

LEGAL AND ECONOMIC SUPPORT FOR CANDIDATE COUNTRIES



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Abstract

The European Union (EU) enlargement process is highly demanding, requiring candidate countries to meet a range of conditions. Accordingly, it is necessary to implement fundamental reforms, particularly in the rule of law, the functioning of democratic institutions and public administration and the market economy, as well as to align national legal frameworks with EU law. In this regard, the EU and Member States are striving to support candidate countries through various instruments and mechanisms of so-called pre-accession assistance. These may differ in nature – legal, financial or technical. Although the main instrument of support is currently the Instrument for Pre-Accession Assistance (IPA) III, this chapter will also examine other key instruments in all areas of pre-accession assistance. It will also highlight specific support instruments for Ukraine or Western Balkan countries, and delve into the institutional arrangements of this assistance. Other major European or international organisations supporting EU enlargement, such as the Council of Europe, the UN and others, will also be discussed. It can be concluded that establishing a truly functional and effective system of support for candidate countries is not only complex, but also ‘sensitive’, as it involves the integration of various values, interests, needs and challenges as well as specific circumstances of individual Member States, candidate countries and the EU as a whole.

Keywords: EU, candidate country, EU enlargement, pre-accession assistance, Instrument for Pre-Accession Assistance III (IPA III)

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1. Introduction

The process of new countries' accession to the European Union (EU) is a complex and long-term process, involving various political, economic and legal conditions. It is 'covered' by the Treaty on European Union (TEU), specifically Art. 49, which provides for the right of a European state to apply for membership if it respects and commits to upholding the common values of EU Member States. These values are enshrined in Art. 2 of the TEU¹ and represent fundamental pillars that all Member States and candidate countries must fulfil.² The so-called Copenhagen Criteria constitute the fundamental set of conditions that candidate countries must meet in order to join the EU,³ including political, economic and legislative requirements. The political criteria mandate candidate countries to have stable democratic institutions, including free elections and a pluralistic political system, and to respect and protect human rights and fundamental freedom, including the rights of minorities. The candidate country must also embody the principles of the 'rule of law'. The economic criteria places particular emphasis on the existence of a functioning market economy. Finally, the country must be able to assume the obligations of EU membership, which, in the legislative sphere, entails the ability to implement and apply the *acquis communautaire*.⁴ Subsequently, the so-called Madrid criteria further underscored the need for a functioning and effective public administration capable of implementing EU law.

During the accession process, the candidate country must demonstrate that it meets the accession criteria and is capable of assuming the rights and obligations of EU membership.⁵ Depending on the situation, a candidate country must implement profound reforms reflecting EU law (the *acquis*) in its legal system and practice.⁶ In order for candidate countries to meet the conditions for membership, a strong emphasis is required on fundamental reforms⁷ in the rule of law, the functioning of democratic institutions and public administration, market economy, and reforming and aligning the national legal order with EU law. This entails major institutional

1 According to Art. 2 TEU 'The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail'.

2 De Munter, 2024.

3 Veebel, 2011, p. 3.

4 Becker and Lippert, 2024.

5 Wakelin, 2013.

6 Grabbe, 2002, pp. 249–268.

7 Very interesting reflections on the extent to which reforms in candidate countries would have taken place without the prospect of EU membership – see Börzel, 2016, pp. 78–80.

and legislative changes,⁸ which are demanding in terms of time, finance and personnel, professional and technical resources, and their support within the candidate country itself (political representation and citizens themselves). Therefore, in order to be successful and to lead in real terms to the country's accession to the EU, these steps also require 'external' assistance and support during the accession process.

EU provides this support to the candidate countries, and a distinction can be made among legal, financial and technical support. The EU employs various instruments to provide this assistance and support,⁹ which will be discussed in more detail below. This support is important not only for candidate countries but also for the EU, as it is in the EU's interest that new Member States uphold the values on which the EU is founded and can fully participate in its functioning. Since support to candidate countries represents significant financial expenditure by the EU and Member States, as well as the commitment of additional resources – such as personnel, expertise and technology – it is crucial that this support is truly effective. This, in turn, raises several challenges and questions: how should support be distributed among candidate countries? This includes, for example, questions of how to establish a 'fair' basis for distributing support among all candidate countries, as well as how to account for new candidate countries that are about to start receiving support. It also raises the issue of which support instruments are most effective and in what forms should the EU provide them. Closely linked to this question is the identification of where to focus support, given the individual countries have different political, economic and legal situations. Another very important aspect is establishing mechanisms to control the use of support and to monitor and evaluate progress. In this respect, it is therefore important to properly establish the institutional framework for implementing various forms of support, both at the EU level and within candidate countries. It is therefore fairly obvious that this is a very complex and difficult issue, requiring not only an efficient, but also 'sensitive and precise' system, which considers various general criteria but also justified specificities concerning individual candidate countries.

8 Schimmelfennig and Sedelmeier define enlargement as 'a process of gradual and formal horizontal institutionalization of organizational rules and norms'. See Schimmelfennig and Sedelmeier, 2002, pp. 503–505.

9 Aćić and Grujić, 2023.

2. History and Present Support to Candidate Countries

2.1. Historical Development of Pre-Accession Assistance to Candidate Countries

EU expansion is not a one-off process, but has been ongoing for several decades, taking place in successive waves. It is therefore evident that, at any given time, there have always been candidate countries aspiring to join the EU.¹⁰ Accordingly, it is necessary to begin with a brief overview of the historical development of pre-accession assistance. In general, the evolution of the EU's pre-accession assistance instruments has aimed to reflect not only the changing needs of candidate countries, but also the ongoing refinement of accession processes, changes and developments in the entry criteria, and the adaptation of assistance to different geopolitical and economic conditions.

Looking back to the 1970s and 1980s, during the early stages of EU enlargement, candidate countries – such as Greece, Spain, Portugal – did not have any comprehensive pre-accession assistance instruments.¹¹ Support was mainly provided through bilateral trade and economic cooperation agreements. The aim was to facilitate the economic transformation of these countries and to support their democratisation. Therefore, during this period it was more of an *ad hoc* assistance rather than a systematic assistance in the form of a comprehensive and one-size-fits-all assistance instrument.

The situation began to change in the 1990s, when the EU was preparing for its largest enlargement to date in the form of Central and Eastern European countries. During this period, pre-accession assistance gradually evolved and, above all, becoming institutionalised. Twinning programmes also began to emerge. Increasingly, support focused on key areas of reform for candidate countries to meet the entry criteria.

One of the key instruments of pre-accession assistance during this period was the PHARE programme (Poland and Hungary Aid for Restructuring of the Economy).¹² Established in 1989, this instrument was originally designed to support economic transformation in Poland and Hungary.¹³ However, it was subsequently extended to other Central and Eastern European countries. It played a crucial role in helping eight of the ten Member States that joined in 2004 – Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia – and the countries that joined in 2007 – Bulgaria and Romania – meet accession conditions. Until 2000, the Western Balkan countries – Albania, Macedonia and Bosnia and Herzegovina – were also

10 For a detailed analysis of the EU enlargement process – see e.g. Schimmelfennig and Sedelmeier, 2002, pp. 500–528.

11 Pinto, 2016, p. 11.

12 Ibid., pp. 19–21.

13 Bailey and De Propriis, 2004, pp. 77–78.

PHARE beneficiaries.¹⁴ However, since 2001, another instrument, the CARDS (Community Assistance for Reconstruction, Development and Stability in the Balkans) programme, began providing pre-accession financial assistance to these countries.¹⁵ Both these programmes supported, for example, public administration reforms, infrastructure or institution building in the candidate countries.

