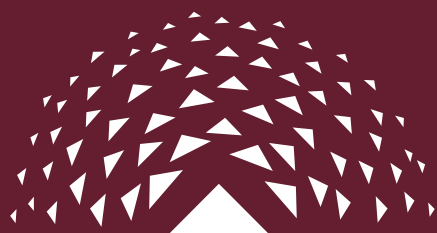


**Regional Cross-Border Cooperation in the Danube Region.  
A Promising Approach within the Enlargement Policy of the EU?**

Regionális, határokon átnyúló együttműködés a Duna régióban.  
Egy ígéretes megközelítés az EU bővítési politikájában

**BENCE CSIZMADIA**



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**Abstract:** *Since the Eastern enlargement rounds in 2004 and 2007, the European Union has been affected by a prolonging 'enlargement fatigue'. Membership aspirations of third countries, who are located in the Danube Region, are since then faced by the more or less open refusal of several EU members. This has led to a strategic shift by the EU Commission in regard of its enlargement and neighbourhood policy. With new 'horizontal Europeanisation' approaches being realised in the last 12 years, the regional cross-border cooperation formats experienced as external governance instruments a particular political valorisation. Through carrying out an overview analysis of the main cooperation programs as well as a case-analysis of the European Union Strategy for the Danube Region (EUSDR), this study assessed these network-like cooperation in regard of their actual impact and added value. A central conclusion of this article was that while the EU tried to realise a comprehensive improvement of the Danube countries' membership perspective it failed to do so. Therefore, a firm capabilities-expectation persists within the EU's enlargement and neighborhood policy.*

**Összefoglaló:** A 2004-es és a 2007-es keleti terjeszkedést követően az Európai Uniót egy tartós „bővítési fáradtság” jellemezte. A Duna régió délkeleti részén fekvő harmadik országok tagsági törekvéseit számos EU-tagország többé-kevésbé nyílt visszautasítással fogadta. Ez odavezetett, hogy az Európai Bizottság végül egy jelentős stratégiai változást hajtott végre a bővítési és szomszédság-politika szempontjából. Az elmúlt 12 évben ún. új „horizontális europaizációs” megközelítések jelentek meg, amelyeknek köszönhetően a határokon átnyúló regionális együttműködések politikailag felértékelődtek. A fő együttműködési programok áttekintő elemzésén, valamint az EU Duna Régió Stratégiájának (EUSDR) esettanulmányán keresztül értékeltem a tanulmányban az efféle hálózatszerű együttműködések, azok valós hatását és hozzáadott értékét. A cikk központi következtetése az volt, hogy az EU jelentős politikai erőfeszítései ellenére a Duna menti országok tagsági perspektívájának átfogó fejlesztése nem teljesült. Ekképpen az EU bővítési és szomszédság-politikájában továbbra is fennáll egy képesség-elvárás hiányosság.

## INTRODUCTION

For many years, the perspective of membership in the European Union was a central factor for many third countries in terms of their political aspirations. The political attractiveness of the accession was for the last decades also actively used by the European Institutions as leverage within their neighborhood and enlargement policies. Aspiring countries were obliged to comply with various membership conditionalities, which included, among others, major legal, economic or institutional reforms. Especially after the breakdown of communist rule in

Eastern Europe, many countries participated in a downright “run to Brussels”, which placed the EU, especially the Commission during the late 1990s, into a very advantageous position. By being able to define “the rules of the game” in the accession process, the EU Commission realised a downright “carrot and stick” approach towards the applicant countries.<sup>1</sup>

With the accomplished Eastern enlargement rounds in 2004 and 2007, the European Union has been, however, affected since then by a prolonging ‘enlargement fatigue’. After the most massive territorial expansion of the EU in its history, new membership aspirations by third countries are encountered by substantial reservations among the EU member states, who stipulate an open unwillingness to support any further accessions in the short or mid-term.<sup>2</sup> The loss of a clear and tangible EU membership perspective has, however, major consequences not only for the South-East European applicants from the lower Danube Region but for the European Union as well. While the third countries have lost a significant incentive to proceed with the often strongly politicised domestic reforms, the EU itself is faced with the practical disempowerment of its most effective enlargement policy instrument thus resulting in the EU’s “carrot crisis”.<sup>3</sup>

The EU Commission is, therefore, forced to find new and sustainable solutions to perpetuate the close relations with the third countries and, even more important, to maintain their reform-momentum for a prospective accession. In the last years, the EU has resorted to the revision and adoption of various programs, instruments and policy approaches. A particular emphasis has been put on the revaluation of regional cross-border cooperation, which is hoped to become an effective new approach to continue the so-called Europeanisation of third countries. However, before analysing and assessing this new policy approach, it is first necessary to give a brief introduction to the theoretical concept of Europeanisation. The theoretical introduction will be followed by a short historical delineation of the EU’s strategic shift within its enlargement policies. The Eastern Enlargement is, as aforementioned, considered as a decisive trigger point for this shift, where the EU decided to pursue a more horizontal (and cross-border cooperation-based) Europeanisation approach.

In order to illustrate the argument concerning the EU’s new agenda, an overview analysis of the various regional cross-border cooperation formats will be carried out. Due to the central role of the South-East European countries, and in particular the states which are located in the lower part of the Danube Region, the article will predominantly focus on realised cross-border cooperation with Bosnia and Herzegovina, Moldova, Montenegro, Serbia

1 The former EU enlargement policy is described by Attila Ágh as a “carrot and stick” policy approach. While the eventual membership is due to the evident and manifold advantages described by Ágh as the “carrot” for the candidate countries, the “stick” on the other hand is the always pending cancellation of the accession process if the applicant government fails to comply with the conditionalities set out by the EU (Ágh, 2010).

2 *EUobserver*, 2019.

3 Ágh, 2010, p. 7.



and Ukraine.<sup>4</sup> Being initiated in 2010, the European Union Strategy for the Danube Region (EUSDR) marks an entirely new policy approach in the EU. With its strong emphasis on an external governance approach towards these third countries, the analysis and assessment of this cooperation require particular attention, which will be, therefore, realised in a separate chapter.

The article is based on a review of academic literature, complemented by an in-depth assessment of the respective policy and program documents, relevant European legal provisions, and numerous available monitoring reports from the relevant stakeholders.

In the end, the article aims to give a concluding assessment about the EU's shift towards the horizontal Europeanisation approach and whether the new emphasis on regional cross-border cooperation is indeed successful or is in fact characterised by a distinct capabilities-expectation gap.

# THE ENLARGEMENT POLICY OF THE EU IN THE COURSE OF TIME: EUROPEANISATION BEFORE AND AFTER THE EASTERN ENLARGEMENT

## INTRODUCTION TO THE CONCEPT OF EUROPEANISATION

The attainment of formal EU membership is considered often as the most critical milestone for a country in terms of its European integration efforts. While there are of course several further levels of deepened integration, like joining the Schengen Area or the European Monetary Union, the accession to the EU is, nevertheless, the most significant game-changer for a national government.

The countries are for example obliged to comply with the vast number of rules and legal provision, the so-called *acquis communautaire*, which have to be incorporated by the countries as a whole. While there are of course numerous forms of temporal or even permanent differentiations, like for example through "opt-outs"<sup>5</sup> or transitory periods after the accession,<sup>6</sup> the EU membership

4 As a result of the various territorial delineations of the Danube Region, especially within the scientific debate, this article sticks to the territorial scope outlined by the Danube Transnational Program and the European Union Strategy for the Danube Region, thus putting the analytical focus on the above enumerated third countries. Cross-border cooperations supported by the Instrument for Pre-Accession (IPA-CBC), the European Neighborhood Instrument (ENI-CBC), or co-funded by European Regional Development Funds (ERDF) are consequentially included within the analysis. European Groupings of Territorial Cooperation (EGTC) are also included in the assessment.

5 In the last three decades, member states increasingly resorted to "opt-outs" from the EU integration steps in certain policy areas. Prominent examples are the "opt-outs" by Denmark and the United Kingdom in regard of the European Monetary Union during the drafting of the *Maastricht Treaty*.

