

The role of the mixed signals in acquis conditionality

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Author: Cansarp Kaya
Thesis advisor: Dr. Lars Mäder

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Introduction

At the end of the Cold War, new states that were aiming to adopt liberal democratic values started to border the European Union (EU). At the same time, the EU demanded stability in the region and had to play a role in the democratization of the new or transforming Central and Eastern European (CEE) countries; however, it was not as easy as it seemed. While the idea of Europeanization was embraced by the public in the CEE states, the governing bodies were not as reluctant as their citizens (Noutcheva and Bechev 2008).

In the presence of this challenge, the EU developed the strategy of “conditionality”. The preliminary form of conditionality was to sign Association Agreements as a reward when four democracy-related conditions were fulfilled and a functioning market economy was established (Smith 1997). However, democratization of these countries continued to be a challenge. As it was seen in Slovakia, coalition partners were sometimes not ready to constrain their power base by complying with the EU conditions (Haughton 2007a); as a result, the Union started to publish annual reports on progress of candidate countries, and the political criteria that were seen as somehow vague were clarified for the candidates (Sadurski 2004).

Conditionality seemed to be a success story at the end of the 2004 enlargement. Toshkov (2008, 380) states that “post-communist countries have been rather successful in adapting to EU law” although they had to “incorporate into their national legal systems more than 80,000 pages of legislation in the course of a few years”. Vachuda (2005) uses the term “credible candidates” who feel that they are treated equally thanks to the meritocracy of the Union and know that their membership is dependent on their performance. However, the effectiveness of conditionality is damaged if the candidate states are treated on a special track. Consequently, the credibility of the reward decreases, and expected democratic and policy changes may not occur.

In this paper, the impact of member state signals on Europeanization of candidate countries is analysed. I argue that a uniform signal from EU member states results in successful domestic institutional change, whereas mixed signals deteriorate alignment with the *acquis*. Two candidate countries - Croatia and Turkey - are used in the analysis due to the same starting date of negotiations and similar political and economic problems they encounter. The analysis provided some evidence for the hypothesis. With the conditional support on fulfilling the Copenhagen criteria, Turkey enjoyed a domestic institutional change until a debate on the European identity of the country emerged and alternative rewards like “privileged partnership” are offered by some member states in 2005. On the other hand, Croatia successfully completed its transformation with the uniform support for Croatian membership depending on cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). Additionally, despite unified support, duration of pre-accession phases exerted a negative effect on domestic reforms.

The paper is structured as follows: In the beginning, three phases of accession period (eligibility, pre-negotiations, and negotiations) are analysed and different influence mechanisms of the Union are introduced. In the second part, conditionality is examined as the main influence mechanism, and the need for credible signals is mentioned. The actors who send these signals and the mechanism behind it are also presented. The third part discusses the research design. The results are shown in the fourth part and are confirmed with the robustness tests in the fifth part. The paper ends with a conclusion and a discussion section.

Structure of the accession process

In order to understand the mechanism behind the relationship between the signals the EU sends and the quality of candidate country's institutional reforms, one should understand how the accession process is structured, and in which stages the Union is more influential than others. The process can be divided into three time frames: eligibility of possible candidate states, the pre-negotiation period, and the accession negotiations. In each time frame, expectations from candidates and tools the EU uses are distinct.

Eligibility and passive leverage

According to the European Commission, "any European country may apply for membership if it respects the democratic values of the EU and is committed to promoting them"¹. Two main concepts here are European identity and the level of democracy in a potential candidate state.

The definition above indicates that Europe has boundaries; however, it is hard to tell where Europe starts and ends. As an official candidate for membership, Turkey seems to be the Eastern border of the Union at the moment, although its European identity is still discussed. Ukraine, Moldova, and Belarus are mentioned as "western newly independent states" by the Commission and the relation with them are categorized together with the policies towards Russia and Southern Mediterranean countries (Commission 2003). On the other hand, Schimmelfennig (2008) lists these three countries as eligible for association as long as they share democratic values. Yet, it doesn't mean that the countries, which are falling outside of the scope of eligibility, are not enjoying the benefits of the European Union. Still, the Union is trying to align these countries with the *acquis* to increase trade and to promote democracy and rule of law in order to improve stabilization in the region. However, these initiatives aim to reach "the furthest possible association below the threshold of membership" unlike the accession process (Lavenex 2004, 687). As a consequence, it is widely accepted that influence of the Union on these countries is limited. According to Epstein and Sedelmeier (2008), the countries lacking membership incentive are less likely to comply with the European law. Börzel and Pamuk (2011, 93) also mentioned "the absence of a membership perspective" was one of the reasons of failure of transformation in Southern Caucasus despite "the sophisticated framework" of the Union. This mechanism is not constrained to non-European partners of the Union. Even the country is an official candidate, the doubts over the membership pose the same problem as it will be explained in the upcoming chapters.

In addition to being European, potential candidates should also embrace the European norms, namely democracy. Similar to the European identity criteria, the concept of democracy is subject to discussions. From one standpoint, there are methodological issues in measuring democracy. In his analysis, Schimmelfennig (2008) uses Freedom House scores, which classify countries as "free", "partly free", and "not free". The eligibility of "partly free" countries is depending on the Union's preferences. If the Union is demanding an acceptable level of democracy and is aiming to improve it during the accession period, then "partly free" countries must be eligible for membership, but if candidate states are expected to be at European standards in advance, "partly free" countries should first improve their conditions in order to be eligible. In the same analysis of Schimmelfennig (2008), it is shown that several times the Union started negotiations with countries that are not eligible for membership

¹ https://ec.europa.eu/neighbourhood-enlargement/policy/conditionsmembership_en

(positive discrimination) or vice versa (negative discrimination). Lastly, it is difficult to measure commitment to democratic values. Especially, long periods of negotiations and no signs of progress in the accession period may hinder this commitment.

Discussions about the European identity of candidates and the definition of democracy aside, the prospect of membership alone can be helpful in the institutional change of possible candidates. In the eligibility stage, countries are influenced by the Union's passive leverage. The potential candidate state is willing to be a member because of the high expectation of economic benefits (Haughton 2007b) and political benefits, such as obtaining clear rules and voice opportunities in the decision making of the Union (Vachudova 2005). However, the EU is not as willing as the possible candidate states for their membership and this is defined as "asymmetric interdependence" (Vachudova 2005). Thus, the state must reform their laws without any direct support from the Union. Once the states and the Union sign an Association Agreement, the passive leverage diminishes, and a new phase of relations can be observed afterwards.

Pre-negotiation period and active leverage

Association Agreements are signed to synchronize trade laws to enhance economic relations between the Union and the signatory. Although the Union can sign these agreements with any countries, according to the European Commission, this agreement can also be signed as a preparation for the membership². By signing the agreement, the member state enters the phase of pre-negotiation period. During this phase, instead of a passive leverage, one can see that the Union starts to use its active leverage.

Active leverage is used together with conditions. According to Sedelmeier (2006, 9), one of the most important strategies of the Union is using conditionality, which is "the use of conditional positive incentives (ultimately EU membership) as reward for states who adopt certain rules that the EU specifies". These rules are called as Copenhagen or accession criteria, and the countries are expected to reform their institutions in order to fulfil these criteria. Hence, institutional change is the commonly used dependent variable in the literature (Börzel and Risse 2012). This change can be either formal that is "legal transposition of the rules" or behavioural that is "implementation, application, and enforcement" (Sedelmeier 2006, 8). In addition to its nature, the mechanism behind this change is also discussed. Rationalist institutionalism argues that a redistribution of resources to the domestic players leads to a change, whereas sociological institutionalism argues that European norms are adapted through socialization, thus domestic institutional change occurs (Börzel and Risse 2000).

No matter how this change is defined or how it occurred, it is certain that the Union is very powerful during this phase. Sadurski (2004, 383) mentions Association Councils that include EU officials and national representations, and he states that these councils are "with formidable powers to take legally binding decisions taking precedence over national law". Moreover, the countries have to agree that their reforms are monitored and evaluated by the Union as a consequence of asymmetric interdependence (Vachudova 2005). Especially, in the last period of this phase, "the ability to decide whether to open accession negotiations or not appears to be a powerful weapon" (Haughton 2007b, 237). To sum up, before the start of negotiations, the Union uses its active leverage, and due to its powerful position, domestic institutional change is likely to be observed in the candidate states.

² http://eeas.europa.eu/association/index_en.htm

Negotiations and accession

The last phase before the membership starts with the negotiations between the Union and the candidate state. According to Schimmelfennig (2008), after a country reaches the European standards of democracy and signs an Association Agreement, the Union needs some time (in his model, 2 years) to observe the changes and subsequently starts the negotiations. This time lag is necessary to contemplate the commitment that was discussed above. In this period, active leverage can still be used to a lesser extent. It is argued that once the Union starts the negotiations with a member state, the threat of exclusion loses its power, thus candidate states are reluctant for an institutional change (Haughton 2007b). Once the date of accession is announced, the conditionality loses its effectiveness completely, and instead of enforcing reforms, the Union only monitors those states (Steunenberg and Dimitrova 2007).

In the end of this long period, the countries achieve their long-awaited reward - the membership. EU membership is a very general understanding of a reward. According to Schimmelfennig, Engert, and Knobel (2003), rewards can be categorized into two types; assistance (technical and financial) and institutional ties (trade and cooperation agreements). With these agreements, new member states are incorporated into the European market, and their capabilities are improved with assistance from the Union.

All the same, the outcomes of Europeanization do not have to be positive. For different reasons, Europeanization of candidate countries can also be a partial success or a failure. Radaelli (2000) lists four possible outcomes; a successful transformation, only non-fundamental changes (absorption), a lack of change (inertia), and becoming less European (retrenchment). Even in the cases of a successful outcome, new member states may not be willing to continue with the reforms after achieving the ultimate reward. Spendzharova and Vachudova (2012, 47) point out that “the obvious externally-imposed costs of not pursuing reforms or complying with EU rules have diminished”, and the reforms may not be implemented or even be reversed. As it is seen, a wide ranging institutional change is already difficult to be achieved during the accession period and is even more difficult even after that. Therefore, the Union has to find an influence mechanism to ensure successful transformation of candidate states. In this paper, I am going to focus on conditionality and conditions for its success; namely credible signals.

