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**Taking Signals Seriously: EU Membership Credibility  
and Rule Transfer from the Acquis Communautaire to  
Candidate Countries**

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### **Abstract<sup>1</sup>**

While researchers broadly agree that a credible EU membership perspective is vital for effective rule transfer to candidate countries, scholarship has so far conceived of membership credibility in formal terms. This is emblematic in the empirical focus on official EU announcements, accession stages and types of EU incentives. As a result, the literature has not taken seriously the role of political signals in shaping the credibility of EU membership offers. This article develops and systematically tests a novel argument: EU membership credibility hinges on whether a given country believes in the EU's ability to deliver on its promises. This depends on both formal and informal signals sent by EU actors. Specifically, it is argued that EU credibility is influenced by official EU announcements (e.g. relating to advancement in the stages of accession) and also by political signals from the 'big three' (France, the UK and Germany). The argument finds empirical corroboration in a regression analysis based on a dataset pertaining to rule transfer from the *acquis communautaire* involving 16 candidate countries from 1998 to 2009. While future research should assess the veracity of the hypotheses across countries, time, and policy areas, the findings suggest that the issue of political signals should be taken more seriously when gauging the EU's membership credibility.

*Keywords:* EU Enlargement, Conditionality, Credibility, Political Signals, *Acquis Communautaire*.

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Political conditionality is the European Union's (EU) most powerful foreign policy instrument for bringing about change in enlargement countries (Börzel and Schimmelfennig, 2017). The EU thereby offers third countries incentives such as financial aid, visa liberalization and membership in return for domestic reforms and policy adoption (Schimmelfennig, 2009: 8). Arguably, enlargement has lost momentum in recent years. Headwinds such as the discourse on 'enlargement fatigue' have become strong (O'Brennan, 2014). And yet, EU conditionality as a political impact mechanism is here to stay, not least because it represents the bread and butter of the EU's enlargement and neighborhood policies.

The prevailing academic theory in the field that conceptualizes the workings of EU conditionality is the external incentives model (Schimmelfennig and Sedelmeier, 2004). While this has obtained wide empirical support over time (Schimmelfennig and Sedelmeier, 2005; Schimmelfennig and Scholtz, 2008; Börzel and Schimmelfennig, 2017), only a few scholars have put under close scrutiny its central premises (Saatcioglu, 2011; Huszka and Körtevényesi, 2017). First, it is based on the unitary-actor assumption (Freyburg and Richter, 2014) – that is, it treats the EU as an actor speaking with one voice in matters related to enlargement. Arguably, such a predisposition misses the fact that the Commission, Parliament and Member States tend to maintain and communicate different positions (Thomson, 2011). Second, membership credibility, a key criterion for effective rule transfer, has been conceived in rather formal terms. This is emblematic in the empirical focus on static accession stages – e.g. pre-candidacy, candidacy, negotiations and accession – (Steunenberg and Dimitrova, 2007; Böhmelt and Freyburg, 2012) and types of EU incentives (Schimmelfennig and Scholtz, 2008; Börzel and Schimmelfennig, 2017). Doing so, however, disregards the circumstance that membership credibility is a dynamic phenomenon and thus is also influenced by political signals sent by EU actors (cf. Freyburg and Richter, 2014).

This is precisely the point of departure for the present paper, which takes issue with the undertheorized nature of informal credibility signals. Correspondingly, the following research question guides this inquiry: What is the relative effect of formal and informal EU credibility on the comprehensiveness of rule transfer from the *acquis communautaire* to candidate countries?

Anecdotal evidence suggests that political signals matter with respect to the credibility of the EU's membership offer. A paradigmatic case in point is Turkey. For instance, German Chancellor Merkel's repeated insistence on 'privileged partnership' and an 'open-ended process'<sup>2</sup> and French President Sarkozy's blocking of accession negotiation chapters<sup>3</sup> undermined not only the official process led by the Commission but also Turkey's trust in EU membership down the road. A more issue-specific example comes from Serbia. Despite consistent criticism in the Commission's progress reports about press freedom in the country, EU Commissioner for European Neighborhood Policy and Enlargement, Johannes Hahn, went public, questioning his own organization's claims about violations of press

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<sup>2</sup> EU Business (2010) Merkel Wants 'Privileged Partnership' between Turkey, EU. Available at: <http://www.eubusiness.com/news-eu/turkey-germany.3st>. Accessed: 20-08-2017.

<sup>3</sup> Bilefsky, D. (2017) Sarkozy Blocks Key Part of EU Entry Talks on Turkey. Available at: <http://www.nytimes.com/2007/06/25/world/europe/25iht-union.5.6325879.html>. Accessed: 23-08-2017.

freedom and self-censorship in a public statement, thereby effectively undermining the EU's own efforts at democratization in Serbia (Huszka and Körtvélyesi, 2017: 11). While descriptive analyses suggest that these developments can negatively affect the pace and extent of rule adoption in candidate countries (Ugur, 2010; Yildirim et al., 2013), there has been no systematic study of this issue to date – the present study is intended to fill this research desideratum.

The research for this paper finds statistical corroboration for the argument that the credibility of EU membership offers hinges on both formal and informal political signals.<sup>4</sup> To be sure, the results show that the effect of formal credibility is larger than that of informal credibility in terms of affecting the comprehensiveness of rule transfer to candidate countries. Thus, informal signals are best understood in terms of a supporting pillar that strengthens the overall membership credibility of the EU. The hypotheses are tested through a regression analysis based on a dataset on acquis-related rule transfer involving 16 candidate countries and spanning the period 1998 to 2009. The results remain robust when including alternative indicators and changing model specifications.

Overall, this paper's contribution to the literature is twofold: a) it extends theory on EU rule transfer to candidate countries and develops hypotheses and measurements about the informal signals which influence the credibility of EU membership offers, and b) it subsequently puts these arguments to an empirical test. This opens up a variety of avenues for future research which are discussed in the concluding section of this paper together with the policy implications that follow from the findings.