6 The EU accessions in 2004, 2007, and 2013 constituted beside the manifold new opportunities also some economic risks for the new member states. Due to the much higher economic performance of the old member states, the new members were prone to lose the economic competition. Therefore, the EU granted the new members transitory periods in various policy sectors, in which the full integration was

nevertheless demands comprehensive preparations and reforms. These need to be carried out in the run-up to the actual accession by the membership-aspiring countries. The preparatory efforts, which are very diverse, are carried out during the so-called association process and are often subsumed in the academic literature as *Europeanisation* process.

Since the early 1990s, the term of Europeanisation will be used by numerous scholars to describe this alignment process between the nation states and the EU. Despite its major popularity, the term is, however, affected by a significant conceptual fuzziness.<sup>7 8</sup> In this article, an exclusive focus on the pre-accession phase of Europeanisation and the functional dimension of Europeanisation will be put. Based on this premise, Europeanisation is defined regarding the EU's enlargement policy as an ongoing process, where the European Institutions are exporting a particular blueprint of political organisation to the applicant third countries. This diffusion process materialises in a compulsory application of new rules in a broad array of areas.<sup>9</sup> To close the "misfit" between the state's status quo and the required level of compliance, the EU, therefore, resorts during the association process to two forms of Europeanisation.

The first form is realised through the application of vertical respectively hard impulses of Europeanisation, where institutional, procedural, or policy provisions are imposed in a top-down oriented way.<sup>10</sup> The prospect of potential membership, which comes along with various advantages (e.g., Cohesion Funds, etc.), is so to say the "golden bargain chip" by the EU and is thus operationalised under the term of membership conditionality. The conditionality principle materialises in practice in the already mentioned "carrot and stick" strategy, where the successfully progressing accession process is complemented by increasing fiscal and institutional support and is garnished by the accession as the ultimate reward. Detrimental actions, on the other hand, can be sanctioned by a stalling, freezing, or even termination of the accession process as such.

The effectivity of this vertical approach is, however, strongly depending on the maintenance of a realistic membership perspective. A decreasing probability of an eventual accession can, in the consequence, substantially weaken this instrument and negatively affect the motivation and reform readiness by the states as such.<sup>11</sup>

only carried out after a certain number of years. This was constituted to give the economic actors the chance to adapt to the new framework conditions of the European Single Market (Winzen & Schimelfenig, 2015, pp. 8–9).

7 One of the most comprehensive definitions of this term is given by Claudio Radaelli, who describes Europeanisation as „[...]Processes of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ways of doing things’, and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies.” (Radaelli, 2000, p. 4).

8 Auel, 2006, p. 295; Börzel and Risse, 2000, pp. 4–5.

9 Although scholars point out that in theory the alignment can be mutual between a third country and the EU, in fact a substantial adaption pressure and power asymmetry can be observed during the association process (Olsen, 2002, pp. 924–925; Scherpereel, 2010, p. 46).

10 Börzel & Risse, 2000, p. 5; Kutter and Trappmann, 2006; Radaelli, 2000, p. 19.

11 Sedelmeier, 2011, p. 12.



The alignment to norms - regardless of whether the process is driven by a genuine Europeanised identity or based on the premise of a functionalist cost-benefit ratio by the governmental decision-makers<sup>12</sup> is, however, far from being only shaped by a top-down imposed provision of rules. Instead, this process is required to be supported by mediating factors, which enable domestic changes. Such factors are often more thoroughly addressed within the second form of Europeanisation, which is characterised by more soft and horizontally directed impulses. In contrast to its vertical counterpart, the main idea behind this horizontal form is that Europeanisation takes place based on positive cooperation experiences, which are realised on a bi- or multilateral level. With the cooperation established in a specific policy area between a third country and the EU (or with several partners in network-like governance format), the increasingly dense relations lead eventually to a convergence of ideas, governance approaches, and even institutional structures. Such a convergence process is anticipated to create the necessary framework conditions for the ultimate EU membership.<sup>13 14</sup>

However, while these two forms of Europeanisation are in the conceptual debate firmly separated, in reality, both processes occur in a complementary way during the accession process of a third country.

## ***EUROPEANISATION BEFORE AND AFTER THE EASTERN ENLARGEMENT***

**T**he Eastern Enlargement in 2004 and 2007 marks for observers until today one of the most significant milestones in the history of the EU's integration process. The accession of twelve new member states was not only unique in terms of the actual size, but also meant in regard of its symbolical value the overcoming of the political division of the European continent, which prolonged for over half a century. While the post-socialist system transition of the Central and Eastern European states posed a great window of opportunity for the EU, it was at the same time also a challenging task to promote the democratisation, institution-building, and economic liberalisation processes in these countries.<sup>15</sup> As a consequence of the new framework conditions, the EU was in need of developing entirely new instruments and policy approaches for the looming accession process.<sup>16</sup>

The particular situation of the CEE states made it also evident that the accession of these countries would be no short-term undertaking, but would instead require a considerable amount of time to realise a sustainable alignment between EU and

12 Olsen, 2002, p. 928.

13 This horizontal Europeanisation approach is however not limited to specific policy areas, but can be realised in a variety of areas, reaching from foremost intergovernmental policy areas (e.g., security policies) to highly supranationalised topics (e.g., monetary policies).

14 Auel, 2006, p. 303, 2006, pp. 306–307; Kutter and Trappmann, 2006, p. 16; Sedelmeier, 2011, p. 9.

15 Merkel, 2007.

16 Cirtautas and Schimmelfennig, 2010, p. 421; Kutter and Trappmann, 2006, pp. 27–29; Lippert, 2004, pp. 21–22.

the potential members.<sup>17</sup> Between 1989 and 1992, this resulted in a very mixed Europeanisation approach by the EU. Efforts were primarily concentrated on the establishment of general development programs like for example the so-called *Poland and Hungary: Aid for Restructuring of the Economies* (PHARE). Being first of its kind, the program was extended to eight states until 1993. It provided technical know-how and financial resources under the conditionality that the individual CEE countries would carry out demanded reforms within their economies and markets, as well as within their administrative structures. Although the perspective of EU membership was at this time still not officially up to discussion, the program support was depending on a distinct compliance with the pre-given program provisions by the governments. A specific commission was constituted for this reason, which monitored the reform progress and was furthermore at the disposal for the countries as an advisor.<sup>18</sup> The Copenhagen Summit of the heads of states and governments in June 1993 marked in this regard a turning point. With the constitution of the so-called *Copenhagen Criteria*, the four basic conditionalities (geographic, political, economic, and legislative) for EU membership were defined.<sup>19</sup> In order to underline the sincerity of the membership perspective towards the individual CEE states, the EU signed with eight of the twelve 2004/2007 accession countries so-called bilateral *Europe Agreement* in the following years.<sup>20</sup> The individual agreements included further specifications of the general Copenhagen Criteria, in which the CEE countries were obliged to open their domestic markets, carry out comprehensive privatisation of their economies, and increase their cooperation with their neighboring countries and the EU.<sup>21</sup> Although these top-down stipulated conditionalities were complemented by horizontal Europeanisation measures,<sup>22</sup> the EU resorted in the following years to an increasingly vertical approach. In 1995, the EU Commission

17 Wagner, 2004, p. 74.

18 Lippert and Umbach, 2005, p. 30.

19 While the first criterion, namely belonging to the European continent, was without doubt complied with by all CEE states, the second criterion constitutes that the functional democratic governance, the rule of law, the respect of human rights, including the respect and protection of minorities, are basic and non-negotiable political preconditions. This overarching political criterion is accompanied by the economic criterion, which obliges the aspirants to have a functioning market economy in accordance with the Maastricht Criteria. The last criterion is the legal criterion, which stipulates the full legislative alignment of the applicant with the body of European laws, called the *acquis communautaire*, as further precondition. While the fulfillment of these criteria are all non-negotiable concerning the accession, the EU upholds nevertheless its right to reject the admission of a country if the enlargement would exceed the EU's own political, economic, or institutional capacities (Große Hüttmann, 2008, pp. 24–25)

20 Such Europe Agreements were already signed with Czechoslovakia (today Czechia and Slovakia), Hungary and Poland in 1991.

