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From neighbour to member:
Assessing Moldova's EU membership perspectives

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Abstract

This article examines Moldova's prospective membership in the European Union (EU) in the wake of the EU's renewed enlargement drive which was prompted by Russia's 2022 invasion of Ukraine. It explores the dynamics shaping Moldova's accession path, spotlighting obstacles to integration that official reports appear to overlook or underplay. The article compares EU and Moldovan documents, civil society reports, and insights from interviews with Moldovan officials and civil society representatives to gain a nuanced picture of the evolving situation. Attention is also given to the distinct characteristics of the currently unfolding enlargement process, including its sense of urgency and geopolitical significance which have led to calls for an expedited or 'fast-track' accession. Findings note that despite Moldova's impressive progress in aligning with EU standards in many areas, substantial hurdles in justice reform, combating corruption and de-oligarchisation persist. Incomplete public administration reforms, uneven civil society involvement in decision-making, and issues associated with the Transnistria conflict also have consequences for Moldova's EU prospects, especially if an expedited version of enlargement occurs.

Keywords: Moldova, EU enlargement, Eastern Partnership, civil society, de-oligarchisation.

1 Introduction

Russia's invasion of Ukraine on February 24, 2022, brought widespread devastation to the region, but at the same time re-ignited the EU enlargement momentum. The European Council's December 2023 decision was a critical juncture in the recent history of the EU's relations with Eastern Europe when it announced that accession negotiations would be opened with the Republic of Moldova (hereafter Moldova) and Ukraine, and that Georgia would become an EU candidate state. Consequently, the number of prospective EU member states has increased, with Moldova and Ukraine joining Albania, Serbia, North Macedonia, Turkey and Montenegro all of which are to greater or lesser extents in the midst of membership negotiations.

Despite the immense significance of the forthcoming enlargement and the fundamental questions it also raises for the future of Europe, the exceptional speed at which policy developments have occurred since February 2022, has meant that academic attention on the topic has struggled to keep up. Consequently, research on the new enlargement momentum and the specific circumstances and challenges facing the prospective members as they gravitate towards the EU's orbit is limited. The present article attempts to redress this situation by highlighting the distinctive features of the current enlargement process and by spotlighting the case of Moldova's anticipated path from 'EU neighbour to EU member'. The article is based on analysis of official EU enlargement-related documents disseminated by the EU and Moldovan authorities subsequent to Russia's full-scale invasion of Ukraine on 24 February 2022. It also incorporates insights from civil society and synthesises findings from seven confidential interviews conducted by the author after the European Council meeting in December 2023.

2 The state of the art and its limitations in light of the next enlargement round

There is a rich seam of scholarly work on EU enlargement especially in relation to the 2004 'big bang' round, which saw the accession of eight former eastern bloc countries with post-socialist political and economic legacies that contrasted sharply with EU norms. Prior to this, as Wallace noted, enlargement was a rather peripheral topic in EU studies with literature tending to regard the phenomenon as exogenous to the integration process. This 'paucity of theory' regarding enlargement (Wallace, 2000) was well compensated by scholarship on the 2004 accessions by a new generation of authors who constructed new theoretical underpinnings and brought the topic more squarely into European integration research (Schimmelfennig & Sedelmeier, 2005).

Consequently, in the late 1990s and in the 2000s, theoretically informed research on enlargement mushroomed as scholars engaged with questions to do with the impulses and rationales behind EU enlargement as well as the complex and often contradictory interplay between the interests, identities and moral imperatives forging the accession process. In this context, scholars played with different lenses to understand and explain the drivers behind enlargement and the complex nature of the accession process (Schimmelfennig, 2001; Piedrafita & Torreblanca, 2005). Authors also pointed to the role played by the EU's collective identity and in particular its 'special responsibility' towards Central Europe which manoeuvred the enlargement process down a particular track by legitimising some avenues and precluding others (Sedelmeier, 2000). Meanwhile, other scholars focused on defining the evolving nature of the EU's burgeoning normative influence within the enlargement dynamic. In this vein authors conceptualised the EU as a 'transformative power' based on the far-reaching ways in which EU membership conditionalities determined political, economic and social reforms in accession states (Grabbe, 2002; 2006).

Whilst scholarship inspired by the 2004 enlargement round remains relevant in many ways and continues to inform current enlargement research, if the lens is shifted to explore the specificities of Moldova's EU membership perspectives certain limitations transpire. As noted above, many of the context-related assumptions that earlier enlarge-

ment literature was based upon have significantly altered. The 2004 and 2007 enlargements took place in a relatively stable background and were concerned with peacefully 'stitching' Europe back together after cold war divisions via political, economic and social integration. In contrast, the current enlargement and the prospect of Moldova's membership was sparked by Russian aggression and is sustained by urgent security imperatives, which have created a momentum for an accelerated enlargement.

