

## **Enlargement**

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The European Union's policy on enlargement has evolved significantly over time. In the 1957 Treaty of Rome, membership conditionality consisted in the requirement that applicant states be 'European' – a statement that initially referred to geographical positioning but was gradually expanded to encompass adherence to the European Union's values, including non-discrimination and equality between men and women. For the period between 1957 and 1993, membership conditionality was minimal, with virtually no formal criteria for membership except geographical positioning in Europe, and no significant attempts to monitor candidate countries' progress towards accession. By the early 1990s, the prospect of EU expansion to post-communist Europe had exposed the risks that such a minimalist approach to enlargement conditionality held for the Union, especially when confronted with enlarging to ten post-communist countries at the same time. The prospect of the eastern enlargement thus forced the EU to formulate and implement a new accession policy, one designed to deal with the complex issues arising from bringing the former communist countries into the fold. The policy was originally developed for the post-communist countries which joined in 2004 (the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia) and 2007 (Bulgaria and Romania). It was also applied to Croatia during the accession negotiations leading to membership in 2013. Most importantly, the template for enlargement policy originally developed in the 1990s and 2000s remains in place for the current candidates for EU membership: Albania, North Macedonia, Montenegro, Serbia and Turkey.

This chapter argues that the EU's eastwards expansion in particular marked a watershed moment in the development of the EU's enlargement policy, and that this had momentous consequences for gender equality policy in the new member states. Specifically, the EU deliberately used its leverage vis-à-vis Central and Eastern European countries (CEECs) to monitor progress towards gender equality during the accession process. Thus, gender equality formed an intrinsic part of EU accession conditionality, prompting institutional and legislative change in the candidate countries both before and after accession. These changes were unprecedented, especially by comparison to previous enlargement rounds, where the general requirement that applicant states adopt the EU's *acquis* (including the *acquis* on gender equality) after accession was deemed sufficient. In contrast, CEECs were required to transpose the *acquis communautaire* (in short: *acquis*; i.e. the body of EU law consisting of treaties, legislation, legal acts and decisions of the Court of Justice of the EU) before accession, and to abide by political conditionality concerning human rights, respect for minorities, non-discrimination and equality between men and women.

The overarching argument of this chapter is twofold. First, I argue that the EU's distinctive membership conditionality towards post-communist candidates made it possible for commentators, feminist activists and scholars to analyse the precise impact of accession on applicant states in ways that were not available for previous enlargement rounds. In particular, since previous applicants (such as the UK in 1973, Spain in 1986 or Sweden in 1995) were free to adopt the EU *acquis* at leisure after accession, the extent to which they complied with the European Communities (EC)/EU 'gender equality *acquis*' would normally become apparent only after these countries had already joined the EC/EU. Furthermore, although the problem of democratic conditionality did arise previously within the context of the Spanish, Portuguese and Greek accessions, the EC at the time had not yet developed mechanisms of Europeanisation such as benchmarking and monitoring that could be used to keep an eye on progress towards gender equality. In sum, the precise relationship between gender and EU enlargement is the result of a historical process whereby the EU gradually

incorporated gender into its accession process – both as part of the requirement prior to accession, and as part of the democracy criterion for membership.

Secondly, I argue that, perhaps as a consequence of overwhelming interest in the eastern enlargement round, the literature on gender and enlargement is overwhelmingly focused on the process whereby prospective member states ‘download’ EU policy templates into domestic settings. In contrast, the impact of enlargement on the EU’s commitment to gender equality as a whole has yet to be studied in depth.

This chapter is structured in four main sections. First, I provide an overview of the development of EU membership conditionality, the ways in which the eastern enlargement differed from previous rounds, and the ways in which gender equality was incorporated into membership conditionality towards CEECs. Secondly, I trace the evolution of the enlargement literature, focusing primarily on the CEEC enlargement. Thirdly, I examine the existing literature, identifying the core terms of engagement of feminist scholarship with the process of EU accession, particularly in post-communist Europe. Fourth, I identify directions for future research, focusing on existing research gaps.