21 Lippert, 1998, pp. 23–24.

22 These were realised in form of association councils and committees, where officials from the EU and the national governments worked together for the first time on a consistent basis, having the opportunity to exchange valuable know-how and experiences and make progress in terms of their mutual socialisation. Based on the so-called Agenda 2000 the EU Commission further initiated a comprehensive reform of the PHARE program, which was driven by the aim to individualize the particular Europeanisation approach for each country. For this purpose the TAIEX and Twinning programs were initiated, where member states and the EU Commission dispatched civil servants to CEE countries in order support them with their reform efforts (Lippert, 1998, pp. 23–24; Lippert and Umbach, 2005, pp. 36–37; 114).





published a 500-page White Paper, in which it called upon the CEE states to present their plans of how they intend to precisely comply with the previously constituted membership conditionalities.<sup>23</sup> With the decision to start accession negotiations in 1997, the EU turned even further to a predominantly top-down oriented Europeanisation approach, which materialised in two forms in particular:

First, in contrast to the intended horizontal and cooperation-based approach, the EU Commission increasingly began to determine the specification of the membership conditionalities unilaterally. This approach became particularly dominant in the area of Cohesion Policy. While during the early and mid 1990s the EU pursued its aim to decentralise administrative structures through the so-called *partnership principle* in the aspiring countries and by that to strengthen the subnational (regional and local) administrative levels, at the end of the decade, and especially in the last years prior to the accession, the Commission fully refrained from this initial approach. Instead, the Commission resorted to a predominantly unilateral stipulation of conditions, which were beyond that exclusively communicated towards the representatives of the central governments.<sup>24</sup>

The beginning of the accession negotiations in 1997 constituted for the first time a palpable membership perspective for the individual states, which vice versa triggered increasing efforts by the national governments to accelerate their reform and alignment process. The will to succeed as “exemplary student” among the CEE countries resulted in an increasing competition, which is described as “run to Brussels”. These competitive membership aspirations provided the European Commission an advantageous position and increased its leverage towards the applicants. With the newly introduced drafting of annual progress reports the Commission boasted consequentially its monitoring capacity and publicly highlighted persisting reform deficiencies of the countries. This “naming and shaming” approach became even more effective with the accompanying threat potential by the EU, namely to stall the accession process for the respective countries if it would not comply with the given provisions.<sup>25</sup><sup>26</sup> While the conditionality instrument, and with it the vertical power of the Commission, experienced its peak in the following years, the signing of the accession treaties in 2003 marked the abrupt temporary end of this particular Europeanisation approach. With the date of accession set for the 1 May 2004, the EU made the guarantee towards the candidate countries (with the exception of Romania and Bulgaria) that they would be granted full EU membership.<sup>27</sup> However, once the candidate countries

23 Lippert and Umbach, 2005, p. 36.

24 Bauer and Börzel, 2012, p. 256; Bruszt, 2008, p. 616; Keating, 2008, p. 631.

25 The Commission actively used this threat potential and arranged for example in the case of Latvia, Lithuania, Malta and Slovakia a delay of the accession negotiations.

26 Sedelmeier, 2011, p. 14; Wagner, 2004, p. 82.

27 Although the candidate countries had still not achieved a full alignment with the *acquis*, the EU assessed the number of remaining reforms as reasonable to be realised until and even after the accession. For this purpose, more than 300 transitional provisions were adopted, which had to be complied with by the candidates in the following seven years. Only Bulgaria and Romania marked in this regard an exception. The lack of reform efforts were considered by the EU as too serious thus leading to their exclusion from the enlargement round (Große Hüttmann, 2008, pp. 25–26; Lippert, 2004, p. 32; Lippert and Umbach, 2005, p. 42).

had to fear no longer to be excluded from the forthcoming enlargement round, the membership conditionality basically lost its power, which resulted in a significant deceleration of the reform efforts by the countries.<sup>28</sup> This effect became even more salient concerning Bulgaria's and Romania's accession in 2007. Although the admission of both countries was postponed by the EU, namely due to their failure to comprehensively align to the EU's *acquis*, the Commission remained in the following years still unsuccessful in pressurising the two countries to carry out the necessary reforms. With the parallel ongoing aggravating framework conditions within the EU, like for example in the form of the failed ratification process of the *Constitution for Europe* in 2005, key decision-makers expedited the accession process. Although the fact-finding missions and monitoring reports by the European Institutions showed that both countries were still far from ready for an EU membership, and in fact failed to comply with the constituted provisions, the EU still allowed them to join in 2007.<sup>29</sup> The persisting governance deficits, which were to some degree also observable among the 2004 accession states, thus led in the following years to substantial problems in various policy areas.<sup>30</sup> The outcome of the Eastern Enlargement has thus led to a significant politicisation of the enlargement policy not only in the capitals of the "old" member states, but also on the general EU level. Issues like the internal migration from the new to the old EU members, the overload of the EU institutions to deal with so many member states, or the recurring stalemates among the many actor in the decision-making process of the Council are just some of the many issues, which lead to an increasing contestation of the EU's enlargement policy.

Since 2007 the situation aggravated even further due to various new culminating internal crises. The opening was marked by the fiscal and economic crises, which had a grave negative socio-economic impact in all EU member states and brought some countries, mainly located in the south of the continent, to the brink of state bankruptcy. While numerous countries were for many years – and some of them still are – struggling to rebuke from the negative effects (e.g., youth unemployment, out-migration, collapse of industrial sectors, etc.), the following migration and asylum crisis revealed since its beginning in 2015 significant disagreements between the countries of how to solve this matter. The persisting dissent has thus led to a continuing political stalemate in various policy areas

28 Sedelmeier, 2011, p. 12.

29 Andreev, 2009, p. 391.

30 Especially in the area of Cohesion Policy the CEE countries, but foremost Romania and Bulgaria, were due to the limited capacities of the public administrations widely unable to access reserved funds in the first years. This was accompanied by a poor project implementation, which additionally lowered the potential impact of the structural development programs in these countries (*European Commission*, 2018; Valchev, 2015, p. 93). Another major issue was – and unfortunately still is – the lack of progress concerning the realisation of the rule of law and in particular the fight against corruption. While Bulgaria's and Romania's admission to the Schengen area is still firmly rejected by the EU due to these concerns, the government in Bucharest is in recent years characterised by even more increasing nepotism and massive infringements of the rule of law principle, which recently even led to demands within the EU to initiate a procedure against the country based on Art. 7 TEU.



and a sharp division among the member states. This had also a substantial impact on the debate about the EU's prospective integration process<sup>31</sup> and the enlargement policies of the EU as such. For Croatia, who was already granted the candidacy status in 2004 and was invited to begin the accession negotiations in the following year, a significant tightening of the membership conditionalities was carried out. Besides the significant deceleration of the membership negotiations, the Commission forced the government to comply with much stricter provisions in the area of the judiciary, law enforcement, and anti-corruption policy than for example the enlargement countries of 2007.<sup>32</sup> While the government, nevertheless, managed to meet the formal requirements and was eventually admitted to attain full EU membership as of 1 July 2013, the membership perspective for the other third countries in the Danube Region substantially deteriorated in the meanwhile. In the limelight of the post-accession problems of countries like Bulgaria and Romania, the position of numerous political elites was dominated by a distinct 'enlargement fatigue'. Representatives of several member states openly issued their distinct concerns that the EU had overstretched its integration capacities during the recent enlargement rounds. The still cumbersome and unfinished institution-building process as well as the poor economic performance in the countries in the lower Danube Region (Bosnia and Herzegovina, Moldova, Montenegro, Serbia, and Ukraine) further exacerbated the dismissal by various EU members not only in regard of potential EU memberships but also in terms of a further deepening of the bilateral relations.<sup>33 34</sup>

With the current absence of unanimous support towards the accession of these countries, the EU is thus unable to provide a reliable membership perspective for third countries in the short- and probably medium-term. This, however, also affects the long-time practiced vertical Europeanisation approach, which experiences in terms of the exercised "carrot and stick" strategy over the last years a slump due to the loss of the EU membership perspective as "carrot". Decision-makers within the EU are because of these

31 For a long time, the general stance among member states was a distinct "permissive consensus" concerning a further deepening of the EU's integration process. However, since the 1990s an increasing "constraining dissensus" can be observed (Hooghe and Marks, 2009, p. 5). Concerns and in some cases open refusals by member state governments concerning a further homogenous communitarisation of policy areas has thus forced the EU institutions, particularly the Commission, to resort to the realisation of more differentiated integration approaches. The membership structure for countries within and beyond the EU has thus changed to a more graded setup, where individual governments vary in terms of their particular degree of integration (Schimmelfennig, 2016, p. 801).

