is guided by efficiency-oriented

policies rather than redistributive ones and, thus, can be delegated to institutions independent of the political processes³. Additionally, Moravcsik (2004) considers that the EU has enough democratic legitimacy, saying that

Constitutional checks and balances, indirect democratic control via national governments and the increasing powers of the European Parliament are sufficient to assure that the EU policy-making is, in nearly all cases, clean, transparent, effective, and politically responsive to the demands of European citizens. (Moravcsik 2004: 349)

In the other corner of the debate, Follesdal and Hix (2006) argue that the EU suffers from a lack of public contestation and responsiveness in its policymaking, especially regarding the direction of the policy agenda. Besides, the authors affirm that focusing on efficiency, as Majone suggests, can lead to a '*Pareto Authoritarianism*' (Follesdal and Hix 2006:546). We consider that this analysis of the EU democratic deficit is in line with a critique based on the polyarchy concept (Dahl 2005): in this perspective, the EU shows low inclusion of actors in the decision-making and a small openness to public contestation.

Kelemen (2017:211) brings another layer to this debate arguing that it must be reformulated in the face of the recent backsliding in democracy in some members of the EU, like Hungary and Poland. The author's main findings point to the lack of institutionalization of the EU's party system and the intergovernmentalism that characterizes politics within the European Council and the Council of Ministers as the main aspects that allow an authoritarian equilibrium within the EU (Kelemen 2020:489). Following Bozóki and Hegedűs (2018), we understand that the belief of the EU as a union of democracies, which respects the values expressed in Article 2 of the TEU, seems incompatible with the lack of action of the EU towards the membership of authoritarian governments.

Countries from the Western Balkans are also facing authoritarian rises, and, according to Bieber (2019:39), these phenomena are part of a broader international context of democratic backsliding (Levitsky and Ziblatt 2018). We consider that the democratic crises among EU member states, like Hungary and Poland, reduce the Union's legitimacy for democratic convergence in the region. It undermines EU's attractive and transformative power, a significant asset in the enlargement policy (Bieber 2019:138). In this perspective, joining the EU is no longer a guarantee of building deep and long-lasting democracies (Vachudova 2019:90).

Besides, the EU shows new challenges for the organization of coexistence in a democratic manner (Dahl 2012:510-512) and makes room for recent academic debates on the democratic and regional integration theories⁴. Schimmelfenning (2010) suggests a transformative theory for the democratization of the EU multi-level political system, considering that it is not necessarily influenced by the same social and economic factors present at the national level. This way, advances toward greater democratization have been made over the years by institutionalizing and improving the democratic conditionality for the accession of new member states, increasing the EP's legislative powers, and incorporating the respect for human rights in the normative foundations of the integration.

Similarly, Cheneval, Lavenex and Schimmelfennig (2014) suggest that the EU needs to be characterized as a *demoi*-cracy, and not simply a democracy:

In a *demoi*-cracy, separate statespeoples enter into a political arrangement and jointly exercise political authority. The proper domain of *demoi*-cracy is a polity of democratic states with hierarchical, majoritarian features of policymaking, especially in value-laden redistributive and coercive policy areas, but without a unified political community (*demos*). In its vertical dimension, *demoi*-cracy is based on the equality and interaction of citizens' and statespeoples' representatives in the making of common policies. Horizontally, it seeks to balance equal transnational rights of citizens with national policy-making autonomy. The EU belongs to the domain of *demoi*-cracy and has established many of its features both vertically and horizontally. (Cheneval, Lavenex and Schimmelfennig 2014: 14-15)

We highlight that this contribution, besides being critical to applying concepts devised to study nation-states to analyse the EU, uses explicative elements from federalism and accountability studies⁵ to characterize the multi-level/horizontal and multi-centric/vertical dimensions of *demoi*-cracy.

EU's democratic conditionality in light of the polyarchy

Following Whitehead (2001:398), the processes that use the EU political conditionality must be treated in the most democratic way possible. The author considers the need to observe the highest standards of democratic practices in three dimensions: (i) in each member state; (ii) among member states within the scope of regional institutions; and (iii) in the relationship of the EU toward non-member states. Regarding the polyarchy concept (Dahl 1989), we expect that more pluralistic and open to political contestation decision-making at the regional level results in more democratic uses of the political conditionality tools.

Polyarchy is a concept that empirically characterizes contemporary democracy, and it is '[...] a set of political institutions necessary for democracy on a large scale' (Dahl 2012:247). In short, polyarchies are political regimes substantially popularized, liberalized, strongly inclusive, and widely open to public contestation (Dahl 2005:26). In other words, polyarchic decision-making is characterized by the inclusion of actors and by greater openness to public contestation.

The concept of polyarchy stands out for considering a series of requirements that includes the whole political process. Furthermore, the *conditions/procedures* of the polyarchy are based on the *democratic principles* of political equality, popular sovereignty, enlightened understanding, and civic competence and aim to guarantee the political expression of the multiple minorities (Dahl 1989; Dahl 2012).

Although Dahl (1994) expressed an aesthetic argument regarding the possibility of genuinely democratic international organizations, he does not have a critical position regarding the importance of the IOs in international order: 'To say that international organizations are not and are not likely to be democratic is not to say that they are undesirable. [...] [I]nternational organizations can help to expand human rights and the rule of law [...]' (Dahl 1994: 33).