A new wave of enlargement research emerged in response to the dynamics unleashed by Russia's invasion of Ukraine in February 2022. This nascent research agenda is advancing the state of the art by raising critical geopolitical questions and prompting discussions on accession scenarios, methodologies and also on the implications of a rapid enlargement for the future of European integration. In this context, scholars have highlighted questions to do with the EU's quest for strategic autonomy and how Russia's attack has prompted a rethink of the EU's traditional 'peace via integration' approach (Orenstein, 2023). Other authors have reasoned that enlargement to Eastern Europe will invariably affect the EU's 'actorness'. In this vein, scholars posit that the war has brought to centre stage fundamental questions about the EU's relevance and credibility in international affairs and shown that the EU is trapped once again in an 'expectations-capability' gap (Costa & Barbé, 2023; Scicluna & Auer, 2023). The unique challenges associated with carrying out membership negotiations against the backdrop of war in the region, intense Russian disinformation campaigns and Moscow's meddling in the domestic politics of candidate and accession countries has also been emphasised in new literature as a cause for concern and a novel feature of the unfurling enlargement (Karjalainen, 2023). Recent scholarship has also hypothesised about the disruptive effects of the next enlargement on the EU's institutions, how it will unleash a rebalance of power and necessitate a re-distribution of resources between the old and new members (European Policy Centre, 2023; Tocci, 2023).

This brief literature review confirms the buoyancy of enlargement research but also the significant lacunae within the state of the art. Crucially, the bulk of existing research tends to pursue an EU level-of-analysis approach, with an emphasis on institutional issues and the effects enlargement will have on the integrity of the EU and/or its role in international affairs. In other words, the state of the art has paid far less attention to the new accession states and the unique political and socio-economic complexities and unresolved issues that will characterise their EU paths. By focusing on the case of Moldova, this article aims to develop an alternative perspective and in so doing, to refresh the state of the art in enlargement research.

3 Distinctive features of the next enlargement

Enlargement has been part of the EU's story since the 1970s,¹ and whilst all rounds had common traits, each had its own characteristics. The distinctive features of the forthcoming enlargement are elucidated below.

¹ There have been seven enlargements: Denmark, Ireland, and the UK (1973); Greece (1981); Portugal and Spain (1986); Finland, Austria, and Sweden (1995); the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia (2004); Bulgaria and Romania (2007); and Croatia (2013).

3.1 Geopolitical characteristics

The current enlargement has a marked geopolitical character and positions the EU and Russia against each other in a far more direct way than in the 2004 and 2007 enlargements. Although the war in Ukraine is a convincing reason to enlarge, it also means that the EU will enter uncharted territory by negotiating with a country actively at war and with a foreign power aggressively occupying significant areas of its land. The geopolitical significance of the unfolding enlargement also lies in the protracted conflicts in Georgia (Abkhazia and South Ossetia) and Moldova (Transnistria). Though currently ‘frozen’, all have the potential to ‘warm up’ with implications for EU enlargement.

3.2 A sense of haste

Though the current enlargement is cloaked in familiar rhetoric to do with the ‘call to history’ and the need to ‘complete our union’ (von der Leyen, 2023), the accompanying sense of urgency is totally new. Though officials emphasize that accession will be merit-based and can be reversed if a candidate fails to meet membership criteria, the ascendent EU discourse promotes the notion of a limited window of opportunity to realize enlargement and that the EU should accept new members by 2030 (Bloj, 2023; Sorgi, 2023).

3.3 Political and economic gaps

Though previous enlargement rounds saw the EU gain experience in admitting post-socialist states, including three post-Soviet countries (Estonia, Latvia, and Lithuania), the political and economic ‘distances’ between the accession/candidate states and EU members are palpably weightier than before. Moreover, the pace of change towards EU norms in key governance indicators amongst the prospective members, including Moldova, tends to zigzag and remains highly susceptible to backsliding (Eastern Partnership Civil Society Forum, 2024). According to Freedom House, all states are ‘transitional’ or ‘hybrid’ regimes with weak democratic institutions and state capacities (Freedom House, 2023).

Bridging the economic lacunae between the existing and potential EU states implies a redirection of cohesion funds and CAP subsidies, which would see existing members’ funding cut by a fifth to meet the sizable needs of the new entrants (Foy, 2023). Calculations by the Jacques Delors Centre challenge the high-cost enlargement scenario and suggest that the accession of all current candidates would imply annual additional spending of around 19 billion euros, which constitutes just over 10 per cent of the current budget (Lindner et al., 2023). Irrespective of whether minor or major reforms to the EU’s budget are carried out, the economic lacunae between current and prospective members are such that some of the EU’s current net-recipients are likely to become net-contributors.

3.4 Accession methodology

A revised accession methodology was introduced in 2020 which saw the existing 35 negotiating chapters turned into six thematic clusters. Cluster one, – ‘the fundamentals’ – concerns the rule of law, democracy, and governance-related fields which reflect the EU’s core values. Cluster one is the first to be opened in accession negotiations and the penultimate to close which means that progress across the other five clusters – internal market; competitiveness and inclusive growth; green agenda and sustainable connectivity; resources and agriculture and external relations – relies on the successful completion of the fundamentals. This approach was set up to energise the Western Balkans’ enlargement (European Commission, 2020) but since it did not budge the prevailing impasse it lacks credibility. Meanwhile, debates about the relevance of the 30-year-old Copenhagen Criteria are gaining pace, and alternative enlargement methodologies emphasising a staged approach have gained traction (Mihajlović et al., 2023).

