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Resilience observatory on the rule
of law in EU accession candidates

RESILIO-ACCESS Snapshot Series

**EU Accession and Rule of Law Resilience:
Credibility and Leverage at the Core**

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EU Accession and Rule of Law Resilience: Credibility and Leverage at the Core

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1. Introduction

Since the definition of the Copenhagen criteria in 1993, the rule of law has been the cornerstone of EU enlargement policy. Candidate countries are required to establish “stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for minorities”.¹ Over time, ever stronger instruments have since reinforced this requirement, making the rule of law not only a prerequisite for membership but also a central benchmark for the overall pace of negotiations.²

The accession process functions as a resource for rule of law resilience. By embedding reforms into judicial independence, constitutional safeguards, and fundamental rights, it strengthens states’ capacity to withstand corruption, state capture, or authoritarian drift. Yet enlargement can also be a vulnerability: when EU commitments are inconsistent, delayed, or blocked, credibility falters and reforms lose traction.

Key factors shaping accession as a resource for resilience include:

- a. *Conditionality*: the principle that reforms are rewarded with progress toward membership
- b. *Credibility*: the trust that promises will be kept and sanctions applied fairly
- c. *Leverage*: the role of EU member states and institutions in shaping incentives and outcomes
- d. *Roadmaps and benchmarks*: technical and political tools that structure reforms

- e. *Context and crisis pressures*: geopolitical competition, internal EU backsliding, and external shocks

This Snapshot studies how the EU accession process can increase the capacity for resilience of the rule of law in the enlargement countries. It argues that the credibility of conditionality and the responsible use of leverage by EU member states are decisive factors in determining whether the accession process strengthens or undermines rule of law resilience.

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2. The EU accession process and resilience resources

This analysis applies the RESILIO-ACCESS model, which distinguishes between primary and subsidiary resilience resources, and identifies stressors to the rule of law.³ While primary resources refer to the systemic and procedural foundations of the rule of law itself, subsidiary resources reflect the social environment in which the rule of law is embedded. This ensures that the analysis remains anchored in the project’s conceptual model while at the same time tailored to the dynamics of EU enlargement.

2.1 Primary resources: institutional focus

At the systemic level, the EU has progressively refined its enlargement toolkit to anchor the rule of law more firmly. In 2020, the revised methodology introduced thematic clustering of negotiation chapters with an even stronger focus on the reforms related to what is known as the Fundamentals cluster.⁴ This methodology formally established the principle that the Fundamentals cluster is opened first and remains open until the very end, thereby ensuring that progress across all other negotiation areas is conditioned upon credible and sustained rule of law reforms. In practice, this sequencing has underpinned tangible reforms, such as Montenegro's adoption of constitutional amendments to strengthen judicial independence and to establish merit-based judicial appointments, as well as Ukraine's creation of a re-vetted High Council of Justice and High Qualification Commission of Judges as core opening benchmarks.

Additionally, an overall balance clause allows the Commission to propose corrective measures if progress in the Fundamentals stalls or backslides. This means that negotiations in other chapters can be slowed down, suspended, or even reversed if rule of law commitments are not credibly maintained. The clause ensures that reforms in core areas are not just front-loaded; they remain central throughout the accession process, tying the pace of integration firmly to sustained performance in the Fundamentals.⁵ Though not formally activated, this logic was applied in Serbia, where negotiations on Cluster 3 have been delayed due to insufficient progress and weak implementation.⁶

The revised methodology has also reinforced the determinacy of conditions via roadmaps and benchmarks. Negotiations on Fundamentals are guided by detailed roadmaps. A roadmap on the rule of law sets opening benchmarks and interim milestones; no other chapter can be provisionally closed until these are met. Additional roadmaps address the functioning of democratic institutions and public administration reform, while stronger links with the Economic Reform Programme help align a country's rule of law with broader economic criteria. These roadmaps are not merely technical planning tools but political instruments designed to increase predictability and credibility.⁷

The Western Balkans, Ukraine, and Moldova illustrate both the strengths and weaknesses of systemic conditionality. In Montenegro, constitutional amendments were introduced under EU pressure, yet judicial capture persists. Serbia has adopted laws on paper but has engaged in façade compliance and struggled to make meaningful reform. Meanwhile, North Macedonia did indeed advance substantial reforms in anticipation of negotiations, only to see credibility undermined by subsequent vetoes by EU member states. Negotiating under extreme stress complicates things even further: the cases of Ukraine and Moldova highlight both the resilience-building potential and fragility of accession. Kyiv continues to make reforms despite wartime conditions, while Chişinău faces the challenge of implementing benchmarks with limited administrative capacity amid hybrid threats. Primary resilience resources thus depend not only on the sophistication of EU instruments but on their consistent and credible enforcement.