The remainder of this article is organized as follows: first, I review the quantitative literature on EU rule transfer to candidate countries. Special emphasis is put on methodological aspects, operationalization strategies and empirical findings. Then, the argument about informal credibility is developed by engaging critically with the literature and the external incentives model. This section derives testable hypotheses and tackles core conceptual issues. Subsequently, and based on the previous literature review, the research design is presented. After this follows a discussion of the empirical findings. The concluding section summarises key findings as well as implications in terms of theory and policy-making.

### ***1. Review of the quantitative literature on EU rule transfer to candidate countries***

Below, I scour the literature for key findings and explain how the authors of the former have hitherto gone about research and measurement. In line with the present article's outlook, this section focuses on quantitative scholarship about rule adoption from the *acquis communautaire* – the EU's vast body of law and legislation. Because systematic research in the field is rare, I review different strands of the empirical literature on EU rule transfer, both to candidate and non-candidate countries.

Existing quantitative scholarship on EU rule transfer to third countries has followed standard practice and mainly adopted a formal and dichotomous understanding of EU credibility – with minor variations, as will be shown below. In

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<sup>4</sup>The terms 'credibility' and 'signals' are used interchangeably in this paper.

the operationalization of concepts, studies differ on at least two accounts: with respect to the data used, and indicators employed.

Schimmelfennig and Scholtz (2008) investigate the efficacy of political conditionality vis-à-vis both candidate and non-candidate countries in the neighborhood of the EU. They differentiate between different EU reward offers: partnership, association, and membership. In addition, they a priori construct a credibility scheme based on whether the EU incentives for a given country at a given point in time are (1) sizeable, and, (2) credible. The incentive structure is conceived to be most sizeable and credible when a clear membership perspective is offered. Conversely, incentives are considered least sizeable and credible when only partnership is offered, absent compensating financial or economic measures (Schimmelfennig and Scholtz, 2008: 195–196). The authors' hypothesis is tested on panel data comprising 36 countries from the EU's neighborhood (1988–2000). The article's key finding is that membership conditionality provides by far the most substantial incentive for rule adoption in third countries (Schimmelfennig and Scholtz, 2008: 207).

Steunenberg and Dimitrova (2007) conceptualize accession negotiations as a series of bargaining episodes (Schimmelfennig and Sedelmeier, 2004) and resort to game-theory and utilize the 'Prisoner's Dilemma' to understand the rule adoption dynamics underlying EU conditionality. The authors split membership negotiations into two stages: pre- vs. post-accession date announcement. From rational choice-theory, Steunenberg and Dimitrova deduce that the degree of compliance should be highest prior to the EU announcing an accession date because defection at this stage is disincentivized, while transposition rates may be expected to significantly slow down once the candidate country has secured a membership date. Methodologically, the authors compute a 'conditionality index' based on the total number of conditions for each candidate country as set out in the Commission's progress reports during each year, divided by the actual number of conditions the candidate country fulfilled (Steunenberg and Dimitrova, 2007: 12). A plausibility test of Central Eastern European Countries (CEECs) is said to corroborate the argument.

Hille and Knill (2006) study the variance in *acquis* rule adoption patterns in candidate countries. Their focus is on the variable administrative capacities of candidate states. In terms of data, they use the Commission's progress report data on 13 candidate countries spanning the time period 1999 to 2003. Hille and Knill's (2006) most central finding is that administrative capacity increases the likelihood of EU rule transfer, absent a significant number of veto players and in the presence of high levels of bureaucratic strength. While the authors make a strong contribution with regard to examining the role of institutional factors such as administrative and bureaucratic capacities – which they borrow from the broader EU compliance literature –, an account of the influence of EU credibility is lacking.

Toshkov (2008) analyzes the timeliness of transposition patterns in candidate countries. In doing so, he resorts to a sample of 119 directives drawn from the CELEX database. He reports a significant and positive effect for bureaucratic regulatory quality, while adding thereto the facilitating role of right-leaning governments. By contrast, the type of the directive (e.g. whether it is implementing legislation by the Commission) and the number of parties in government are reported to have a significant negative effect (Toshkov, 2008: 393). The differential impact of

policy fields represents another key finding: internal market legislation is more likely to be adopted, whereas the reverse applies to environmental legislation (Toshkov, 2008: 395). Overall, Toshkov's study is strong with regard to controlling for a series of potential confounding variables. However, here, too, a crucial shortcoming remains: that the effect of EU credibility is not accounted for.

Böhmelt and Freyburg (2012) were the first to assess the impact of EU credibility on acquis rule transfer to candidate countries. The authors assigned different EU credibility values to candidate countries contingent on their progress in the overall EU membership accession process: pre-candidacy (0), candidacy (0.25), accession negotiations (0.5) and accession (0.75). The idea: the farther a country progresses in the accession process, the stronger its belief in membership down the road – this approach reflects what I earlier referred to in terms of formal credibility. Advancement in the accession stages, in turn, is expected to translate into speedier and more comprehensive EU rule adoption patterns. In testing the argument, Böhmelt and Freyburg draw on a sample of 16 candidate countries (1998–2009). The Commission's progress reports on candidate countries' compliance are their main data source. The authors' findings partly contradict the results of previous studies. They find a significant and positive effect for formal EU credibility as well as political (Polity IV) and economic liberalization (Heritage Foundation's Economic Freedoms Index).<sup>5</sup> Surprising is the finding that candidate country government position (which is an indicator used by the authors to capture the socialization mechanism: perceived legitimacy of EU rules), its bureaucratic strength, and GDP per capita exercise a significant and negative effect on EU rule transfer. Furthermore, the effect of veto players (PolCon III Index) turns out to be insignificant and negative. This is in line with Toshkov's (2008) results, yet runs counter to Hille and Knill's (2006) findings.