4 Between potholes and highways: Moldova’s EU integration path

Moldova’s post-1991 trajectory was typically post-Soviet but, at the same time, marked by unique features that shape the country’s current EU path.

4.1 Moldova’s fall into state capture

The early 1990s saw civil war, national fracture and the appearance of Transnistria as a *de facto* state. In subsequent years, social and economic conditions worsened, which sparked hyperinflation, a rise in extreme poverty and mass outwards migration. Though relative stability ensued, it merely papered over the cracks in Moldova’s uneven development and quite quickly the country became dependent on international donors and remittances from citizens working abroad. Moldova’s agriculture-dominated economy at the time also remained vulnerable to adverse weather conditions and to frequent Russian boycotts of Moldovan fruit and alcohol exports.

Poor socio-economic conditions and feeble state institutions meant that democracy and political pluralism barely got off the ground in the 1990s and instead, an enabling environment for a new breed of post-Soviet oligarchs who went on to ‘capture the state’ transpired. Oligarchs were able to capitalise on Moldova’s ‘partial’ reforms in the 1990’s which lacked regulatory frameworks, anti-corruption measures and failed to foster a culture of democratic accountability. In this scenario those groups and individuals who had gained vast amounts of money and power as the Soviet system was imploding were able to continue on their self-enrichment paths largely unchecked (Hellman, 1998).

4.2 Shallow Europeanisation

Despite state capture conditions, Moldova seized the new opportunity structures created by the EU's Eastern Partnership (EaP) after 2009. As a result, a visa-free regime with the EU was created in 2014, and an Association Agreement (AA) and Deep and Comprehensive Free Trade Agreement (DCFTA) came into effect in 2016. Though the EaP formula meant that Moldova was steered away from a membership perspective, it nevertheless stimulated a fresh pro-EU momentum which had tangible results. Aside from increasing trade between Moldova and the EU (and away from Russia), the DCFTA expedited Moldova's normative alignment with the EU, contributed to improvements in the local business environment, and facilitated increased levels of EU Foreign Direct Investment. Furthermore, since the inception of the EaP, Moldova's interconnectedness with the EU has grown across several fields, including the EU Energy Community (2010), ERASMUS+ (2014), and the Trans-European Transport Network (TEN-T) (2017). Moldova also started to cooperate with FRONTEX and has hosted a civilian EU Common Security and Defence Policy Partnership Mission since 2023.

The apparent buoyancy of Moldova-EU relations after 2009 belied ongoing systemic problems associated with state capture, inadequate democratic institutions, and the weak rule of law, which had become increasingly symptomatic. Furthermore, the government of the time did little to investigate and bring to justice those responsible for the 2014 theft of one billion USD from Moldovan banks. This inaction reinforced the prevailing culture of impunity vis-à-vis Moldova's oligarchs and also diminished public trust in anti-corruption bodies. Three years later, in 2017, democracy was undermined in plain sight when the ruling party, the *Partidul Democrat din Moldova* (Democratic Party of Moldova, PDM), led by Moldova's most powerful oligarch Vladimir Plahotniuc, orchestrated electoral reforms to the detriment of the opposition and independent candidates. Though criticised at the time by the Venice Commission, the reforms were not reversed until two years later. 2017 also saw overt failings in the rule of law when Moldova's non-compliance with European norms in judicial independence came to a head. Deficiencies in case allocations and the appointment and promotion of judges on the basis of loyalty rather than merit also gained frequency (Transparency International, 2017).

The annulment of the 2018 Chisinau mayoral election, won by an anti-corruption candidate signified another case of oligarchic influences overriding democracy and controlling the judiciary. It was arguably this incident that exposed the depth of state capture and the shallowness of the country's Europeanisation, despite the progress that Moldova had undeniably made within the EaP. As such, the annulment of the mayoral election was a tipping point in international donors' support for Moldova. In response to these scandals, incomplete reforms, and deviations from European and international best practices, the EU and other International Organisations censured Moldova by freezing their financial support.

4.3 From false starts to fast forward

Moldova's slide into state capture was arguably irresistible by 2000, and it was not until 2019 that the possibility of a 'remission' became conceivable (Pilkington, 2019; Longhurst,

2023). In 2019, after the threat of prosecution for their roles in several financial scandals, oligarchs Vladimir Plahotniuc and Ilon Shor fled the country. The following year, Maia Sandu, who had campaigned on a pro-EU, de-oligarchisation platform, became President, and in 2021, a pro-reform coalition led by the liberal Party of Action and Solidarity (PAS) formed a parliamentary majority which diluted the power of the socialist, oligarch/Moscow-aligned parties in the legislature. Another important cog in the machinery of change was the emergence of a more sober attitude from the side of the EU. This saw Brussels catch up with arguments that Moldovan civil society had been advocating for years; namely that the country's problems resulted first and foremost from state capture and oligarchic influences and the ways in which they stirred up disorder, inhibited reforms, and ruined the country's shift towards the West (interview with Moldovan civil society expert, December 2023). Consequently, after 2019, the EU and other Western stakeholders emphasised their support for de-oligarchisation, a requirement which was later introduced as a critical step for Moldova to meet in the context of becoming an EU candidate state in June 2023.