In short, the reasons that inform the choice of this concept to analyse the EU democratic conditionality are: (i) it applies to all political processes, including those located at the regional level; (ii) it represents the ideal type of contemporary democracies, and political regimes are classified as democratic as they approach it; (iii) it is empirically verifiable; and (iv) it is procedural and pluralistic, considering the different stages of the political process and the principles that found its procedures.

Returning to Dahl's (2005) idea that the polyarchy (ideal type) is the best combination of the axes *Liberalization* (regarding public contestation) and *Inclusiveness* (enabling political participation), we conceive that a democratic conditionality that expresses the concept of polyarchy (ideal type) is the best combination of the *democratic procedures* and the *democratic principles* expressed in the norms.

Chart 1 shows how the requirements of the polyarchy (1989) and the contributions of Sartori (1994) of democracy as decision-making are used to evaluate the accession process.

The main hypothesis says *that more pluralist institutional contexts influence the democratic conditionality of the EU by bringing it closer to the polyarchy concept*. Thus, we consider that more *plural* political regimes among the members-states of the EU build up democratic conditionalities closer to the concept of polyarchy. However, *less* polyarchic regimes in countries applying for the EU influence its proximity to the principles and procedures of the polyarchy. The sub-hypotheses are:

- H₁: If institutions are composed by the method of democratic representation, changes in the democratic conditionality bring it closer to the concept of polyarchy;
- H₂: if decision-making is ruled by absolute or qualified majority decision rules, changes in the democratic conditionality bring it closer to the concept of polyarchy; whether it is ruled by unanimity, changes in the democratic conditionality bring it more distant to the concept of polyarchy;
- H₃: if countries applying as members of the EU have less democratic political regimes, the changes in the democratic conditionality *bring it closer* to the concept of polyarchy⁶.

Chart 1. Application of the polyarchy (model of analysis).

	Conditions of the polyarchy?	Application (variables)	Indicators	Proximity to the concept of polyarchy
During the voting period	Universal suffrage	1. Method of the composition of the decision-making body	Government nomination	More distant to polyarchy ⁸
			Democratic representation	Closer to polyarchy
	The alternative with the greatest number of votes wins.	2. Decision rule	Unanimity	More distant to polyarchy
			Absolute majority	
			Qualified Majority	Closer to polyarchy
	Equality of information among individuals.	3. Sources of the Reports that use the democratic conditionality and inform decisions about the accession of new members	Made exclusively by the Commission	More distant to polyarchy
Made by the Commission in interaction with other institutions				
Made by the EP			Closer to polyarchy	
The orders of elected officials are executed.	4. Accountability of public bureaucracies	Autonomous bureaucracies	More distant to polyarchy	
		Bureaucracies <i>accountable</i> to elected officials	Closer to polyarchy	
During the intersection stage	Elections are controlling – all interelection decisions are subordinate or executory to those of the election stage. New decisions in the interelection period are ruled by the preceding conditions, although operating under different institutional arrangements.	5. Role of the EP in the process of accession of new members states.	EP unassigned in the accession process	More distant to polyarchy
			EP with a decisive role only in the final stage of the accession process.	
			EP with a decisive role in all stages of the accession process.	Closer to polyarchy

Source: the author.

The rules at the regional level

The institutional arrangement that the EU currently shows was initiated by the Single European Act (SEA 1986) and was reinforced by the subsequent Treaties: Maastricht (1992), Amsterdam (1997), Nice (2001), and Lisbon (which was signed in 2007 and entered into force in 2009). The institutional reform was inspired by the search for efficiency

in decision-making and the need for democratic legitimacy. The logic that justified changes from the unanimity to the qualified majority rule was predominantly based on efficiency. In turn, the search for democratic legitimacy resulted in the *empowerment of the EP* in the decision-making (Schimmelfenning 2010: 225-226). For this research, the main institutional changes in the EU are:

- I. Changes in decision-making in the Council of Ministers through the expansion of the qualified majority (QMV) and greater attention to the weighting of votes according to the population. We highlight the Treaty of Nice that established a *Triple Majority* to approve a proposal according to three conditions: (i) the number of weighted votes must be equal or superior to the established limit; (ii) the simple majority of the members states; (iii) a supermajority of 62% of EU's population. Also, 23 new issues previously decided unanimously were added to the scope of decisions by QMV. Among them, we highlight the asylum, immigration, and intellectual property issues (Laursen 2012:198-199). The Treaty of Lisbon replaced the Nice's QMV threshold changing the weighting of votes: the qualified majority has been defined by the vote of 55% of the members of the Council of Ministers, representing at least 65% of the EU population. To protect smaller states, the Treaty of Lisbon has added a mechanism that allows a significant minority of member states (below the blocking minority) to request a review of a proposal for a certain period;
- II. The strengthening of the EP by expanding the co-decision procedure to a higher number of areas. The Treaty of Lisbon extended the EP's legislative powers through the ordinary legislative process, which replaced the co-decision. The ordinary legislative process has been applied in over 40 new policy areas, raising the total number to 73 areas that the EP and the Council of Ministers deliberate jointly and equally. We highlight that the new budgetary process has established a situation of total parity between the EP and the Council of Ministers;
- III. The balancing of the Commission's duties on EU. The Treaty of Lisbon implemented measures to reinforce its legitimacy in the face of the democratic deficit critics. In this sense, the EP has started to elect the President of the Commission, from among the nominated commissioners, by an absolute majority.