In sum, while the empirical literature on EU rule transfer to candidate countries has come a considerable distance in recent years, findings remain somewhat ambiguous. There are two reasons for this: first, most studies do not assess the effect of EU credibility – the only exception is Böhmelt and Freyburg (2012) which also lacks an assessment of the role of informal credibility. Second, the empirical indicators that were used in the statistical analyses differ and are at times erratic. For instance, many researchers use variables that capture levels of economic freedom and democracy but mean to capture rather different concepts – I use these insights to inform my own research design, and also later when I discuss data, variables and methodology. First, however, I shall turn to the development of the main argument of this paper.

## *2. Theory and hypotheses about EU rule transfer to candidate countries*

In what follows, testable hypotheses are derived about the theorized link between political signals, membership credibility and rule transfer. What is referred to as conditionality in policy jargon has been elaborated by the scholarly literature in terms of the so-called external incentives model. In essence, the theory posits that EU rule

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<sup>5</sup> The utilization of Polity IV regime data and the Heritage Foundation's Economic Freedoms Index may be problematic insofar as it remains unclear how the chosen indicators theoretically relate to the concept of domestic adoption costs.

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transfer to third countries works most effectively if there is 1) a credible membership prospect and, 2) domestic adoption costs are not prohibitively high (Schimmelfennig and Sedelmeier, 2004).

In this paper I focus on a key concept of the external incentives model: EU credibility – thus, I bracket the discussion of domestic adoption costs but will come back to them later in the section on the research design as they are included as controls in the regression models. To this end, I distinguish two sub-concepts, which can essentially be comprehended as representing two sides of the same coin: formal credibility (official membership perspective), and informal credibility (political signals).

### *2.1 Formal credibility: membership perspective*

What is formal credibility? In the context of *acquis* rule transfer to candidate countries, formal credibility revolves around the EU making an official membership offer (Schimmelfennig and Sedelmeier, 2004: 672–674; Freyburg and Richter, 2014: 9). This is the standard approach in gauging the EU’s membership credibility. The most general hypothesis that can be advanced from this perspective thus reads:

Hypothesis 1: The offer by the EU of an official membership perspective makes *acquis* rule transfer to candidate countries more comprehensive.

### *2.2 Informal credibility: political signals*

What is informal credibility? In this paper, I define informal credibility in terms of political signals (for a slightly different view, see: Freyburg and Richter, 2014).<sup>6</sup> According to this perspective, the credibility of EU membership hinges on informal political signals sent by EU actors. Developments on the ground and findings from EU scholarship lend support to this view. For one thing, enlargement brings to the fore distributional conflict (Schneider, 2009). As such, it is a politically salient field comparable to monetary policy. For another, in the wake of the big round of enlargement in 2005 a political discourse developed that is also known as ‘enlargement fatigue’ (O’Brennan, 2014), which emphasizes the limited absorption capacity of the EU. This argument is regularly used by national and European officials who are skeptical of the EU’s further expansion. For another, Member States increasingly play the domestic card in policy decisions. Hillion calls this a ‘nationalization of enlargement policy’ (2010). An illustrative case is the threat of France and the Netherlands to initiate a referendum on the ratification of the accession treaty of Turkey. Acts such as these are crucial political signals vis-à-vis a third country. After all, deriving binding EU decisions about granting a third country

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<sup>6</sup> Note that this paper, working from the angle of political science, centers on signals and brackets the issue of perceptions (for an in-depth discussion of this topic, see for instance Jervis, 2017. Measuring perceptions would involve examining the perceptive process of selectively absorbing and processing external information which unfolds on the basis of a very complex cognitive mechanism. What actors actually perceive (attended stimuli) often represents only a fraction of a series of simultaneously happening events (environmental stimuli).

candidate status, initiating accession negotiations, opening negotiation chapters or pronouncing accession dates all have to be unanimously approved by Member State governments in the EU Council.<sup>7</sup> Against this backdrop, Freyburg and Richter convincingly argue that credibility is shaped by ‘pieces of information such as threats and promises made by individual actors involved’ (2014: 9).<sup>8</sup>

Given the political saliency of enlargement policy, and the pivotal role of Member States therein, I argue that the ‘big three’ – Germany, France and the UK – will be the most decisive political signaling agents due to their relative economic and political power (Moravcsik, 1998; Müftüler-Bac and McLaren, 2003). In addition to tangible assets, these countries also possess significant informal power. For instance, Naurin and Lindahl (2010) find that Germany, France and the UK on average possess the highest network capitals. This is an informal measure of influence, describing the strength of informal network ties at Member State representatives’ disposal during EU negotiations. Since the big three are endowed with immense formal and informal political power, third countries will be particularly sensitive about their policy signals. Based on this reasoning, I deduce the following hypothesis:

**Hypothesis 2:** The greater the support of the ‘big three’ (Germany, France, the UK), the more comprehensive *acquis* rule transfer to candidate countries.

Two alternative sources of credibility signaling are furthermore conceivable and their relative effect shall be assessed along the way: EU public opinion, and the position of the EU Council Presidency. First, while Member State governments have the right to conclude binding decisions about enlargement policy, they are mandated to do so by their citizens. European public support for enlargement may convey positive credibility signals and therewith ultimately facilitate *acquis* rule adoption in candidate countries.<sup>9</sup> The dissemination of the respective information in the candidate country is thought by some to occur through mass media (Linos, 2011). Second, the EU Council Presidency might influence perceptions of the EU’s membership credibility as well. After all, the Presidency chairs the meetings of EU ministers, sets agendas and working programs, and leads dialogue with other EU institutions. The position rotates among EU Member States every six months. Tallberg argues that ‘[p]residencies are tempted to use the privileged resources for national gain, and typically exploit the position as broker to favour the outcomes they desire’ (2004: 1000). For enlargement policy this would imply that the EU Council Presidency incumbent has the means and standing to influence the EU’s overall membership credibility. Based on the preceding reasoning, I formulate two additional hypotheses:

<sup>7</sup> To put this into perspective: in other policy fields researchers have found that Member States tend to avoid excessive conflict and follow the Commission’s leading role (Hill, 2004; Emerson et al., 2005: 201; Smith, 2003: 105).