2.2 Subsidiary resources: societal anchors and trust

Institutions alone cannot sustain resilience. Reforms must be legitimised within and amongst society. Civil society, independent media, and public trust are the key subsidiary resources that anchor reforms.

Civil society organisations (CSOs) function as watchdogs and intermediaries between the EU and its future citizens. In North Macedonia, they played a decisive role during the 2015 wiretapping scandal by exposing abuses and prompting EU-mediated reforms. Civil society's decisive role was most visible in the joint drafting of the Blueprint for Urgent Democratic Reforms, prepared by a coalition of CSOs, academics, and independent experts in response to the scandal.⁸ The Blueprint not only identified key reform priorities across sensitive sectors, such as the judiciary, elections, media, public administration, and security agencies, but also directly addressed the European Commission's own Urgent Reform Priorities. These were based on the Priebe Report, prepared in 2015 by a senior expert group led by Reinhard Priebe at the request of the European Commission. The priorities constituted an exceptional intervention triggered by the wiretapping revelations. The report identified systemic failures in judicial independence, oversight of security services, electoral integrity, and media freedom. Rather than representing a routine progress assessment, the report functioned as an emergency diagnosis of state capture. It put forth a reform blueprint

that both EU institutions and domestic actors then treated as a baseline for restoring democratic governance. By providing concrete guidelines and detailed actions for restoring democratic standards and rebuilding public trust in institutions, CSOs effectively set the agenda for EU-mediated reforms and demonstrated their central role as guardians of accountability in moments of systemic crisis.

Independent media are indispensable for holding power to account. This can be shown in a counterexample: media capture in Serbia by pro-government actors have weakened public confidence in EU assessments, which are now seen as politicised or manipulated. Legitimacy hinges on public trust. Wherever the EU is perceived as fair, reforms gain societal traction. Where it is perceived as politicised, reforms appear externally imposed and quickly lose support once external pressure diminishes.

“Legitimacy hinges on public trust.”

Leverage dynamics strongly shape subsidiary trust, but the accession process does more than give governments goals to meet; it also creates formal and informal safeguards, access points, and incentives for societal actors. Through regular reporting, monitoring missions, and benchmark-based assessments, the EU provides external validation and protection to CSOs, independent media, academics, and reform-minded professionals, particularly in politically constrained environments. Accession negotiations institutionalise channels for engagement, such as public consultations linked to legislative alignment, structured dialogues with CSOs, expert input into roadmaps, and participation in monitoring frameworks – all of which enable societal actors to influence reform priorities and scrutinise implementation.

Financial instruments and capacity-building support further reinforce these subsidiary resources by sustaining investigative journalism, academic research, and civil society watchdog functions that would otherwise be vulnerable to domestic pressure or capture. Equally important is the symbolic dimension: alignment with EU standards anchors public deliberation around shared norms, legitimising critical voices, and reducing the costs of dissent by framing critique as part of an agreed-upon pathway to legitimate reform rather than mere political opposition.

When anticipations materialise, for example through visa liberalisation, public trust in the EU grows, and reformers are empowered. Conversely, when gatekeeping dominates, reform momentum collapses. North Macedonia illustrates this destructive dynamic: after the Prespa Agreement of 2018 resolved the name dispute with Greece, a Bulgarian veto undermined both societal trust in the EU and domestic reformers, fuelling nationalist narratives.⁹

2.3. Crisis overlay: accession in the era of polycrisis

Crises reveal whether accession stabilises or destabilises societies. Crises also magnify the impact of concrete rule of law stressors, such as corruption, organised crime, media capture, and pressure on civil society, on the accession process itself. When these stressors are entrenched, they directly undermine the credibility of reforms, encourage façade compliance, and complicate EU monitoring by masking deficiencies in implementation behind formal legal alignment. High level corruption and state capture weaken institutional capacity to meet accession benchmarks, while organised crime distorts procurement systems, judicial enforcement, and border management – all of which are central to the fundamental cluster of rule of law chapters. Restrictions on civil society and independent media further weaken accession dynamics by depriving the EU of reliable societal feedback and independent verification of reform progress.