The need for credible signals

Understanding conditionality

There are various ways through which the European Union can influence the reforms in candidate countries. Börzel and Risse (2012) categorize them into two main types; either an agent (in this context, the Union) promotes its norms in their negotiations with the receivers (called as direct influence mechanism) or the actors seek for exemplary models (called as indirect influence mechanism). Since the latter type of mechanism neglects the Union’s tools but focuses on the recipient, the paper is going to focus on the direct influence mechanisms. There are four ways the Union can intervene in recipient countries; coercion, socialization, persuasion, and using incentives, meaning that using conditionality as a tool to create positive and negative incentives (Börzel and Risse 2012). The Union is known to “evolve an explicit use of conditionality in a gate-keeping role” (Grabbe 2003, 316) during the whole accession process.

The formal accession criteria were introduced at the 1993 European Council meeting in Copenhagen, although the basic principals were being used informally during previous enlargement rounds. By introducing these criteria, the Union aimed to minimize the political and economic risks of enlargement by guiding candidates (Grabbe 2006). These rules are officially categorized into three criteria by the European Commission. Political criteria are the rules to improve democracy, rule of law, the protection of human rights and minorities. Economic criteria aim to maintain a market economy and improve the ability to encounter competition. The last criterion is about legislative alignment with the *acquis communautaire*, which currently contains 35 chapters³. Although these criteria are occasionally analysed as a whole in the literature, conditionality is divided into two as “democratic conditionality” and “acquis conditionality” in this paper. This is a follow-up to the Schimmelfennig and Sedelmeier (2004) approach as they argue that there are differences in the conditions of success. At the same time, they claim that credible signals are required for a successful domestic change in candidate states for both types of conditionality mechanisms.

As it is discussed above, democratic conditionality has always been present during the accession process from the very beginning of the eligibility period. However, democratic conditionality was evolved into a more comprehensive “political conditionality” during the middle of the 1990s as it started to cover more aspects of democracy, and these aspects were monitored tightly by the Commission (Pridham 2008a). Admitting there are some problems in the application of this tool, the Union’s “multilateral” conditionality can be seen as “acceptable and legitimate” because it is a collective decision instead of a one state initiative (Smith 1998, 257). The mechanism behind democratic conditionality is considered as a cost-benefit relationship. A candidate state is expected to behave rational, and the reforms are halted when adoption costs exceed expected benefits. The benefits are “financial assistance, market access, technical expertise, and participation in international decision making” according to the “reinforcement by reward” hypothesis (Schimmelfennig, Engert, and Knobel 2003, 497). However, these benefits are partly confined by adoption costs. According to Steunenbergh and Dimitrova (2007, 6), “potentially unpopular measures”, which are the consequences of EU’s demands, incur costs to the state, and the net payoff of cooperation with the Union becomes lower than the payoff of accession without any reforms. They argue that the tendency of a member state is still to cooperate because if the Union delays accession, the state will end up with no membership, which has the lowest payoff for the state. Spendzharova and Vachudova (2012) argue that cost and benefit calculations are depending on domestic incentives. They claim that EU leverage cannot be transformed into institutional change if it conflicts with domestic incentives, which would increase adoption costs. In light of this debate, it is fair to argue that the liberal states whose preferences are closer to the Union preferences can satisfy the democratic criteria without significant problems. On the opposite side, as Schimmelfennig (2008) argues, it is more difficult to use democratic conditionality on authoritarian or nationalist regimes.

Acquis conditionality is different in nature than democratic conditionality; thus its conditions of success are also partly different. Adopting the EU acquis involves a sufficient administrative capacity to align domestic law with European law. In spite of large amount of paperwork, this type of conditionality is considered as “a rather weak form of conditionality” because the “remaining gaps in implementing the acquis are clear, and sanctions after EU membership are impending” (Schwellnus 2005). Beside the clarity of the rules, acquis conditionality does not offer a significant change in the domestic environment.

³ http://ec.europa.eu/enlargement/policy/glossary/terms/accesioncriteria_en.htm

Schimmelfennig and Sedelmeier (2004) mention the adoption cost of EU law is very low as it is not changing the political power system and the incumbent's re-election chances; hence, domestic incentives lose their importance as a condition of success. Although it is important, favourable domestic environment is still insufficient for the success in democratic reforms. Schimmelfennig (2008) argues that full compliance may be obstructed by uncertainty regarding accession. Therefore, by using a certain reward for compliance and a certain exclusion threat for non-compliance, credibility must be ensured for both types of conditionality.

The ultimate reward of the accession process is EU membership, whose date is unclear until the very end of the process. This uncertainty about the date of Treaty of Accession and its entry into force is intentionally created. This strategy, which is different compared to the strategies used by other international organizations, was adopted to stimulate compliance with conditionality (Vachuda 2005). It is argued that when the Union sets the date of accession, the compliance game turns into a finite game, and knowing the Union is officially supporting the enlargement, candidate states abandon reforms (Steunenberg and Dimitrova 2007). This strategy has a major drawback as the uncertainty might hinder the credibility. For this reason, the Union must find a balance between a certain reward and an impossible-to-get reward. It should be stressed out that the reward will be achieved with the fulfilment of the criteria without a certain date of an accession. The Union underlines how all countries are treated equally on the same criteria, and it is widely accepted that the Commission's evaluations and the Council decision on the possible candidates are fair and unbiased (Vachudova 2005). Different from the ultimate reward, the threat of exclusion is used effectively only during the pre-negotiation period. Before the 2002 enlargement, the Union threatened the laggards of reforms with the possibility of their absence in the upcoming enlargement round (Vachudova 2005). The Union occasionally showed that this threat of exclusion is not shallow. In 2007, Lithuania was excluded from the Euro zone as their bid was denied due to the fact that the country did not meet with the Maastricht criteria (Johnson 2008). The certainty of an exclusion threat diminishes once the candidate country is included to the accession negotiations. As a consequence, the Union added some "postponement clauses" during the negotiation phase to maintain its credible exclusion threat (Haughton 2007b).

The lack of the Union's credibility is an obstacle for the Union's desire for a reformed region. Epstein and Sedelmeier (2008) believe that a successful Eastern enlargement cannot occur without a credible award. Particularly after 2005, when the questions are started to be pronounced about the Union's will for further enlargement, the success of candidate state reforms aroused suspicions with the increasing lack of clarity (Pridham 2008a). Hence, the credibility issue is the key point of success of both types of conditionality. To ensure the reform process, the Union must show that they are reliable in their rewards as well as their threats. Consequently, the signals that are sent by the Union to the candidate states are determiners of the success of domestic reforms.

The enlargement signals

The main actor of the enlargement process is the European Commission. The Commission, whose name is often associated with bureaucracy and an enormous regulatory function in the Union (Christiansen 1997), takes the role of monitoring the accession process, acting upon the needs of candidate states and giving feedbacks to the other European bodies and the candidate states by publishing annual regular reports. These reports are the "key

instrument to monitor and evaluate the candidate countries' progress towards accession" (Hughes and Sasse 2003, 14).

The power of the Commission has changed during the years. With the introduction of Accession Partnerships that define the outline of the accession process⁴, the Commission started to assign priorities to some criteria and to influence the process directly with their evaluations and recommendations despite the fact that the final decision of accession is still given by the Council (Grabbe 2006). Especially before the 2007 enlargement, the Commission was very strict about the fulfilment of conditions and showed its determination by adding three safeguard clauses and sending warning letters in times of failure (Noutcheva and Bechev 2008).

This strictness in monitoring happened simultaneously with the politicization of enlargement. For the Commission, it became difficult to make a decision without member state influence. According to Christiansen (1997), bargaining in the Union changes the bureaucratic role of the Commission, and this political pressure obstructs the application of formal rules; as a result of this, "the distinction between European and state actors becomes blurred" (Hooghe 1996, 92-93). In the end, it is difficult to speak about a fully autonomous Commission.

For this reason, member state preferences need to be taken into account, together with the Commission's preference. Occasionally, it is observed that the member states acted in unison, especially on the general principles. For example, the draft of Accession Partnership was accepted without any significant discussion as there was a consensus on the desirable system, and member states wanted to avoid long periods of transitions during the accession process (Grabbe 2006). However, each member state puts some salience on the accession of specific countries in accordance to their interests. Schimmelfennig (2001) argues that the member state preferences on enlargement are egoistic, and it is hard to talk about an economic Community interest. It is said that these diverged preferences constrained the Union's influence on candidate states as member states and other EU bodies are giving different advices and signals to them (Grabbe 2006). In a situation like this, it is possible to see some deviations from the Union's principles. Haughton (2007b, 240) states that "where accession states received mixed signals they tended to opt for the most domestically palatable". Considering adoption costs and uncertain benefits, the most domestically palatable behaviour is to halt the reforms.

Scholars tried to find out the reasons behind enlargement preferences of member states. One possible explanation is deciding upon the potential utility gain. However, some indicators like assignment of a candidacy status to countries with low economic performance show that utility argument cannot explain enlargement support alone (Sjursen 2002). On the member state side, being a "driver" of enlargement is usually related with "geographical position" like being a neighbour of Central and Eastern Europe countries ended up with support for enlargement, but there are exceptions like Greece and Italy, thus this theory cannot be generalized (Schimmelfennig 2001). Instead of economic gains, utility calculation can be done with security gains. The Union lists stability and security as the main results of enlargement, but as a result of enlargement, decision-making in security policies is expected to be harder as new strategies are needed in relations with the new neighbours (Sjursen 2002). Historic institutionalism and path dependency also cannot explain the rejection of Turkey's candidacy in 1997 but the acceptance in 1999 (Muftuler-Bac and McLaren 2003).