On March 3, 2022, Moldova applied for EU membership: a move prompted by Russia's invasion of Ukraine some ten days previously. In April, a National Commission for European Integration (NCEI) led by the President and made up of members of government, parliament, civil society and local authorities was created to provide strategic direction to Moldova's European integration. Since then, the dynamics of Moldova's EU path have picked up speed, and by May 12, the government had completed and submitted the European Commission's questionnaire. Consequently, on June 17, the Commission recommended that Moldova be granted EU candidate status on the understanding that 'nine steps' be addressed to ensure compliance with the accession criteria (European Commission, 2022). On 4 August 2022, the NCEI approved an Action Plan comprising 60 actions corresponding to the nine steps (National Commission for European Integration, 2022).

The following June, Neighbourhood and Enlargement Commissioner Olivér Várhelyi reported that Moldova had completed three out of the nine steps (European Commission, 2023a). Five months later, in the context of the Commission's annual Enlargement Package, it was communicated that six steps were finalised (European Commission, 2023b). Meanwhile, findings from the Eastern Partnership Civil Society Forum's Index were less positive and failed to find any convincing evidence of completion (Eastern Partnership Civil Society Forum, 2024), as Table 1 indicates. This discrepancy notwithstanding, both the EU and civil society agree that Moldova's main problems lie in its justice system, anti-corruption infrastructure, and capacity for de-oligarchisation, all of which feature in the 'fundamentals' EU negotiating cluster.

Despite evident shortcomings in the achievement of the nine steps, Moldova received a 'green light' to start membership negotiations at the December 2023 European Council. Subsequently, in mid-January 2024, it was announced that the official screening process for both Moldova and Ukraine would begin. Though screening usually takes between one and two years, the expectation is that the bulk of the task will be completed within the first half of 2024 (Brzozowski, 2024) which reinforces expectations for an expedited enlargement.

Table 1 Evaluations of Moldova's performance towards the EU's nine steps in 2023

Step	Objective	EU Assessment: June 2023	EU Assessment: November 2023	Civil Society assessment October 2023
1	Comprehensive justice system reform	Good progress	No change. Priority: assure the merit-based appointment of judges	Moderate progress
2	Address shortcomings identified by OSCE/ODIHR, Venice Commission/ Council of Europe	Completed	Completed	Moderate progress
3	Deliver on the commitment to fight corruption	Some progress	No change. Priority: ensure that anti-corruption institutions function within clear organisational structures and with adequate resources	Limited progress
4	Implement the commitment to de-oligarchisation	Good progress	No change. Priority: update / implement action plan; allow for timely review to complement it, when needed	Limited progress
5	Strengthen the fight against organised crime	Some progress	Completed	Moderate progress
6	Public Administration	Some progress	Completed	Limited progress
7	Reform Public Financial Management including public procurement	Good progress	Completed	Moderate progress
8	Enhance the involvement of civil society in decision-making	Completed	Completed	Moderate progress
9	Strengthen human rights; sustain commitments to gender equality/fight violence against women	Completed	Completed	Moderate progress

Source: Eastern Partnership Civil Society Forum, 2024; European Commission, 2023b.

5 Hurdles to Moldova's EU integration

Though Moldova's trajectory towards the EU has been impressive, there remain significant hurdles which, if not addressed, can have critical consequences for the enlargement process. Moreover, since several of these hurdles correspond to the important 'fundamentals' negotiating cluster, they have the potential to block Moldova's accession.

The following sections discuss the three steps that the EU regarded as incomplete / the most troublesome, namely justice sector reforms, anti-corruption, and de-oligarchisation. Two other steps that the EU deemed to be 'complete' despite clear shortcomings – public administration reforms and civil society's involvement in decision making are also scrutinised. Two additional problematic issues – political polarisation, and the Transnistria frozen conflict, which were conspicuously absent from the nine steps yet potentially significant for Moldova's EU integration, are also discussed.

5.1 Shortcomings in justice sector reforms

When Moldova applied for EU membership, it was already in the midst of implementing its 2022–2025 justice reform strategy aimed at improving judicial independence and impartiality. Deficiencies in these spheres have consistently blighted Moldova's progress in the rule of law, democracy, and anti-corruption and by extension its EU integration prospects. To reset the justice system and to bring it into alignment with European best practices regarding independence and impartiality, new 'pre-vetting' procedures were created and applied to new candidates for vacancies on the justice system's self-administration bodies which are responsible for appointing judges and prosecutors. Though progress has transpired and was duly noted in EU and civil society reports, the complex nature of the reforms, which met with some resistance from within the judiciary, meant that the appointment of new judges was significantly delayed. This lag impinged on the efficiency of the justice system, which was still recovering from disturbances caused by the Covid-19 pandemic and also affected public confidence towards the judiciary and the seriousness of the reforms (interview with Moldovan public official, December 2023).