Greater attention to democratic principles and procedures in the EU was also introduced by the SEA and, consecutively, by the Maastricht, Amsterdam, Nice, and Lisbon Treaties. Although the SEA and the Maastricht Treaty had mentioned the terms *democratic principles* and *respect for fundamental rights*, the Treaty of Amsterdam gave greater importance to these issues. Amsterdam had formally incorporated the democratic conditionality, already addressed by the Copenhagen Criteria. Thus, Amsterdam (Article 1.15) has confirmed the accession procedure: a candidate should address its application to the Council, which decides unanimously after consulting the Commission and after the assent of the EP, which decides by an absolute majority of its members. Besides, the major advance was incorporating a detailed procedure for dealing with severe and persistent violations of democracy (Article 1.9). It had established that the Council might determine

the existence of a break on democratic commitments by a member state, deciding unanimously on a proposal made by one-third of the members or by the Commission, and after the ascent of the EP, which decides by a qualified majority of two-thirds.

The Treaty of Nice was purposed to promote the 5th enlargement of the EU and continue the accession negotiations. Article 181a established that the community policy on international cooperation should contribute to developing and consolidating democracy, the rule of law, human rights, and fundamental freedoms. Regarding the democratic conditionality, although the Treaty of Nice has not changed the accession procedures, it innovated towards monitoring the compliance of democracy by the member states. Thus, in addition to the process for verifying the existence of a severe and persistent violation, Nice established the possibilities of actions regarding a manifest risk of a violation of democracy. It opened the opportunity for the EU to intervene preventively by proposing appropriate recommendations. Article 1 affirmed that the Council of Ministers, by a majority of four-fifths of its members and after the assent of the EP, may determine whether there is a risk of a severe breach of the democracy by a member state and established which recommendations could be made for solving the problems. It expanded the EU's options of action in cases of democratic backslidings and authoritarian policies, even if the process for suspension remained the same.

The Treaty of Lisbon broadens the scope of the democratic principles, adding issues such as tolerance, non-discrimination, gender equality, and minority rights, expressed in Article 2. Similarly, Article 49 updates the procedure adopted in the accession of new members adding the National Parliaments to the process. Regarding the conditions to remain as a member of the EU, Article 7 of the Treaty of Lisbon maintained the procedure established in Nice and the measures applicable to democracy breakdowns or risks of violations.

Despite being institutionalized by the Copenhagen Criteria and gradually incorporated into the EU Treaties, the democratic conditionality had some initial limitations. First, the analysis of the Copenhagen Criteria text indicates that, at the time, there was no clear definition of the indicators used to classify countries as democratic or not (Vachudova 2005:120). According to Pridham (2005:40), these 'have commonly been held to be vague, perhaps conveniently so thus allowing for some flexibility in their application [...]']

Copenhagen Criteria remained the foundation for the subsequent changes in the EU's political conditionality. In the 1990s, democratic requirements have expanded to incorporate democratic principles and practices beyond the holding of elections (minimalist). They have become more specific (Pridham 2005:25), covering issues such as protecting minorities and the proper functioning of institutions under the rule of law. This was done initially in the Agenda 2000, published in 1997 with the Commission's Opinions on the applications, and, later, in the Regular Reports published annually by the Commission on the progress of each candidate.

Changes in EU's democratic conditionality: the principles

The process of accession of new members is complex and divided into the following stages (European Commission 2017):

- I. *Pre-accession*: preliminary stage in which agreements are signed between the candidate country and the EU. At this stage, the Union launches support initiatives to assist the states in complying with accession conditions (democracy, market economy, and incorporation of the community acquis). Regarding this phase, we highlight the PHARE program, implemented for the 5th enlargement, and the Instrument for Pre-Accession Assistance, in force to assist the countries of the Western Balkans;
- II. *Application*: formal application addressed to the European Council. When a state has passed through the pre-accession phase satisfactorily, it becomes an official candidate for membership, which does not mean that formal accession negotiations are open. This only occurs after the declaration of eligibility for membership, a decision taken by unanimity in the European Council;
- III. *Membership negotiations*: at this stage, reforms are implemented (primarily political, judicial, economic, and administrative) to comply with the conditions for membership (the Copenhagen Criteria). This stage is divided into:
 - a. *Screening*: a process in which the Commission conducts a detailed analysis, together with the candidate country, of each negotiation chapter to assess how prepared each country is. The Commission presents the conclusions to the countries in the form of a report, in which the opening of negotiations is recommended or not;
 - b. *Negotiating positions*: before starting negotiations, the candidate country must submit its position on the Commission's reports to the EU. Negotiation chapters are established and must be fulfilled by the candidate state. In this context, negotiations on any individual chapter are not closed until each EU government is satisfied with the candidate's progress, as analysed by the Commission.
- IV. *Accession*: occurs when negotiations and reforms are concluded satisfactorily for both sides, and the state is finally regarded as able to join the EU. At this stage, an Accession Treaty is signed and passed to be voted in the Council and the EP. Subsequently, it must be ratified by the acceding country and each European Union member state. Once the Accession Treaty is signed, the country starts to be called an acceding country since there is a real expectation that it will become a member of the EU.

Following Schimmelfennig and Scholtz (2008:922), the democratic conditionality is mainly used in two moments: in the decision to open the *pre-accession negotiations* and in the decision to *start accession negotiations*. Therefore, we consider that the democratic conditionality is, since 1993, a condition of both pre-accession and accession and that the Commission is the leading institution for the operationalization of the democratic conditionality since it presents the Reports of the negotiation phases (Vachudova 2005:102).

Therefore, the analysis of the variation of the democratic conditionality overtime is based on the Reports produced by the Commission about the condition of countries in the enlargement processes.