. Although conceptually and empirically distinct, the EU’s policy on enlargement and the broader process of Europeanisation (see Forest in this volume) in candidate countries respectively were closely interlinked in practice. The EU’s deliberate use of membership conditionality vis-a-vis CEECs resulted in a ‘top-down’ Europeanisation of gender equality in the post-communist applicant states. The primary analytical focus of this chapter is on enlargement policy, with reference being made to processes of Europeanisation only in so far as this is strictly necessary for conceptualising the effects of enlargement.

### **The evolution of the EU’s membership conditionality**

The evolution of the literature on gender and EU enlargement is inextricably linked with the historical development of EU’s membership conditionality. Thus, in order to understand how the

EU's policy has developed and to evaluate its relationship to gender equality, it is useful to begin by contrasting the initial formulation of membership conditionality in the 1957 Treaty of Rome with the equivalent provisions in the 2009 Lisbon Treaty.

For the first three decades, EC policy on enlargement was succinctly stated in Art. 237 of the EC Treaty, which outlined two key elements: (1) a membership criterion, i.e. only countries on the European continent were eligible for membership; (2) the core procedural features according to which applications were to be reviewed by the Commission, whose recommendation, in turn, would be taken into account by the Council when making a decision about enlargement under unanimity. In addition, enlargement was to result in a separate agreement between the parties – in other words, the legal instrument known as the Treaties of Accession for new entrants. Gender equality was incorporated indirectly by means of the expectation that new member states would eventually transpose and implement the EC's *acquis*, including the equal pay provisions of Art. 119 Treaty on the European Economic Community and the subsequent secondary legislation on gender equality, as developed from the 1970s onwards (see von Wahl as well as Milner in this volume).

The original provisions on enlargement still form part of Art. 49 of the Treaty on European Union (TEU) but have been clarified and expanded in a number of ways.

‘Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. The European Parliament and national Parliaments shall be notified of this application. The applicant State shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the consent of the European Parliament, which shall act by a majority of its component members. The conditions of eligibility agreed upon by the European Council shall be taken into account.’

Reference to Art. 2 TEU marked an important shift away from viewing membership in purely geographic terms, towards an understanding of the Union as a ‘community of values’. This shift was written into the 1997 Amsterdam Treaty, the first to refer to adherence to democratic values, including equality between men and women. In its current form, Art. 2 TEU states that the EU 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’ and it explicitly refers to ‘pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail’ as values shared by the member states. Art. 49 TEU also refers to a number of institutional innovations adopted since 1957, such as a stronger role for the European Parliament in the enlargement process and the role of European Council, assembling the heads of states and governments since 1974, in setting the conditions for membership. Most importantly, the ‘community of values’ includes, at least at declaratory level, a strong commitment to non-discrimination and equality between men and women. Candidate countries seeking to join are thus explicitly required to abide by EU values, including gender equality.

Changes in relevant treaty provisions were paralleled by a slowly evolving EU policy on enlargement. The question of how to deal with neighbouring countries that were not fully-fledged democracies or even outright autocratic regimes first arose in relation to Spain’s request for an association agreement in the early 1960s. This prompted some thinking on the EC side about democracy as a condition for membership. Thus, the Birkelbach Report adopted by the European Parliamentary Assembly in 1962 stated unambiguously that ‘the guaranteed existence of a democratic form of state, in the sense of a free political order, is a condition for membership’ (cited in Janse 2018, 66). However, since Spain had become a democracy by the time it eventually joined in 1986, the issue of ‘a democratic form of state’ did not actually form part of the agenda during Spain’s accession process. Instead, the impetus for explicit political conditionality came a few

decades later. The EU was concerned about post-communist countries' democratic and economic institutions being too fragile to sustain the pressures of EU accession. In 1993, EU member states addressed the issue of enlargement conditionality by formulating a set of four criteria for membership, collectively known as 'the Copenhagen criteria' (Council Conclusions, SN 180/1/93 REV 1), which were to shape enlargement policy for the foreseeable future.