Other major instruments of pre-accession assistance, which were established at the turn of the millennium, include the Special Accession Programme for Agriculture and Rural Development (SAPARD) and the Instrument for Structural Policies for Pre-Accession (ISPA).¹⁶ SAPARD¹⁷ assisted candidate countries address specific challenges related to the Common Agricultural Policy, structural changes in individual agricultural sectors and rural development.¹⁸ The ISPA financial instrument focused on financing infrastructure projects in the environment and transport sectors. It was designed to promote sustainable development in the acceding countries.¹⁹

However, the biggest reform of pre-accession assistance occurred in 2007, with the introduction of the Instrument for Pre-Accession Assistance (2007–2013; IPA I). It unified and consolidated assistance to candidate countries under one key instrument of pre-accession assistance (merging various previous instruments).

IPA (2007–2013) was established under Council Regulation (EC) No 1085/2006, which consolidates five components reflecting different areas of support, namely Institution Building and Cross-Border Cooperation, Regional Development, Human Resource Development, Rural Development and Readiness for EU Policies (in particular Structural Funds and Cohesion).²⁰ Croatia, Turkey and the Western Balkan countries have benefited from this instrument. Compared to previous instruments, IPA I has a more flexible and, above all, better coordinated approach to preparation for EU accession.

The IPA II Regulation came into force on 16 March 2014,²¹ and was applied retroactively from 1 January 2014. The IPA II Regulation was complemented by the Common Implementing Regulation (CIR), which provides a set of simplified and harmonised rules and procedures for all external action instruments, as well as by the IPA II Implementing Regulation adopted by the Commission on 2 May 2014.²²

IPA II's novelty lies in its strategic focus.²³ Indicative Strategy Papers encompass specific strategic planning documents made for individual beneficiaries for the seven-year period. It provides for a stronger ownership by the beneficiaries by integrating

14 European Commission, no date b.

15 On the developments in the Balkans; for more detail, refer to the study by Mirel, 2018, pp. 1–14.

16 European Commission, 2001.

17 Georgieva et al., 2005, pp. 1–225.

18 Gorton, Hubbard and Hubbard, 2009, pp. 10–11.

19 European Commission, 2001.

20 European Parliament, 2004.

21 Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II).

22 European Commission, no date c.

23 European Union, no date a.

their own reform and development agendas. A Multi-Country Strategy Paper outlined priorities for regional cooperation or territorial cooperation. IPA II targeted reforms within the framework of pre-defined sectors, focusing on areas closely aligned with the enlargement strategy, such as democracy and governance, rule of law, and growth and competitiveness. This sectoral approach promoted structural reforms that helped enhance the standards of specific sectors to EU levels. It also facilitated a shift towards a more targeted assistance, ensuring greater efficiency, sustainability and focus on results.²⁴

IPA II also enables a more systematic use of sector budget support and emphasises performance measurement. The performance reward was a mechanism set up in the IPA II 231/2014 (Art. 14). It provided a financial incentive for individual IPA II beneficiaries that met the membership criteria and/or implemented IPA efficiently. The Regulation twice foresaw the use of the performance reward scheme in the period 2014–2020 (current Multi-annual Financial Framework). The reward, totalling €78 million, was first allocated in 2017 to Albania, Kosovo, North Macedonia, Montenegro and Serbia. The amount allocated in 2020 was also comparable. The Commission proposed to reward the two countries, which had undertaken the most significant steps to advance EU reforms: Albania and North Macedonia.²⁵

In summary, IPA II replaced the strict five-component structure with a thematic approach.²⁶ It also introduced a results-based approach in which funding was linked to measurable outcomes. Sectoral support was also new: instead of allocating funding by category, funds were diverted to priority sectors. This instrument strengthened the ownership of reforms by candidate countries and enhanced the focus on the effectiveness and impact of the programmes. It also aimed at simplifying the financial management of aid and reducing administrative burden.²⁷

Currently, assistance to candidate countries is provided through IPA III. This instrument is presented in detail in the following subchapter.

2.2. The Present: IPA III – A Key Instrument for Pre-Accession Assistance

The EU currently offers financial and technical assistance to candidate countries through a key mechanism – the Instrument for Pre-Accession Assistance III (IPA III),²⁸ introduced in 2007 and updated several times, and is now in its third generation. IPA III²⁹ was adopted by a Regulation of the European Parliament and of the

24 European Commission, no date c.

25 Ibid.

26 Koeth, 2016, p. 4.

27 Romańczyk, 2012, pp. 2–7.

28 European Commission, no date c.

29 Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance (IPA III).

Council on 15 September 2021.³⁰ It applies retroactively from 1 January 2021 until 2027. It is a key financial instrument of the EU and its Member States to support third countries at different stages of the EU accession process. It primarily supports beneficiaries in implementing the political, institutional, legal, administrative, social and economic reforms necessary to align with EU rules, standards, policies and practices with a view to future membership. Compared to previous programming periods, the structure of this instrument has been significantly changed and its budget increased.³¹ The current IPA III has a budget of more than €14 billion for the period 2021–2027 (for comparison, see Table 1).

Tool	Periods	Amount (Euros)
IPA	2007–2013	€11.5 billion
IPA II	2013–2020	€12.8 billion
IPA III	2021–2027	€14.162 billion

Table No. 1
Comparison of IPA instruments in terms of budget³²

IPA III re-establishes a strategic approach, replacing geographic focus, and defines thematic programmes based on key priorities across five thematic windows. Therefore, funding is allocated according to these windows rather than by country. Furthermore, the instrument combines a performance based approach and fair-share and, unlike IPA II, sets only an indicative amount annually for each beneficiary. Actual support depends on the scale and quality of projects proposed by the beneficiaries within each of the five windows. Projects are assessed based on their political relevance, technical maturity and the extent to which potential beneficiaries are implementing reforms under the enlargement process. Simultaneously, the specific needs and capacities of beneficiaries are considered to prevent imbalances in the level of assistance. The scope and intensity of support may be adjusted in the event

30 The IPA III Regulation was adopted on 15 September 2021, came into force on 20 September 2021 and is applicable retroactively from 1 January 2021. It is complemented by the Commission Delegated Regulation, which was adopted on 1 October 2021 and came into force on 3 December 2021. It sets out specific objectives and thematic priorities for IPA III assistance. The IPA III Implementing Regulation was adopted by the Commission on 15 December 2021 and entered into force on 16 December 2021. Furthermore, the NDICI-GE Regulation (Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe), which was adopted on 9 June 2021, entered into force on 14 June 2021, and applies retroactively from 1 January 2021, sets out certain horizontal provisions, which are also applicable for IPA III assistance. The Commission adopted a model for a Financial Framework Partnership Agreement (FFPA) between the Commission and the governments of the IPA III beneficiaries on 31 March 2022.

31 MZV ČR, 2022, pp. 7–8.

32 MZV ČR, 2022, p. 7.

of a major regression or persistent lack of progress by the beneficiary in fundamental areas, such as strengthening the rule of law, respecting fundamental rights and values, strengthening democratic institutions, reforming public administration, promoting economic growth or enhancing competitiveness.³³

2.3. IPA III Programming Framework

Window 1	Window 2	Window 3	Window 4	Window 5
Rule of law, fundamental rights and democracy	Good governance, <i>acquis</i> alignment, good neighbourly relations and strategic communication	Green agenda and sustainable connectivity	Competitiveness and inclusive growth	Territorial and cross-border cooperation

Table No. 2

*Instrument for Pre-accession Assistance (IPA III)*³⁴

The five thematic windows (see Table No. 2), which replace the previous geographical distribution of funding, are as follows: (1) Rule of Law, Fundamental Rights and Democracy; (2) Good governance, convergence with EU law, good neighbourly relations and strategic communication; (3) Green agenda and sustainable connectivity; (4) Competitiveness and inclusive growth; and (5) Territorial and cross-border cooperation.³⁵ These windows correspond to the clusters of negotiating chapters. Table 2 illustrates the indicative allocation of IPA III funding for the period 2021–2027 to each window:

³³ Ibid.