Article 49 of the TEU establishes the actors, their attributions, and their resources in this decision-making:

- I. *Council of Ministers* receives membership applications and decides unanimously after consulting the Commission and after approval of the EP;
- II. *European Commission*: recommends or not the countries' accession based on the Copenhagen Criteria. Thus, it has agenda power when guiding the accession process through its Reports and Opinions (Vachudova 2005:117);
- III. *European Parliament*: approves the request for the accession of new states by an absolute majority. It is noteworthy that this institution can only approve or reject the membership application in this particular legislative process, not being able to change it. This characterizes it as an actor with veto power (Tsebelis 1997). However, the Parliament does not decide equally with the Council of Ministers on this topic, as occurs in the ordinary legislative process (Council of the European Union 2018);
- IV. *European Council*: approves the eligibility criteria, like the Copenhagen.

Considering the comparative milestones, Chart 2 shows how the democratic conditionality has changed over time (1993 – 2013/14) concerning the *principles* expressed by the EU.

During the 4th enlargement, although the democratic conditionality had already existed since 1993, it was not explicitly used. This finding is explained by the fact that these candidate states had similar political and economic characteristics to those of the member states of the EU. Besides, since it was unnecessary to use the political conditionality in this enlargement, the accession process was speedy when compared to the others. It is noteworthy, however, that other variables explain this speed, such as the agreement between the European Economic Community and the European Free Trade Association for the creation of the European Economic Area (EEA) that, to a large extent, prepared Austria, Sweden, and Finland adopting the *acquis communautaire*.

Regarding the 5th enlargement, a process started in 1991 by the pre-accession agreements with Hungary and Poland and ended in 2007 with the accessions of Bulgaria and Romania, there was significant use of democratic conditionality, in large part, due to the political and economic trajectories of the candidate states, which came from authoritarian rule. During the pre-accession stage, the conclusion of the Europe Agreements and the inclusion of countries in the PHARE program (financial assistance) were conditioned to the verification of minimum democracy requirements, such as the holding of free and fair elections, the rule of law, and the respect for human rights. The pre-accession stage was the first opportunity to apply the political conditionality. In this regard, we highlight that, during the 1990s, Croatia was not admitted to the PHARE program, the main pre-accession tool in this context, for not being classified as democratic⁹ (Vachudova 2005; Schimmelfenning 2010).

Chart 2. Changes on the democratic conditionality over time regarding EU enlargements (1993–2014)⁹⁰: the principles.

	Pre-accession	Screening	Negotiation Positions
T_1 (1995 – 4 th enlargement)	<p>The instrument for pre-accession: CEE and EFTA Agreement on creating the European Economic Area (EEA).</p>	<p>Country Situation Assessment Documents: European Commission Report (1993)</p>	<p>Approximately 60% of the <i>acquis Communautaire</i> had already been incorporated by the candidates as part of the EEA creation process, with a high degree of political and economic convergence during the negotiations.</p>
	<p>Democratic Conditionality: not used</p>	<p>Democratic Conditionality: not used. Economic aspects and the adoption of the community <i>acquis</i> were addressed</p>	<p>Democratic conditionality: the Copenhagen Criteria already existed at the time of negotiations and accession but were not used due to the democratic political regimes of the countries. The EP even emphasized the importance of these countries' adherence as a way of reducing the EU's democratic deficit.</p>
T_2 (1997/1998 – the start of access negotiations with 5 th enlargement countries and Turkey's declaration of eligibility) and T_3 (2004/2007 – 5 th enlargement)	<p>The Instrument for pre-accession: European Agreements settled between 1991 and 1996 and e PHARE program (financial assistance).</p>	<p>Country Situation Assessment Documents: Agenda 2000 (1997) and Commission's Regular Reports on each country (1998 and 1999) based on the Copenhagen Criteria (1993)</p>	<p>The Commission analysed the capacity of States to assume the obligations of the <i>acquis Communautaire</i></p>
	<p>Democratic Conditionality: minimum democracy requirements (free elections, human rights and the rule of law)</p>	<p>Democratic Conditionality: more pluralist requirements of democracy. Free and fair elections, alternation of power, participation of the opposition in the political game, stability of institutions, separation and cooperation between the Powers, combating corruption, freedom of the press, access to public services, individual rights and inclusive citizenship to minorities. Turkey (1998): all requirements mentioned above plus non-interference of the armed forces in political life, due process of law and peaceful relations with neighbour countries.</p>	<p>Democratic conditionality: was not directly used over the 31 negotiating chapters. Romania and Bulgaria: the democratic conditionality was expanded after the accession process through the Cooperation and Verification Mechanism (CMV)</p>

	Pre-accession	Screening	Negotiation Positions
T ₄ (2013/2014 – Croatia's accession/ start of access negotiations with Serbia).	<p>The Instrument for pre-accession: The Stabilisation and Association Agreement- IPA (financial assistance)</p> <p>Democratic Conditionality: minimum democracy requirements (free elections, human rights and the rule of law) and cooperation with the ICTY</p>	<p>Country situation assessment documents: Regular Reports made by European Commission, released between 2005 and 2013, based on the Copenhagen Criteria Plus (2001)</p> <p>Democratic Conditionality: more pluralist requirements of democracy. Free and fair elections, alternation of power, participation of the opposition in the political game, stability of institutions, separation and cooperation between the Powers, combating corruption, freedom of the press, access to public services, individual rights and inclusive citizenship to minorities.</p> <p>Changes on the democratic conditionality from T₃ to T₄ (new criteria): full cooperation with the ICTY, return of refugees, regional cooperation and reconciliation with neighbouring countries, respect and implementation of peace agreements.</p>	<p>The Commission analysed the capacity of States to assume the obligations of the <i>acquis Communautaire</i></p> <p>Democratic conditionality: Inclusion of new chapters – Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) – that make direct reference to democratic principles</p>

Source: the author based on Commission Reports.