32 Grabbe, 2014, pp. 45–47.

33 The general refusal concerning a further association of third countries peaked in the negative outcome of the Dutch referendum regarding the ratification of the free-trade and association agreement between the EU and Ukraine in April 2016. The outcome of the non-binding referendum forced the Dutch government, and thus also the EU, to refrain from formal ratification. The EU was forced to resort to the application of the treaty in a provisional way for two years. In May 2017, the Dutch Senate ratified the treaty with some adaptations. While the agreement became eventually effective, this occurrence showed that the resentments towards any kind of further associations had hit an –provisional– all-time high among the EU member states.

34 Woelk, 2019, pp. 30–31.

events forced to find new ways of overcoming this stalemate and thus started in the last years to initiate a significant readjustment of the enlargement policies and the applied Europeanisation approach.<sup>35</sup>

## **STRATEGIC READJUSTMENT OF THE PRE-ACCESSION AND NEIGHBORHOOD POLICY**

The beginning of the strategic readjustment took place in the run-up to the adoption of the *Multi-Annual Financial Framework* (MFF) 2007-2013, where a massive streamlining of the pre-accession assistance and neighborhood programs was carried out. Prior existing programs, like for example PHARE, which had a central role during the 2004/2007 accession process, as well as the CARDS program for countries from South-East Europe,<sup>36</sup> were merged into the new *Instrument for Pre-Accession Assistance* (IPA). The IPA is since then the central program regarding the EU's enlargement policy and has a particular geographic focus on the Western Balkan thus underlining the program premise of the preceding CARDS program.<sup>37</sup> The neighborhood policy programs, as for countries who are not designated to join the EU, underwent similarly substantial reforms. The TACIS program was together with the MEDA program<sup>38</sup> integrated into the *European Neighborhood and Partnership Instrument* (ENPI), which was replaced by the European Neighborhood Instrument (ENI) for the MFF 2014-2020 in the meanwhile (Regulation (EU) No 232/2014). While the streamlining efforts had the aim to improve the impact of the pre-accession and neighborhood policy<sup>39</sup> and were as a result firmly promoted by the new EU Commission, the change of political framework conditions led to even more significant readjustments.

35 Ágh, 2010, p. 7; Lavenex and Schimmelfennig, 2009, p. 794.

36 The Community Assistance for Reconstruction, Development, and Stabilisation (CARDS) program (Regulation (EU) No. 2666/2000) included the financial support of Albania, Bosnia and Herzegovina, Croatia, Serbia (including Kosovo), Montenegro and the Former Yugoslav Republic of Macedonia (now North Macedonia). The CARDS program had similarly to its PHASE counterpart the central goal to financially support the association process of these countries and strengthen their state and institution-building. While the countries received an "entry perspective" to the EU, the CARDS program, however, did not provide a distinct membership guarantee or a timetable for accession.

37 Gaubert and Yann, 2010, p. 12.

38 The Technical Aid to the Commonwealth of Independent States (TACIS) was launched in 1991 as program to provide technical assistance to the 12 post-soviet countries of Eastern Europe and Central Asia (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan) and help them to successfully manage their post-socialist transition process. The MEDA program, Measures D'Accompagnement (French for accompanying measures), was the counterpart to TACIS and was constituted to deal with specific policy problems common to Mediterranean countries (Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, the Palestinian Territory, Syria, Tunisia, and Turkey).

39 Based on the previous experiences from the 2000-2006 period, where the various different legal frameworks and program-structures often lacked coherence and tended to be overly complex in terms of their application, the Commission hoped to overcome this through the establishment of two consolidated programs (Koeth, 2014, p. 3).



Shortly after taking over the Commission's presidency, Jean-Claude Juncker stipulated in 2014 that any further enlargement would be ruled out under his term. Juncker's announcement was followed by a major adaptation of the Commission's institutional structure. The former stand-alone Directorate General "Enlargement", which focused in particular on the accession of the South-East European countries in the Danube Region, was merged with the general Neighborhood policy into a new DG ("Directorate General Near"). This measure underlines the departure from the original premise, namely of realising any further accessions in the near future.<sup>40</sup>

The Commission's policy shift also manifests within the IPA program, which is readjusted in terms of its policy focus and program logic. In contrast to the prior vertical driven and conditionality-based approach, the IPA is especially since 2014 more driven by the premise of realising horizontal Europeanisation impulses.<sup>41</sup> Within the IPA II (Regulation (EU) No 231/2014) this results in a decreased emphasis on the third countries technical alignment with the EU acquis, while a stronger focus is put on the realisation of good governance and positive socio-economic development of these states. The diffusion of ideas, know-how, experiences, and mutual socialisation between national and EU authorities are some of the underlying premises, through which the IPA projects should create such new models of good governance. Therefore, a multi-track approach has been realised. Financial support is concentrated on the particular areas of (1) public administration reforms, (2) strengthening rule of law, (3) development of a sustainable economy (4), people, and (5) agriculture and rural development.<sup>42</sup> The area of regional cross-border cooperation is addressed separately, namely in form Multi-Country Strategy Papers. In these papers, the basic perimeters of cooperation are outlined for each country individually,<sup>43</sup> which underlines again the increased importance of regional cross-border cooperation within the EU's accession policy.<sup>44</sup>

## ***FRAMEWORK CONDITIONS FOR REGIONAL CROSS-BORDER COOPERATION WITH THIRD COUNTRIES IN THE DANUBE REGION***

**T**he EU is, despite its strategic readjustments, faced with substantial challenges, especially concerning the third countries from the Danube Region. As so-called macro-region, the area is struggling with a substantial degree of spatial fragmentation in a broad array of areas.

40 Woelk, 2019, p. 28.

41 Koeth, 2014, pp. 14–15, 2014, p. 10.

42 In comparison to the overarching aims of the IPA, the ENI comprises of following embedded aims: (1) build a stronger economy; (2) create stronger governance and institutions; (3) build stronger connectivity of energy networks; (4) establish a stronger civil society (*European Commission, 2016b*)

43 Bache, 2011, p. 7; *European Commission, 2016c*.

44 Hachmann, 2011, p. 1543; Lavenex and Schimmelfennig, 2009, p. 807.



Figure 1  
The EU Danube Region<sup>45</sup>



In a direct comparison, there are for example massive disparities between the third countries and the member states in terms of their economic performance, where the member states like Austria, as Danube riparian state has an eighteen times higher GDP per capita than for example the Republic of Moldova.<sup>46</sup> Similar grave differences can also be observed concerning other economic indicators. In contrast to the member states, the third countries in the Danube Region show among others a several times higher unemployment rate, significantly lower investment rates in the area of research and development, or a significantly less developed infrastructure.<sup>47</sup> With the often consequential poor prospects of finding a job in their home country, many young people are often trying to find their luck in economically more prosperous Western or Central European countries. This results in a massive negative net-migration (so-called “brain-drain”), which was particularly severe during the fiscal and economic crises and had a devastating impact on the economies of these countries. The absence of young and educated workforce also affected to a large degree the civil service sector, which was already before the

45 Sielker, 2016, p. 90.

46 Austria had in 2017 an average GDP per capita of EUR 37.100, while the Republic of Moldova had only EUR 1,983 per capita.

47 *Institute for Advanced Studies Vienna, M&E Factory and COWI, 2017.*



crisis impacted by the institutional legacy of socialist centralisation of powers. The persisting intense politicisation, nepotism respectively general corruption, or just inadequately skilled civil service personnel, which materialise among others in a lack of professionalism, lack of transparency, lack of expertise and high fluctuation rates of personnel due to the meager wages, are only some of the severe manifold problems within the administrations. Weak administrative capacities, which are even more salient within the subnational (regional and local) levels of government, often manifest in a struggle for these administrative bodies to even execute basic allocated responsibilities in a comprehensive way. This had led over the years to poor program management by some of the IPA and ENI countries, thus resulting in limited policy impact of these programs.<sup>48 49</sup> The overall persisting framework conditions thus constituted in the last years quite challenging framework conditions for the realisation of a comprehensive horizontal Europeanisation approach.