At the same time, the accession process can mitigate, though not fully neutralise, these stressors when credibility and leverage are maintained. Conditionality linked to concrete benchmarks increases transparency, strengthens oversight institutions, and exposes deviations through regular reporting, thereby constraining opportunities for corruption. Support for independent media, CSOs, and academic actors through financial assistance, structured dialogue, and participation in monitoring frameworks all help counter pressures on civic space by lowering the cost of dissent domestically and amplifying critical voices within a shared European reform trajectory. In this way, accession contributes to the protection and persistence of subsidiary resilience resources, even where formal institutions remain fragile.

For Ukraine and Moldova, candidate status has been a resilience anchor and powerful credibility signal in the face of existential threats. Even under bombardment, Kyiv has

advanced in anti-corruption, judicial appointments, and constitutional safeguards; meanwhile, Moldova has been implementing reforms amid hybrid warfare. The EU's promise of accession has sustained momentum in the darkest circumstances. Yet credibility must be preserved over the long haul, and this means unblocking the process for Ukraine. Without tangible integration steps and intermediate benefits, promises risk being seen as symbolic and ultimately empty rather than transformative.¹⁰

In the Western Balkans, a different dynamic dominates. Despite decades of formal commitment, the enlargement process can indeed be characterised by prolonged stagnation and limited tangible progress. Since Russia's full-scale invasion of Ukraine, the EU once again reaffirmed the region's strategic importance, yet for much of this period enlargement advanced slowly and unevenly. The extended phase of uncertainty has deepened disillusionment, empowered illiberal actors, and entrenched public scepticism of the EU's credibility. More recent developments, including Montenegro's closure of several negotiation chapters and renewed forward movement in Albania's accession trajectory in 2025, have begun to partially restore the credibility of the enlargement process. This recovery remains as fragile as it is incomplete, however. It will require sustained, consistent progress to meaningfully reverse long-standing scepticism.¹¹

Credibility thus emerges as the decisive factor in both cases. In Ukraine and Moldova, credible EU commitment is the factor sustaining resilience under extraordinary stress. In the Western Balkans, vetoes and delays – often detached from reform performance – are undermining resilience, eroding trust, and weakening reformers. Crises thus expose whether enlargement functions as a resilience-building resource or as a source of frustration and instability.

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2.4 A key to resilience: credibility under stress

The broader political environment amplifies or undermines the credibility of conditionality. Decades-long negotiations create an “ever-receding horizon”, weakening motivation for reform. Enlargement fatigue within member states fuels scepticism, leaving candidates uncertain whether membership will ever materialise.¹²

The EU's internal backsliding further complicates matters. The erosion of judicial independence in Hungary, and previously in Poland, have undermined the Union's authority to demand reforms abroad. Citizens in candidate countries increasingly ask why they face strict scrutiny, while member states avoid meaningful sanctions. This damages the EU's credibility as a community based on the rule of law.

Vetoes by member states compound the problem. Greece's long-standing blockade of North Macedonia prior to Prespa, followed by Bulgaria's veto, illustrates how bilateral disputes can derail systemic reforms. By shifting the focus from rule of law to national politics, such vetoes erode both the credibility of conditionality and the resilience of democratic reforms.

External interference further exploits these gaps. Russia and China have increasingly been using alternative financing, energy dependencies, and disinformation campaigns to undermine EU influence. Where credibility falters, external narratives gain traction, weakening reform legitimacy and resilience. External influence rarely operates in isolation; it gets channelled through domestic actors who act as intermediaries or amplifiers.¹³ In Bosnia and Herzegovina, for instance, Milorad Dodik has frequently drawn on Russian backing, both rhetorical and financial, to contest the authority of state-level institutions and to undermine EU-led reform efforts. By presenting Moscow as a reliable partner and Brussels as an unreliable one, he capitalises on the EU's credibility deficit to entrench his own illiberal politics. This dynamic shows how external actors exploit divisions, while domestic elites strategically use foreign ties to resist or delay reforms. In turn, this erodes trust in the EU accession process among citizens of candidate countries, as promises of progress remain blocked, while alternative narratives of sovereignty gain traction. The interaction between external influence and domestic obstructionism thus magnifies vulnerabilities:

when domestic leaders actively import alternative patronage networks, the EU's capacity to anchor resilience is further diminished.