The *screening* stage systematically uses the political conditionality with direct reference to the Copenhagen Criteria. In Agenda 2000 (1997 – T₂), the Commission published its Opinions on the political situation of each candidate state, to inform the recommendation for opening the negotiations. In these Opinions, there was an application of the democratic conditionality through a qualitative and detailed analysis of the institutions of each country and the conditions that influence their functioning. In this way, the democratic conditionality has changed, becoming more explicit and expressing principles closer to the concept of polyarchy. That way, it started to consider more pluralist aspects of democracy, such as the participation of the opposition in the political game, the stability of institutions, the association and cooperation among the Powers, the fight against corruption, freedom of the press, access to public services, and inclusive citizenship to minorities, and not just the minimum requirements. We also highlight that in Agenda 2000 the democratic conditionality was mobilized to not recommend the opening of negotiations with Romania, Bulgaria, Latvia, and Lithuania. This fact pointed to the need for further reforms and progress in the areas mentioned by the Report, especially in protecting minorities (European Commission 1997).

During the negotiations positions stage (T₃), there was no explicit use of the democratic conditionality, focusing only on technical aspects of the negotiating chapters of the *acquis Communautaire*. However, in Romania and Bulgaria, persistent democratic weaknesses regarding corruption, lack of Judiciary independence, and violation of protecting

the freedoms and rights of the *Romani* people led to the creation of the Cooperation and Verification Mechanism (CVM) (European Commission 1998). It means extending the democratic conditionality after the accession stage.

Regarding Turkey, whose declaration of eligibility was made in 1997 (T₂), there were setbacks in the accession process due to political conflicts with the EU, problems involving human rights, and the refusal to discuss relations with Greece and Cyprus. Commission's Report on Turkey (1998) added new criteria for the democratic conditionality, such as the non-interference of the armed forces in politics and respect for the due process of law, based on the problems presented by the country. In 2004, accession negotiations were started. However, they were suspended in 2006.

Finally, the enlargement of the Western Balkans countries was formalized by Croatia's accession in 2013 (T₄) and is still ongoing since Macedonia (in 2001), Montenegro (in 2007), Albania (in 2004), and Serbia (in 2007) also signed pre-accession agreements. In comparison to the previous enlargement, important changes took place. The pre-accession stage was started by signing the Stabilisation and Association Agreement, which replaced the European Agreements. Additionally, the Instrument for Pre-Accession (IPA) was replaced the PHARE within the scope of financial assistance. Regarding the political conditionality, in addition to the democracy requirements observed in the *pre-accession stage* under the fifth enlargement, cooperation with the Criminal Tribunal for the former Yugoslavia (ICTY) was also required. In this regard, it should be noted that the pre-accession negotiations were suspended with Serbia in 2006 due to non-compliance with this last requirement (European Commission 2011).

During the *screening* stage, Commission's Reports have continued to be the primary way of assessing compliance with the democratic conditionality required by the Copenhagen Criteria. However, compared to the fifth enlargement, it is possible to identify the new requirements called informally by *Copenhagen Plus*: full cooperation with the ICTY, return of refugees, regional cooperation and reconciliation with neighbour countries, respect, and implementation of peace agreements (Kmezić 2015:13). We see, therefore, an association between democracy and security issues.

Considering this new approach, the democratic conditionality was used concerning Croatia in 2005, when the opening of its negotiations was postponed by six months due to its non-cooperation with the ICTY, even as the country was considered a democracy. Similarly, the main obstacle to opening accession negotiations with Serbia was its conflicts with Kosovo. Once this issue was resolved, negotiations began in 2014 (European Commission 2011).

During the *Negotiation Positions* stage, another significant change is observed. Unlike the 5th enlargement, when there was no explicit use of the democratic conditionality in this stage, the enlargement to the Balkans included two new negotiating chapters: chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom, and Security). These new items have made direct reference to democratic principles, like independence and impartiality of the judiciary, observance of human rights in war crimes trials, combating corruption, access to justice, freedom of expression, rights of women and children,

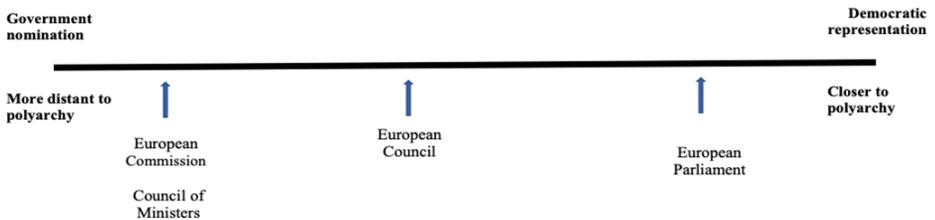
protection of minorities, refuge, political asylum, and fighting organized crime (European Commission 2011). The inclusion of these two new chapters aimed to replace the instruments of post-accession monitoring, like the CVM. According to Kmezić (2018:8),

in this novel approach, the Western Balkan countries are expected to get a head start on the most difficult aspect – the rule of law reforms – to allow enough time to build solid track records of implementation before opening other negotiating chapter.