### ***REGIONAL CROSS-BORDER COOPERATION AS HORIZONTAL EUROPEANISATION APPROACH IN THE DANUBE REGION***

**W**ith the introduction of the European Single Market and the ratification of the Schengen Agreement in 1985/1990 decision-makers within the EU systematically promoted the issue of strengthening regional cooperation in a cross-country perspective. To overcome the disjunctive border effects, especially in regard of the geospatial, socio-economic and cultural seclusion of the societies in the border regions, the initiation of the Interreg programs and its three strands was carried out.<sup>50</sup> This political prioritisation of regional cross-border cooperation was over the last three decades, however, not limited to the valorisation of the Interreg programs but was realised also within the pre-accession and neighborhood policy of the EU, subsumed under the term of external governance. In 1994, the PHARE program was complemented by a cross-border cooperation strand in order to facilitate regional cooperation with countries from Central and Eastern Europe as well as South-East Europe (SEE). In 2000, the countries from

48 These persisting governance deficits have in the last years remained starkly present or have even deteriorated. In some cases, like for example in Moldova, this even resulted in the temporary cancellation of ENI funding by the EU. The reason for this measure was the discovery of a major corruption case within the government branches (Ágh, 2014, p. 133; *Committee of the Regions*, 2016; Studennikov, 2015).

49 *Committee of the Regions*, 2014b, 2014a, 2015, 2016.

50 The initial territorial scope of regional cross-border cooperation was in the first years only carried out in direct adjacent border regions. This approach, which is still materialised within the Interreg A strand, was in 1997 and in 2000 complemented by the B and C strand, which deviate from the original strand in regard of their applied territorial scope. The B strand is aligned around specific geographic entities, which often pose specific challenges for the neighboring supranational, national, regional, and local actors. The area of cooperation is defined as transnational. Predominant actors within this network-like cooperation are nation states, who cooperate in a multilateral format in large contiguous spaces, often including their full national territories as cooperation space. Cooperations within the Interreg C strand have in contrast no contiguous territorial scopes, which means that cooperating actors are not required to be located in territorial proximity to each other, but are instead functioning strictly on functional premises (e.g., realisation of "greener cities", which demand innovative solutions by actors with similar challenges) and are used as networks for the change of ideas and policy solutions.

the southern part of the Danube Region, respectively the whole group of countries located in the Western Balkans, were provided with the CARDS program and its strand for the financial support of cross-border related cooperation activities. The TACIS program had a similar cross-border dimension and was directed towards the CIS countries in order to facilitate the horizontal Europeanisation, however, without giving a membership perspective for these countries. While cross-border cooperation in the external governance dimension has existed for a considerable number of years, its “great moment” of political valorisation occurred only after the aforementioned streamlining measures and the creation of the IPA and EN(P)I programs of 2007.

A significant complementary milestone was the adoption of the European Groupings of Territorial Cooperation (EGTC) regulation. With the creation of a supranational legal basis for cross-border cooperation (explained below) the European Commission and the member state governments finally gave in to the requests of the Committee of Regions.<sup>51</sup> While this paved the road for a significant valorisation of cross-border activities within the EU, the involvement of governmental actors from third countries was initially not included in the original EGTC regulation. Only after continuous heavy lobbying by the CoR, the EGTC regulation was finally adopted in 2013 (Regulation (EU) No. 1302/2013). Through opening the institutionalised cross-border cooperation for actors beyond the EU’s external borders, a new EUropanisation opportunity was opened up. In the following chapter, therefore regular ETC-supported, as well as EGTC-based regional cross-border cooperation shall both be scrutinised and assessed.

### *Territorial Coverage and Policy Objectives*

The political valorisation of regional cross-border cooperation in the EU has also contributed to a likewise upgrade of its external governance dimension. An increasing number of cooperation across the external borders, more and more constituted policy goals within these network-like settings, as well as steadily growing financial budgets and institutional structures for the participating actors can be observed. More than 107 cross-border cooperation are supported by the EU under the ETC framework for the MFF 2014-2020.<sup>52</sup> However, networks with an explicit external governance approach are in comparison to this significantly more limited in numbers. Among the 25 IPA and ENI supported

<sup>51</sup> The requests concerning an own institutional structure and legal basis for regional cross-border cooperation was for many years fiercely opposed by the national governments. The member states feared that with the provision of a legal basis the regional actors would try to “hollow out” the sovereignty of their central governments. Especially countries with strong domestic regionalist or secessionist movements openly rejected the adoption of such a regulation. Only after 12 years of active lobbying by the Committee of Regions, which eventually was also supported by the Commission as well as the Austrian Council presidency in 2006, the governments agreed to the adoption of the regulation, thus paving the way for the EGTC regulation (Eisendle, 2011, p. 49; Engl, 2014, p. 21; Nadalutti, 2013, p. 762).

<sup>52</sup> Levarlet et al., 2016, p. 20.





CBC programs, only six are constituted for IPA countries located in the Danube Region,<sup>53</sup> while Ukraine and Moldova, as their counterparts from the ENI programs, are provided with four programs overall.<sup>54</sup> Additionally to these exclusively external governance oriented programs, the ETC - respectively, ERDF-funded - programs have also territorial scopes in some cases, which are stretching across the external boundaries of the EU, thus including also third countries as participating actors within the cooperation networks. Two Interreg B programs of the MFF 2014-2020 can be mentioned, which cover third countries from the Danube Region. These are on the one hand the Interreg VB Adriatic Ionian program, including Bosnia and Herzegovina and Montenegro, while the Interreg VB Danube Transnational Program includes, on the other hand, all of the aforementioned third countries.

Cooperation based on the legal basis of the European Groupings of Territorial Cooperation (EGTC) must be considered as a separate case. Although most EGTCs are based on a prior ETC-based cross-border cooperation or have at least some financial support by the programs, their legal nature qualifies them as stand-alone cross-border cooperation. In only ten years, the EGTC had a steep rise in numbers. Among the 68 established EGTCs, 59 are constituted as cross-border cooperation between adjacent regions, while 9 have an interregional or transnational cooperation area. Among these, the cooperation with an external governance dimension is, however, still very limited. As of 2018, the EGTC monitoring report notes that only four cooperation are involving third countries. These are *Tisza EGTC* with the involvement of Ukraine, *EUCOR The European Campus* and *EGTC Rhine-Alpine* with the participation of Switzerland, and finally *EGTC Amphictyony* including the municipality of Ramallah from the Palestinian territories.<sup>55 56</sup>

While the opportunity to establish EGTCs across the external borders of the EU is only possible since the regulation's adaption in 2013, its seldom use is caused by the legal complexity, which is entailed during the constitution process of such a cooperation. Especially the mandatory alignment of the EGTCs convention and statutes with the third countries legal system, which often strongly deviate from the ones of the EU members, is a significant challenge for participating actors. This often leads to the omission of creating an EGTC with non-EU countries.<sup>57</sup>

53 (1) IPA Cross-border Co-operation Programme Bulgaria – Serbia, (2) IPA Cross-border Co-operation Programme Croatia – Serbia, (3) IPA Cross-border Co-operation Programme Croatia – Bosnia and Herzegovina – Montenegro, (4) IPA Cross-border Co-operation Programme Hungary – Serbia, (5) IPA Cross-border Co-operation Programme Romania – Serbia (*European Commission*, 2019b).

54 (1) ENI CBC Poland-Belarus-Ukraine, (2) ENI CBC Hungary-Slovakia-Romania-Ukraine, (3) ENI CBC Romania-Ukraine, (4) Romania-Republic of Moldova (*European Commission*, 2019a).

55 While four EGTCs have an external dimension, among these, only the EGTC Tisza has established cooperation with Ukraine as ENI country from the Danube Region. The cross-border cooperation in this EGTC is carried out between Hungarian and Ukrainian regional authorities, who are located in the border regions. The presence of a significant Hungarian national minority thus serves due to the cross-border kinship and the bilingualism as a facilitating factor for the cooperation.

56 *Committee of Regions*, 2019a; Zillmer et al., 2018, p. 106.