³⁴ According to European Commission, no date j.

³⁵ Margaras and Széchy, 2023, pp. 163–165.

Thematic windows:	%	2021	2022	2023	2024	2025	2026	2027	Total
Window 1: Rule of law, fundamental rights and democracy	15,13	281	287	292	298	304	310	317	2 089
Window 2: Good governance, alignment with the EU acquis, good neighbourly relations and strategic communication	16,59	308	314	321	327	333	340	347	2 291
Window 3: Green agenda and sustainable connectivity	42,25	788	804	820	837	853	870	888	5 860
Window 4: Competitiveness and inclusive growth	22,31	414	422	431	440	448	457	467	3 080
Window 5: Territorial and cross-border cooperation	3,51	65	66	68	69	71	72	73	485
Total budget	100,	1 855	1 894	1 932	1 971	2 010	2 051	2 093	13 804
Administrative items		49	49	50	51	52	53	54	357
Total	100,	1 904	1 943	1 982	2 022	2 062	2 104	2 147	14 162

Table No. 3
Indicative allocation of IPA III funds by thematic window (million)³⁶

It can be observed that IPA III can finance a wide range of projects in line with the thematic priorities outlined in the strategic documents (mainly multi-annual and annual action plans) approved for each partner country. Beyond the five thematic windows, the instrument also places significant emphasis on horizontal themes, such as environmental protection, combating climate change, supporting administrative reforms and tackling corruption, supporting rule of law, and promoting civil society and gender equality.³⁷ Funding is managed by the European Commission in collaboration with Member States, IPA III beneficiary countries and other implementing partners. Given the scale of this assistance instrument, it is essential to have a functional institutional set-up.³⁸ Therefore, multiple actors are involved in its design, financing and implementation, as well as in the evaluation of its effectiveness, including EU institutions and bodies, national authorities of candidate countries and independent bodies.

The process of drafting strategic and programming documents, as well as the actual implementation of specific projects, occurs at multiple levels and involves a

³⁶ European Commission, no date c.

³⁷ MZV ČR, 2022, pp. 7–8.

³⁸ Európska Komisia, 2024.

larger number of actors. It is therefore not the sole responsibility of the European Commission, although it plays a crucial role in project preparation and implementation. The European Commission holds key competences in the areas of strategic planning (it produces the IPA III strategy paper, which identifies the main priority areas and objectives of assistance), budget management (it oversees budget allocations), and programme approval (it approves individual national and regional programmes financed by IPA II).³⁹

For the implementation of the instrument, a comitology-based IPA III Committee was established. This committee ensures that the allocation of funds and the implementation of measures under the programme align with the EU's strategic objectives and priorities. It also has the authority to decide on changes to the thematic priorities. Within the European Commission, the responsible service for IPA III is the Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR). The European External Action Service (EEAS) also plays a crucial role, working with the European Commission to define policy priorities and ensure that IPA III assistance aligns with overall EU foreign policy objectives. Other EU institutions and bodies, such as the European Parliament (e.g. for budget approval), the Council of the EU, EU Delegations in partner countries, also play a contributing role. In addition, candidate countries and their national institutions play a key role in overseeing the implementation process (from project preparation and submission to effective execution).⁴⁰

Like IPA II, IPA III includes, in addition to monitoring financial implementation, a comprehensive monitoring mechanism for reviewing overall performance and progress towards results at the strategic, sectoral and action levels (i.e. performance by results). Under IPA III, performance measurement is based on indicators defined in the IPA III programming framework and in the annual and multiannual programmes, whereas in IPA II it relied on indicators established in the indicative strategy papers and programmes. Again, the European Commission, through DG NEAR, plays a central role. It conducts regular assessments of the progress of IPA III funded projects and is responsible for preparing annual reports on the programme's implementation and its impact on the candidate countries. In addition, the European Court of Auditors, which audits the effectiveness and transparency of IPA III fund usage, and the European Parliament, which examines implementation reports and monitors value for money, are involved in the evaluation process.⁴¹

2.4. Other EU Instruments Providing Financial and Technical Assistance to Candidate Countries

In addition to the IPA III programme, candidate countries can access financial support from other funds and EU instruments to finance specific areas of development

³⁹ Margaras and Széchy, 2023, pp. 163–165.

⁴⁰ MZV ČR, 2022, p. 9.

⁴¹ Ibid.

or cooperation. Many of these instruments benefit both Member States and candidate countries, rather than being exclusively targeted at candidate countries. Each of these instruments applies to support in a distinct area and operates under different conditions. Nevertheless, it can be stated that a fundamental condition applies to all of these instruments without distinction, namely the supported activity must align with the values and principles on which the EU is built. Essentially, all funded projects, activities or reforms must reflect EU priorities, including democracy, the rule of law, human rights protection or sustainability. In addition, it is also essential that the candidate country possesses sufficient administrative capacity to manage projects and disbursement of funds, ensuring transparency and compliance with the principles of responsible financing.

The first instrument to highlight is undoubtedly the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI).⁴² The NDICI – Global Europe instrument integrates several former EU external financing instruments,⁴³ and serves as the EU’s main tool for contributing to eradicating poverty and promoting sustainable development, prosperity, peace and stability.⁴⁴ The total allocation for NDICI – Global Europe is divided into four pillars: the first pillar of €60.38 billion is allocated for geographic programmes, including at least €19.32 billion for the Neighbourhood, with the remainder allocated to Sub-Saharan Africa, Asia and the Pacific, and the Americas and the Caribbean. The second pillar, totalling €6.358 billion, supports thematic programmes, including the Human Rights and Democracy; Civil Society Organisations; Peace, Stability and Conflict Prevention; and Global Challenges.⁴⁵ The smallest amount of €3.182 billion is allocated to ‘a rapid response mechanism’ that enables the EU to respond swiftly to crises, contribute to peace, stability and conflict prevention. Finally, €9.53 billion is reserved as a ‘cushion’ of unallocated funds, which can be used to supplement any of the above-mentioned programmes or the rapid response mechanism in the event of unforeseen circumstances, emerging challenges or new priorities.⁴⁶ During the first three years of the 2021–2027 long-term budget, approximately 80% of the cushion had been utilized – a substantial portion of which was earmarked for supporting Ukraine.⁴⁷ For example, Western Balkan countries used this support to finance cross-border cooperation, public administration reform projects, institution building and

42 Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009.

43 Development Cooperation Instrument (DCI); European Neighbourhood Instrument (ENI); Partnership Instrument; European Instrument for Democracy and Human Rights (EIDHR); European Fund for Sustainable Development (EFSD); Instrument contributing to Stability and Peace (IcSP).