These findings show that the democratic conditionality has changed over time mainly due to the influence of countries’ domestic institutional contexts during the accession process, corroborating hypothesis H₃. We understand that its criteria were better specified, approaching the principles and procedures of polyarchic democracy. Besides, the interaction with countries with non-democratic political trajectories expanded the scope of democratic conditionality, which started to be observed and applied during the pre-accession, screening, and position negotiations (by adding chapters on democracy in the context of enlargement to the Balkans) and post-accession (by the Bulgarian and Romanian CVM).

Changes in EU’s democratic conditionality: the procedures

Regarding the procedures of the democratic conditionality applied to enlargement processes, we now analyse them considering the polyarchy concept, according to the model in Chart 1. Scale 1 shows the variation of the method of constituting decision-making bodies, going from the least polyarchic (Government nomination) to the most polyarchic (Democratic Representation).



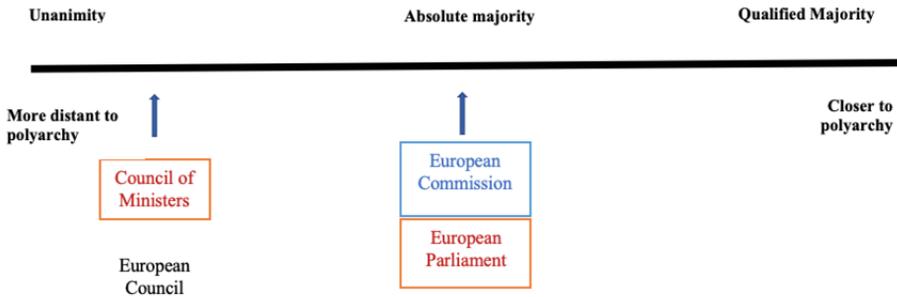
Scale 1. Method of the composition of the decision-making body.

Source: the author.

The Commission is a central actor in the use of the democratic conditionality since it is the one that produces the Reports and opinions that inform the decision in the Council of Ministers. Both institutions, which have important roles in this decision-making, are composed through governmental nominations, a method distant from the requirements of polyarchic democracy. The European Council, responsible for launching the general guidelines for the enlargements, highlights for being composed of the Heads of State and/or Governments of the EU states, the President of the Commission, and the High Representative of the Union for the Foreign Affairs and Security Policy, both members of

the Commission. Even governing democratic states, the Heads of State and/or Government were not specifically chosen to compose the European Council. Also, the participation of members of the Commission distances the rule of the composition of this decision body from the procedures of the polyarchy.

Scale 2 shows how decision rules approximate the procedures of polyarchic democracy.



Scale 2. Decision rules.

Source: the author.

All rules above are majority rules and, therefore, democratic (Sartori 1994). However, decision rules that best promote citizens' control and the enlightened comprehension of collective decisions should be prioritized on democratic decisions (Dahl 2012:173). As seen before, a major institutional innovation perceived over the years in the EU has been the increased use of the qualified majority rule in the decisions of the Council of Ministers. However, regarding the accession of new members, as it is a sensitive issue to the sovereignty of states (Tsebelis and Garrett 2001), the unanimity rule was maintained for the voting of this matter in the Council of Ministers since it belongs to the scope of the special legislative process of the Common Foreign and Security Policy themes.

The unanimity rule gives all actors the power of veto, which, in addition to the potential to generate decision paralysis, may hurt the principle of majority. Similarly, the European Council, being fully intergovernmental, always decides unanimously. Finally, the EP and the Commission are the institutional actors that decide by an absolute majority, with the rule of the qualified majority not being mobilized in this decision-making process. The qualified majority rule comes closer to the principles and procedures of the polyarchy for enhancing respect for the will of minorities (Lijphart 2003).

From this analysis, hypothesis H_2 is partially corroborated since adopting the rule of an absolute majority in Parliament's decisions brings this procedure closer to the concept of polyarchy, while the unanimity rule distances it. However, the decision rule closer to the polyarchy would be the qualified majority, not used in this decision-making.

In this matter, the Council of Ministers decides unanimously after approval by the EP, giving it a veto power in this decision-making process¹¹. The Commission has the power of agenda setting when guiding the application of the Copenhagen Criteria and, thus, using the democratic conditionality. In this sense, the decision rule of the qualified

majority is used in the internal decisions of the Commission and not in the final deliberation of the accession process. As seen, its main task is to recommend or not the accession of candidate states. The European Council, by approving the eligibility criteria, also has agenda powers.

Concerning the condition of Dahl's polyarchy that concerns equal information about alternatives, they were translated, in this analytical movement, by the diversity of sources used on Commission's Reports (Scale 3).



Scale 3. Pluralism of the sources on Commission's Reports.

Source: the author.

In the Commission's Report on the accession of Austria, Finland, and Sweden there was no mention of the sources used for its elaboration. As discussed earlier, these countries came from democratic political trajectories and the democratic character of their political regimes was not questioned.

To prepare Agenda 2000, the Commission consulted the following sources: national authorities from the candidate countries, member states of the EU, other IOs (Council of Europe and the Organization for Security and Cooperation in Europe), and non-governmental organizations (European Commission 1997). In this context (1997), there is no mention of interaction with the EP to build the Commission's position on the situation of democracy in the candidate countries. From the 1998 Regular Annual Reports published by the Commission, the EP's Reports and positions started to be taken into account. For example, the Report on Romania (1998) mentions holding two meetings of the Joint Parliamentary Committee between members of the EP and the Romanian Parliament (European Commission 1998) to foster dialogue and provide information to the Commission. Similarly, the Annual Progress Report on Croatia (2005) mentions interaction with other actors: the Croatian government, technical consultants, and evaluators (peer review) on the capacity of public administration, EP's reports, and resolutions, in addition to the sources already mentioned in the Agenda 2000.