Notwithstanding the government's reform achievements thus far, the necessary scale of systemic change has been hard to reach. This was noted in an OSCE/ODIHR report from August 2023, which highlighted the need for Moldova to 'demonstrate a clear track record' in judicial appointments and ensure that transparent and merit-based procedures in full alignment with European standards become the norm (OSCE Office for Democratic Institutions and Human Rights, 2023). Systemic justice reform is mired by several factors including shortcomings in the extent to which civil society is routinely involved as a fully-fledged stakeholder in the selection of members of judicial evaluation bodies (interview with Moldovan civil society expert, December 2023). Also marring systemic justice reform is the protracted length of judicial proceedings and low case clearance rates which create logjams and diminish societal perceptions of the system's effectiveness and its role as a promoter of public interests (interview with Moldovan civil society expert, December 2024). Furthermore, although indictments in absentia have been

given to fugitive oligarchs for their crimes, significant progress in the prosecution of high-level corruption cases remain elusive, which, once again reinforces low public confidence in the independence of the justice system.

Polls carried out in Moldova in August 2023, revealed that 44.5 per cent of survey respondents were ‘highly distrustful of the courts’, with only 2.5 per cent declaring a ‘great deal of trust’. Similarly, 43.3 per cent of people were ‘highly distrustful’ of the General Prosecutor’s Office, and only 2.9 per cent of respondents had a ‘great deal of trust’ in the Office. Crucially, though public opinion trends over the past seven years suggest that more people are starting to ‘somewhat trust’ the justice system, there has not been a significant shift of opinion and it remains the case that Moldovans are profoundly sceptical about their justice system (Institute for Public Policy in Moldova, 2023). This is consequential in the context of EU enlargement, since Moldova’s accession will hinge not only on its justice system being in alignment with European standards and robustly independent ‘on paper’ but also on its legitimacy and effectiveness in the eyes of the public.

5.2 The fight against corruption

After decades of poor results, the confluence of Maia Sandu’s presidency twinned with the prospect of EU membership seemed to create conducive conditions for anti-corruption measures to take root. As a result, Moldova’s Corruption Perception Index score has steadily improved (Transparency International, 2023). 2022 and 2023 saw unprecedented levels of activity, including improved international cooperation on high-level corruption cases which led to asset freezing and international sanctions being applied against oligarchs who had been involved in massive bank frauds in Moldova. Moreover, in 2022, 434 corruption cases were initiated, resulting in 180 individuals being taken to court and 108 guilty verdicts. High levels of successful detections and prosecutions were seen across hundreds of cases of self-enrichment, conflicts of interest and abuses of power amongst politicians and civil servants. Integrity inspectors also checked the assets and personal interest declarations of over 90 per cent of Moldova’s judges and prosecutors (European Commission, 2023). Towards the end of 2023 plans were put in motion to create a dedicated anti-corruption court to improve efficiencies and boost public confidence. However, despite these steps, both official EU and civil society reports acknowledge that Moldova’s anti-corruption infrastructure has plenty of room for improvement.

The fight against corruption is strongly affected by gaps between new anti-corruption laws and their proper implementation and enforcement, as well as weak protections for whistle-blowers which deters individuals from reporting cases of corruption, especially when it involves their superiors (interview with Moldovan civil society expert, December 2023). Another significant factor holding back the fight against corruption has been the evolving anti-corruption institutional set-up, which still has to concretely embed. To improve the country’s record of successful investigations and indictments, the government sought to refine the remits of the two main anti-corruption bodies – the National Anticorruption Centre (NAC) and the Anti-Corruption Prosecutor’s Office (APO), which in reality fostered confusion and discord amongst anti-corruption professionals. Though these changes were subsequently reversed, the remits of the main bodies still lack precision which has

implications for their operational effectiveness and also for public trust in anti-corruption (Necsutu, 2023; interview with Moldovan civil society expert, December 2023).

Akin to the low levels of trust in other state institutions, public confidence in anti-corruption bodies remains derisory. In Moldova, anti-corruption laws tend to be regarded as being 'in name' only and are seen as being unfairly and disproportionately applied (interview with Moldovan civil society expert, December 2023). In 2021, only 4.6 per cent of people polled said that they had a 'high level of trust' in the NAC, which fell, albeit only slightly, to 4.2 per cent in 2023. At the other end of the spectrum in 2021, 37.9 per cent of respondents declared that they were 'highly distrustful' of the NAC, which rose to 39.2 per cent in 2023 (Institute for Public Policy in Moldova, 2023). At the root of low public perceptions is the fact that only a relatively small number of high-level officials have been fully brought to justice and also that institutions tend to focus on cases of petty corruption whilst notorious and wealthy oligarchs evade prosecution and continue to wield influence on the country from afar (interview with Moldovan official, December 2023).

The foremost consequence that arises from this rutted pace of change is that without a consistent track record in anti-corruption, Moldova would enter the EU with chronic corruption problems, which would be hard to dismantle once enlargement takes place. Moreover, corruption risks could even be heightened if a fast-track accession occurs whereby the EU strikes a soft tone and lets Moldova sidestep certain elements of its accession criteria (interview with Moldova official, December 2023). As Bulgaria and Romania's EU accession in 2007 demonstrated; when there is a 'critical mass' of corrupt officials and a weak judiciary, as is the case in Moldova, corruption is unlikely to abate, and replacement EU-norms emerge unless extra anti-corruption measures and interventions are enforced prior to accession (Vachudova, 2009).