⁴ http://ec.europa.eu/enlargement/policy/glossary/terms/accession-partnership_en.htm

One plausible explanation of the motive behind enlargement support is related with norms. One can speak about a general Community value rather than a general economic Community interest. Instead of any other economic calculations, the candidates are selected “on the standard legitimacy of the European international community: European identity and unity, liberal democracy, and multilateralism” (Schimmelfennig 2001, 68). Sjursen (2002, 508) goes even beyond and argues that liberal democracy is necessary but insufficient and “the decision on enlargement is the result of an understanding of who the Europeans are and what it means to be European”. Following this argument, mixed preferences and signals from member states arise from the disagreements on the European identity of candidates.

Lastly, the signal does not have to come from the Commission or member states. Public opinion in member states started to gain importance in member state-candidate state relations. At the beginning of the 1990s, a consensus of public opinion was not taken into account as the political elites were the sole actors in European affairs (Azrout, van Spanje, and de Vreese 2011). However, with increasing integration of the Union, exclusive and inclusive European identities are started to be constructed, elite politics are transformed into mass politics, and politicized European politics are started to be shaped by public opinion (Hooghe and Marks 2009). The changes in the accession process also confirm this idea. The move towards a referendum in France and possibly in Austria for future enlargements creates obstacles for candidates (Schimmelfennig 2008), and it is an example how public support for enlargement is a necessity. Public support for future membership is also expounded by the normative explanations. Azrout, van Spanje, and de Vreese (2013) argue that perceived religious threat increases opposition to enlargement, and this threat is stronger for Muslim EU candidates than the Christian ones. Perceived cultural and economic group threats, on the other hand, are only partly confirmed.

Following the analysis, the hypothesis of the paper can be formulated. The most effective tool of the Union to induce domestic change is using conditionality during the accession process. The conditionality becomes effective once a state is given the candidate status, and with the introduction of safeguard clauses, the effectiveness lasts until the announcement of the accession date. During the process, effectiveness of conditionality depends on the credibility of the Union. However, once member states start to send mixed signals because of a disagreement about the European nature of a candidate state, the credibility is damaged, and the perceived benefit decreases. This is considered as an obstacle for domestic institutional change. Hence, the hypothesis of the paper is as follows:

***Hypothesis:** Domestic institutional change in candidate countries for the European Union membership is deteriorated when candidate countries receive mixed signals from member states.*

Research design

In order to understand different tools the Union uses to induce reforms, different independent variables should be used. As an example, an examination of the socialization tool creates the need to use social change as the dependent variable. Because this paper focuses on conditionality as the main tool, domestic institutional change is used as the dependent variable of the paper. Successful conditionality results in domestic changes like stabilization of domestic structures rather than a change of the regime (Börzel and Pamuk

2012). Stable domestic institutions that respect democracy and a functioning market economy is considered as a successful change.

To measure institutional change, “Progress Reports in which the Commission services present their assessment of what each candidate and potential candidate has achieved over the last year⁵” are used. Domestic change is traced in the 33 chapters about the ability to take on the obligations of membership. Political conditionality is omitted, because as it is explained in the previous section, one has to examine the domestic environments of the countries of interest. Examining *acquis* conditionality is adequate for this analysis as the presence of mixed signal is sufficient to explain the failure of an institutional change.

The change is first coded as no alignment, limited alignment, some alignment, advanced alignment, and well advanced alignment, then clustered into three categories as low alignment (including zero and limited alignment), some alignment and advanced alignment (including well advanced chapters). In most of the chapters, the Commission mentions the alignment level. In the cases where alignment levels are not specifically mentioned; “limited progress” was attributed to limited alignment, “some progress” and “progress” were attributed to some alignment, and “good progress” was attributed to advanced alignment. In the end, no big difference between same chapters from consecutive progress reports are observed, which increases the reliability of the analysis. The detailed analysis of progress reports can be found in the Appendix.

Progress reports are not problem-free. The management approach in compliance studies argues that ambiguity of law leads to non-compliance. Applying it to the accession period, ambiguity of the criteria and the Commission’s expectations obstructs successful domestic change. Börzel and Pamuk (2012, 83) claim that “the absence of any benchmarks for measuring progress” and “vaguely defined reform goals” hinder reform promotion. From time to time, the Commission tolerates non-compliance with the *acquis*, but the level of tolerance depends both on the candidate, the policy field and the decision maker (Grabbe 2003). Although Grabbe (2003) claims that the dimensions of uncertainty have dramatically decreased in the end of the 1990s, ambiguity of the Union’s standards must be kept in mind.

The independent variable of the paper, on the other hand, is the signals that member states send. These signals are divided into two categories; official signals from the governments and citizen opinions. For official signals, the EU-27 Watch is used. The EU-27 Watch is an Internet platform that annually publishes issues on the current debates in the Union⁶. The reports are published as “enlargement watch” between 1998 and 2003, and the focus is extended afterwards. The official positions of member-state governments, as well as opposition parties and citizens, can be found in the reports. For the signals from citizens, Eurobarometer is going to be used. The surveys provide public opinion in EU member states on enlargement for both general and specific preferences. Public opinion is going to be used as an alternative independent variable to test the robustness of the analysis.

The nature of the signal is determined by examining the distribution of opposing, neutral, and supportive member-state governments and the change in the variance of this distribution. Support is coded whenever a government stated that a candidate would become a member as long as the conditions are fulfilled. Statements like “not in agenda”, “a remote prospect”, “on a special track” or “support for privileged partnership” are coded as opposition. Mixed signals from coalition partners, support for negotiations without a promise

⁵ <http://ec.europa.eu/enlargement/countries/strategy-and-progress-report/>

⁶ <http://www.eu-27watch.org/>

and “wait-and-see” approaches are counted as neutral signals. The detailed analysis of signals can be found in the Appendix.

There are several difficulties in creating a scale of signals from the issues. First of all, although it is relatively easier to scale full support or full opposition, the stances in-between are harder to be scaled. Secondly, the effect of the signals may vary either because some member states are more influential in the Union or a candidate state puts more emphasis on the signals from some of member states than the others. Thirdly, the statements subjected to analysis are limited to what EU-27 Watch selected to publish; however, considering the absence of alternatives, this approach is still plausible to be used.

Lastly, a time period between 1999 and 2011 was selected for this exercise due to the availability of Progress Reports and EU-Watch issues. By selecting this time frame, all accession phases can be included in the analysis. The time lag between the signal and the domestic change is one year, meaning that the effect of the signals on domestic institutional change is traced in the following year’s progress report.

Case selection and control variables

To test the hypothesis of the paper, a case study is conducted. Following the Most Similar Systems Design, two candidate countries, Croatia and Turkey, are used in this analysis. On 3 October 2005, the Union started negotiations with both countries. Shared temporal starting point is an indicator of a possible grouping. Previously EU-8 countries (see Toshkov 2008) and Bulgaria-Romania (see Noutcheva and Bechev 2008) that share the exact time periods of accession are grouped together in some of the Europeanization studies. In addition to the same starting date, there are several other similarities, and these variables are controlled for with this case selection strategy. The similarities can be found in common political issues, including democracy, minority rights and rule of law, and economic situation.

Croatia and Turkey confront similar political problems (see Table 1). Regarding democracy, both countries were categorized as “partly-free” in the 1990s by Freedom House. According to Freedom House ratings, Croatia is enjoying the status of a “free” country since 2000. On the other hand, Turkey’s scores have improved in 2002 and Turkey is considered to be “on the verge of becoming liberal democracies” since 2004, meaning that they became eligible for membership, according to Schimmelfennig (2008, 922). Regarding protection of minorities, both countries had to deal with serious problems. Whereas Turkish human right records are damaged with the ill treatment to the Kurdish minority (Kubicek 2005), the issue of Serbian refugees was a significant problem for Croatia. The European Community recognized the independence of Croatia with a condition of the protection of minorities, especially the Serb minority (Field 2001). EU has successfully exercised its leverage on Croatia to cooperate with ICTY to solve this problem (Haughton 2007b), and Turkey abolished some bans on Kurdish language, even though the Union’s requirements are not met yet (Hale 2003). Regarding rule of law, both countries scored negative governance performance until the period 2002-03, according to Worldwide Governance Indicators. Since then, ignoring 2006-07 period, both countries preserved the positive scores and improved their percentile rank among all countries. After all, both countries suffered from similar problems regarding three major political issues, but a significant improvement can be observed after 2002. Thus, if the signals member states send are based on human rights records, no big deviation is expected.

One other similarity is the overall picture of their economies (see Table 2). A functioning economic environment that fulfils the Maastricht criteria (low inflation, low long-term interest rates, low budget deficit, and controlled public debt) is essential for the

economic stability in the Union (Johnson 2008). Abundant economic resources do not only help the fulfilment of the economic criteria but also increase the capacity of candidate countries to comply with EU law. Some economic difficulties are remarkable both in Croatia and Turkey. Ott (2003, 17) lists “the lack of competitiveness of the economy” and “great involvement of the government” as the vulnerable points of Croatia during their accession period. “The relative poverty”, “the structure of its economy”, and “the number of its poor workers” of Turkey are expected to create costs for the Union in a case of accession (Vachudova 2005). The economic indicators also demonstrate this backwardness. Despite the increase in the 2000s, GDP per capita for both countries has always been lower than the half of the average European Union GDP per capita. Both of the countries have higher inflation rates than the Union average while the inflation in Croatia was significantly lower than the one in Turkey until the end of the 2000s. It should be noted that since the beginning of 2000s, GDP growth rates of both countries are usually positive and bigger than the Union’s average growth. This may indicate a shrinkage of the gap between the Union and these two countries. In the end, both countries are laggards compared to the Union in economic terms. Hence, choosing these countries is helpful to control for the economy variable. Therefore, the economic situation should not explain the different signals these countries receive.