<sup>8</sup> Alas, with regard to the question which actors’ threats and promises should be examined, Freyburg and Richter remain rather vague. They merely point at the ‘domestic politics at the level of EU Member States and EU institutions’ (Freyburg and Richter, 2014: 10).

<sup>9</sup> Arguably, the direction of the causal ‘arrow’ – i.e. whether public perceptions are created through ‘cuing’ or whether elites react to existing public sentiments – may differ. For present purposes it suffices to assume that negative public support for enlargement in Member States has the capacity to undermine the credibility of the EU’s reward promise in candidate countries.

Hypothesis 3: The higher public support for enlargement in EU member states, the more comprehensive *acquis* rule transfer to candidate countries.

Hypothesis 4: The more positive the enlargement attitude of the EU Council Presidency, the more comprehensive *acquis* rule transfer to candidate countries.

### *3. Research design*

The dependent variable in the dataset is the degree of compliance with EU law in a given candidate country and year.<sup>10</sup> In coding the variable, I follow standard practice and take data from the European Commission's yearly progress reports on candidate countries (Saatcioglu, 2011; Böhmelt and Freyburg, 2012).<sup>11</sup> Compliance was coded along a 0–3 scale: a value of 0 was assigned when a country did not comply with the *acquis* in a given policy area and year; a value of 1 if it partly complied; a value of 2 if it almost fully complied, although more effort was necessary; and a value of 3 when it fully complied. Policy-area based values so obtained were then averaged to yield an overall compliance figure for each candidate country and year.<sup>12</sup>

#### *3.1 Main explanatory variables*

To capture formal credibility, I follow Böhmelt and Freyburg (2012: 254–255) who have suggested splitting the accession process into successive stages (pre-candidacy, candidate status, accession process, accession date). Each of these stages are assigned probability values from 0 to 1, increasing in quarter-steps.

Informal credibility is measured via the enlargement policy positions of the political elite in the 'big three': Germany, France and the United Kingdom. To this end, I resort to the comparative manifesto project database (CMP).<sup>13</sup> The item 'per108', *inter alia*, measures for a given party and legislative period the extent to which it desired to expand the European Community/Union. Because there is no candidate country-specific data, this indicator of parties' general preferences for EU enlargement was chosen as the best available option. Specifically, for each of three countries of interest (Germany, France and the United Kingdom) I took the enlargement preferences of all political parties for which data is available and weighed

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<sup>10</sup> In this study, I resort to a dataset by Böhmelt and Freyburg (2012) which has been updated and extended substantially for the purposes of the present study. I extend my thanks to the authors for sharing this.

<sup>11</sup> Three qualifications are in order: first, to avoid misunderstanding, the degree of compliance does not equal the *rate* of compliance. Second, the focus here is on formal rule adoption as embodied in the implementation of EU directives. While practical compliance is an important matter in itself, to date there has been little related data with which this issue could be analyzed. Finally, note that it is difficult to entirely rule out political bias when using the Commission's progress reports. After all, the Commission itself is an organization which pursues certain goals and interests. Nevertheless, the progress reports currently stand as the only comprehensive data source. As soon as better data becomes available, the arguments presented herein should be made subject to additional tests.

<sup>12</sup> At the time of writing, the number of accession negotiation chapters amounted to 35.

<sup>13</sup> CMP contains details of the policy positions of political parties on a variety of issues which are derived through comparative content analysis of election programs, parliamentary speeches, and government policy statements (Volkens et al., 2013).

the respective party's preferences by the percentage of votes it obtained in the preceding election. This measurement strategy avoids capturing merely the position of the incumbent and/or strongest parties and incorporates a broader set of potentially influential political actors that may influence perceptions of membership credibility in third countries. The country-specific values so obtained were then re-aggregated to create a single overall score for the enlargement preferences of the political elite in the 'big three' (GER, FR, UK).<sup>14</sup> In the present sample, this indicator ranges from 2.621 to 6.414, where higher values denote more positive enlargement stances.

The two alternative political signaling sources, public support and EU Council Presidency, are measured as follows: EU public support is measured via an item from the Eurobarometer (EB) that posed the following question to EU residents: 'For each of the following countries (country name), are you in favour or not of it becoming part of the European Union in the future?' Where surveys were run twice or more often for a given year, I took the average of the results to obtain a single figure. Missing data for the years 2002, 2003, and 2004 are dealt with via multivariate imputation, a technique which is said to be more appropriate than basic interpolation, best-guessing, or list-wise deletion (Honaker and King, 2010). The position of the EU Council Presidency is measured via Schimmelfennig's coding scheme (2001: 49f.). A value of 1 was assigned to any year under study in which at least one pro-enlargement country (that is, Austria, Denmark, Finland, Germany, Sweden or the UK) held the position of Presidency, as there is evidence that these countries used their chair positions to steer the accession negotiations. Following common practice, I also code new Member States which joined the EU after 2004 as pro-enlargement (Böhmelt and Freyburg, 2012).

### *3.2 Control variables*

So-called domestic adoption costs figure prominently in the literature as possible explanations for EU rule transfer (Schimmelfennig and Sedelmeier, 2004). Generally speaking, they relate to factors located within the candidate country. Following the literature, I included two such variables as key controls in the regression analysis: veto player and public opinion.