5.3 De-oligarchisation

When EU candidate status was forthcoming in 2022, dismantling Moldova's longstanding oligarchic structures gained a keen sense of urgency. In the context of Moldova's EU integration, de-oligarchisation was the Commission's 'fourth step' and entailed a commitment to 'eliminating the excessive influence of vested interests in economic, political, and public life'. As noted above, 'good progress' was reported by the EU in June 2023, but no further advances were noted in December 2023, thus de-oligarchisation remains incomplete.

Moldova's concept for de-oligarchisation was presented in the government's August 2022 Action plan and comprised ten objectives (National Commission for European Integration, 2022). The subsequent draft bill outlined mechanisms to prevent the influence and interference of oligarchs that 'hamper the functioning of state institutions and pose risks to human rights, democratic order, and national security' (Cenusa, 2023) and as such was a comprehensive document. After review by the Venice Commission in March 2023, Moldova's law was re-shaped to emphasise a balance between a 'personal/punitive' policy approach on the one hand and a 'systemic' approach on the other (Venice Commission, 2023). Consequently, the eventual de-oligarchisation law adopted in May 2023 stressed the removal of opportunity structures through legislative tools, including a framework law on de-oligarchisation and amendments to other legal acts.

By establishing a definition of what oligarchy constitutes, consolidating relevant laws and tying all of this to the prospect of EU membership, Moldovan authorities have a chance of countering the sources and symptoms of state capture. However, since de-oligarchisation relies on the systemic transformation of the justice system and cooperation across all branches of government, the pace of change is unlikely to be fast nor linear. Moreover, building public confidence in the government's capacity for root and branch de-oligarchisation hinges on the successful and consistent prosecution and incarceration of oligarchs and high-level corrupt officials.

The unfinished business of de-oligarchisation has two main implications for Moldova's EU prospects, which would be amplified in the context of an expedited enlargement. First, de-oligarchisation is integral to reconstituting Moldova's social contract and for nurturing the public's trust in state institutions and the rule of law. Accordingly, there is a consensus amongst the public and expert community that if the government fails at de-oligarchisation, it might also falter at taking the country into the EU (interview with civil society expert, December 2023). Second, fugitive oligarchs such as Ilan Shor and Vladimir Plahotniuc, amongst others, are not spent forces in Moldovan politics. If left unchecked, they pose significant risks to the country's internal stability and its resilience to countering influences that are powerfully opposed to Moldova's EU membership.

5.4 Political polarisation

The European Commission did not include challenges associated with political polarisation in its nine steps for Moldova. Instead, the dominant view in Brussels appears to be that Sandu's election in 2020 signalled that previous political contestations were dissipating and that a broad pro-EU consensus was on the ascent. Evidence suggests that this could be wishful thinking and part of the EU's approach to speed-up enlargement (interview with Moldovan civil society expert, December 2023). Though the pro-EU governing coalition has a parliamentary majority the remainder is occupied by representatives from communist/socialist parties and from parties aligned with Russia and/or linked to/funded by oligarchs. This undermines the prospect of a robust national consensus on Moldova's EU integration since principal opposition groups and individuals in Parliament either do not have a clear position on Moldova's EU accession, are cynical, waiting to be convinced, looking for opportunities from EU membership for self-enrichment, or are programmatically hostile to it (interview with Moldovan civil society expert, December 2023).

Symptoms of polarisation are also manifest in opinion polls. According to the International Republican Institute's survey in July 2023, 63 per cent of Moldovans were in favour of EU accession, 16 per cent were somewhat opposed, and 19 per cent were strongly opposed. Whilst this demonstrates solid support for the EU it also confirms that significant scepticism persists across the population (International Republican Institute, 2023). In a poll carried out by Moldova's Institute for Public Policy in 2023 almost 32 per cent of respondents declared that if there was a referendum about joining either the EU or the Eurasian Economic Union they would vote for the latter (47–48 per cent willing to vote for the EU) (Institute for Public Policy in Moldova, 2023). This demonstrates that despite the

ongoing war in Ukraine, for many Moldovans Russia is still a credible partner (interview with Moldovan civil society, December 2023).

Political polarisation was also apparent during the local and mayoral elections of November 2023. Although pro-Europe candidates dominated the results, candidates linked to oligarchs and/or Russian influences, found significant support in Balti, Chisinau, and Orhei, even though several of such parties were banned on Constitutional grounds, including the party of fugitive oligarch Ilan Shor. Despite being sentenced in absentia in 2023 for his part in the billion-dollar bank fraud, which essentially stole money from the Moldovan people, opinion polls show that trust in Shor is stable and appears not to have been affected by his infamy and copious financial crimes against the country (Institute for Public Policy in Moldova, 2023).