Nevertheless, there are two variables that cannot be controlled by this case selection strategy. The first variable is the population of these countries. According to World Bank Dataset, the population of Turkey was around 74 million, whereas Croatia’s population was around 4.5 million people in 2011. This massive difference between two countries is a serious disadvantage for Turkish accession. Vachudova (2005) lists the country’s size as the first reason for incursion of adjustment costs for the Union. Muftuler-Bac and McLaren (2003, 18) argue that “there are unspoken reservations given the size of its population, which is almost twice the size of the largest of the other candidates, Poland”. Considering the numbers of 2011, Turkish accession alone means a 14.6% increase in the EU population, and Turkey ends up as being the second biggest country, in terms of population, after Germany. Although, the population issue must not be neglected, there are some arguments that the population does not really matter in enlargement. Kubicek (2004) states the fear of Turkish dominance in decision-making and immigrant waves from Turkey. However, he argues that the latter problem can be solved with restrictions to labour mobility, and decision-making will not be changed as existing member states will still preserve the majority in the Council. A different argument is brought forward by Kvist (2004). He touched upon the fears of immigration from new member states to the old ones after the 2004 enlargement. However, he showed that the relative population increase in 1973 enlargement (30.8%) was bigger than the 2002 enlargement (19.5%) and the 1986 enlargement was just slightly lower (16.7%). This indicates that in the past, the European Union successfully absorbed huge enlargement waves in terms of population. Kubicek (2004) stated that EU-8 countries were larger than Turkish population in total, but it was not an obstacle for the 2002 enlargement. Hereunder, in the EU side, accession of Turkey must not be different than the 2004 enlargement. Still, the size of the candidate state may affect domestic institutional change. This will be traced in the signals that member states send to Turkey. Lastly, I argue that the signals about enlargement are based on European identities of the candidate countries, and this leads to the second uncontrolled variable of the paper; religion. The main religion in Croatia is Catholicism, whereas Turkey is a Muslim country. It is assumed that religious affiliation does not affect the domestic institutional change alone, but the difference is expected to be reflected in the enlargement signals that are assumed to be based on European identity of the candidate states.

Table 1 - The political situation in the candidate countries

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
<i>Average freedom rating</i>													
Croatia	4	2.5	2	2	2	2	2	2	2	2	1.5	1.5	1.5
Turkey	4.5	4.5	4.5	3.5	3.5	3	3	3	3	3	3	3	3
<i>Rule of law scores</i>													
Croatia		0.01		-0.17	-0.05	0.05	0.09	-0.06	0.04	0.07	0.14	0.18	0.18
Turkey		-0.06		-0.06	0.13	0.13	0.16	0.01	-0.01	0.06	0.09	0.11	0.08

Source 1: Freedom House, combined average rating for Political Rights and Civil Liberties, ranging from 7.0 (not free) to 1.0 (free).

Source 2: The Worldwide Governance Indicators, governance performance, ranging from -2.5 (weak) to 2.5 (strong).

Table 2 - The economic situation in the candidate countries

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
<i>GDP per capita / EU average (%)</i>													
Croatia	26.7	27.1	29.3	31.0	32.9	34.4	36.1	37.8	39.1	42.9	43.1	41.8	40.6
Turkey	21.0	23.9	17.1	18.5	19.5	21.7	25.3	25.9	27.0	28.1	26.3	31.2	30.1
<i>Inflation(%)</i>													
Croatia	3.8	4.6	4.2	3.5	4.1	3.8	3.4	4.0	4.1	5.7	2.9	0.9	2.2
Turkey	54.2	49.2	58.9	37.4	23.3	12.4	7.1	9.3	6.2	12.0	5.3	5.7	8.9
<i>GDP growth (%)</i>													
Croatia	-1.0	3.8	3.7	4.9	5.4	4.1	4.3	4.9	5.1	2.1	-7.0	-1.4	-0.0
Turkey	-3.4	6.8	-5.7	6.2	5.3	9.4	8.4	6.9	4.7	0.7	-4.8	9.1	8.5

Source: The World Bank Dataset

Results

The rest of the paper presents the results of the analysis of signals and the domestic change according to the progress reports of the following year. To detect different extents of EU influence in different periods, this section is divided into two periods as before and after negotiations. Compared to the pre-negotiation period, the EU loses its influence in active leverage during negotiations due to a lower threat of exclusion. For this reason, law alignment in each period of accession must be analysed separately. However, due to the unavailability of progress reports on Croatia before their negotiations, this analysis is only applicable to Turkey.

Pre-negotiation period

In the period between 1999 and 2005, the Commission issued Regular Reports only for Turkey because Croatia did not have an official candidate status. According to the 1999 Regular Report on Turkey's progress, Turkey had unsurprising discrepancies between its national law and the Union *acquis* (see Table 3). Some or good alignment was only present in 8 out of 26 sectors. In most sectors, transposition was either limited or had not started. The official candidacy of Turkey indicated a major breakpoint in domestic change. The decision of the European Union symbolized "a European readiness to contribute, through inclusion, to Turkey's stability and security" (Tocci 2005, 76). The shift in the Union can be seen in their signals too. In the first half of 1999, 6 out of 14 countries were supporting the Turkish accession (see Table 4), albeit mentioning it was a long-term perspective. On the other hand, a majority of EU countries saw Turkey on a special track and showed no incentives for a further offer (Enlargement/Agenda 2000 Watch 1999). However, following the announcement of membership, 11 out of 14 member states mentioned support for Turkey and stated that the accession would be realized in a long time perspective, depending on fulfilment of political criteria. Only Austria, Greece, and Sweden presented some concerns about the new phase in the accession period.

The shift from a mixed signal to an almost unanimous signal from member states positively affected the performance of Turkey as expected. In 2000, the percentage of zero or limited alignment decreased from 69.23% to 58.62%, whereas the number of chapters with some alignment showed an increase. The continuity of a uniform signal in 2000 led to the adoption of Accession Partnership and an increase in financial assistance (Tocci 2005) that accelerated the reforms in Turkey. The decrease in the share of the lowest category of alignment is maintained, and a shift from limited alignment to some alignment can be observed. The constitutional reform packages had also started to be adopted by the Turkish parliament in 2001 (Diez, Agnantopoulos, and Kaliber 2005). In October 2001, 34 amendments were passed which increased alignment, not only in *acquis* but also in political criteria (Hale 2003). Despite the fact that it is not reflected in the Regular Report, some other major changes took place in 2002. With a comprehensive legislative package, death penalty was abolished and minority rights were improved (Schimmelfennig, Engert, and Knobel 2003). According to Müftüler-Bac and McLaren (2003), the Commission officials mentioned these changes as a "miracle".

A gradual improvement in 2003 was balanced with a gradual backlash in 2004. However, these changes are difficult to explain with the signals. Signals that were sent in 2002 are mixed (it should be noted that opinions on Turkish enlargement was not specifically mentioned in both of the EU-Watch issues for 2002), but the signals changed again in 2003.

The ineffectiveness of signals in this period may be explained with impatience. Steunenber and Dimitrova (2007) argue that impatience causes deviant behaviour, and as a consequence, conditionality becomes ineffective. As a follow-up, Schimmelfennig (2008, 933) highlights the role of the Union to “move the negotiations closer to the endgame”. Modifying it to the pre-negotiation period, the period between obtaining candidacy and the start of negotiations must not be very long. Otherwise, impatience that stemmed from the long period of waiting may hinder domestic change. This stagnation was eliminated with the decision of the Union to start negotiations with Turkey. The decision, which was backed with a uniform signal from member states in 2004⁷, showed its positive effect on the reforms as it is seen in Progress Report of 2005. The percentage of the lowest level of alignment decreased from 51.72% to 39.39%, whereas partial alignment level that was 27.59% increased to 33.33%, and advanced alignment level that was 20.69% increased to 27.27%.

Table 3 - The level of alignment with the acquis between 1999 and 2005

Level of alignment	1999	2000	2001	2002	2003	2004	2005
Low (Limited or none)	18	17	15	15	14	15	13
Partially	1	6	8	8	8	8	11
Advanced	7	6	6	6	7	6	9
Low (Limited or none) (%)	69.2	58.6	51.7	51.7	48.3	51.7	39.4
Partially (%)	3.9	20.7	27.6	27.6	27.6	27.6	33.3
Advanced (%)	26.9	20.7	20.7	20.7	24.1	20.7	27.2

Table 4 - The signals from member states

Member states	1999(1)	1999(2)	2000	2002(1)	2002(2)	2003	2004
Opposition	4	0	0	2	1	0	1
Neutral	4	3	3	4	1	2	5
Support	6	11	9	4	2	11	18
Opposition (%)	28.6	0.0	0.0	20.0	25.0	0.0	4.2
Neutral (%)	28.6	21.4	25.0	40.0	25.0	15.4	20.8
Support (%)	42.9	78.6	75.0	40.0	50.0	84.6	75.0
Variance	0.69	0.17	0.19	0.56	0.69	0.13	0.29

The period of negotiations

2005 was an important year for both of the candidate countries as the Union decided to start negotiations with them. The European Commission published the first Progress Report on Croatia, and this enables a comparison of law alignment in Croatia with law alignment in Turkey. The comparison indicates no significant differences between the levels of domestic institutional change for two candidates. As Table 5 shows, Croatia and Turkey have the same number of advanced chapters, but Croatia has three more partially advanced chapters than Turkey. The signals they received in 2004 were similar as expected. 18 out of 24 countries showed support for Turkey and stated that the country would be a member if the

⁷ Although 75% of EU member states showed support for Turkish accession, because of the opposition of Cyprus, the variance is relatively higher. The signals of 2004 include the new member states for the first time. An analysis of the signals sent by old member states alone increases the level of support to 78.57% and decreases the variance to 0.17

conditions were fulfilled. Thanks to the enlargement wave of 2004, Croatia received a supportive signal in unison with two exceptions; Luxembourg and Estonia.