57 In order to create sustainable working structures, the governmental actors were compelled to create twin-associations under private law, which was a very complex and difficult undertaking and was as a result seldom realised by actors. With the lacking institutional framework, the range and depth of actions was quite narrow and was in many cases limited to one specific project. The EGTC provides in this regards a decent range of institutional opportunities, which can be utilised by the actors to create regional

Each cooperation can select from a broad array of potential cooperation objectives, which are embedded within the European secondary law (e.g., ETC, ERDF, CPR, IPA, and ENI regulation)<sup>58</sup> and can be adapted to the particular framework conditions. The vast diversity of potential policy goals does, however, bear the risk of diluting the policy impact due to an overload of objectives within the cooperation. Therefore, the ETC regulation stipulates that 80 percent of the potentially available funds from the ERDF must be concentrated on four policy topics. Although this provision applies not for the IPA supported programs, cooperation with the candidates and aspiring countries show nevertheless a particular thematic focus on the policy areas of environmental protection as well as tourism and cultural heritage. Other policy issues like transport and infrastructure, development of the business environment, and promoting employment are not as often addressed as the first two objectives, however, they are still prominent policy goals within most cooperation (Annex III Regulation (EU) No. 231/2014).<sup>59</sup>

The cooperation have in theory a broad range of opportunities to create a comprehensive place-based policy impact, however, in reality, many of them fail to do so. Two particular reasons can be identified as causes. The Operational Programs, as basic policy documents, are in contrast to the exclaimed regional bottom-up approach often characterised by a very top-down and intergovernmentally dominated drafting process. The drafting often collides with the bottom-up driven implementation of these goals, which are carried out by local and regional actors. This misfit between the two processes often leads to quite significant problems during the actual goal-attainment, which is particularly the case for cooperation with a larger territorial scope. Another detrimental factor is that regional cross-border cooperations are often realised as “soft” policy approaches, which primarily focus on the exchange of information, experiences, and expert knowledge. Although this is in theory a valuable opportunity of horizontal Europeanisation, the few projects with tangible “hard impacts” often result in a gradual transformation of such networks to “window dressing” and “fair-weather cooperations” by the governments.<sup>60</sup>

This applies also to some degree for the EGTCs. Although members of an EGTCs are free to constitute own policy goals, at least as long as they are in strict compliance with the economic, social, and territorial cohesion aims of the EU and do not touch upon competencies located in the area of police and regulatory powers of the respective countries, the majority of EGTC cooperation likewise follow a “soft policy approach”. Project implementation is thus foremost based on the premise of coordinating the national, regional, or local

cross-border cooperation with a diverging institutionalisation grade.

58 ETC Regulation (Art. 4 Regulation (EU) No. 1299/2013) with an enumeration of potential policy goals, expanded by the ERDF regulation (Art. 3 (1) Regulation (EU) No. 1301/2013); *Common Provisions Regulation* (CPR) with its 11 *Thematic Objectives* (TOs) (Art. 9 (EU); *Instrument for Pre-Accession* (Regulation (EU) No. 231/2014); *European Neighbourhood Instrument* (Regulation (EU) No. 232/2014).

59 Levarlet et al., 2016, p. 42, 2016, p. 10.

60 *Bundesministerium für Verkehr, Bau und Stadtentwicklung*, 2011, p. 98; Sousa, 2013, p. 676, 2013, p. 682.



policy approaches, instead of realising large-scale investments. Similarly to its above-outlined counterparts, the policy objectives within EGTCs are predominantly constituted in the areas of infrastructural connections, environmental protection, labor mobility, as well as culture and tourism.<sup>61</sup>

### *Budgetary and Institutional Framework Conditions*

The cooperations are often affected by very limited budgets. For the realisation of regional-cross border cooperation under the ETC framework EUR 10.1 billion are provided by the European Regional Development Funds for the MFF 2014-2020. The financial share for cooperations with IPA countries amounts to EUR 242 million, while for the ENI states EUR 634 million EUR are reserved. While these constitute only a share of 2,4 percent respectively, 6,3 percent for the activities with third countries by the ETC programs (Interreg A, B, C), the stand-alone IPA and ENI programs provide further grants for cross-border activities. The IPA program allocates for cross-border cooperation around EUR 395,2 million of its overall available budget of EUR 11,7 billion. Additionally 4 percent of the provided financial resources for the individual countries are reserved for cross-border activities (Art. 15 Regulation (EU) No 231/2014). The ENI, on the other hand, allocates 5 percent of its budget of EUR 15.4 billion EUR for such horizontal cooperation approaches (Art. 17 Regulation (EU) No. 232 /2014), thus accounting for EUR 770 million in total.

However, while the allocated financial resources seem to be quite substantial on the first sight, these have to be considered in the context of a financial period of six years, where the funds have to be additionally dispersed between 7 IPA<sup>62</sup> beneficiaries and 16 ENI<sup>63</sup> program partners. Putting this into perspective, particularly regarding the anticipated general shift towards a more horizontal Europeanisation approach by the EU, the potentially available funding for cross-border activities remains overall rather modest.

A similarly mixed picture unfolds for the EGTC-based cooperations. Although these cooperations are provided with the structural opportunity to participate, at least in theory, at tenders of the ETC/ERDF programs, Cohesion Funds, IPA and ENI programs, the majority of networks (53 out of 68) focus exclusively on ERDF funding. The option to create an additional source of income, like for example through the constitution of membership fees, which is independent of the general program funding, is quite often used by the EGTCs and proved to be successful (e.g., EGTC Cerdanya is a prime example with an overall stand-alone budget of around EUR 20 million). The EGTC Tisza, however, as only EGTC

61 Zillmer et al., 2018, p. 2.

62 The IPA beneficiaries are: Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Serbia.

63 The ENI beneficiaries are: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestinian territories, Syria, Tunisia, Ukraine.

involving an ENI country from the Danube Region, is in contrast only equipped with an overall budget of EUR 40.000,<sup>64</sup> which severely limits the potential policy impact of the cooperation.

### *Political Mobilisation and Involvement of Additional Actors*

Regional cross-border cooperations require additionally to the thoroughly established policy objectives and adequate funding also a comprehensive presence of mutual trust and a low degree of moral hazard between the participating actors.<sup>65</sup> This mutual trust is often referred to as *social capital*.<sup>66</sup> While a high degree of social capital constitutes the basis for successful cross-border cooperation, within the external dimension the establishment of such a comprehensive mutual trust is a particular challenge. Still unresolved border disputes as well as persisting subliminal or open ethnic tensions still mark quite challenging framework conditions for many actors in South-East Europe.<sup>67</sup> The pending threat of politicisation of cross-border-related topics constitutes, as a result, an always imminent risk of damaging the social-capital and thus impairing the cooperation as such. Especially the issue of potential regionalisation respectively administrative decentralisation, which often goes along with such regional cross-border cooperations, triggers among central governments often a distinct reluctance to actively promote any bottom-up oriented policy approaches. Efforts by the EU to motivate these third countries towards a comprehensive regionalisation of their administrative structure had therefore often very modest success in the past. Constituted cross-border cooperations are, therefore, often carried out in the firm “shadow of hierarchy” of the central governments, who maintain a robust gatekeeping role within the cooperations, either through direct steering of the governance process, or through a very firm monitoring and control of the prior permission process.<sup>68</sup> This centralised approach results also in the seldom participation of non-governmental stakeholders in the cross-border cooperation. With a still rudimentarily established non-governmental sphere, the participation of NGOs in regional cross-border cooperations is still often limited to ad hoc involvements of foremost cultural organisations. This, however, contradicts the primary aim of the IPA and ENI programs, namely to realise a comprehensive involvement of the so-called “civil society” within the governance process of their respective states.<sup>69</sup>

64 *Committee of Regions*, 2019b.

65 Fürst, 2007, p. 363.

66 Benz and Fürst, 2002, p. 26; Diller, 2002, p. 145; Schubert, 2004, p. 184.

67 Koller, 2011, p. 181; Walsch, 2017, p. 96.

68 *Committee of the Regions*, 2014b, p. 20.