Succinctly formulated and consistently implemented ever since their initial adoption, the accession criteria are: (1) 'stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities' (political criterion); (2) 'a functioning market economy and the capacity to cope with competition and market forces' (economic criterion); (3) the administrative and institutional capacity to effectively implement the *acquis* and the ability to take on the obligations of membership (administrative criterion); and (4) 'the Union's capacity to absorb new members, while maintaining the momentum of European integration'. Accordingly, even if a candidate country is ready for membership, the Union may well decide against enlargement. Within this context, progress on gender equality was formally assessed as part of two distinct criteria: political conditionality (that is, the extent to which women were included on an equal basis with men in the new post-communist democracies); and the administrative criterion (progress towards transposing the EU's long-standing *acquis* on gender equality).

Over time, the prospect of enlarging eastwards prompted the EU to flesh out the fairly vague conditions into a fully-fledged policy template. In fact, although it was certainly not for the first time that the EU had made membership available to new democracies on the continent, eastern enlargement was unprecedented in several respects. First, given that previous enlargement negotiations had been conducted with at most four candidates at the same time, the sheer complexity of negotiating accession with ten candidate countries presented a momentous challenge for EU institutions and member states alike. Secondly, while preparation for membership occurred

during the negotiating period in previous rounds, EU institutions, member states and applicant states undertook an enormous amount of preparatory work *prior* to starting accession negotiations with the CEECs (Grabbe 2006, 26). Thirdly, power asymmetries gave the EU significant leverage in shaping the process of democratic consolidation in CEE. As Vachudova (2005) argues, while in the early 1990s the EU exercised a ‘passive leverage’ over post-communist Europe by virtue of the prospect of future membership, by the late 1990s it had moved on to ‘active leverage’ by monitoring candidate countries’ progress in meeting the Copenhagen conditions and gate-keeping access to membership accordingly. as shown below, this process of ‘Europeanisation through conditionality’ (Grabbe 2006) had a significant impact on gender equality policy in the applicant countries. Finally, although the European Parliament and member states were closely involved, the European Commission was the most forceful advocate of enlarging eastwards among EU institutions; thus. DG Enlargement remained the principal gatekeeper for the Commission’s (and, by extension, the EU’s) decision-making throughout the accession process.

Membership criteria were ranked in order of importance, with political conditionality having priority over economic conditionality, which, in turn, took precedence over administrative conditionality (Smith 2003). Thus, for example, when Slovakia in 1997 was deemed by the Commission not to meet political conditionality due to Vladimir Mečiar’s less than impeccable track record concerning the treatment of ethnic minorities, the Commission recommended that accession negotiations not be opened with Slovakia (Smith 2003, Vachudova 2005). Slovakia then made a systematic effort to overcome this hurdle, eventually catching up with the ‘frontrunners’. Concerning economic conditionality, both Bulgaria and Romania had difficulties in meeting the criteria, even after negotiations started in 2000. Finally,, the administrative criterion was subject to a maximalist interpretation by the Commission, with candidate countries required to transpose the 80,000-page *acquis* prior to accession – a principle which Grabbe (2006) described as ‘the *acquis*, the whole *acquis* and nothing but the *acquis*’.

The Commission's influential opinions (*avis*) and regular reports on preparation for membership also make it clear just that the EU's position on progress on equality between men and women evolved over time. In general terms, political conditionality covered those areas of gender equality that did not form part of the *acquis*. In the 1997 opinion known as *Agenda 2000*, the Commission's pronouncements on gender equality were rather vague, noting variously that, in Bulgaria and Romania, 'laws in favour of women are not always applied in practice and the situation of women appears to have deteriorated'. By 2000, more specific issues begin to be highlighted in the Commission's regular reports, such as trafficking in women and the need for candidate countries to ratify the UN Optional Protocol to the 'Convention on the Elimination of All Forms of Discrimination against Women' (CEDAW), which entered into force in 2000. This strategy continued well beyond the 2004/2007 enlargement round, with the Commission gradually expanding the scope of monitoring to a variety of equality-related areas. Within this context, new EU legislation continued to be adopted throughout the accession process. For example, Council Directive 2000/43/EC against discrimination on grounds of race and ethnic origin (the Racial Equality Directive) and Council Directive 2000/78/EC against discrimination at work on grounds of religion or belief, disability, age or sexual orientation (the Framework Directive) were adopted two years into the negotiations process, significantly expanding the scope of equality policy under the *acquis*.