Considering the 7th condition of the polyarchy, Scale 4 shows variations on how bureaucracies are autonomous or accountable. This condition establishes that the orders of elected civil servants must be carried out to prevent public bureaucracies from exercising power to their advantage and, thus, undermine the principle of popular sovereignty (Dahl 1989: 73).



Scale 4. Autonomy or accountability of public bureaucracies.

Source: the author.

The only EU institution that fully meets this condition is the EP. The Commission, in turn, is characterized by being an unelected community bureaucracy that has a relevant role in defining the agenda, applying the criteria, and controlling the accession process.

Although the Council of Ministers is the body responsible for accepting or not the countries' application for membership, this decision is made based on the opinions of the Commission. In this sense, the Commission's assignment is technical and involves monitoring a range of political and economic reforms. Its importance is evidenced by the fact that its recommendations about the status of an individual candidate are generally accepted, without changes, by the member states under advice (Vachudova 2005:118). This situation is explained by the technical and political complexity of these recommendations. If they were open for discussion and deliberation by each member state, the procedure would become more costly and time-consuming.

We understand that the concentration of agenda assignments in the Commission gives the decision-making lowers the internal costs but increases the external risks to the decision (Sartori 1994). This characteristic leads to a reduction in the polyarchic potential of the decision since the most appropriate institution to exercise this function, in the light of the contributions of Dahl (1989) and Sartori (1994), should be the European Parliament. Thus, the concentration of agenda powers in the Commission distances this decision-making from the principles and procedures of the polyarchy.

The EP has gained powers in the production of reports that use the democratic conditionality to analyse the political regime of the candidate states. However, the primary documents informing the decision to accept or not the candidate countries as members of the EU are produced by the Commission.

Scale 5 shows changes in the EP's role in this decision-making.

The empowerment of the EP within the EU's institutional arrangement expresses the principles of political equality and popular sovereignty since all European citizens have the right to vote and stand as a candidate for the EP. Since the SEA, this institution has started to decide on accession processes to the EU.

European Parliament
unassigned in the accession
process

European Parliament with
a decisive role only in the
final stage of the accession
process.

European Parliament
with a decisive role in all
stages of the accession
process.

More
distant to
polyarchy

↑
European
Parliament

Closer to
polyarchy

Scale 5. Role of the European Parliament on the accession of new members states.

Source: the author.

We understand that the place on the scale furthest from the requirements of polyarchy corresponds to the EP with no formal attribution in this decision-making, as it did before the SEA. It represents an important variation in the regional institutional arrangement that brings this political process closer to the polyarchy and makes it more representative of the will of the citizens, corroborating hypothesis H_1 .

The EP has the function of giving its favourable opinion before the accession of any new state to the EU, being a veto player (Tsebelis 1997) since the adhesion of new members is only finalized after its approval. However, EP's main role is limited to the final stage of the accession process. During the screening, which more specifically uses the democratic conditionality, the EP has no formal attributions. Therefore, the form of application and the evaluation of the criteria included in the conditionality is focused on the Commission, a fact recognized by the EP itself (European Parliament 2003). The EP's main task is limited to the last stage of the accession process, a moment that, generally, is after the use of the democratic conditionality.

Greater approximation of this procedure to the principles and requirements of the polyarchy relates to the increase of the attributions of the EP in all the stages of the accession process, granting it, in addition to the power of veto, power of agenda. In this way, the only democratically elected institution in the EU should have greater responsibilities in using and monitoring the democratic conditionality in the enlargements.

The actions of the PE during the negotiation processes are limited to: (i) conducting biannual conferences between the president of the EP and the presidents of the legislative branch of the candidate countries; (ii) discussing on specialized committees about the subject in the EP; and (iii) the establishment of Joint Parliamentary Commissions between the EP and the National Parliaments of the candidate states. Albeit the limitations, these activities are essential to provide information used in the accession process and disseminate democratic practices (European Parliament 2003).

Since 1997, the EP has prepared its annual reports on the political situation of the candidate countries. These documents are written by specialized rapporteurs in each candidate country, who had different information sources and had personally visited the countries every year. In general, the Parliament's Reports tend to be more politicized and emphatic than the Commission's, which are more technical (Pridham 2005:43). The differences

between the approaches are explained by the method of the constitution of each of these institutions and the functions performed by the MEP and the Commissioners.

Conclusions

The institutionalization of the democratic conditionality stands out as being a key to understanding the relationship between democratic principles and procedures in the EU. As demonstrated, the democratic conditionality has been a dependent variable on the EU institutional arrangement. As institutional innovations were carried out, the decision-making that used democratic conditionality (accession of new members and the permanence with full rights in the bloc) was modified. In this sense, it was noticed that the main variation at the regional level that influenced the variations of democratic conditionality was the attribution to the EP of a role in deciding on the accession of new members. It made the EP an actor with veto power since the agreement of this institution became necessary for the accession of a new state to the EU to be implemented.