Table 5 - The level of alignment in 2005, the signals received in 2004

	Croatia	Turkey		Croatia	Turkey
Low (Limited or none)	10	13	Opposition	1	1
Partially	14	11	Neutral	1	5
Advanced	9	9	Support	21	18
Low (Limited or none) (%)	30.3	39.4	Opposition (%)	4.4	4.2
Partially (%)	42.4	33.3	Neutral (%)	4.4	20.8
Advanced (%)	27.3	27.3	Support (%)	91.3	75.0
			Variance	0.20	0.29

In spite of the small differences in the levels of alignment of the two countries in 2005, the signals they received in the same year were different showing a clear paradigm shift in European politics about enlargement preferences, specifically about the accession of Turkey. The first issue here is the concept of “privileged partnership”. The concept was coined by the Austrian government and later embraced by France and Germany (MacMillan 2010). The concept can be seen in EU-Watch 2005 for the first time. It is officially suggested by the Austrian government and German Christian Democrats, but the debate was prominent in Belgium, Cyprus, Latvia, Luxembourg, and Poland. MacMillan (2010) argues that there is a shift from the civic form of European identity that includes universal values like democracy and human rights to a more cultural European identity, and this shift is claimed to be the reason behind the privileged partnership concept. As it is argued before, enlargement is driven by European identities of the candidates. Before 2005, the European identity was considered in civic terms, and as a result, Croatia and Turkey got similar signals. However once the perception of European identity is transformed into cultural explanations, Turkey started to get different signals than Croatia in spite of similar level of rule alignment. The second issue is the rejection of the Constitutional Treaty. In Denmark, it raised questions about absorption capacity of Europe. Considering its size, this was a bigger problem for Turkey, compared to Croatia. Lastly, France introduced a referendum for the Croatian and Turkish accessions, and the same idea was discussed in Austria. This change indicates a negative shift of signals for Turkish accession, considering low citizen support in both of the countries. The signals from member states and domestic changes can be seen in Table 6. The mixed signals Turkey received slowed the progress they made in 2005. On the other hand, Croatia that received a unanimous supportive signal increased the percentage of their advanced chapters from 27.27% to 60.61%.

Table 6 - The level of alignment in 2006, the signals received in 2005

	Croatia	Turkey		Croatia	Turkey
Low (Limited or none)	4	11	Opposition	0	6
Partially	9	13	Neutral	1	5
Advanced	20	9	Support	20	14
Low (Limited or none) (%)	12.1	33.3	Opposition (%)	0.0	24.0
Partially (%)	27.3	39.4	Neutral (%)	4.8	20.0
Advanced (%)	60.6	27.3	Support (%)	95.2	56.0
			Variance	0.05	0.70

The following EU-Watch issues do not allow for interpretation of member-state signals for enlargement. However, with the increasing number of privileged partnership supporters as opposed to a stable support from Mediterranean states, no change in the mixed situation of signals is expected in the Turkish case. On the other hand, Croatia that already had a unanimous support from the member state started to fully cooperate with the ICTY in October 2005 (Schimmelfennig 2008). It is argued that even EU leverage is disturbed by the Slovenian veto for Croatian accession due to border disputes (Noutcheva and Aydın-Düzgit 2008), the general tendency of the Union was essential in the continuity of reforms in Croatia. The results can be seen in Table 7. To sum up, after gaining the candidacy status, a successful domestic institutional change in Turkey is materialized by the European support for Turkish accession with the condition of fulfilling the Copenhagen criteria. In the last years of pre-negotiation period, the change seemed to be halted due to impatience on the Turkish side. It gained momentum with the start of negotiations, but despite the similar alignments, Turkey started to receive mixed signals unlike Croatia, and domestic changes came to a halt, whereas Croatia advanced all 33 chapters by 2011 due to constant support from member states.

Table 7 - The level of alignment between 2007 and 2011

	2007	2008	2009	2010	2011
Croatia					
Low (Limited or none)	2	1	0	0	0
Partially	6	7	4	1	0
Advanced	25	25	29	32	33
Turkey					
Low (Limited or none)	10	12	11	5	6
Partially	7	8	10	13	14
Advanced	16	13	12	15	13

Robustness

Perception of the signals

As much as the structure of the signals is important on domestic institutional change, the way the candidate countries perceive these signals is important. EU-Watch issues after 2005 explains how the Turkish government and citizens interpret the signals they receive. According to EU-Watch No. 2 (2006a), the coincidence of the start of negotiations and the ongoing debates about the end result of Turkish accession is seen as ironic and alternative rewards like privileged partnership increase the anti-EU position. Instead of supportive countries, countries like France, Germany, and Austria, then-presidency of the Council of the European Union that are favoring alternative rewards are seen as the key actors in enlargement (EU-Watch, 2006b). It is also argued that "scepticism towards Turkey in the EU reinforced Euroscepticism in Turkey" (EU-Watch, 2006b, pg. 60). Thus, the mixed signals and the lack of clarity about the reward of the accession process seem to be well received by the candidate country. The change in public opinion in Turkey also coincides with a change of the signals they received (see Figure 1). With the exception of the second half of 2001, the support of the Turkish citizens for membership is above 60%. 71% support for membership in the first half of 2001 constitutes the highest level of all candidate states. In 2005, the support falls below 60%, and with the emergence of mixed signals in the Union, the

level of support falls to 44% in the first half of 2006. Since 2007, less than half of the population supports the Turkish accession.

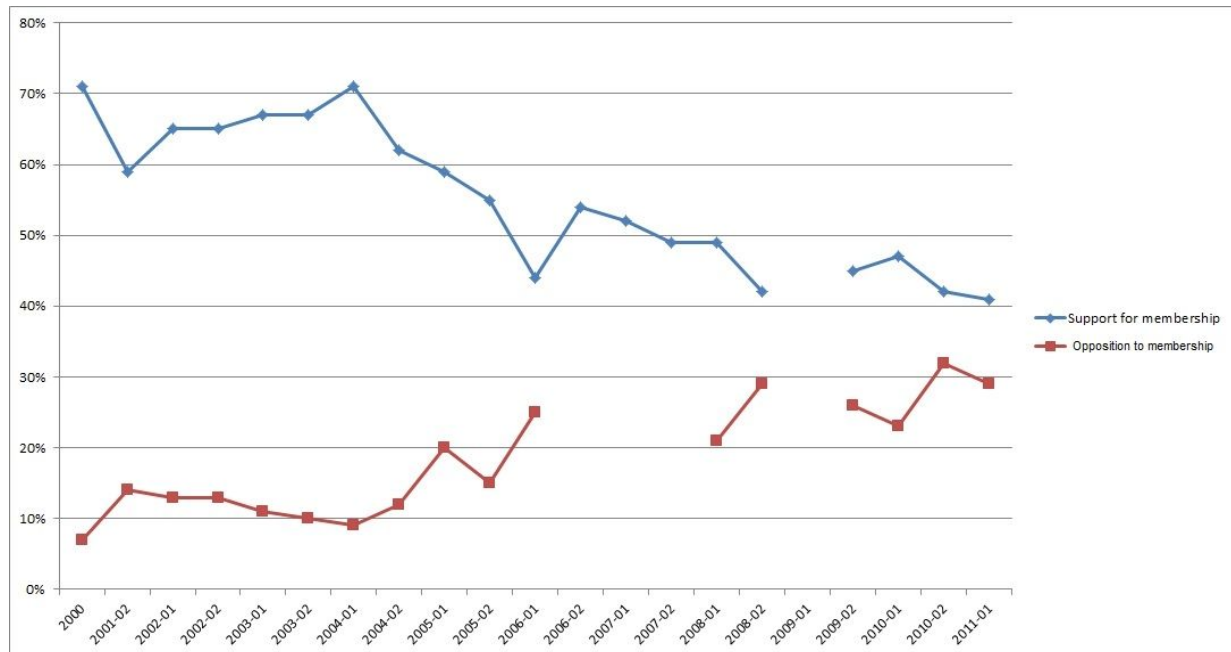


Figure 1 - Turkish public opinion on EU membership

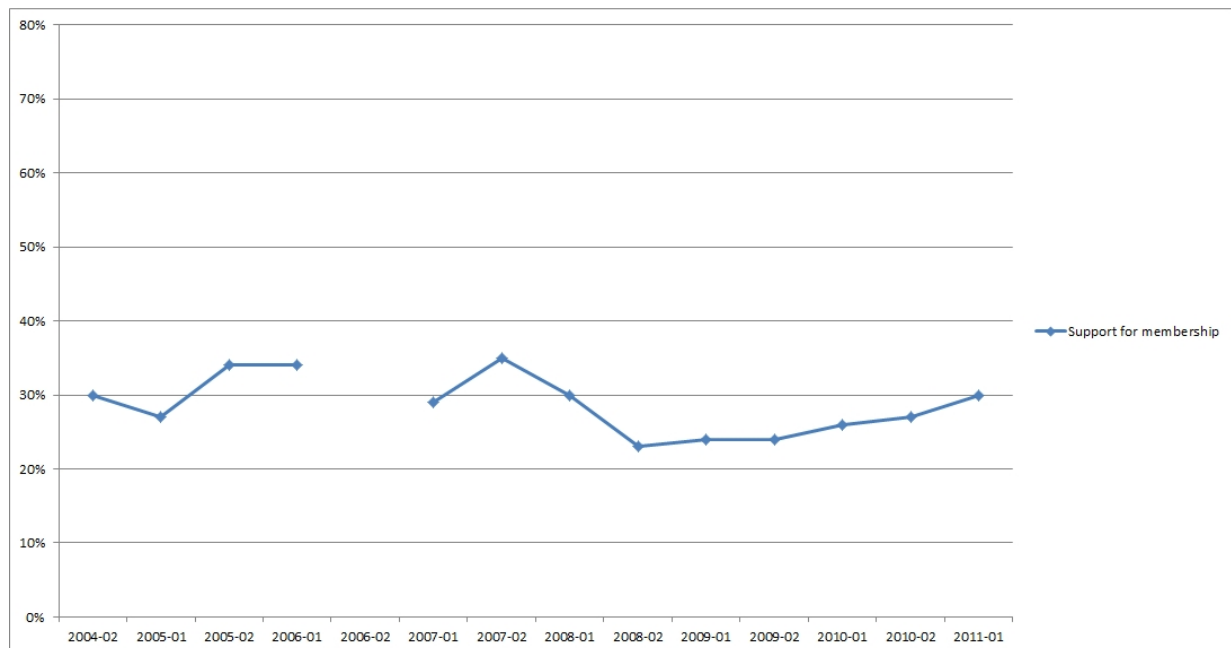


Figure 2 - Croatian public opinion on EU membership

Similar to the Turkish government, the Croatian government also seems to perceive the signals they receive correctly. Although the rejection of the constitutional treaty created a public debate and increased Euroscepticism, the Croatian government expressed their belief that they were doing better than the other Stabilisation and Association Process countries and expected to be the forerunner of accession (EU-Watch, 2006a). Especially with the Presidency Conclusion of European Council meeting in 2006, Croatia was convinced that the debate in the Union would not affect the timetable of their accession (EU-Watch, 2006b). However, different than Turkey, European membership has never been an attractive opinion for Croatian public. As it can be seen in Figure 2, despite a slight increase between 2008 and

2011, support has never been more than 40%. The unpopularity of the Union stemmed from the condition to cooperate with ICTY (Noutcheva and Aydın-Düzgüt 2008). However, as it is argued before, *acquis* conditionality does not depend on domestic incentives, and a credible membership perspective is enough for domestic change. In the end, supportive signals from member states were not perceived by the public, but the alignment with the European law was still successful.