For one thing, veto players are 'actors whose agreement is necessary for a change in the status quo' (Schimmelfennig and Sedelmeier, 2004: 667). For the incumbent government in the candidate country this means that the difficulty for policy transfer increases with the number of ideologically distant veto players (Tsebelis, 2002: 37). As a measure of veto players I take the PolCon III Political Constraints Index (Henisz, 2002). In this study sample, the variable ranges between 0.67 and 1.75, where higher values signify a higher number of veto players in the domestic institutional setting. Missing data for the years 2008 and 2009 were derived through multivariate imputation (Honaker and King, 2010).

Additionally, public opinion can constrain or enable policy-making. This is widely acknowledged by electoral research on EU integration (McLaren, 2006;

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<sup>14</sup> It was not deemed necessary to weigh this figure once again because of the unanimity rule in the EU Council which effectively sets those countries on equal ground with regard to their voting influence.

Hooghe and Marks, 2009).<sup>15</sup> Public opinion is captured by using survey data from Eurobarometer. This database contains a survey item which poses the following question to residents in candidate countries: ‘Generally speaking, do you think that (your country’s) membership of the European Community (Common Market) is a good thing?’ During the years when the survey was run twice or more often, the arithmetic mean was computed to obtain a single figure. Here, too, missing data for the years 2002 to 2004 was derived through multivariate imputation

A further series of control variables are included in the estimation to rule out statistical bias. First, administrative capacity is measured by drawing upon a pertinent World Bank governance indicator (Kaufmann et al., 2010). This index of bureaucratic quality is based on data derived from expert assessments about the independence of the civil service from political pressure, political stability, bureaucratic accountability, transparency and rule of law (Hille and Knill, 2006: 544). Second, a candidate country’s level of economic development was measured via GDP per capita and the level of economic liberalization. GDP data was taken from the World Bank development indicators database, whereas the data on economic liberalization was taken from the Heritage Foundation’s Index of Economic Freedom (Miller and Holmes, 2011).<sup>16</sup> Third, to account for the impact of ‘enlargement fatigue’, I generated a binary variable which takes the value of 1 for all country-year observations after the ‘big bang’ enlargement round of 2004. Enlargement fatigue is a term referring to a political discourse which surfaced in the aftermath of the 2004 ‘big bang’ enlargement round.<sup>17</sup> The former discourse was introduced by ‘enlargement-skeptics’ and is generally utilized to make a case for the EU’s limited capacity to absorb new Member States (Szolucha, 2011; O’Brennan, 2014). Fourth, I included a regime indicator from the Polity IV dataset (Marshall and Jaggers, 2002) which ranges from -10 (full autocracy) to +10 (full democracy) to assess the effect of political liberalization on compliance. Fifth, a time variable was added to control for temporal dependencies because in the sample there seems to be a general trend towards greater compliance the further the accession process advances. This control makes sure that the main explanatory variables do not falsely pick up time effects. Sixth, I controlled for the membership preferences of the incumbent government in the candidate country (Benoit and Laver, 2006).<sup>18</sup> Based on expert surveys, this variable ranges

<sup>15</sup> There currently exists only one study about Central Eastern European countries which finds some empirical evidence for a positive relationship between public support and timely EU law transposition (Toshkov, 2010). During enlargement, according to Toshkov, ‘candidate countries are sensitive to societal EU support and adapt faster to the EU requirements when support is higher’ (Toshkov, 2010: 29). Note, however, that this finding is based on a statistical analysis that focuses on a different dependent variable: the timeliness of the transposition of a given EU law. By contrast, the present paper analyzes the degree of compliance with EU law in a given policy area.

<sup>16</sup> This index is measured by way of 10 components, assigning a grade to each using a scale from 0 to 100, where 100 represents maximum economic freedom. The 10 components of economic freedom are: (a) business freedom; (b) trade freedom; (c) fiscal freedom; (d) government spending; (e) monetary freedom; (f) investment freedom; (g) financial freedom; (h) property rights; (i) freedom from corruption; and (j) labor freedom. The component scores were averaged to provide an overall score for economic freedom.

<sup>17</sup> The ‘big bang’ enlargement round refers to the simultaneous accession of 10 countries in 2004: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia.

<sup>18</sup> Note that this indicator has previously been used for different ends. While Hille and Knill (2006) have used it as an indicator of ‘political willingness’, Böhmelt and Freyburg (2012) have employed it as a control variable for the socialization mechanism.

from 1 to 20 for the various political parties in the country in question, where a value of 1 means strict opposition to the country's EU membership and a value of 20 denotes that a party is totally in favor of accession.

### *3.3 Methodology*

Combining the variables listed above, a statistical model was estimated where the degree of compliance is the natural logarithm of the alignment with *acquis* law (average compliance value taking all accession chapters for each candidate country in a given year). The dependent variable is furthermore lagged as a means of ameliorating autocorrelation and capturing dynamic effects. Specifically, there is reason to believe that a country's degree of compliance with EU law at time point  $t-1$  can be expected to be related to its performance at later time points (Böhmelt and Freyburg, 2012).

The regression was conducted as a time-series cross-sectional (TSCS) model which corrects for panel heteroscedasticity, temporally and spatially correlated errors and autocorrelation (Beck and Katz, 1995; Plümper et al., 2005). This technique deploys Prais-Winsten coefficients with panel-corrected standard errors and estimates a single AR parameter for all panels to alleviate problems of serial autocorrelation (Beck and Katz, 1995: 645). As Wooldridge states (2002), whenever we expect serial correlation, Prais-Winsten estimations are to be preferred over OLS because they ensure that standard errors will be more robust, thus minimizing the likelihood of finding associations where there are really none (Type I error).