The Commission's activism on political conditionality had a significant impact on ethnic minority women, especially Roma women, in the post-communist region. This 'intersectionality effect' emerged only gradually, dating back to the Commission's decision to highlight the plight of the Roma populations in its regular reports. For example, the early reports for Hungary, Bulgaria and Romania highlight the issue of ethnic minority rights for Roma, and related issues of Russophone populations in the Baltic states (Sasse 2008). Although the situation of Roma women is not



explicitly mentioned in the earlier reports, over time, intersectionality became a particular concern for the Commission. The 2019 report on Serbia, for instance, highlights Roma women's disadvantaged position, especially in terms of education and employment. Within this context, it is difficult to over-state the sheer magnitude of the impact of accession on raising awareness of the Roma issue across CEE. The Commission's regular reports essentially placed the Roma issue on the domestic political agenda of candidate countries, gradually incorporating intersectionality, and the need for national governments to attend to the situation of Roma women.

As far as compliance with the administrative criterion is concerned, the Commission noted, from early on, that candidate countries needed to make the necessary adjustments in order to align domestic legislation with the EU *acquis* on parental leave, non-discrimination or equal pay. Over time, new requirements arose, such as the strengthening of institutional capacity through the establishment of equality bodies throughout the region (see Jacquot and Krizsan in this volume). Within this context, the EU's impact on candidate countries can best be described as mixed. On the one hand, since adoption of the *acquis* was the least significant part of membership conditionality, non-compliance by candidate countries was unlikely to trigger the withdrawal of the membership offer by the EU. This is particularly the case within the area of gender equality, where the requirement to transpose the *acquis*, while formally compulsory, was in practice loosely monitored and enforced. For example, Poland and the Czech Republic had actually not adopted the 'gender *acquis*' in its entirety by the time of accession in 2004: eventually, it took several additional years to transpose the relevant legislation. On the other hand, even if frequently patchy, the *acquis* was utterly transformative in CEE, where gender equality legislation had made very little progress beyond broad constitutional safeguards after the fall of communism.

There were several key mechanisms through which the EU deliberately used membership conditionality to trigger change in CEE. According to Grabbe (2006, 75-89), the EU had five

distinct Europeanisation mechanisms in place: (1) the provision of legal and institutional templates; (2) aid and technical assistance; (3) benchmarking and monitoring; (4) advice and twinning and (5) gate-keeping (access to negotiations and further stages of the accession process). Each of these mechanisms was explicitly used in the policy area of gender equality during accession.

The provision of legal and institutional templates promoted adaptation of candidate countries to the EU's legal and institutional norms. The regular reports of the Commission frequently commend, or, alternatively, criticise countries for establishing (or failing to establish, as the case may be) equality bodies of the type specified in the gender equality directives.

The PHARE programme was the core of the EU's pre-accession aid and technical assistance . Originally an acronym for 'Poland and Hungary Assistance for Economic Reconstruction', PHARE, with approximately 1.5 billion euros a year, was made available to the ten candidate countries in the early 2000s (Grabbe 2006, 80). The programme funded a number of initiatives designed to strengthen institutional capacity, including in the area of gender equality. This was often combined with twinning, where civil servants from the member states shared best practice with civil servants from candidate countries. For instance, a 2001 PHARE-funded twinning programme between Spain and Romania resulted in the establishment of the National Agency for Equal Opportunities.