44 Margaras and Széchy, 2023, pp. 167–169.

45 European Commission, no date a.

46 Ibid.

47 Hauck, Sabourin and Jones, 2024, p. 1.

economic and infrastructure development. Ukraine and Moldova are also benefiting from NDICI, in particular to support stabilisation, the rehabilitation of damaged infrastructure and the development of democratic institutions.⁴⁸

The EU Humanitarian Aid Instrument is the EU's instrument for providing humanitarian aid during crises such as natural disasters, armed conflicts or humanitarian emergencies.⁴⁹ Under the Multiannual Financial Framework, €11.6 billion has been allocated to the EU Humanitarian Aid Instrument for the period 2021–2027. While part of this funding comes from Member States, a significant share is provided by the EU budget.⁵⁰ Within the European Commission, the Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO) is responsible for managing humanitarian aid and civil protection. EU humanitarian aid primarily focuses on food and nutrition, shelter, healthcare, water and sanitation, and education in emergencies. Most of the EU's humanitarian aid budget is used indirectly, as ECHO does not directly implement humanitarian aid programmes. Rather, it funds operations implemented by its partners – namely non-governmental organisations, UN agencies and international organisations such as the International Red Cross and Red Crescent.⁵¹ ECHO's main tasks include providing funding, verifying the sound management of funds and ensuring that its partners' goods and services reach the affected population efficiently and expeditiously to respond to real needs.⁵² This instrument is also used by candidate countries, especially during humanitarian crisis. For example, Turkey has used the support in the context of the migration crisis and Syrian refugees,⁵³ while Serbia and North Macedonia relied on it during the 2015–2016 migration crisis and refugee influx. Ukraine is currently a major beneficiary,⁵⁴ in response to the Russian aggression since 2022.⁵⁵

Another long-standing EU support mechanism for managing various crises and disasters is the EU Civil Protection Mechanism and rescEU.⁵⁶ Established by the European Commission in October 2001, the Mechanism aims to strengthen cooperation between EU countries and 10 participating states in civil protection, enhancing prevention, preparedness and response to disasters. In addition to EU countries, the Mechanism currently includes 10 participating States – Albania, Bosnia and Herzegovina, Iceland, Moldova, Montenegro, North Macedonia, Norway, Serbia, Turkey

48 Mureşan, 2025, pp. 245–257.

49 The legal basis for this instrument is Council Regulation (EC) No 1257/96 of 20 June 1996 on Humanitarian Aid.

50 Hergaden, 2024.

51 European Union, 2016.

52 Margaras and Széchy, 2023, pp. 169–170.

53 In 2016, a special mechanism, the Facility for Refugees in Turkey (FRIT), was established to provide funding for humanitarian and development assistance. It funds projects providing education, health care and basic support for refugees.

54 Hergaden, 2024.

55 The emergency assistance to Ukraine is the largest operation coordinated by the EU Civil Protection Mechanism to date.

56 European Commission, no date d.

and Ukraine.⁵⁷ Since its establishment in 2001, the EU Civil Protection Mechanism has responded to more than 700 requests for assistance within and outside the EU, managed by the Emergency Response Coordination Centre (ERCC). The ERCC monitors events worldwide 24/7 and ensures rapid deployment of emergency support through direct liaison with national civil protection authorities.⁵⁸ In 2019, the EU modernised the EU Civil Protection Mechanism and established rescEU, aimed at protecting citizens from disasters and managing emerging risks. It is fully funded by the EU and strengthens European disaster preparedness and reinforces the ability to respond to crises across Europe – such as fires, medical emergencies, chemical, biological, radiological and nuclear accidents, shelter needs, emergency transport and electricity supply. For example, in 2023, the Mechanism was activated in 66 cases, with major actions including assistance to Ukraine amid the ongoing war, responding to forest fires within Europe and support following the earthquake in Turkey. The coordination of assistance to Ukraine represented one of the largest activations of the Mechanism to date.⁵⁹

Finally, the Solidarity and Emergency Aid Reserve (SEAR) warrant special mention.⁶⁰ SEAR covers what were previously two separate instruments: the European Union Solidarity Fund (EUSF) and the Emergency Aid Reserve. It can be used to help combat emergency situations triggered by major natural disasters or public health crises in Member States and accession countries. Moreover, the Mechanism can also assist non-EU countries facing emerging needs stemming from conflicts, the global refugee crisis or worsening natural disasters due to climate change. Aid from this instrument is managed by the recipient country and is intended to rebuild basic infrastructure, support emergency services, temporary accommodation or clean-up operations, and address immediate health risks.

In the fields of science, research and education, candidate countries can benefit from support through several key EU instruments and funds. These programmes support education reforms, research mobility, exchange initiatives and international cooperation, enhancing their readiness for future EU membership. Foremost among these is Horizon Europe, the EU's flagship programme for research and innovation funding (for the period 2021–2027).⁶¹ The indicative funding for Horizon Europe for the period is €93.5 billion.⁶² Through the programme, the European Commission provides grants, prizes and procurement to outstanding researchers to promote their scholarly activities. It also provides funding to initiatives aimed at developing research infrastructure and fostering mobility within the EU. Additionally, it supports partnerships among Member States, industry and other stakeholders to collaborate on

⁵⁷ European Commission, no date e.

⁵⁸ Specialised teams and equipment such as firefighting aircraft, search and rescue and medical teams can be mobilised at short notice for deployment in Europe and beyond.

⁵⁹ EU Funding Overview, 2024.

⁶⁰ Margaras and Széchy, 2023, p. 91.

⁶¹ European Commission, no date g.

⁶² European Union, 2021.

research and innovation. Candidate countries can attain Associated Country status, enabling them to participate in the programme at the same level as EU Member States, subject to the conclusion of an Association Agreement with the EU. For example, Türkiye became a fully associated member of Horizon Europe in January 2021, although it has participated in EU research and innovation programmes since 2003. Türkiye launched the Turkish Research Area in 2004, modelled on the European Research Area (ERA). In 2019, Türkiye introduced a series of measures leading to the establishment of an Action Plan to boost national research and innovation capacity as well as cooperation with and alignment to the ERA. This Action Plan has had a tangible and positive impact on Türkiye's participation in Horizon 2020. Türkiye has made steady progress in Horizon 2020, achieving particular success in the European Research Council, in Marie Skłodowska-Curie Actions, and energy research.⁶³ Other candidate countries are similarly involved in these programmes.⁶⁴

The Erasmus+ programme, which supports education, training, youth and sport, is also widely recognised.⁶⁵ The 2021 – 2027 programme places a strong emphasis on social inclusion, the green and digital transitions, and promoting young people's participation in democratic life. The programme further supports priorities and activities outlined in the European Education Area, Digital Education action plan and the European skills agenda. The programme also supports the European Pillar of Social Rights, implements the EU youth strategy 2019–2027 and develops the European dimension in sport. In addition to offering grants, Erasmus+ also supports teaching, research and networking.⁶⁶ The main objective of Erasmus+ is to promote learning mobility for individuals and groups, along with fostering cooperation, creativity and innovation.⁶⁷ Candidate countries participate in the programme as either partner or programme countries, allowing their institutions to engage in exchange programmes, cooperation projects and mobility.⁶⁸ Programme countries⁶⁹ have full participation through formal agreements with the EU.⁷⁰

Under EU policy, candidate countries can also benefit from various cross-border cooperation instruments that promote regional integration, improve relations between neighbouring countries and strengthen economic and social development. The main instruments available to candidate countries include the Interreg programme, an EU initiative aimed at promoting cross-border, interregional and transnational cooperation.⁷¹ This instrument support the exchange of good practices and