Public opinion on enlargement

Considering the shift from elite politics to mass politics, public opinion towards enlargement can also be examined in addition to signals from governments. The first figures for public opinion on Croatian and Turkish accessions can be found in Eurobarometer 56 (2001). The support levels for both countries are the same (see Figure 3). It should be noted that support for Turkish accession was the lowest among all candidates. On the other hand, support for Croatia was the highest of all non-candidate ex-Yugoslavian countries. The level of support stayed the same through 2002.

However, 2005 figures indicate a change in European public opinion. The level of support for Turkish accession stayed at 35%, but more than half of the EU citizens started to support the Croatian accession. These changes occurred simultaneously with the change in member state signals. One can argue that the increase in the support for Croatia might be caused by the enlargement of 2004. To test this, support level of EU-15 and new member states are disintegrated, and the results are also presented in Figure 3.

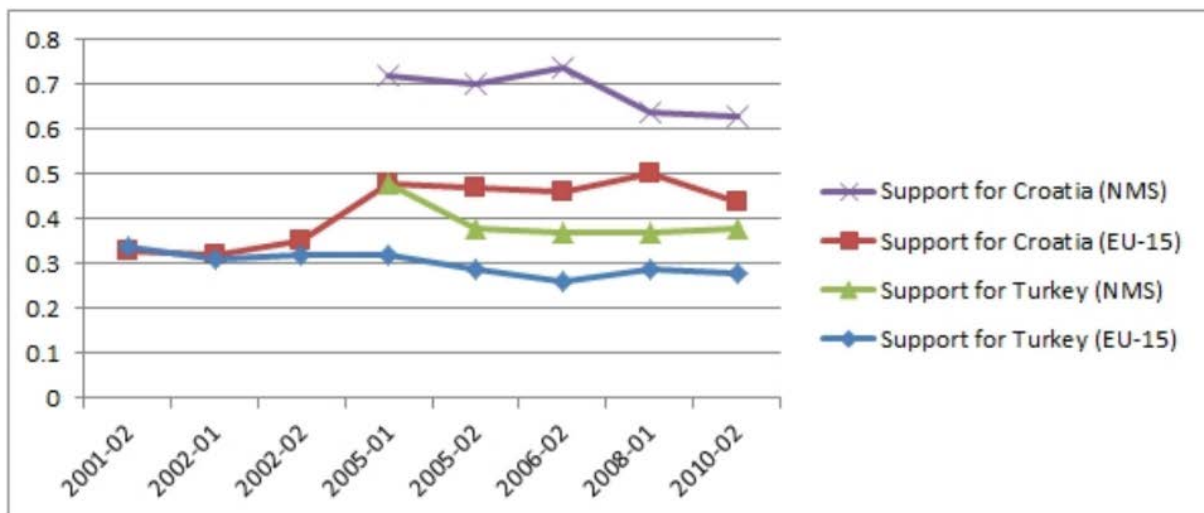


Figure 3- Comparison of public opinions of EU citizens on enlargement

It is seen that the increase in support is driven by new member states; however, public support for Croatian accession increased from 32% to 48% in old member states as well, whereas it stayed at 32% for Turkish accession. The public opinion in the Union for further enlargements stayed stable after 2005. In two of the Eurobarometers, an interesting question was asked to EU citizens about their support for Turkish enlargement in the case of fulfillment of Copenhagen criteria. In 2006, 39% of the EU citizens stated that they would strongly or fairly support Turkish enlargement if Turkey fulfills all the criteria, whereas the strongly or fairly opposition level was 48%. In 2008, support and opposition were both 45%. These findings are important because of several reasons. First of all, it provides evidence that the enlargement is not only about a civic European identity, but also about a cultural identity as fulfillment of conditions is not enough for the accession. Secondly, it indicates that the

European public is also sending mixed signals to Turkey like member-state governments. Three of the highest five opposing countries are Austria, France, and Germany that are known as the proposers of privileged membership idea. That is another example of the strong links between political behaviors and public opinion. Lastly, if the signals from governments and public go hand in hand as suggested, this situation indicates that member states continued to transmit mixed signals to Turkey after 2005.

Frozen chapters

Lastly, the frozen chapters must also be taken into account. During 2009, 13 chapters of Croatia were frozen due to disagreements with Slovenia. On the other hand, 8 trade-related chapters of Turkey were frozen by the Commission in 2006 because of the restrictions of Turkey on Cyprus (Schimmelfennig 2008). Nine more chapters were later frozen by Cyprus and French veto. It is possible to argue that no further alignment is expected for the frozen chapters. Hence, a new analysis is made by excluding the frozen chapters until they are unfrozen again. The results can be seen in Table 8.

Table 8 - The level of alignments without frozen chapters

	2005	2006	2007	2008	2009	2010	2011
Croatia							
Low (Limited or none) (%)	30.3	12.1	6.1	3.0	0.0	0.0	0.0
Partially (%)	42.4	27.3	18.2	21.2	9.1	3.0	0.0
Advanced (%)	27.3	60.6	75.8	75.8	81.8	97.0	100.0
Turkey							
Low (Limited or none) (%)	39.4	33.3	28.0	27.3	27.3	12.5	18.8
Partially (%)	33.3	39.4	24.0	31.8	36.4	37.5	25.0
Advanced (%)	27.3	27.3	48.0	40.9	36.4	50.0	56.3

Instead of numbers of chapters, the percentages are presented due to the differences of total number of unfrozen chapters. It can be seen that Croatia is still more successful than Turkey in domestic change thanks to the supportive uniform signal. The improvement of Turkey in 2007 is remarkable. The same improvement can also be seen in the previous analysis, but when the frozen chapters are excluded, the share of advanced chapters increases from 39.39% (13 out of 33 chapters) to 48.00% (12 out of 25 chapters). However, this increase is not stable, observing that the share decreases in the next two years. In 2011, Croatia advanced all the chapters, whereas Turkey only advanced slightly more than half of the 16 unfrozen chapters. Overall, the pattern is similar to the previous analysis. In a conclusion, excluding frozen chapters partially improves the situation of Turkey, but still cannot eliminate the differences between the performances of two countries.

Conclusion

In this paper, it is argued that receiving mixed signals about enlargement leads up to deterioration of political institutional change in terms of acquis alignment due to the loss of credibility of acquis conditionality. The comparison of Europeanization of Croatia and Turkey provided some evidence for this argument. A uniform signal from the Union members resulted in a successful change in Croatia, whereas Turkey received diverse messages from EU member states so that their progress in acquis alignment was disturbed. An analysis of the

nature of these signals exposed the debate on European identity of Turkey. Azrout, van Spanje, and de Vreese (2010) showed that Turks can be easily categorized as an out-group in comparison to other candidate nations by European citizens, even they have positive attitudes towards immigrants. Hence, the inability of brakemen to prevent enlargement by questioning the European identity of the candidate (Schimmelfennig 2001) is eliminated when the European identity of Turkey was disputed; as a result, it was easier for member states opposing Turkish accession to step up, which destroyed the uniform support for enlargement.

The mixed signals did not only affect acquis conditionality, but democratic/political conditionality as well. The main political problem of Croatia - war refugees and cooperation with ICTY - was very unlikely to be solved without a uniform signal from the Union. The EU successfully empowered the opposition to Tudjman's Christian Democratic Party (Vachudova 2005) which was a move that resulted in a democratic reform period led by the Socialist party and a shift to a pro-EU stance of Christian Democrats. Quoting Noutcheva & Aydın-Düzgüt (2012, 64), "the EU has recognized Croatia's advanced status in the region and has treated it as a special Western Balkan candidate", and eventually, Croatia successfully completed its democratic change. However, a favorable domestic environment was also essential for the changes. Normally, low public support for EU membership is considered as an obstacle for democratic change. Nevertheless, presence of a weak civil society (Schimmelfennig, Engert, and Knobel 2003) can prevent the negative effects of low support, and a consensus among the Croatian elites (Vachudova 2005) enables a sufficient domestic environment for democratic change. It is important to note that the aforementioned change from elite politics to mass politics in member states cannot be seen in candidate states. On the other hand, Turkey presented a very different story regarding democratic change. The joint support for membership in political elites and ruling party AKP (Schimmelfennig 2008) provided a favorable domestic environment, and before the mixed signals, partial compliance was seen as it was still costly to change the state power dynamics (Schimmelfennig, Engert, and Knobel 2003). After 2005, public support for the EU went down with the mixed signals. In the 2007 elections, the ruling government increased its votes. As a result of the diminished re-election concerns and lower support for the EU accession, cost of compliance with EU requirements increased, and domestic reforms are stopped. The third electoral victory of AKP with another increase in votes in 2011 is followed by a decrease in democracy scores in 2012, according to the Freedom House ratings. This is an example how mixed signals affect domestic environment.

Should the Commission change its strategy to induce the reforms? It is a fact that the Commission introduced some safeguard clauses to negotiations as it was argued that the EU leverage was less successful in that period than the pre-negotiation period. The potential suspensions of negotiation were introduced to the accession of Croatia and Turkey to prevent the enlargement fatigue (Pridham, 2008b). This approach seems to be successful according to the analysis above. Some stagnation in Turkish reforms can be seen during pre-negotiation where EU leverage was expected to be powerful but some improvement occurred with the start of negotiations. The constant progress in Croatian reforms during the negotiation phase is also another indicator of powerful EU leverage. As a conclusion, the Commission managed to stay powerful during the negotiations. Two problems are left to be solved out; long periods of accession phases and mixed signals that both negatively affect the credibility of conditionality. To get rid of these problems, the Commission should increase the speed of rewards, and it should be more autonomous from member-state preferences.