The benchmarking and monitoring mechanism and the gate-keeping mechanism were closely intertwined, as the Commission would typically evaluate progress toward membership via monitoring, and then condition access to further stages of the process on candidate countries' meeting benchmarks and criteria relevant for that particular policy field. The success of the Commission's approach was distinctly double-edged. While, for example, accession was successful in bringing issues affecting the Roma population in general and Roma women in particular to the attention of national policy-makers across the region, the applicant states' incentive to comply was

mild at best, because non-compliance was unlikely to cause the EU to withdraw the membership offer. In sum, the EU's deliberate use of its membership conditionality, and the mostly consistent application of the various instruments at the EU's disposal had a significant impact on the content and scope of gender equality legislation and institutions in the candidate countries, but this impact was also mitigated by the fact that applicant states knew that non-compliance in this policy area would be unlikely to trigger a denial of membership by the EU.

### **The broader literature on EU enlargement**

The study of gender and enlargement has been shaped by two wider debates . First, scholarship on enlargement draws attention to the distinction between integration ('deepening') and enlargement ('widening'), arguing that the two processes require different theoretical approaches.

Schimmelfennig and Sedelmeier (2002, 503) argue that the distinction between 'deepening' and 'widening' corresponds to that between vertical and horizontal institutionalisation, where 'institutionalisation' refers to 'the process by which the actions and interactions of social actors come to be normatively patterned'. Thus, enlargement is a process whereby the norms of an international organisation spread to outside actors interested in joining (or even further afield, to neighbouring countries not (yet) intent on membership) (Schimmelfennig and Sedelmeier 2002, 503). From this perspective, enlargement brings about the diffusion of EU gender equality norms to prospective members and associated countries.

Second, scholars such as Börzel and Risse distinguish between a 'bottom up' and a 'top down' perspective on Europeanisation - that is, 'the dynamics and the outcome of the European institution-building process' versus 'the impact of European integration and Europeanisation on domestic political and social processes of the member states and beyond' (Börzel and Risse 2000, 1). Thus, candidate countries largely 'download' gender equality norms from the EU level, with various degree of success regarding long-term implementation. Within this context, the EU's

deliberate use of its gender equality norms as part of accession conditionality can have discernible download effects on the adoption of respective policies in the candidate countries.

Two main strands of the broader literature on enlargement are relevant from the perspective of gender: first, scholarship on compliance with EU law before and after accession; secondly, scholarship on the impact of EU accession on ethnic minority groups in the CEECs.

Compliance with the social policy *acquis* attracted intense scholarly interest in the early 2000s, with rich theoretical perspectives seeking to explain how and (if applicable) why current and prospective member states transpose and enforce EU legislation in areas such as employment or gender equality. Thus, Falkner and Treib (2008) as well as Falkner et al. (2008) distinguish between four ‘worlds of compliance’. The four CEECs covered in their study (Slovenia, Slovakia, Hungary, Czech Republic) joined Italy and Ireland in the ‘world of dead letters’ category, where countries tend to comply with EU law in terms of transposition but less so when it comes to monitoring and enforcement. This finding is largely congruent to the theoretical presuppositions of the external incentives model of Europeanisation in the CEECs (Schimmelfennig and Sedelmeier 2002, 2005, 2020). According to the model, the EU ‘drives Europeanisation through sanctions and rewards that alter the cost-benefit calculations of governments in candidate countries’ (Schimmelfennig and Sedelmeier 2020, 815). Furthermore, non-compliance with social policy at the transposition stage was unlikely to lead to the EU denying membership; hence, effects of Europeanisation in this respect were limited to the transposition stage. Unsurprisingly, some post-communist national governments wanted to be seen as having transposed the *acquis* correctly, in the safe knowledge that enforcement problems were to be dealt with after accession, their overarching goal, had been achieved.

A second strand of scholarship on EU enlargement does not engage directly with feminist research, but has direct relevance for the study of gender equality in the EU. This scholarship is primarily concerned with the impact of EU accession on ethnic minority rights in the CEECs (Schwellnus 2005 and Sasse 2008). For example, Sasse found that ‘rational cost-benefit calculations about accession may inform legal changes in candidate countries, but this does not necessarily mean that legal changes are underpinned by successful socialization into European norms’ (2008, 856) - a conclusion that lends support to the external incentives model. However, within the literature on ethnic minority rights and enlargement, there is virtually no examination of the impact of EU accession on groups other than ethnic minorities, even if the comprehensive nature of the EU's *acquis* on non-discrimination suggests that there are potential linkages to be examined.