63 European Commission, no date f.

64 European Commission, no date g.

65 European Commission, no date i.

66 Wilson, 2011, pp. 4–7.

67 Papakosta and Mouratoglou, 2024, pp. 81–83.

68 On the importance of Erasmus for higher education and science in Albania, see Pinari, 2024, pp. 66–71.

69 Northern Macedonia, Serbia, Iceland, Liechtenstein, Norway, Turkey.

70 European Commission, no date i.

71 Margaras and Széchy, 2023, p. 34.

policy learning among European regions in 36 countries – the EU27 Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Norway, Serbia, Switzerland and Ukraine, meaning that most candidate countries are involved.⁷² In addition, candidate countries can also use the NDICI programme, mentioned above, for similar purposes. They can also participate in macro-regional strategies, which facilitate cross-border cooperation on a broader geographical scale. These include the EU Strategy for the Danube Region, which involves 14 countries and is the largest and most diverse macro-regional strategy: nine EU Member States – Austria, Bulgaria, Croatia, Czechia, parts of Germany, Hungary, Romania, Slovakia, Slovenia – three Accession Countries – Bosnia and Herzegovina, Montenegro, Serbia – and Ukraine and Moldova.⁷³ Adopted by the European Council on 29 September 2014, the EU Strategy for the Adriatic and Ionian Region (EUSAIR) serves as a tool to foster social, economic and territorial cohesion, aiming to reduce disparities in the Adriatic-Ionian macro-region through enhanced cooperation. The strategy involves ten countries: four EU Member States – Greece, Croatia, parts of Italy, Slovenia – five candidate countries – Albania, Bosnia and Herzegovina, Montenegro, Serbia and North Macedonia – and San Marino.⁷⁴ Cooperation within EUSAIR is particularly beneficial for candidate (IPA countries). While the enlargement process follows a bilateral, hierarchical process, EUSAIR is one of the few regional cooperation instruments in the region, where EU Member States and IPA countries cooperate on equal footing across different sectors and EU initiatives. The rotating EUSAIR chairmanship provides an opportunity for IPA countries to steer the priorities of the region for twelve months and highlight specific challenges for the Western Balkans and the macro-region on European level. By extending EU rules and regulations to IPA countries, it also supports their enlargement process across various chapters.⁷⁵

EU candidate countries also have access to several EU instruments designed to protect the environment. These instruments support efforts in the areas of environmental sustainability, emissions reduction, natural resource conservation and climate change adaptation. One such example is the LIFE Programme,⁷⁶ an EU financial instrument aimed at environmental protection and climate action. The objectives of this programme include protecting biodiversity and ecosystems, pollution control and resource efficiency, and supporting climate change adaptation and mitigation.⁷⁷ Candidate countries can access funding by signing a LIFE cooperation agreement. Environmental support can also be obtained from IPA III or the Interreg programme.

Candidate countries also have access to selected instruments and programmes (beyond the IPA III flagship programme) that support reforms in the areas of

⁷² Interreg Europe, no date.

⁷³ European Commission, no date k.

⁷⁴ European Parliament, no date l.

⁷⁵ Ibid.

⁷⁶ Margaras and Széchy, 2023, p. 149.

⁷⁷ European Commission, no date m.

governance, democracy, rule of law and the judiciary. These instruments assist candidate countries in harmonising their legal and institutional frameworks with European standards and strengthening their democratic institutions. The Justice Programme is an EU financial instrument aimed at strengthening the European judicial area.⁷⁸ It is also accessible to candidate countries that have signed cooperation agreements, subject to certain conditions. Areas of support include ensuring the efficiency and independence of the judiciary, strengthening the training of lawyers and judges, promoting legal cooperation in civil and criminal matters and generally improving access to law and legal protection. Other examples include the aforementioned NDICI, which incorporates the European Instrument for Democracy and Human Rights (EIDHR), and the Horizon Europe programme, particularly its civil security and governance strand. Candidate countries can receive support, for example, for projects addressing security challenges such as the rule of law or crime prevention, as well as initiatives supporting the digital transformation of public administration and justice. In addition, there are the Twinning and TAIEX (Technical Assistance and Information Exchange) instruments, which focus on the transfer of expertise and best practices from EU Member States to candidate countries (see below for more details).

3. Legal Assistance to Candidate Countries

The EU also provides comprehensive legal assistance to candidate countries to prepare them for EU membership. This assistance is primarily aimed at harmonising candidate countries' legislation with the EU *acquis communautaire*, strengthening the rule of law, ensuring the independence of the judiciary and other areas necessary for EU accession. This assistance is crucial for preparing countries for full EU membership, as it facilitates the alignment of national legislation with EU standards and supports the implementation of reforms in key areas. This support is delivered through various instruments and programmes, the most relevant of which are discussed below.

One of the most important tools in this area is TAIEX (Technical Assistance and Information Exchange), which is a technical and legal assistance instrument provided to candidate countries to facilitate the transfer of knowledge and harmonisation of national legislation with EU law.⁷⁹ TAIEX supports public authorities in approximating, applying and enforcing European legislation, as well as in sharing and transferring 'EU best practices'. It is an assistance and cooperation instrument managed by DG NEAR. By its nature, it provides short-term, non-financial, legal and technical assistance delivered by experts from Member States (not only) to candidate

⁷⁸ European Commission, no date n.

⁷⁹ European Commission, no date o.

countries.⁸⁰ TAIEX assistance is available to civil servants, principally in central public administrations; judiciary and law enforcement authorities; civil servants working in Parliaments and Legislative Councils; representatives of social partners, trade unions and employers' associations. Support and assistance seeks to precisely target specific issues. The candidate country is therefore expected to highlight specific needs for legal and technical assistance. It is a cooperation of experts and as such occurs at the expert level. Beneficiaries can indicate their country of preference as a trainer.

This support assumes several typical forms.⁸¹ First, professional workshops, seminars and training sessions are held, where experts from Member States present specific areas of EU law (e.g. competition, public procurement, environmental protection) to selected groups such as civil servants, judges, etc. Study visits and missions are also held to enable civil servants and experts from candidate countries to visit EU Member States (and their institutions) to gain experience in the implementation of EU law. Finally, expert from EU Member States are deployed in candidate countries and their institutions to provide in-depth advice on the transposition, implementation or enforcement of specific EU legislation.⁸² The primary objective is to provide legal advice – assisting in the preparation and implementation of legislation corresponding to EU legislation – and to conduct legal analysis (assessing the existing legislation of candidate countries and its compliance with EU law and identifying areas requiring amendments). This may also include administrative checks on draft legislation ('desk reviews').

Two concrete examples of TAIEX assistance to candidate countries⁸³ include a workshop on designing entry exams for judges, prosecutors and legal advisors in Albania (March 2023). Through this workshop, experts from Belgium and Italy provided practical guidance on tools and methodologies in preparation for the School of Magistrates' review of its entry exams. TAIEX events on agriculture, organic certification and rural development in Moldova (Beneficiary: Ministry of Agriculture and Food Industry, May–October 2023) also deserve mention. TAIEX experts from Czechia, Germany and Poland collaborated with Moldovan peers to support the harmonisation of national legislation with EU law. This TAIEX cooperation also contributed to strengthening the capacity of Moldova's organic certification system.