Instead of reforming conditionality, the Commission can use different tools. First of all, coercion can be used to increase the costs of non-compliance. According to Börzel & Risse (2012), coercion is not frequently used for candidate states, although at some points, the tool is similar to conditionality. The Union can be stricter in enforcing the law, as they introduced the safeguard clauses to the phase of accession. One other tool would be the social learning model. According to Epstein and Sedelmeier (2008), the EU must go beyond conditionality in order to ensure the reforms despite high costs of adoption and an uncertain reward. Schimmelfennig and Sedelmeier (2008) mention that the EU norms must be accepted by the member states and this can be done by persuasion and complex learning. However, according to them, the success of social learning depends on identifying yourself with the Union. This creates a problem for both the analyzed cases. With their low levels of European identification (40% in 2006 and 32% in 2007 for Croatia, 27% in 2006 and 25% in 2007 for Turkey), social learning models may fail in both of the countries.

To sum up, transmission of mixed signals from member states to candidate states stands out as a remarkable obstacle for domestic institutional change. Loss of credibility and uncertainty on rewards and threats change the cost-benefit calculations of candidate states, and last of all, candidates stop the reforms due to low benefits and high costs of adoption. To prevent it, the Commission has to secure the credibility of reward perspective and must be perceived as a key actor in enlargement instead of member states and their signals.

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Appendix

	1999 (1)	1999 (2)	2000	2002 (1)	2002 (2)	2003	2004	2005
Austria	New initiatives are not necessary	Candidacy status is welcomed, no new initiative, no negotiation date	N.A.	Wait-and-see, no clear position, politically sensitive	no mention	Should be dealt fairly	Depends on the fulfillment	Must be fair, enable a "privileged partnership"
Belgium	Support, a longer time perspective	Support, a longer time perspective	Support, a longer time perspective	no mention	no mention	In favor and without doubt, values not frontier	Support from government	Cyprus must solved. Not equal with Croatia
Denmark	Supports the EU's action plan	Depends on the fulfillment of political criteria	Depends on the fulfillment	No official position	Depends on the fulfillment	Turkey is a part of EU but some time is needed	Mixed, no consensus among parties	Concerns about the EU's limit after failure of Constitutional Treaty
Finland	no new initiative, Turkey must be prepared for accession	Treated like any other candidates	Treated like any other candidates	Treated separately	no mention	A member within a certain time span	Wait-and-see, cautious stance, fulfillment but no deadline	Only fulfillment, no additional criteria needed
France	European values must be anchored, Turkish rapprochement must continue	Applicant like any other country, first fulfillment then negotiations	Applicant like any other country	Turkey should benefit the same status as the other candidates	no mention	Conditional on progress, discussions in France	N.A.	Referendum will be needed
Germany	treated like any other candidates, focus on human rights and Cyprus	Equal treatment approach	There will be no discrimination of Turkey	Depends on the fulfillment, without any timetable	No date for Turkey	Mixed, no consensus among the governing party	Turkish accession is important in strategic terms	Strong support
Greece	Cyprus issue is a hostage to EU-Turkey accession	Depends on Cyprus accession process, no timetable, candidacy is positive	Depends on Cyprus accession process	Belgian PM's negative comments were appreciated	Depends on the fulfillment and Cyprus	Conditional support	Fully supportive	Fulfillment is enough
Ireland	EU has done enough but relations must be improved	Depends on the fulfillment	Depends on the fulfillment	no mention	no mention	Wait-and-see, Turkey is less ready than the others	Reserved optimistic, criteria must have been met	a remote prospect
Italy	Treated like any other candidates	Depends on the fulfillment, no urgency	Depends on the fulfillment, political criteria must be respected	Should be included in the process	Must be accelerated	Very active support	Strong support, a clear date is wanted	Gov't pro-Turkish stance, less media coverage than others
Luxembourg	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	Negotiations in foreseeable future, open end, open result	in 10 or 15 years, even no accession
Netherlands	Not in foreseeable future, human rights, Kurdish issue and identity	Applicant like any other country, first fulfillment then negotiations	Applicant like any other country, must fulfill the political criteria	N.A.	no mention	Depends on the fulfillment	Negotiations after complying with criteria	Negotiations are OK but no promises
Portugal	No additional steps, maintain the current link	Depends on the fulfillment	N.A.	N.A.	no mention	N.A.	Unanimous support but accession may take longer	Backed by most politicians
Spain	Treated like any other candidates, reforms must be started	Depends on the fulfillment	Wants to see the membership as soon as possible	Treated like any other candidates	no mention	Whole-heartedly support, same treatment, fulfillment is necessary	Active support, stronger Mediterranean dimension	Backed and no mention of culture issue
Sweden	On a special track, not in the same level	Need for special attention, criticism from Turkey to Sweden	Turkey is not in the picture, premature environment	No change until 2004, the issue of human rights	no mention	Depends on the fulfillment, reforms are encoring but not enough	Long way to go but promising reforms	Fulfillment is enough
UK	Still need to address some political issues	Beside Cyprus issue, a wonderful outcome	Human rights and Cyprus	No unequivocally support, there's support but no relaxation in criteria	no mention	Turkey must be given a "firm date"	Support with fears of size and immigration	Support

Figure 4 - Old member state opinions on Turkish accession, 1999-2005

	2004	2005
Cyprus	Turkey must recognize Cyprus	Turkey must recognize Cyprus, privileged partnership may be the result
Czech Rep.	Supports, fulfillment is expected, doubts about EU's absorption capacity	Support for negotiations but no guarantee, Turkish membership is different
Estonia	Mixed	Political elites are positive, rejection of Cons. Treaty raised doubts
Hungary	Fulfillment is enough	Fulfillment is enough
Latvia	Fulfillment is enough	Mixed; support vs. privileged partnership
Lithuania	Support, reforms must be continued	Strong support for negotiations
Malta	Fulfillment is enough	In favor of negotiations
Poland	Support but long negotiation period	Fulfillment is enough
Slovakia	Cautious, not really discussed	Mixed,; doubts about commitment of the EU, long time perspective
Slovenia	Must fulfill the criteria	Slightly positive

Figure 5 - New member state opinions on Turkish accession, 2004-2005

	2004	2005
	CROATIA	CROATIA
Austria	Welcomed, economic ties, hopes for an accession in 2007	Welcomed, economic benefits
Belgium	Support	Should be given a date despite ICTY problem
Denmark	Support, no time frame, not really debated	Not mentioned in the news
Finland	Welcomes over a feasible period	no mention
France	N.A.	Inevitable
Germany	Sympathy	Support
Greece	Favorable stance	no mention
Ireland	Government is neutral but pleased	Support but cooperation with war crimes tribunal is needed
Italy	Support with concerns (ex: refugee issues)	Talks are supported but some concerns (ex: war criminals)
Luxembourg	Not in agenda	no mention
Netherlands	Support on the condition of cooperation with ICTY	Membership in foreseeable future
Portugal	Sign of success in stabilization	Sign of success in stabilization
Spain	Welcomed	Governmental support
Sweden	Fulfillment is enough for a Balkan enlargement	Fulfillment is enough
UK	no mention	Strongly in favor
Cyprus	Support, no public debate	Support
Czech Rep.	Support, problems will be solved with the Council's help	Support
Estonia	Limited attention	Support
Hungary	Lots of efforts for Croatia	Support
Latvia	Fulfillment is enough	Fulfillment is enough
Lithuania	Support	Support but not really discussed
Malta	Fulfillment is enough	no mention
Poland	Support	Favorable
Slovakia	Support	Vocal advocate for Croatia
Slovenia	Support but sea-and-land border incidents occurs	Strong support

Figure 6 - Member state opinions on Croatian accession, 2004-2005

	1999	2000	2001	2002	2003	2004
	TURKEY	TURKEY	TURKEY	TURKEY	TURKEY	TURKEY
CH1: Free movement of goods	Satisfactory	80% alignment	Some steps	Well advanced	Advanced	Advancing
CH2: Free movement of workers	N.A.	Not aligned	First preparations	Limited	Limited alignment	Early stage
CH3: Right of establishment	Limited	Mixed	Mixed	Mixed	Mixed	Limited alignment
CH4: Free movement of capital	Well advanced	Advanced	To a certain degree	To a certain degree	Progressing	Limited alignment
CH5: Public procurement	Discussion	N.A.	N.A.	N.A.	N.A.	N.A.
CH6: Company law	N.A.	Partly aligned	Discrepancies	Limited	Very limited	Limited alignment
CH7: IP law	Real progress	N.A.	N.A.	N.A.	N.A.	N.A.
CH8: Competition policy	Great efforts	Mixed	Mixed	Mixed	Mixed	Mixed
CH9: Financial services	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
CH10: Information societies	Limited	Some steps	Some steps	Limited alignment	Insufficient	To a certain degree
CH11: Agriculture & rural	Limited	Subs. difference	Very early stage	Limited alignment	Early stage	Limited alignment
CH12: Food safety	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
CH13: Fisheries	No information	Much to do	Discrepancies	Discrepancies	Discrepancies	Limited alignment
CH14: Transport policies	Limited	Much to do	Must step up	Very partial	Very limited	Limited alignment
CH15: Energy	Largely in line	Limited progress	Advanced	Well underway	Some progress	Limited alignment
CH16: Taxation	Differences	Very little progress	Further efforts needed	Partially aligned	Limited progress	Partially aligned
CH17: Economic policies	Need for alignment	Partly aligned	Some steps	Some progress	Not in line	Limited alignment
CH18: Statistics	Minor efforts	Very different	Very different	Started	Started	Limited alignment
CH19: Social policy	Limited	Very different	Many reforms to do	Far from alignment	Started	Positive manner
CH20: Enterprise & Ind. Policies	Start up	Progress	In conformity	In conformity	Some progress	Broadly in line
CH21: Trans-European networks	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
CH22: Regional policy	Limited	Not really started	Not really started	Limited alignment	Some progress	Limited alignment
CH23: Judiciary rights	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
CH24: Justice, Freedom	Very limited	Very limited	Started to align	Started	Important progress	To a certain degree
CH25: Science & Research	Not started	Limited	Progress	Some progress	Good progress	Limited alignment
CH26: Education & culture	Preparatory measures	Consistent	Consistent	Progress	Some progress	Some progress
CH27: Environment	Very different	Very different	Very different	Limited alignment	Low alignment	Low alignment
CH28: Consumer & Health prot.	Slow	Very limited	Limited	Limited alignment	Well underway	Uneven alignment
CH29: Customs Union	Similar	Wide convergence	Almost completed	Large alignment	Almost fully alig.	High level
CH30: External relations	Very advanced	Wide convergence	Large convergence	Continued progress	Fair level	Fairly advanced
CH31: Foreign, security policy	Some alignment	Well advanced	Well developed, adv.	Continued progress	Continued progress	Continued progress
CH32: Financial control	N.A.	Very limited	Lack coherence	Started	Must be improved	Modest steps
CH33: Financial provisions	N.A.	Inconsistent	Inconsistent	Little progress	Further efforts needed	Further reforms needed
CH: SME	N.A.	Yet to start	Some alignment	Some alignment	Some alignment	Certain alignment
CH: Culture	Not aligned	Not aligned	Limited alignment	Limited alignment	Limited alignment	Partly aligned