3. Conclusion: the accession's contribution to rule of law resilience

The EU accession process remains the Union's most powerful external anchor to foster rule of law resilience. By conditioning membership on reforms, it embeds judicial independence, constitutional checks, and fundamental rights within candidate states. It empowers civil society and independent media by institutionalising their role in monitoring reforms, providing external protection and funding, and legitimising critical scrutiny as part of an agreed-upon accession trajectory rather than political opposition. Accession also incentivises public trust by linking reforms to tangible benchmarks, predictable rewards, and visible integration steps, thereby strengthening the perception that compliance produces concrete societal benefits. Yet these contributions depend on the credibility of EU commitments and the responsible use of member state leverage.

To function as a resilience resource, conditionality must be consistent and shielded from politicisation.¹⁴ Member states should act as guardians rather than gatekeepers, ensuring that bilateral disputes do not hijack systemic reforms.¹⁵ Continuity mechanisms, gradual integration into EU programmes, phased access to the single market, or performance-based funding are necessary to sustain anticipation.

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The European Commission must be empowered to apply benchmarks fairly and transparently, reducing scope for selective interpretation.¹⁶ Subsidiary trust must be reinforced by supporting civil society, independent media, and youth mobility, which has become increasingly important after the withdrawal of USAID as an important supporter of rule of law reforms in the region. Finally, the

EU must address democratic backsliding within its own ranks, as internal consistency is indispensable for external credibility.¹⁷

Enlargement is therefore more than exporting norms; it is also a test of the EU's resilience as a community of law. Positive anticipation fosters reforms, while vetoes and double standards erode them. If credibility can be restored and the Union can get back on track – at least with regard to Montenegro and Albania – enlargement will remain the Union's most effective instrument for strengthening democracy and resilience across the European continent.

“Enlargement is therefore more than exporting norms; it is also a test of the EU's resilience as a community of law.”

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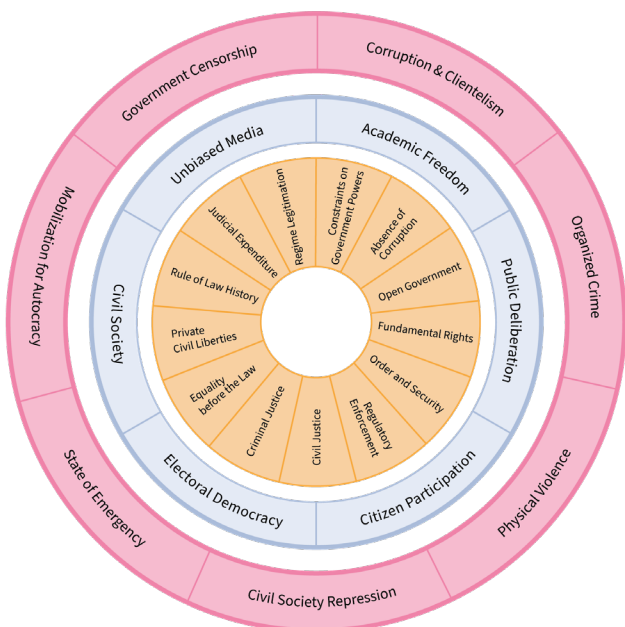
About the project

RESILIO-ACCESS investigates the resilience of the rule of law in the current (potential) candidate states for EU accession. The project explores how to measure the resilience of the rule of law and assesses the potential of the EU’s enlargement policy toolbox to foster resilience in the region. Resilience here means the capacity of the rule of law to prevent, cope with or recover from hazardous events or incremental threats without losing its core function, structure and purpose.

About the paper

This paper is part of the **#RESILIO-ACCESS Snapshot Series**, a collection of compact analyses that explain ties between resilience resources of the rule of law identified by the RESILIO-ACCESS model.

RESILIENCE RESOURCES AND STRESSORS



The RESILIO-ACCESS model is based on three dimensions: The system of the rule of law itself provides primary resilience resources such as an effective judicial system, the protection of fundamental rights, and regulatory enforcement.

These resources are embedded into a social environment with subsidiary resilience resources such as civil society, academia, and the media.

However, these resources are constantly being challenged by threats such as autocracy, corruption, violence, or censorship. The characteristics of each dimension, their interactions and their conditions of resilience resources determine the overall resilience capacity of the rule of law.

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