Twinning is another key support instrument, designed to support institutional capacity building in candidate countries through partnerships with EU Member States' institutions.⁸⁴ It supports targeted and long-term cooperation between institutions, typically involving the exchange of experts, where legal experts from Member States work alongside candidate country institutions on the preparation

80 MF ČR, 2023.

81 European Commission, no date o.

82 MF ČR, 2023.

83 TAIEX and Twinning Highlights, 2023.

84 European Commission, no date p.

and implementation of legal reforms. Twinning also involves the transfer of best practices and know-how, providing practical experience and recommendations for the drafting and application of legislation. It includes training for those responsible for implementing the law (officials, judges, prosecutors and others). Support is also provided to long-term projects focused on institutional reforms such as judiciary reform, programmes aimed at strengthening human rights protection or those aimed at fighting corruption.⁸⁵

Twinning is implemented exclusively through long-term projects lasting approximately two years, although shorter medium-term projects of six to eight months are occasionally undertaken. Standard projects require the presence of a permanent advisor in the beneficiary country.⁸⁶ Funding for these projects is provided by IPA III or other EU instruments. Twinning projects are based on the cooperation between a beneficiary institution (with sufficient absorption capacity and qualified staff) and an institution from a member country with a similar agenda. The beneficiary must be able to mobilise its staff, demonstrate a sustained commitment to the agenda and implement proposed changes or adopt the transferred best practices. Twinning is based on the principles of ‘learning by doing’ and the ‘sharing of best practices’.

The use of this tool can again be demonstrated with a few examples.⁸⁷ One notable case is EU support for capacity building and gradual alignment with EU *acquis* in the phytosanitary sector in Bosnia and Herzegovina (2020–2023). This project, implemented by Italy and Poland, contributed to boosting rural economy and modernising the agri-food sector in Bosnia and Herzegovina. It played a crucial role in aligning national legislation with the EU *acquis* by facilitating the implementation of new phytosanitary standards. Another important project was ‘Strengthening the institutional and regulatory capacity of the National Bank of Ukraine (2020–2023)’. Implemented jointly by Poland and Lithuania, it aimed to enhance the National Bank of Ukraine’s capacity to engage with international financial institutions. Finally, the Strengthening Cybersecurity Capacities in Georgia (2020–2023) The project is also worthy of mention. Implemented by Austria and Lithuania, this Twinning project strengthened Georgia’s cyber threat preparedness and resilience. By creating cybersecurity networks aligning with EU standards, and developing frameworks to protect critical information infrastructure and operators of essential services, the project strengthened the capacity of relevant national authorities to respond to cyber threats.

85 Ibid.

86 MF ČR, 2023.

87 TAIEX and Twinning Highlights, 2023.

TAIEX	TWINNING
Peer-to-peer institution building instrument	Peer-to-peer institution building instrument
Mobilising public sector expertise from EU Member States	Mobilising public sector expertise from EU Member States
EU-funded & results-oriented	EU-funded & results-oriented
Short activities	Medium to long-term projects (up to 3 years)
Available to public administrations around the world, also in EU Member States	Available to public administrations in countries and territories covered by the EU's neighbourhood and enlargement policies (NEAR) as well as the international partnership and development policy (INTPA)
All activities are organised by European Commission headquarters	Individual projects are jointly managed by EU Member States & partner countries

Table No. 4
*TAIEX and TWINNING Comparison*⁸⁸

Another important form of legal support is the gradual integration of candidate countries into European legal mechanisms such as Eurojust, the EU's Agency for Judicial Cooperation in Criminal Matters, which aims to improve cooperation between EU Member States in the investigation and prosecution of serious cross-border crime.⁸⁹ Eurojust plays a key role in addressing cross-border cases involving organised crime, human trafficking, terrorism, cybercrime, money laundering and other offences. Candidate countries can participate in Eurojust's activities through cooperation agreements or formal involvement in specific programmes. This cooperation typically focused on the exchange of information on criminal activities, education and training in European law and judicial cooperation, and participation in joint investigation teams in cross-border cases. For example, Eurojust and Montenegro signed a Cooperation Agreement in May 2016, and the first Liaison Prosecutor assumed duties in December 2017. In 2023, the Montenegrin Liaison prosecutor was involved in 31 new cases, participated in 5 coordination meetings and contributed to one coordination centre.⁹⁰

EU candidate countries can also participate to some extent in Europol (the European Police Office) and Frontex (the European Union Border and Coast Guard Agency), even though they are not full EU members. In general, Europol cooperates with states and other entities outside the EU through operational agreements, strategic agreements and working arrangements. Europol may also cooperate with these partners based on an adequacy decision by the European Commission and/or EU

⁸⁸ Ibid.

⁸⁹ European Union, 2002.

⁹⁰ European Union Agency for Criminal Justice Cooperation, no date.

Agreement(s) on exchange of personal data by Europol concluded under Art. 218 TFEU.⁹¹ Under the previous legal regime, governed by the Council decision of 6 April 2009, Europol concluded both strategic⁹² and operational agreements. The main difference between the two is that operational agreements allow for the exchange of information including personal data but strategic agreements enable the exchange of information excluding personal data, such as the exchange of general intelligence, strategic and technical information. For example, Serbia, Montenegro, Northern Macedonia, Moldova, Ukraine, Bosnia and Herzegovina or Albania have signed operational cooperation agreements with Europol.⁹³ Since 1 May 2017, Europol no longer concludes any agreements, which provide legal basis for the exchange of personal data. However, it is permitted to establish working arrangements⁹⁴ which, similar to strategic agreements, govern the practical aspects of exchanging non-personal data and regulate the practical aspects of the cooperation.

Frontex is responsible for protecting the EU's external borders and supporting Member States in matters of border security.⁹⁵ Candidate countries may conclude status agreements, which allow Frontex to deploy border management teams from the European Border and Coast Guard standing corps to Albania, Moldova, Montenegro, North Macedonia as well as along Serbia's borders with the EU, where team members are authorised to exercise executive powers such as conducting border checks or registration of persons.⁹⁶

Candidate countries can also benefit from training and exchange programmes under the European Judicial Training Network, which aim to enhance the skills of judges and prosecutors.⁹⁷ This form of legal assistance typically includes specialised training (focusing on the application of EU law, the protection of human rights and cross-border cooperation) or exchange programmes that enable judges and prosecutors from candidate countries to participate in work placements within EU Member States. Candidate countries hold the status of 'observers'.⁹⁸ The programmes are usually funded through IPA III. Cooperation in the field of criminal justice is facilitated by the European Justice Cooperation Network (EJN).⁹⁹ It enables effective legal cooperation between Member States and candidate countries, including preparing the candidate country to make full use of essential cooperation instruments such as the European Arrest Warrant.¹⁰⁰ Participation in programmes

91 European Police Office, 2025.

92 For example Turkey has this kind of agreement.

93 See European Police Office, 2025.

94 For example Kosovo has this agreement.

95 Frontex, European Border and Coast Guard Agency, no date.

96 For more details about these agreements see European Union: Frontex Status Agreements with non-EU Countries.

97 European Judicial Training Network, no date a.

98 European Judicial Training Network, no date b.

99 European Judicial Network, no date a.

100 European Judicial Network, no date b.

implemented by the European Anti-Corruption Network (EPAC) network is also of significant importance.¹⁰¹

Legal support is also provided through the aforementioned instruments such as NDICI and IPA III. These instruments assist candidate countries in advancing legal reforms, strengthening democratic institutions, protecting human rights and promoting the active involvement of civil society as much as possible in the process of building the rule of law.

4. Ukraine and EU Support

Ukraine, unlike other candidate countries, faces a far more challenging situation as it has been under military attack by Russia since February 2022. Almost eight years after the onset of the conflict in eastern Ukraine and the illegal annexation of Crimea, Russia launched a large-scale military invasion on 24 February 2022. Millions of Ukrainians have fled to neighbouring countries, while millions more have been internally displaced. Ukraine is courageously fighting to defend its democracy and national sovereignty. The EU's assistance to Ukraine is therefore unique, extending beyond support for the country's preparation for EU accession to include aid in resisting the ongoing war of aggression. The assistance is therefore diverse in nature, encompassing not only financial and legal support, as mentioned previously, but also military and humanitarian aid.