69 Boman and Berg, 2007, pp. 200–201; Gualini, 2003, p. 48.



## *The European Union Strategy for the Danube Region (EUSDR)*

The kick-off event of the European Union Strategy for the Danube Region (EUSDR) took place in June 2011 and was accompanied by exceptionally high expectations of the EU institutions, national governments, local and regional authorities, as well as non-governmental actors. Euphoric statements like the creation of a prospective “Europe of Macro-regions”, as advertised in 2013 by the Latvian EU presidency,<sup>70</sup> were only some of the stipulated expectations towards the EUSDR and its other macro-regional counterparts. With the constituted premise to realise a new “tailor-made” approach for the macro-region, namely by utilising unexploited potentials of the area through a place-based “good governance” approach,<sup>71</sup> the EUSDR was expected to bring various new added-values for the participating actors. Actors from the Danube Region were expected to successfully tackle place-based challenges through coordinated policy approaches, which should lead to the overcoming of the Danube Regions economic, structural, and social fragmentation. This should, in the long-run, contribute to the desired comprehensive territorial integration within and beyond the EU’s territory.<sup>72</sup> With the five third countries (Bosnia-Herzegovina, Moldova, Montenegro, Serbia, and Ukraine) involved, representing more than a third of all 14 EUSDR members, the macro-regional strategy also realises a distinct policy focus on its external governance dimension. The consequential emphasis on a horizontal Europeanisation approach was particularly welcomed by the Commission, which stipulated that the EUSDR would hopefully give the European neighborhood and enlargement policy new momentum and would help to overcome the persisting divisions in the macro-region.<sup>73</sup> The membership-structure was, therefore, considered as a particular valuable window of opportunity to promote the association process through this macro-regional cooperation approach. With the provided opportunity to participate in the policy-making process and especially in the coordination of the governance activities, the EU institutions expected that the IPA countries would gather valuable governance experience within the network.<sup>74</sup> For Moldova and Ukraine, the European Institutions hoped in particular that the cooperation within this particular governance framework would enhance the institutional stabilisation and further improve the bilateral relations between EU and Kiev, respectively, Chişinău.<sup>75</sup> These external governance aims, which demand actually specific policy solutions for the third countries, are, however, to some degree contradictory to the general underlying premise, namely to create a uniform network-approach for the whole macro-region.

70 Bos, 2017, p. 19.

71 Wulf, 2016, p. 443.

72 *European Commission*, 2010; Kaiser, 2017, p. 179.

73 Ágh, 2011a, p. 14.

74 *Ibid.*, pp. 18–19; *European Commission*, 2016a, p. 3.

75 Ágh, 2016, p. 151; Wulf, 2016, p. 247.

The manifold expectations towards creating a tangible policy impact materialised in 12 constituted policy objectives, so-called *Priority Areas*.<sup>76</sup> Due to the accompanying 129 embedded policy actions and 57 targets, the actors are, however, faced with an extensive range of policy goals, which they are all obliged to address equally. Especially for the third countries this “big bang” approach, namely to tackle so many different challenges and implement a large number of projects already from the beginning, led from the start to various severe problems.<sup>77</sup> Many policy actions lack beyond that an explicit alignment around place-based challenges and are instead constituted as “[...]guiding overall concepts or long-term visions.”,<sup>78</sup> which as a result limits the potential impact of the strategy.<sup>79</sup> The ill-defined targets, which did often lack a clear benchmark or were overly ambitious, and thus hardly feasible to attain, caused further problems during the implementation process.<sup>80</sup> Substantial implementation delays or project failures led already soon after the kick-off to requests towards a realignment or even relaunch of the strategy.<sup>81</sup> These demands were eventually complied with in 2016, where a major overhaul of the targets was carried out. Numerous indicators were defined more clearly, received a timetable for the implementation process, and were overall better adapted to the place-based challenges.

The realisation of a coordinated policy approach within and across the Priority Areas is in contrast still inadequately fulfilled. Despite significant thematic overlaps between the various areas, which could be tackled in a joint cross-sectoral policy approach, many areas remain widely detached from one another with the actors refraining from utilising the potential synergies. While there are success stories and exceptions from this detrimental pattern, especially between the Priority Areas in Pillar 2 (PA 4, 5, and 6) and also to some degree in Pillar 3 (PA 7, 8, 9) cross-sector cooperation remains between other areas rather shallow.<sup>82</sup> Each of the successful cross-sectoral coordination efforts, except PA 9, were additionally carried out exclusively by the EU member states and not by the third countries.

The high expectations towards the strategies policy impact are overall in a distinct contradiction to the provided structural capabilities. While Johannes Hahn, as ex-Commissioner of DG Regio, proclaimed that the EUSDR would contribute to overcoming the ‘governance deficits’ in the Danube Region,<sup>83</sup> including the deficits in the third countries, the provided structural framework does still not resemble this objective. Especially the introduction of the so-called “three noes rule”, which includes the restraint to adopt new European laws for the strategies,

76 The Priority Areas of the EUSDR are PA 1a Mobility – Inland waterways, PA 1b Mobility – Rail, road and air, PA 2 Higher Sustainable Energy, PA 3 Culture and tourism, PA 4 Water Quality, PA 5 Environmental Risks, PA 6 Biodiversity, PA 7 Knowledge Society, PA 8 Competitiveness of Enterprise, PA 9 People and Skills, PA 10 Institutional Cooperation, PA 11 Security.

77 Strážay, 2011, p. 139.

78 EUSDR PAC 6, 2017, p. 9.

79 European Commission, 2013, p. 17, 2013, p. 28; Zillmer, Deutschland and Deutschland, 2012, p. 51.

80 EUSDR PAC 10, 2013, p. 10, 2014, p. 5.

81 European Commission, 2016a, p. 4; EUSDR PAC 10, 2013.

82 EUSDR PAC 4, 2014, p. 4; EUSDR PAC 7, 2015, p. 6.

83 Ágh, 2011b, p. 16, 2011b, pp. 20–21.



the forbiddance to create new EUSDR-specific budgets, or the prohibition to establish new institutions on the European level substantially limits the actual impact of the strategy. The underlying premise, namely to use already available instruments and financial resources, are to some degrees based on legitimate motivation to improve the very poor financial absorption capabilities of several participating countries in the first place,<sup>84</sup> the overall lack of a comprehensive and specific EUSDR funding, however, limits the project implementation to only small-scale interventions. While this detrimental financial situation is already present since the initiation of the strategy, it severely aggravated during the years of the fiscal and economic crises. With the massively deteriorating situation, many states were forced to realise substantial budget cuts. These austerity measures led to massive downscaling of personnel within the countries administrations, particularly on the regional and local level. This resulted eventually also in a declining activity of the respective authorities regarding regional cross-border cooperations.<sup>85</sup> The generally decreasing governance capabilities were particularly salient within the third countries,<sup>86</sup> whose already difficult financial situation massively exacerbated during these years.<sup>87</sup> Many countries were, in the following, unable to even cover the travel expenses for various EUSDR events, thus leading to a continuously declining attendance-rates.<sup>88</sup>

With the EUSDR being initiated during the midst of the MFF 2007-2013 cycle, the participating actors faced the situation that already half of the EU structural funds were depleted. New EUSDR projects were additionally competing at tenders with projects from other mainstream programs, which were already put in place and working for several consecutive years. This resulted often in very poor success-rates and many project failures. This detrimental situation was even further aggravated due to the lack of exclusive EUSDR funds. Actors were forced to resort to various Interreg B programs as main funding opportunities. Programs like *South-East Europe* (SEE) and *Central Europe* (CE) were, however, concerning their territorial coverage and membership structure as well as in terms of their program design not aligned around the specific geospatial challenges of the Danube Region.<sup>89</sup> The incongruous program alignment, as well as the generally insufficient funding, caused a very poor policy impact in the first years. While this situation improved partially with the newly established Interreg B Danube Transnational Programme (DTP), which provides a so to say tailor-made alignment regarding the territorial coverage and policy goals, the program is still constituted as "soft policy" approach

84 Bulgaria and Romania showed in 2019 with 9,21 percent and 10,24 percent still particularly poor absorption rates in regard of the Cohesion Policy funds (*European Commission*, 2018). As a consequence, the economically strong performing countries from the upper part of the Danube Region opposed any plans to create further budgets in order to avoid becoming the new 'paymasters' of the EUSDR (Wulf, 2016, p. 161).

85 *European Commission*, 2014, pp. 149–155.

86 Ágh, 2011a, p. 12, 2016, p. 159.

87 Schneider, 2015, p. 77.

88 *EUSDR PAC 6*, 2012, p. 6.

89 *Interreg Danube Transnational Programme*, 2015, p. 7.



and is thus designated to primarily fund small-scale interventions.<sup>90</sup> The DTP justified this approach with the availability of other funding opportunities, which would be – in theory – at the disposal for the EUSDR actors during the MFF 2014-2020. However, in reality, the project applications at tenders are again due to the heavy competition often characterised by limited success.