Polarisation is expected to impact the 2024 presidential election / referendum on EU accession, which will be a dual verdict on Sandu's presidency and a litmus test of how Moldovans feel about joining the EU. The effects of polarisation are likely to become more vivid in the context of an expedited enlargement unfolding during an important election year. Heightened polarisation will impede Parliament's capacity to play a constructive role in legislating for EU accession. It will also undermine chances of a broad national consensus on European integration emerging, which would affect the domestic legitimacy of enlargement and the momentum of accession negotiations too, especially in anti-corruption and de-oligarchisation spheres.

5.5 Public administration reforms

Moldova is halfway through the implementation of a reform strategy geared to accelerate 'the European transformation of public institutions at both central and local levels' (Government of the Republic of Moldova, 2023). From the EU's perspective, Moldova sufficiently increased its capacity to deliver public administration reforms and therefore completed 'step six'. In contrast, civil society found only limited progress (Eastern Partnership Civil Society Forum, 2024). SIGMA's 2023 assessment was also discouraging and gave Moldova a score of one out of five for its 'Strategic Framework of Public Administration Reform' (OECD, 2023). Far from a niche bureaucratic issue, public administration reforms are part of the 'fundamentals' negotiating cluster and are therefore key to Moldova's successful completion of accession negotiations in their entirety.

The rapid tempo of Moldova's EU path since 2022 revealed systemic problems in this field. A prime challenge relates to insufficient human capacities within the public administration. Inveterate staff shortages and vacant posts result not only from low salaries but also from the lack of prestige attributed to civil service jobs, opaque career and salary scales, and the lack of a performance-based (and compensated) working culture (interview with Moldovan official, December 2023). This renders the job of working for the state relatively unattractive compared with private sector positions. Consequently, despite recent salary increases, the sector struggles to attract and retain qualified staff.

Other issues relate to negligible levels of trust in government institutions, as noted above. There has been a slight uptick in public trust in the government, but nevertheless in 2023, only four per cent of people surveyed said they had a 'great deal of trust' in the

government, 26 per cent ‘somewhat trusted’ it, whilst 43 per cent said they highly distrusted the government (Institute for Public Policy in Moldova, 2023). This also reflects the widespread perception of a weak public administration prone to political or oligarchic influences, with a questionable record in impartiality (interview with Moldovan civil society expert, December 2023). Instances of civil servants being appointed on political or nepotistic grounds rather than on their merits though now infrequent still occur, which throws into question the independence of the public administration (interview with Moldovan official, December 2023). Furthermore, in Moldova rules stipulating that civil servants should not take up secondary employment are patchily applied which erodes the principle of neutrality in the civil service (OECD, 2023).

Problems associated with Moldova’s public administration are consequential for the country’s EU prospects in two main ways. First, as it stands, the public administration could struggle to deal with the task of membership negotiations and martalling the adoption of the EU *Acquis*. Staff retention problems also mean that Moldova’s public administration has a relatively weak institutional memory which might impact the coherence and efficiency of membership negotiations (interview with Moldovan official, December 2023). Second, the fragile nature of Moldovan society’s trust in the government could seep into low confidence in the public administration and its role in EU membership negotiations, which in turn has the potential to gravitate into generalised euroscepticism.

5.6 Civil society’s role in decision-making

The step relating to enhancing civil society’s involvement in decision-making processes ‘at all levels’ was completed in June 2023, according to the European Commission. However, from a civil society perspective, only moderate progress was attained at the point at which Moldova was invited to start membership negotiations (Eastern Partnership Civil Society Forum, 2024).

Moldova’s EU candidate status generated a fresh dynamic to enhance civil society’s involvement in political decision-making, which since the COVID-19 pandemic had been going through an impasse. Legislative changes have been made to bring civil society organisations (CSOs) more squarely into law and policymaking, especially in cooperation with parliament. Furthermore, in November 2023, the government adopted a new national programme for the development of CSOs in 2024–2027 (CSOMETER, 2023). The same month the government approved the 2023–2025 Open Government action plan, which established new benchmarks for government transparency, access to information, and open budgets.

Despite these developments, the extent to which civil society’s role in decision-making has advanced is in doubt. Though the state of emergency imposed on 24 February 2022 was lifted at the end of December 2023, some provisions set up by the Commission for Exception Situations (CES) found their way into new legal mechanisms which will allow authorities to adopt state-of-emergency-type ‘urgent decisions’ without actually establishing a state of emergency. This potentially diminishes the government’s accountability both to its citizens and to parliament. CSOs denounced the lack of transparency in the drafting, voting, and implementation of the mechanism and the risks it poses to fundamental rights and use of proportionate actions (CSOMETER, 2024).

Uncertainties concerning civil society's involvement in decision-making and the potential for a rollback of governmental transparency measures have consequences for Moldova's EU integration, especially in the context of a fast-track accession. In this scenario, opportunities for CSOs to lend their expertise to the accession process and to scrutinise and co-shape legislation would be limited, with possible ramifications for the sustainability of the accession process and its domestic legitimacy.

5.7 Transnistria

The protracted or 'frozen' conflict concerning the breakaway region of Transnistria, which has endured for over 30 years and has seen the region become a *de facto* state, was overlooked by the EU as a potential barrier to Moldova's EU accession and was therefore not mentioned in the nine steps.