## *4. Empirical results*

The statistical analysis was conducted on time-series cross-sectional data concerning EU rule transfer from the *acquis communautaire* to 16 candidate countries spanning the period 1998 to 2009 (for a list of countries included in the study sample, see: Table 2, Appendix). To ensure the robustness of the findings, a series of additional sensitivity checks were applied to the models (see: Table 4, Appendix). Table 3 (Appendix) lists the descriptive statistics. Table 1 presents the different models and estimates of the regression analysis. Table 2 gives an overview of the countries included in the sample.

*Table 1: Determinants of acquis rule transfer to EU candidate countries (1998–2009).*

	Baseline Model: Compliance (log) <sup>1</sup>	Model 1: Compliance (log) <sup>1</sup>	Model 2: Compliance (log) <sup>1</sup>	Model 3: Compliance (log) <sup>1</sup>
Formal EU Credibility	0.446*** [0.0848]	0.533*** [0.0685]	0.490*** [0.0692]	0.389*** [0.0962]
Informal EU Credibility (Political Signals: GER, FR, UK)		0.0372** [0.0128]	0.0435*** [0.0130]	0.0391** [0.0143]
EU Public Support		0.00367 [0.00253]	0.00285 [0.00249]	0.00448 [0.00272]
EU Council Presidency		0.0174 [0.0195]	0.0319 [0.0207]	0.0260 [0.0211]
Veto Player		0.218 [0.142]	0.196 [0.143]	0.213 [0.158]
Candidate Country (CC) Public Support		-0.00144 [0.000926]	0.000139 [0.000965]	0.0000784 [0.00103]
Enlargement Fatigue		-0.556*** [0.0722]	-0.481*** [0.0814]	-0.712*** [0.183]
Enlargement Fatigue* CC Public Support		0.00501*** [0.000988]	0.00391*** [0.00105]	0.00904* [0.00421]
Administrative Capacity			0.145*** [0.0437]	0.144** [0.0469]
GDP per Capita (log)			-0.0569 [0.0295]	-0.0519 [0.0320]
Government Position CC				0.000123 [0.00411]
Time	0.0358*** [0.00881]	0.0584*** [0.00752]	0.0641*** [0.00764]	0.0684*** [0.00986]
Constant	-71.3*** [17.59]	-116.9*** [15.09]	-127.9*** [15.28]	-136.7*** [19.77]
<i>N</i>	85	85	85	78
<i>R</i> <sup>2</sup>	0.841	0.879	0.891	0.885
df	2	9	11	12
chi2 (Wald)	127.5	311.8	393.2	347.2
<i>p</i>	0.000	0.000	0.000	0.000

<sup>1</sup>Dependent variable lagged by one year.

Prais–Winsten regression, correlated panels corrected standard errors (PCSEs)

\* $p < 0.05$ , \*\* $p < 0.01$ , \*\*\* $p < 0.001$

At the most general level, the findings lend empirical support to the hypothesis of the relevance of both formal and informal credibility.<sup>19</sup> To be sure, while these results corroborate H1 and H2, there exist differences in terms of effect sizes. Specifically, formal credibility exerts a substantially greater effect on EU rule transfer to candidate countries (advancement in the accession process increases compliance with EU law in candidate countries by 63 per cent) as compared to informal credibility (one unit increase in positive signals raises compliance by roughly 4.5 per cent).<sup>20</sup> Substantively speaking, this suggests that formal credibility is highly important and that informal credibility (in terms of big country positions) is an additional element in the credibility of EU conditionality.

By contrast, other EU-level factors, including public support in the EU (H3) and the preferences of the EU Council Presidency (H4), turn out to be insignificant. A possible explanation for this non-finding might be that EU public opinion and the EU Presidency are only secondary factors compared to the signals made by Member State governments. This conjecture would seem plausible insofar as Member States possess, relatively speaking, the greatest *de jure* and *de facto* power over EU enlargement policy.

*Table 2 Countries included in the study sample.*

Enlargement wave	Country and years
Accession to the EU on 1 May 2004	Cyprus (1998–2003), Czech Republic (1998–2003), Estonia (1998–2003), Hungary (1998–2003), Latvia (1998–2003), Lithuania (1998–2003), Malta (1999–2003), Poland (1998–2003), Slovakia (1998–2003), Slovenia (1998–2003).
Accession to the EU on 1 January 2007	Bulgaria (1998–2005), Romania (1998–2005).
Accession to the EU on 1 July 2013	Croatia (2005–2009).
Other	Macedonia (2005–2009), Montenegro (2006–2009), Turkey (1998–2009).

Furthermore, veto player and public support in the candidate country are insignificant variables. This finding may be explained due to *acquis* implementation being mostly overseen by specific ministries or government agencies – many candidate countries have established EU ministries of some sort to oversee the rule adoption process. This finding is in line with those of authors who found that veto players do not matter so much during accession negotiations but rather come into play after a candidate country has joined the EU (e.g. Dimitrova, 2002).

<sup>19</sup> Here operationalized with respect to the enlargement preferences of the political elite in the ‘big three’ (Germany, France and the UK).

<sup>20</sup> Calculations based on estimates from Model 2 because it has the best model-fit parameters.

A rather intriguing result pertains to enlargement fatigue, which exhibits a negative and significant effect. In essence, this means that negotiating accession between 2004 and 2009 decreases a candidate country's compliance with EU law by 38 per cent.<sup>21</sup> A related and interesting finding pertains to the interaction of enlargement fatigue and public support in candidate countries. Substantively speaking, this finding suggests that unfavorable external conditions such as enlargement fatigue seem to be alleviated by higher levels of public support for EU membership in candidate countries.<sup>22</sup> That is, the higher the public support, the smaller the detrimental impact of enlargement fatigue on compliance (Figure 1), holding all other variables constant at their mean values.