Financial support for cooperations with third states is on the contrary limited. Programs are either affected by internal program restrictions, which prevents their cross-sectoral and/or cross-jurisdictional usage, or are just inadequately utilised due to the lack of experience and know-how by the involved authorities. In cases where a successful project application is carried out, the dragging reimbursements by the EU programs, often mounting up to more than six months, causes major problems for the authorities, whose limited budgetary capabilities impedes them to thrust out the required money for project implementation.<sup>91</sup>

The overall very cumbersome process of attaining adequate financial support impacts also the actor-commitment quite negatively. With the exception of few countries and regions, like for example Baden-Württemberg, Czechia, or Hungary, the majority of states is still widely unwilling to contribute with own financial resources to the strategy, which vice versa further weakens the potential impact of the EUSDR.<sup>92</sup>

The decreasing willingness to support the EUSDR with own financial sources is entailed by a general decreasing commitment among actors, which materialises increasingly in their demobilisation during the governance process. First signs of such an increasing passivity occurred, however, already during the first consultation rounds of the EUSDR in April 2010, where the Commission called upon the EUSDR countries to submit non-public “position papers”, in which they could outline the intended cornerstones of the strategy. While the group of member states participated in this consultation process proactively, only Serbia, Ukraine, and – at that time – Croatia contributed among the third countries with own statements to this early drafting round. Bosnia and Herzegovina, Moldova, and Montenegro, on the contrary, failed to do so.<sup>93</sup> During the following designation of the Priority Area Coordinators, who are in charge for the coordination of the policies within a policy area and are thus of central importance for the success of the strategy,<sup>94</sup> the already three passive third countries did again not show any noticeable efforts to take over responsibilities.

In contrast to them, the member states and the two/three other third countries (including Croatia) proactively applied to take over these essential roles.<sup>95</sup> The final designation of the Priority Area Coordinators followed eventually the scheme of creating co-leaderships by always assigning old member states to third countries (e.g., PA 6, PA 8, PA 11). This is based on the premise to ensure on the

90 *Interreg Danube Transnational Programme*, 2015, p. 30.

91 Panaitescu and Trandafir, 2015, pp. 87–88.

92 Dieringer, Laukó and Schneider, 2011, p. 75.

93 Aust, 2014, p. 47; Gänzle and Kern, 2011, p. 278.

94 Sielker, 2012, p. 97.

95 Aust, 2014, p. 63.



one hand a comprehensive governing capability by the Priority Area Coordinators, while giving the new member states and third countries the chance to gain further governance experience from their more experienced partners.<sup>96</sup>

With the spiking economic recession, the governmental actors within and beyond the external EU borders switched to a continuous crisis-management mode. With the EUSDR vanishing from the European as well as national political high-level agendas, the strategy was affected by a massive political deprioritisation, which also affected the daily governmental decision-making in the EUSDR.<sup>97</sup> This contributed to an increasing unwillingness to actively take part in the governance process of the EUSDR.<sup>98</sup> While actors increasingly stayed away from mandatory events and meetings, their passivity achieved especially in the last years such a degree that they even refrained from providing requested position papers or neglected to give feedback to drafted EUSDR policy, written inquiries and internal surveys by the PACs and the Commission.<sup>99</sup> Especially the third countries, which showed already before the implementation phase distinct signs of decreasing actor-commitment, reduced their activity as regular members and as Priority Area Coordinators even further in the following years.<sup>100</sup>

The plummeting attendance-rates at mandatory Steering Group meetings, which is a general tendency among all EUSDR actors, became in recent years particularly poor among the third countries. In the time period between 2015 and 2016, the third countries were, except Serbia as comparably active EUSDR country, overall at only 36 percent of the Steering Group meetings present. In the meantime, the EU members had an average attendance rate of around 70 percent. The worst performing country among all EUSDR states was Montenegro, whose representatives were on average only less than one in four times attending a Steering Group meeting. The consistently aggravating passivity led over the years to many situations, where members of the Priority Area were unable to adopt decisions due to their failure to achieve the necessary decision-making threshold of at least 50 percent of attending states. The endemic passivity of the third countries, but also some member states, thus leads to an increasing loss of the EUSDR's initial momentum, which prompted among observers already in 2014 the description of the strategy as being a 'sleeping beauty'.<sup>101</sup> The current status of the EUSDR is in this regard affected by a significant capabilities-expectation gap. The strategy is overall lacking a comprehensive policy impact within the macro-region, while the successful horizontal Europeanisation of third countries is due to the poor overall attendance-rates and general demobilisation of these actors quite doubtful.

96 Wulf, 2016, p. 257.

97 Ágh, 2014, p. 124.

98 Schneider, 2015, p. 75.

99 *EUSDR PAC 10*, 2013, p. 10.

100 Studennikov, 2015, pp. 63–64.

101 Ágh, 2014, p. 118.



## CONCLUSION

The vertical Europeanisation of third countries was for many years considered as a central approach within the EU's neighborhood and enlargement policy. With the attractive perspective of eventually becoming a member, the Commission was in a very advantageous position to unilaterally stipulate membership conditionalities towards the applicants. Despite the significant hurdles, third countries were, nevertheless, willing to comply with these. The vertical Europeanisation approach experienced its heydays in the run-up to the Eastern Enlargement rounds of 2004 and 2007. While the accession of overall 12 new member states marked the symbolical overcoming of the long-time persisting political and economic divide of Europe, more and more decision-makers criticised in the aftermath that the EU has overstretched its capabilities. Described in general as 'enlargement fatigue', political leaders in the EU's national capitals are widely unwilling to support any further accessions in the short or medium-term. While the accession of Croatia constituted an exception from this persisting fatigue, the EU Commission has lost in general the membership perspective as major Europeanisation incentive, which vice versa has led to a disempowerment of the conditionality instrument. Over the last years, the EU Commission has furthermore departed from its original premise of promoting new enlargement rounds. Major institutional adaptations within the "Juncker Commission" were accompanied by substantial reforms of the enlargement and neighborhood policy, which have been aligned around the premise to carry out a more horizontal Europeanisation approach. This strategic shift is realised among others in the form of a substantial valorisation of regional cross-border cooperation across the EU's external boundaries. While this provides a large number of potential new opportunities for the non-EU members in the Danube Region, in particular Bosnia-Herzegovina, Moldova, Montenegro, Serbia, and Ukraine, the actual impact is characterised by a distinct capabilities-expectation gap. In contrast to the ambitious aims of achieving comprehensive territorial coverage of the Danube Region, many governmental actors still have distinct reservations towards these cooperations. The strong politicisation of cross-border and regional policy-related matters, accompanied by poor administrative capabilities of the third countries, often limits the potential policy impact to a large degree. Another issue is the limited availability of funding, which is together with the program provisions only allowing "soft" policy approaches and small-scale interventions. While this is not necessarily bad in terms of the intended horizontal Europeanisation, many cooperations across the external EU borders tend to function only as "fair weather cooperation" due to the lack of money. The European Strategy for the Danube Region (EUSDR) was considered at its kick-off as potential gamechanger for the whole group of riparian states, who hoped to improve the territorial integration within and across the EU's external borders. The decisive policy focus on the non-EU members in the Danube Region

entailed the hope that a comprehensive horizontal Europeanisation impulse will be realised. Soon after the beginning of the implementation process, it became, however, evident that the strategy is similar to its smaller cross-border cooperation counterparts characterised by a significant capabilities-expectation gap. The lack of financial and institutional capabilities, as well as the partially ill-defined policy goals within the strategy, contributed to a rapidly decreasing momentum over the last years. More and more governmental actors are thus reducing their activities within the EUSDR. Especially the third countries are widely absent from the mandatory meetings, which vice versa detrimentally affects the goal-attainment. While this led already in 2014 to the EUSDR's denotation as "sleeping beauty", this assessment is nowadays even more valid, thus making the comprehensive Europeanisation impact on third countries overall doubtful.

In terms of the EU's aim to realise a sustainable horizontal Europeanisation towards the third countries in the Danube Region, it must be therefore concluded that the majority of regional cross-border cooperations have failed to achieve this objective. Although there are some cooperations which can be considered as distinct success-stories, the majority of cooperations still fail to achieve a comprehensive impact within these countries. Therefore, it must be seen whether future efforts by the Commission will improve the success of horizontal Europeanisation. In order to achieve such improvements, further significant reforms within the enlargement and neighborhood policy are required.



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