Even so, the accession process still differs from the ideal type of polyarchy since the tasks of applying and monitoring the EU's democratic conditionality (agenda power) are concentrated in the Commission, which composition method is distant from the principles and the procedures of the theory of polyarchic democracy. This concentration of powers in the Commission increases the efficiency of the accession processes, raising again the trade-off between efficiency and democratic legitimacy in the EU.

The political conditionality changed mainly due to the interaction with the political regimes of the accession countries. We noticed that, based on the characteristics of the countries' political regimes, the criteria were better specified, approaching more pluralist principles. Also, the interaction with states with authoritarian political trajectories broadened the scope of application of the democratic conditionality, which started to be mobilized during different stages of the process.

An important finding is that the democratic principles that were progressively incorporated into the Treaties of the EU were first conceived in the Reports that used the democratic conditionality in the enlargements. We observed that the Commission's Reports, when assessing the fulfilment of the democratic conditionality by the candidate states, developed a more detailed approach to democratic principles. Thus, in addition to holding free and fair elections, the rule of law and individual freedoms, issues such as minority rights and integration, opposition participation in the political game, gender equality, freedom of the press, the due process of law, and the fight against corruption and organized crime were included. Initially, the EU's fundamental Treaties referred to democratic principles in a more generic and minimalist way. Since the Lisbon Treaty, when the 5th enlargement had already been concluded, more pluralist principles of democracy were incorporated. Thus, the democratic conditionality proved to be not only a dependent variable of the institutional arrangement but also an instrument for strengthening democratic principles in the EU.

We explained that the democratic conditionality of the EU has changed over time, becoming more complete (contemplating different stages of the accession process), detailed, and pluralist when applied to the enlargements. From these findings, we understand that the EU compensates for its democratic weaknesses by incorporating democratic principles and procedures at the regional level. In this sense, without the use of the democratic conditionality for the accession of new members, there would be no minimum standard of democratic legitimacy within the scope of the integration.

Improvements on the democratic conditionality that bring it closer to democratic principles and procedures attempt to atone for the EU democratic deficit. Thus, given the impossibility of organizing the EU's polity in a genuinely democratic way, the democratic conditionality emerges as a tool to ensure that it is, at least, a polity formed by democratic states. This relationship is considered rational and strategic, used according to the actors' interests, especially the states (veto players) during intergovernmental decisions. However, it is paradoxical since the EU strongly uses the democratic conditionality in the accession process but seems to neglect the sanctions formally expressed in Article 7 of the TEU. It is a sensible area to the sovereignty of the EU members, and this issue must be better explored in further works. These findings reinforce the political character and the strategic application of the EU democratic conditionality.

Notes

- 1 The UE the economic and political crises in the last decades made their members and actors more self-centred and less engaged with the enlargements. Thus, 'the Union lost its will and capacity for completing enlargement in the Western Balkans' (Bieber 2019:138).
- 2 For other examples and deeper analyses of the democratic backsliding on Western Balkans and Central Europe countries see Bieber (2019) and Vachudova (2020). For a complete study of Bosnia and Herzegovina case, see Kiel and Perry (2016).
- 3 See also Menon and Weatherill (2008).
- 4 The EU results from a deep integrative process with pooling sovereignty and it is situated between the international and domestic logics. Therefore, the adoption of theories and concepts initially intended to explain the political dynamics within the state are useful, although not sufficient, to advance in the construction of explanatory models of the discipline of regional integration, which is multidisciplinary. There are important disagreements with this analytical movement (Menon and Weatherill 2008), which, however, does not preclude its application.
- 5 'Exploring federalism' (Elazar 1987); 'Horizontal accountability and new polyarchies' (O'Donnell 1998).
- 6 Due to the paper's length, we cannot show all data used to characterize the domestic political regimes. We use the Electoral Democracy index, from the Varieties of Democracy database. The threshold for polyarchy is EDi > 0,5 plus two other conditions: (1) the existence of real multiparty elections (rating above 2) and (2) free and fair elections that can assure real competition and participation (rating above 2) (Teorell et al. 2016.).
- 7 Only the conditions used on this analytical model are available.
- 8 This analysis establishes parameters of approximation and distance about the concept of polyarchy and we consider that the government nomination is at the end of the scale, being the least polyarchic of the methods of composition in analysis.
- 9 In the 1990s Croatia's EDi approached 0.2, a rating below the threshold of democracy followed in this work (EDi > 0.5). It shows that the democratic conditionality has already been used in the pre-accession stage.

- 10 The time milestones of the comparison are detailed in the last paragraphs of the introduction.
- 11 In Scale 2 both are written in red to indicate that they are the actors with the decision powers in the final stage of the accession process.

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Condicionalidade democrática da UE: princípios e procedimentos democráticos?

Resumo: Este artigo visa explicar as mudanças na condicionalidade democrática da União Europeia ao longo do tempo a partir dos contextos institucionais dos níveis doméstico e regional. Os marcos de comparação dizem respeito às ampliações ocorridas entre 1993 e 2014. As variações sobre a variável dependente são analisadas à luz dos princípios e procedimentos do conceito de poliarquia (Dahl 1989). Esta análise demonstra e explica que a condicionalidade democrática da UE mudou ao longo do tempo, tornando-se mais completa e com princípios mais pluralistas quando aplicada aos alargamentos. Ela também destaca a relação entre a condicionalidade democrática e o déficit democrático da UE através da incorporação de princípios e procedimentos democráticos nas instituições da UE.

Palavras-chave: condicionalidade democrática; poliarquia; União Europeia; integração regional; tomada de decisões.

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ERRATUM

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