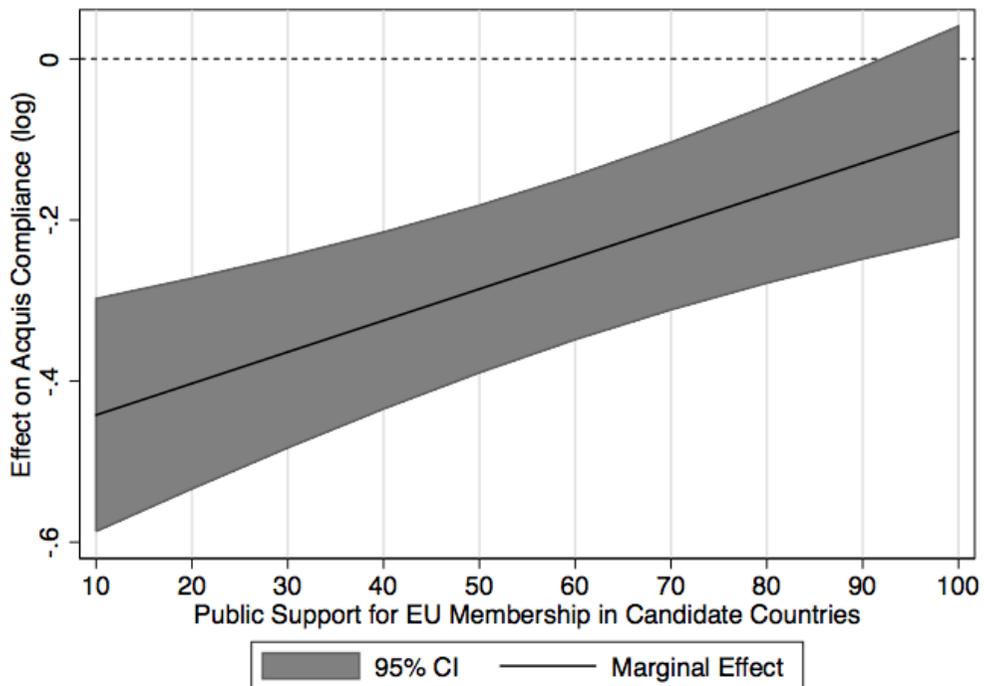


Figure 1: Conditional marginal effect of enlargement fatigue and public support for EU membership in candidate countries on acquies rule transfer.

## 5. Concluding remarks

This article has investigated the link between EU membership conditionality and rule transfer to candidate countries. The results show that the credibility of EU membership offers are dynamic in nature: they are shaped by official EU announcements that affirm the advancement of a given country in the accession process (formal credibility) and, to a lesser extent, by political signals (informal

<sup>21</sup> Calculations based on estimates from Model 2 because it has the best model-fit parameters.

<sup>22</sup> For public support values greater than 85 per cent, the effect is not significant. This, however, is most likely due to the limited data in this band range.

credibility) - most notably, from the powerful countries the UK, France and Germany.<sup>23</sup> Thus, informal signals are best understood in terms of a supporting pillar of overall EU membership credibility. An open question for the future concerns the role of the UK once it leaves the Union. Which country is going to fill the power vacuum? And how is this going to affect the positions of Germany and France? Given that the UK, a traditionally pro-enlargement Member State, is leaving the stage this may have substantial implications for enlargement policy in general and rule transfer to candidate countries in particular.

In terms of policy-making, there are a variety of implications. On the one hand, the opportunities for influencing informal signals are arguably limited within the complex political architecture of the EU. However, a partial remedy for credibility issues and membership uncertainty may reside within candidate countries themselves in the form of mobilizing public support. As the empirical results of the statistical analysis suggest, supportive domestic publics can alleviate the detrimental impact of enlargement fatigue. Pro-EU forces might, for example, initiate media campaigns and other grassroots-targeted activities to convince a broader elite base and public of the potential merits of EU membership. Against this background, EU civil society support and programs such as Twinning or Sigma remain important. One caveat, however, is that such measures may buy time and facilitate continued rule transfer temporarily but do not represent a sustainable solution in the long term. In short, there is no way around a credible reward perspective in the mid- and long-term, be this in the form of membership, financial payments, visa-free travel, or other attractive incentives (Trauner, 2009). On the other hand, and from the EU's vantage point, the ongoing accession process in the Western Balkans (and also Turkey) may benefit from both strong formal and informal credibility signals. While the Commission is habitually in favor of enlargement, the challenge will lie in bringing relevant Member States on board, too. What is more, during the increased politicization of EU politics (Hooghe and Marks, 2009), it may perhaps be time to put up for debate whether the unanimous consent of all Member States is truly necessary for the accession of a candidate country. This represents a huge factor of uncertainty for a third country that is negotiating accession and, as a corollary, can negatively affect its willingness to adopt potentially costly EU law and domestic reforms.

Referring back to the theory and the research community, a key point to drive home is that the external incentives model has hitherto left informal political signals undertheorized. Acknowledging their role opens up several new research opportunities for future studies. First, it would be interesting to see whether the findings hold for different enlargement rounds. The present study has zoomed in on the time period 1998 to 2009. Future research may extend the time frame beyond 2009 and include additional country-observations in any examination (e.g. Macedonia, Montenegro, and Turkey post-2009; Serbia and Albania, if not perhaps also potential candidate countries such as Bosnia and Herzegovina and Kosovo). Second, once a big enough sample can be compiled, researchers may also test the relative effect of policy areas or the level of issue-politicization on the effectiveness of rule transfer. The following questions could be addressed in follow-up studies: Do

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<sup>23</sup> After all, the 'big three' not only possess strong voting rights within the Council, but also dispose of vast social networks and informal political capital.