On 20 June 2023, the Commission proposed a new Ukraine Facility to support Ukraine's recovery, reconstruction and modernisation as well as to foster Ukraine's EU accession path. The Facility entered into force on 1 March 2024¹⁰² and will provide up to €50 billion in grants and loans for the period 2024–2027, to support Ukraine's efforts to sustain macro-financial stability, promote short-term recovery as well as to rebuild and modernise the country, whilst implementing key reforms aligned with its EU accession process. It will support the transition towards a green, digital and inclusive economy that is progressively aligned with EU rules and standards. At the core of the Ukraine Facility is the Ukraine Plan, developed by the Government of Ukraine and positively assessed by the Council in May 2024. The document outlines the reforms and investments needed to boost sustainable economic growth and attract further investments. As part of the Ukraine Facility, a Ukraine Investment Framework has been established to attract public and private investments, providing €7.8 billion in loan guarantees and €1.51 billion in blended finance grants. It is expected to mobilise up to €40 billion in public and private investments over the next few years. The Facility is equipped with a robust audit and control framework, to

¹⁰¹ European Partners against Corruption, no date.

¹⁰² Regulation (EU) 2024/792.

safeguard EU's financial interests, while supporting the continued strengthening of Ukraine's internal controls system.¹⁰³

Pillar 1	Pillar 2	Pillar 3
Ukraine Plan	Ukraine Investment Framework	Assistance programmes
Support to Ukraine through the Ukraine Plan (grants and loans) Support to reforms needed for the EU accession, for recovery, reconstruction and modernisation, also supporting urgent financial needs	De-risking mechanism available to investors through International Financial Institutions to scale up investments and crowd in new investors Support to the Ukrainian private sector	Technical Assistance to the Government (EU acquis, structural reforms) Capacity building of the authorities at national, regional and local level Support to civil society

Table No. 5
*Structure of the New Ukraine Facility*¹⁰⁴

The Ukraine Facility encompasses three pillars, as illustrated in Table No. 5. The first pillar comprises support through the Ukraine Plan, providing financial assistance to Ukraine, totalling €38.27 billion. This include both grants (€5.27 billion) and loans (€33 billion) and is designed to address the Ukrainian State's financial needs, maintain macro-financial stability and support reforms and investments for the country's recovery, reconstruction and modernisation. The support is conditional upon meeting the requirements related to macro-financial stability, budget oversight, and public financial management as well as implementing sectoral and structural reforms and investments (necessary for EU accession). A precondition for support to Ukraine under the Facility is that the country continues to uphold and respect effective democratic mechanisms, including a multi-party parliamentary system and the rule of law, guaranteeing human rights, including the rights of minority groups.¹⁰⁵ Pillar II consists of the 'Ukraine investment framework', designed to attract and mobilise public and private investments to support Ukraine's recovery and reconstruction, and facilitate the implementation of the Ukraine Plan.

In terms of Ukraine's preparation for EU accession, Pillar III plays a central role: Union accession assistance and related support measures. With investments totalling €4.76 billion, this pillar focuses on providing technical assistance and support to facilitate Ukraine's alignment with EU laws and regulations. It includes capacity-building initiatives, including social partners, civil society organisations as well as

¹⁰³ European Commission, no date q.

¹⁰⁴ Ibid.

¹⁰⁵ Ihor Dir, 2024, pp. 32–36.

local and regional authorities, or support the implementation of reforms necessary for EU accession and ensuring the effective utilisation of financial assistance.¹⁰⁶

With this special instrument, the EU now has a single legal instrument to ensure a consistent, transparent and coherent policy response to the situation in Ukraine. The instrument will replace existing support through the MFA+ programme and the Neighbourhood, Development and International Cooperation Instrument (NDICI).¹⁰⁷

5. Balkan Countries and Pre-Accession Aid

The EU has also long aimed to provide special support programmes exclusively for candidate countries in the Balkans.¹⁰⁸ These countries also have access to additional EU instruments specifically designed to support their preparations for EU accession.¹⁰⁹ These instruments focus on key reform areas, fostering economic development, strengthening the rule of law, and promoting mutual reconciliation and regional cooperation. Given the limited space for interpretation, this analysis will focus on the most recent key EU support for Balkan candidate countries: the Growth Plan for the Western Balkans and the Reform and Growth Facility for the Western Balkans.

The Reform and Growth Facility for the Western Balkans¹¹⁰ is the financial instrument underpinning the Growth Plan for the Western Balkans, adopted in November 2023. The Growth Plan is a new initiative aimed at accelerating the Western Balkans' preparations for EU membership by delivering certain benefits ahead of accession, with direct impact for citizens and businesses. This, in turn, is expected to significantly accelerate both the enlargement process and economic growth. The Reform and Growth Facility for the Western Balkans complements existing EU assistance provided through the Instrument for Pre-accession Assistance (IPA III). The facility has a financial envelope of €6 billion, including €2 billion in grants and €4 billion in highly concessional loans. At least half of the total amount, including grants and loans, will be allocated to investments through the Western Balkans

106 EU Monitor, 2023.

107 Peters, 2024.

108 Stojarová, 2011.

109 Mirel, 2018.

110 European Commission, no date r.

Investment Framework (WBIF).¹¹¹ The remainder will be allocated on the basis of socio-economic reforms.

The Growth Plan for the Western Balkans was adopted by the Commission on 8 November 2023. It aims to (1) integrate the Western Balkan partners into the EU single market, (2) deepen regional economic cooperation, (3) advance EU-related reforms and (4) increase pre-accession funding to accelerate the socio-economic convergence of the Western Balkans towards the EU.¹¹² Economic convergence is an essential factor in bringing the Western Balkan countries closer to EU membership. Indeed, the lack of convergence is a major challenge in the Western Balkans, where economic performance currently stands at around 35% of the EU average.¹¹³ The Growth Plan has the potential to double the size of Western Balkan economies over the next decade. To support this process, the Reform and Growth Facility for the Western Balkans, mentioned above, was adopted for the period 2024–2027,¹¹⁴ with its regulation entering into force on 25 May 2024.

The Plan is based on four pillars. The first pillar focuses on enhancing economic integration with the EU's single market. Integration with the EU's single market has been the main economic growth driver for all countries that joined the EU. The offer to the Western Balkans included seven priority actions to facilitate integration into the EU's single market (Free movement of goods; Free movement of services and workers; Access to the Single Euro Payments Area; Facilitation of Road transport; Integration and de-carbonisation of Energy markets; participation in the digital Single Market; and Integration into industrial supply chain).¹¹⁵ The second pillar focuses on boosting economic integration within the Western Balkans through the Common Regional Market (CRM), based on EU rules and standards. The CRM is essential to overcome small, fragmented markets, enhancing businesses competitiveness, attracting investors and retaining workers. The third pillar aims to accelerate fundamental reforms, supporting the Western Balkans' path towards EU membership, promote sustainable economic growth, including by attracting foreign investments,

111 The WBIF is a joint financing platform launched 15 years ago that brings together the European Commission, financial organisations, EU Member States and Norway to strengthen cooperation on public–private investment. It supports the socio-economic development of the region and contributes to the European integration of the Western Balkans. In addition to being the main financial instrument for the implementation of the EU's Economic and Investment Plan, the WBIF also plays an important role in the implementation of the new €6 billion Reform and Growth Facility for the Western Balkans, which has the dual objective of strengthening socio-economic convergence with the EU and accelerating the accession process. The WBIF will provide grants and loans totalling €3 billion under the facility to support priority investments in transport, energy, digital and human capital.