The EU's position is that a settlement of the Transnistria conflict is not a prerequisite for Moldova's EU membership and that accession is possible without the Transnistria region. The working hypothesis is that Moldova's EU integration will generate benefits and attractive new opportunities also for Transnistrians. In turn, this will stimulate cooperation with Moldova and strengthen prospects for a peaceful settlement based 'on the sovereignty and territorial integrity of Moldova within its internationally recognised borders, with a special status for the Transnistrian region' (Council of the European Union, 2023). The EU also insists that Transnistria is an issue for Moldovans themselves to resolve. De-securing the Transnistria issue and declaring that Moldova's EU accession can proceed without a resolution also signifies that the EU wants to avoid the dispute becoming a bargaining chip with Russia, which could halt Moldova's EU membership prospects and render the country a new epicentre of violent conflict with Russia (interview with Moldovan official, December 2023).

Realities on the ground defy the notion that Transnistria is, in fact, still a frozen conflict in a post-Soviet 'classic' sense. An ever-growing number of Transnistrians hold Moldovan passports (issued free of charge), and since the EU-Moldova visa-free regime and Association Agreement were signed, the number of Transnistrians applying for Moldovan passports doubled (Centre for Baltic and East European Studies, 2021). Provided that they meet further conditions Transnistrians can also acquire a Romanian (EU) passport. Furthermore, Transnistria is already included in the EU-Moldova Deep and Comprehensive Free Trade Agreement (DCFTA), and as a result, the EU is Transnistria's most significant trade partner. The Transnistria-Russia energy relationship has also changed as a result of the war in Ukraine. The era of abundant supplies of cheap Russian gas, which underpinned the Transnistrian economy and kept living standards higher than in Moldova, made Transnistrian export products competitive on EU markets, and kept Moldova in a state of energy dependence on Transnistria/Russia has abated. With Moldova now connected to EU energy frameworks, the balance of dependency has changed, which potentially reinforces the need for Transnistrian authorities and business elites to maximise rather than shun opportunities provided by Moldova's EU integration.

In sum, under current conditions, the frozen conflict is not a block to Moldova's EU membership per se. As noted above, in the context of a continuation of the war and its

relative 'separation' from Russia, Transnistrian decision-makers and business owners actually have a stake in a stable Moldova with access to EU markets. This point notwithstanding, whilst Transnistrian elites and their Russian patrons might be tolerant of Moldova 'acceding' to the EU believing that it will take a relatively long period of time, when the prospect of actual membership comes about, this attitude is likely to shift.

6 Conclusion

Moldova's EU path was catalysed by Russia's all-out invasion of Ukraine on 24 February 2022, which encouraged the government in Chisinau to present its candidature for membership. This article reasoned that the novel features, coupled with the speed at which the current enlargement is unfurling inevitably means that much of the existing literature on enlargement (which is largely based on the 2004 and 2007 rounds) is of limited utility and that there is a strong need for fresh perspectives to be developed. The article also took issue with the fact that enlargement research has typically been driven by an approach that privileges the EU as the main level-of-analysis.

By focusing on the Republic of Moldova, this article successfully challenged the dominant approach to enlargement in three main ways. First, the article highlighted the novel features of the next enlargement round and the specific ways in which it differs to previous iterations. Second, it highlighted important domestic hurdles and obstacles associated with Moldova's EU membership perspectives which have been somewhat overlooked or downplayed both in academic literature and in official EU reporting on enlargement. Third, the article discussed the consequences of these hurdles and problematic issues for Moldova's EU membership prospects and especially in the context of a possible accelerated accession.

Notwithstanding the value of the article's findings, there are limitations associated with taking a single country case study. Crucially, whilst Moldova's EU integration path is in many ways analogous and shares common traits with those of other accession states there are also intrinsic differences and dynamics at play which determine the shape and pace of a country's gravitation towards EU membership. Consequently, the extent to which this article's findings are generalisable has its limitations. This caveat aside, this article elaborated a fresh analytical lens to consider EU enlargement, which revealed several interesting findings relevant to enlargement scholarship and policy debates. First, the case of Moldova vividly illustrates the intricate dilemmas surrounding the current enlargement round; namely the need to meet urgent geopolitical concerns by expediting enlargement, but at the same time ensuring that it is carried out in an orderly fashion and in adherence with accession criteria. Second, Moldova's struggles with the 'unholy trinity' of a weak justice system, persistent corruption and oligarchic influences are deep-seated and run the risk of undermining the entire pace of the country's EU accession. Third, a fast-track accession scenario in which the EU softens its entry criteria in the 'fundamental' sphere also has ramifications for Moldova's sustainable development since problems will be 'baked-in' and tough to resolve once accession takes place. Fourth, though its participation in the EaP since 2009 means that Moldova is already well-aligned with EU norms across many spheres, political polarisation in the country means that EU reforms can

easily fall foul of oligarchic/pro-Russian parties and personalities keen to destabilise the country's Europeanisation. Finally, the case of Moldova robustly illustrates the need for a reconsideration of enlargement methodology to keep it true to core EU values, but also to render it sufficiently flexible to facilitate the next enlargement round.

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