Figure 7 - Acquis alignment of Turkey, 1999-2004

	2005	2006	2007	2008	2009	2010	2011
	TURKEY	TURKEY	TURKEY	TURKEY	TURKEY	TURKEY	TURKEY
CH1: Free movement of goods	Progress	Progress, uneven	Mostly advanced	Advanced	Quite advanced	Quite advanced	Advanced
CH2: Free movement of workers	Early stage	Early stage	Early stage	Early stage	Early stage	Early stage	Early stage
CH3: Right of establishment	Very low alignment	Limited alignment	Limited alignment	Early stage	Early stage	Early stage	Early stage
CH4: Free movement of capital	Low alignment	Limited alignment	Incomplete	Progress, uneven	Limited alignment	Progress	Some progress
CH5: Public procurement	Reduced alignment	Very limited	Underway	Limited progress	Some progress	Some progress	Limited progress
CH6: Company law	Limited alignment	Limited alignment	Limited alignment	No substantial prog.	No substantial prog.	Limited progress	Significant progress
CH7: IP law	Quite advanced	Well advanced	Largely aligned	Relatively advanced	Relatively advanced	Relatively advanced	Relatively advanced
CH8: Competition policy	Mixed	Mixed	Underway	High level	High level	High level	High level
CH9: Financial services	Moderate	Some progress	Good progress	Good progress	Partially aligned	Partially aligned	Partially aligned
CH10: Information societies	Partially aligned	Progress	Partially aligned	Limited alignment	Some progress	Significant work	Good progress
CH11: Agriculture & rural	Limited progress	Limited alignment	Limited alignment	Limited alignment	Limited alignment	Limited progress	Some progress
CH12: Food safety	Subs. effort needed	Limited progress	Limited progress	Limited alignment	Early stage	Progress	Partially aligned
CH13: Fisheries	No alignment	Very limited	Important gaps	No substantial prog.	No substantial prog.	Some progress	Some progress
CH14: Transport policies	Uneven alignment	Uneven alignment	Uneven alignment	Limited progress	Limited progress	Some progress	Some progress
CH15: Energy	Largely in line	Uneven alignment	Advanced, uneven	Progress, uneven	Progress, uneven	Good progress	Progress, uneven
CH16: Taxation	Partially aligned	Partially in line	Some progress	Little progress	Progress	Some progress	Limited progress
CH17: Economic policies	Limited alignment	Progress	Progress	Some progress	Some progress	Well on track	Good progress
CH18: Statistics	Limited alignment	Some progress	Well advanced	Good progress	Good progress	Advanced	Advanced
CH19: Social policy	Limited progress	Limited progress	Limited progress	Some progress	Limited progress	Limited progress	Limited progress
CH20: Enterprise & Ind. Policies	Largely in conform.	Reasonable	Good alignment	Reasonable	Sufficient	Sufficient	Sufficient
CH21: Trans-European networks	No particular prog.	At early stage	Good progress	Some progress	Some progress	Advanced	Advanced
CH22: Regional policy	Some progress	Modest	Limited alignment	Limited alignment	Limited alignment	Progress	Some progress
CH23: Judiciary rights	Substantial progress	Progress	Some progress	Some progress	Progress	Progress, uneven	Progress
CH24: Justice, Freedom	To a certain degree	Underway	To a certain extent	Some progress	Progress, uneven	Progress, uneven	Progress, uneven
CH25: Science & Research	Some improvements	Well prepared	Well prepared	Well prepared	Substantial efforts	Well prepared	Well prepared
CH26: Education & culture	Broadly in line	Well prepared	Good progress	Good progress	Some progress	Some progress	Progress
CH27: Environment	Low alignment	Low alignment	Low alignment	Low alignment	Insufficient align.	Progress	Progress
CH28: Consumer & Health prot.	Some progress	Progress	Satisfactory	Satisfactory	Satisfactory	Good progress	Some progress
CH29: Customs Union	High level	High level	High level	High level	High level	High level	High level
CH30: External relations	Converged	Satisfactory	Advanced	High level	High level	High level	High level
CH31: Foreign, security policy	Continued progress	Continued progress	Close alignment	Continued progress	Continued progress	Continued progress	Mixed
CH32: Financial control	Not fully in force	Some progress	Satisfactory	Moderately advanced	Fairly advanced	Fairly advanced	Fairly advanced
CH33: Financial provisions	No sig. differences	Largely in line	No sig. Differences	Early stage	Well advanced	Well advanced	Limited progress

Figure 8 - Acquis alignment of Turkey, 2005-2011

	2005	2006	2007	2008	2009	2010	2011
	CROATIA	CROATIA	CROATIA	CROATIA	CROATIA	CROATIA	CROATIA
CH1: Free movement of goods	Some progress	Some progress	Some progress	Well underway	Well advanced	Well advanced	Well advanced
CH2: Free movement of workers	Early stage	Limited progress	Satisfactory	Satisfactory	Satisfactory	Satisfactory	Nearing comp.
CH3: Right of establishment	Low alignment	Reasonable	Reasonable	Reasonable	Reasonable	Satisfactory	Satisfactory
CH4: Free movement of capital	Limited alignment	Some progress	Reasonable	Reasonable	Reasonable	Further progress	Almost completed
CH5: Public procurement	Good progress	Underway	Underway	Good progress	Good progress	Good progress	On track
CH6: Company law	Limited progress	Well on track	On track	On track	Well on track	On the track	Well on track
CH7: IP law	Broadly in line	Well advanced	Well on track	Very high level	Very high level	Very high level	Very high level
CH8: Competition policy	Some progress	Some progress	Underway	Some progress	Reasonable	Good level	High level
CH9: Financial services	Partially aligned	Moderately adv.	Well underway	Well underway	Very advanced	Substantial prog.	High level
CH10: Information societies	Good progress	Good level	Good level	Good level	Good level	High level	High level
CH11: Agriculture & rural	Early stage	Reasonable	Good progress	Progress, uneven	Moderately adv.	Good progress	Good progress
CH12: Food safety	Early stage	Some progress	Progress	Good progress	Advanced	Well advanced	Reaching compl.
CH13: Fisheries	Some progress	Satisfactory	Early stage	Good progress	Well advanced	Well advanced	Well advanced
CH14: Transport policies	Some progress	Good progress	Good progress	Progress	Reasonable	Good level	Good level
CH15: Energy	Some progress	Some progress	Good progress	Good progress	Well advanced	High level	High level
CH16: Taxation	Partially aligned	Early stage	Limited progress	Very limited prog.	Good progress	Largely in line	Very high level
CH17: Economic policies	Some progress	Underway	Well advanced	Well advanced	Very advanced	Effectively complete	Completed
CH18: Statistics	Early stage	Good progress	Satisfactory	Satisfactory	Good level	Good level	Good level
CH19: Social policy	Far from complete	Limited progress	Good level	Good level	Good level	Good level	Good level
CH20: Enterprise & Ind. Policies	Some progress	Reasonable	Reasonable	Good progress	Very advanced	Very advanced	Very advanced
CH21: Trans-European networks	Some progress	Some progress	Good progress	Good progress	Well advanced	Completed	Completed
CH22: Regional policy	Very limited prog.	Modest	Partially aligned	Partially aligned	Partially aligned	Good progress	Advanced
CH23: Judiciary rights	Progress	Some progress	Some progress	Some progress	Some progress	Good progress	Substantial prog.
CH24: Justice, Freedom	Further progress	Underway	Well underway	Some progress	Some progress	Substantial prog.	Advanced
CH25: Science & Research	Early stage	Good level	Good level	Good progress	Good progress	Continued progress	High level
CH26: Education & culture	Progress	Good level	Good level	Good level	Good level	Good level	Good level
CH27: Environment	Good progress	Good progress	Good progress	Good progress	Good progress	Good progress	Nearing comp.
CH28: Consumer & Health prot.	Partially aligned	Limited progress	Good level	Good level	Good level	Good level	Well advanced
CH29: Customs Union	Partially aligned	Well aligned	Well aligned	Good progress	Well aligned	Very large extent	Very high level
CH30: External relations	Continued progress	Some progress	Some progress	Further progress	Well on the track	Advanced	Advanced
CH31: Foreign, security policy	Good progress	Continued progress	Good level	Good level	Good level	High level	High level
CH32: Financial control	Early stage	Some progress	Progress	Some progress	Progress	Progress	Advanced
CH33: Financial provisions	No sig. Differences	No sig. Differences	Good level	Good level	Good level	Good level	Good level

Figure 9 - Acquis alignment of Croatia, 2005-2011