112 Armakolas et al., 2024.

113 Detailed analyse – see Polo, 2023, pp. 2–25.

114 Jovanović, 2024.

115 Mihajlovic and Macek, 2024.

and strengthen regional stability. The fourth and final pillar centres on supporting convergence through increased financial assistance.¹¹⁶

In October 2024, the Commission approved the reform programmes of Albania, Kosovo, Montenegro, North Macedonia and Serbia, following a positive assessment of EU Member States. In their reform programmes, the five Western Balkan governments have committed to implementing socio-economic and fundamental reforms aimed at accelerating growth and convergence with the EU within the 2024–2027 framework. The reform programmes focus on priority areas including the rule of law and other fundamentals, governance, digital and green transformation, human capital development and improvements to the business environment. In addition, each beneficiary has proposed a list of indicative investments to be financed under the Facility, a necessary step to enable disbursements. Payments will be made twice a year until 2027, based on requests submitted by the Western Balkan partners and following verification that the conditions set by the Commission have been met. These conditions include, for example, the promotion of democratic mechanisms, the rule of law and respect for human rights. A specific condition applies to Serbia and Kosovo, which must engage constructively in the normalisation of their relations, including the implementation of all dialogue agreements. Other general conditions cover macro-financial stability, sound public financial management, among others. Bosnia and Herzegovina is still expected to submit a reform programme in order to become eligible for the programme.¹¹⁷

6. Conclusion

In conclusion, pre-accession assistance is an almost indispensable element for candidate countries' successful accession to the EU. Major reforms areas across various sectors of a candidate country's society and governance often require not only internal political and civil support, but also external help, including financial resources, legal guidance and the provision of professional expertise or technical infrastructure. Since its creation, the EU has undergone several enlargement phases, giving pre-accession assistance a distinct history and development. Its importance and relevance continue to evolve.

EU pre-accession assistance has evolved significantly, from informal instruments to sophisticated and complex mechanisms. This development reflects not only the changing requirements of candidate countries, but also the EU's growing ambitions and objectives in supporting integration. The changes concern firstly the institutionalisation of assistance (from informal instruments towards comprehensive and

¹¹⁶ Jovanović, 2024.

¹¹⁷ European Commission, no date r.

structured systematic pre-accession assistance programmes). Secondly, the scope and volume of funding have evolved, with both the budget and the number of supported areas gradually and steadily increasing as the number of candidate countries and their demands have grown. In addition, there is an increasing emphasis on efficiency, marked by a shift from simple project funding towards funding based on the assessment of results achieved and the impact of implemented reforms. Finally, there has been a strategic shift in thematic priorities, with a gradual shift from basic infrastructure projects to more advanced themes such as the rule of law, environmental protection and digitalisation.

The current system of financial and legal assistance relies primarily on the existence of a key instrument, IPA III. However, this instrument has also evolved and is now in its third generation. The main differences between IPA I, II and III lie in the financing modalities, the approach to planning and the focus on key priorities. While IPA I emphasised specific sectors and infrastructure, IPA II and III brought more flexibility and a strategic focus on reforms and results. In addition, IPA III reflects new challenges, such as climate change or geopolitical instability, while supporting the integration of candidate countries into wider EU policies. The current IPA III system provides greater flexibility, efficiency and responsiveness to new challenges. In addition to IPA III, pre-accession assistance is implemented through other instruments and programmes that complement it and focus more on sub-areas of support (agriculture, migration, education and science, environment, etc.). While this targeted assistance is undoubtedly effective and directed towards the development of specific areas within candidate countries, such ‘fragmentation’ renders the pre-accession assistance system relatively complex and at times opaque.

It is also important to highlight that pre-accession assistance aims to respond quickly and effectively to the specific needs of individual candidate countries, whether these are long-term challenges or unexpected and sudden events. These include, for example, support in the context of natural disasters, migration waves, or ‘reconciliation’ efforts in the event of territorial conflicts within the territory or between candidate countries. Specific (not only) pre-accession assistance has been directed towards the Western Balkans and, since 2022, also towards Ukraine, in response to the Russian invasion.

Meanwhile, it is important to acknowledge the problematic aspects of enlargement policy and the provision of pre-accession assistance. The EU should, first and foremost, make more effective use of conditionality – both by appropriately ‘rewarding’ the progress made by candidate countries and responding adequately to insufficient reforms. Although instruments exist to penalise stagnation in reform efforts, they are rarely applied. As Tzifakis argues, interim rewards could include measures such as a gradual integration into the single market and other policy areas, eligibility for assistance from EU structural and investment funds, and regular participation as observers at Council meetings, particularly when discussing issues

where these countries have made significant progress or have concluded accession negotiations.¹¹⁸

Hillion proposes a gradual integration of each candidate country into EU governance structures prior to full membership.¹¹⁹ In his view, this gradual institutional integration would help consolidate the candidate country's preparations by training its institutions to operate as if it were already a member state, while giving the population a tangible sense of integration, ultimately fostering mutual trust. This approach could assume at least two forms. First, the candidate country should be included in discussions on EU governance and policy based on its actual progress in fulfilling its membership commitments. Gradual integration should occur on a policy-by-policy basis. Therefore, once an accession chapter has been concluded, demonstrating that the conditions have been met, the candidate country should be able to participate in shaping EU policy related to that chapter. Therefore, its representatives would be included in the relevant expert/working groups within the Commission, Council and Parliament committees as observers, earlier than is currently the practice. Second, candidate countries should be involved in discussions on further EU (institutional) reforms. EU enlargement versus reforms should not occur 'in parallel'; rather, both processes should be intertwined, allowing candidates to participate in shaping the future structure of the Union.¹²⁰

In addition, the EU should operationalise the reversibility of the accession process. Democratic regression, long-term stagnation in reform implementation and failure to adapt to EU foreign policy decisions and measures should no longer be without consequences (i.e. the EU should use means such as suspension of accession negotiations, reopening of closed chapters or revision of financial assistance and benefits provided to candidate countries). Responding to non-compliance would restore the credibility of enlargement policy as a merit-based policy.¹²¹

Concurrently, the methodology and scope of pre-accession assistance, especially the financial assistance that is at its core, will need to be emphasised further in the future. For example, in the case of Balkan countries, pre-accession financial assistance has not yet led to economic convergence between the EU-27 and the Western Balkans. The assistance has been insufficient in scale and has not aligned with the methodology and logic of the EU's Structural and Investment Funds.¹²² At the current growth rate, the Western Balkan countries would need around 70 years to fully catch up with the EU-27.¹²³ The EU must also respond to the growing demand for financial support, especially in the context of Ukraine's post-war reconstruction. The EU should also assist candidate countries to strengthen their capacity to manage EU

118 Tzifakis, 2024.

119 Hillion, 2025.

120 Ibid.

121 Tzifakis, 2024.

122 Ibid.

123 European Bank for Reconstruction and Development, 2024.

funds. To this end, it would be helpful for the EU to introduce a methodology for the provision of pre-accession assistance.¹²⁴

It can therefore be concluded that, although the pre-accession assistance to candidate countries continues to be refined and expanded, further efforts are needed to continue to enhance its effectiveness and ensure its accuracy. It is also imperative to strengthen the mechanisms of enforcing the conditions for its use and monitoring progress. Both positive incentives and support measures for candidate countries should be properly designed, alongside sanctions in cases of non-compliance.

¹²⁴ Tzifakis, 2024.

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