(informal) political signals matter in transport policy as much as, for example, issues related to judiciary and fundamental rights; and how does the level of politicization of a given issue in a candidate country affect EU rule adoption; does a ‘constraining dissensus’ (Hooghe and Marks, 2009) in the target state thwart rule adoption even if there is a reassuring credibility structure? Third, scholars may explore more direct ways of measuring informal credibility signals. Alternative measures may be extracted from political speeches, parliamentary debates, social and printed media<sup>24</sup> and collected for the entire set or a sample of Member States. This would allow for the dissection of ‘significant’ sender countries, if not regions, other than the ‘big three’. Building up a large database of policy signals may not only allow for a more fine-grained analysis but also enable researchers to examine political signals as both dependent and independent variables.

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<sup>24</sup> In relation, scholars may also take issue with the question whether there is a two-way causal relationship between informal signals and rule adoption. It is not only conceivable that positive signals provoke more comprehensive rule adoption; the dynamics of rule adoption in a given candidate country may provoke EU actors to send signals (reassuring/criticizing) as well.

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*Appendix**Table 3: Descriptive statistics.*

Variable	Mean	Std. Dev.	Min.	Max.	N
Year	2001.96	3.079	1998	2009	101
Compliance with Acquis (log)	0.439	0.218	-0.111	0.799	101
Formal EU Credibility	0.507	0.254	0	1	101
Informal EU Credibility (Political Signals: GER, FR, UK)	4.928	1.465	2.621	6.414	101
EU Public Support	40.026	5.695	28	52	101
Candidate Country Public Support	55.568	15.113	20.633	99.445	101
Veto Player	0.463	0.085	0.27	0.67	101
Bureaucratic Quality	0.383	0.484	-0.940	1.35	101
GDP per capita (log)	8.487	0.618	7.098	9.666	101
Government Position Candidate Country	14.259	3.748	6.165	19.8	92
Economic Liberalization (Heritage Found.)	60.671	6.99	45.7	77.7	98
Political Liberalization (Polity IV)	8.931	1.061	6	10	101
EU Council Presidency	0.713	0.455	0	1	101
Enlargement Fatigue	0.208	0.408	0	1	101

*Table 4: Robustness checks. Determinants of acquis rule transfer to EU candidate countries (1998–2009).*

	Model 4: Compliance (log) No lag	Model 5: Compliance (log) 1-year lag	Model 6: Compliance (log) 1-year lag	Model 7: Compliance (log) 1-year lag
Formal EU Credibility	0.512*** [0.0537]	0.436*** [0.0858]	0.486*** [0.0643]	0.604*** [0.0831]
Informal EU Credibility (Political Signals: GER, FR, UK)	0.0375* [0.0149]	0.0299* [0.0131]	0.0301* [0.0124]	0.0565*** [0.0140]
EU Public Support	0.00144 [0.00251]	0.00290 [0.00270]	0.000860 [0.00236]	0.00687** [0.00219]
EU Council Presidency	0.0248 [0.0223]	0.0273 [0.0206]	0.0201 [0.0200]	0.0303 [0.0304]
Veto Player	0.151 [0.136]	0.132 [0.133]	0.161 [0.137]	0.310** [0.115]
CC Public Support	-0.00169 [0.000921]	0.000603 [0.00105]	-0.00128 [0.00116]	0.000524 [0.00106]
Enlargement Fatigue	-0.526*** [0.0889]	-0.466*** [0.100]	-0.492*** [0.0731]	-0.546*** [0.0750]
Enlargement Fatigue* CC Public Support	0.00422*** [0.00124]	0.00337* [0.00136]	0.00382*** [0.00105]	0.00561*** [0.00112]
Bureaucratic Quality		0.0616 [0.0354]	0.0157 [0.0435]	0.0801* [0.0370]
Economic Liberalization (Heritage Foundation)		0.00380 [0.00241]		
Political Liberalization (Polity IV)			0.0416* [0.0180]	
Time	0.0646*** [0.00792]	0.0591*** [0.00837]	0.0561*** [0.00754]	0.0610*** [0.0104]
Constant	-129.4*** [15.93]	-118.5*** [16.76]	-112.6*** [15.11]	-122.6*** [20.93]
<i>N</i>	101	82	85	85
<i>R</i> <sup>2</sup>	0.752	0.878	0.889	0.778
df	9	11	11	10
chi2 (Wald)	365.2	307.5	357.7	
p	0.000	0.000	0.000	
Estimation	Prais–Winsten <sup>1</sup>	Prais–Winsten <sup>1</sup>	Prais–Winsten <sup>1</sup>	OLS <sup>2</sup>

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Note: standard errors in brackets;

<sup>1</sup>heteroskedastic panels corrected standard errors; <sup>2</sup>robust standard errors;

\*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$ .

To ensure the robustness of the findings, I ran a series of sensitivity checks on the models (see Table 4, Appendix). First, I took out the one-year lag of the dependent variable (Model 4).<sup>25</sup> Second, I changed the economic control variable using the economic freedom index instead of the GDP per capita (log) measure (Model 5). Third, I controlled for the level of democracy (polity IV) (Model 6). Fourth, I changed the estimation technique and ran a standard OLS regression with robust standard errors (Model 7). These modifications did not substantially affect the coefficient sizes or significance levels of seminal explanatory variables (EU Credibility, Government Positions, Enlargement Fatigue, Enlargement Fatigue\*Public Support in CC, Bureaucratic Quality).

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<sup>25</sup> Running the estimation *without* a time lag on the dependent variable, key estimates remain significant. One may argue that this could indicate a spurious relationship on the grounds that it should take time for credibility signals to translate into policy developments in candidate countries. The reason for this result, in my view, most probably is related to the fact that European Commission Progress Reports have a 'built-in' time delay themselves. These reports are published at the end of every year which means that the period they refer to is *not* convergent with the standard calendar year. The reference period exceeds the latter, meaning that a report from year  $t$  also entails assessments related to developments in year  $t-1$ . Thus, it can be argued that the overall setup makes for a conservative estimation strategy which will rather tend to underestimate rather than overestimate the effect of informal political signals.