Overall, scholarship on enlargement tends to share at least three assumptions: (1) a shared focus on Europeanisation as the ‘download’ of EU policies to the domestic level; (2) treating Europeanisation as equivalent to convergence with EU norms in particular policy fields; and (3) the absence of an intersectional approach in studies on the impact of EU accession on different social groups. First, existing literature on EU enlargement generally focuses on the ‘download’ of EU policies by the candidate states, with the overwhelming majority of studies focusing primarily on eastern enlargements of the past and on lessons these enlargements hold for future expansions of the Union. Before the eastern enlargement, there was no deliberate strategy on the EC/EU side to achieve ‘horizontal institutionalisation’ by bringing applicant states into the fold prior to accession. In contrast, during CEEC enlargement the EU sought to achieve compliance with its norms *prior* to accession. In this respect, Europeanisation in enlargement prior to 2004 consisted of two steps: the ‘upload’ of policy preferences to the EU level, and then, if/once adopted, the ‘download’ of EU policies through transposition and implementation. In the case of post-communist Europe, there is an additional stage *at the time of joining*, where applicant countries were required to adopt EU

norms prior to accession. Strictly speaking, enlargement refers only to this latter additional step, while the other two steps are characteristic of European integration.

Second, as Forest and Lombardo (2012, 2-3) note, the literature largely assumes that the idea of Europeanisation refers to ‘convergence with the EU norm’, thereby glossing over just how differentiated policy responses to the EU’s pressure have actually been. Focusing specifically on gender equality policy, they argue for a combination of sociological institutionalism, which emphasises processes of socialisation and persuasion as mechanisms of EU impact, with discursive institutionalism, which helps us understand ‘how EU norms are internalised and which endogenous reasons [processes of social learning and framing, or usages of the EU] shape domestic policy change’ (Forest and Lombardo 2012, 6). They also suggest it is necessary to look at ‘soft measures’ outside the scope of ‘hard’ EU conditionality – in this case, policies that, although not part of the EU’s *acquis*, were nevertheless influential in shaping policy-making in the candidate countries. Within the broader framework of a discursive-sociological perspective Krizsan and Popa (2012) show that during EU accession, policy-makers and civil society activists in CEE used accession and ‘Europe’ strategically to legitimise action in favour of adopting policies against domestic violence throughout the region.

Third, scholarship on enlargement tends to discuss equality between men and women separately from other fields such as ethnic minority rights or LGBT rights (of which more below). An intersectional approach, however, remains largely absent with ethnic minority rights and and/or gender equality forming separate subjects of scholarly inquiry. This partially reflects the evolution of the EU’s ‘equality *acquis*’, and the fact that it has historically addressed gender, ethnic minority issues in isolation from each other. However, the European Commission’s emphasis on the status of Roma women in its regular reports (as noted above, especially in relation to the current candidate

countries such as Serbia), suggests that an intersectional analysis to enlargement is empirically feasible, as well as desirable.

As this brief overview illustrates, the shared emphasis is largely on the ‘download’ of gender equality and other policies from the EU to the domestic level during the accession period. This shared emphasis takes various forms, such as a focus on compliance (Falkner et al 2008), on mechanisms of Europeanisation (especially the external incentives model, Schimmelfennig and Sedelmeier 2002, 2005, 2020), or analyses of the impact of EU enlargement on various social groups, such as ethnic minorities.

### **Scholarship on the impact of EU enlargement on gender equality**

**Feminist** analyses of the impact of enlargement on gender equality policies in CEE can be broadly divided into three strands: (1) comparative studies of the impact of EU accession on gender equality policy in the post-communist region; (2) scholarship on the relationship between EU enlargement and women’s activism in CEE, (3) literature examining the impact of enlargement on LGBT groups and (4) scholarship on intersectionality in post-communist Europe. Despite their differences in emphasis and approach, many feminist studies demonstrate, that enlargement was a missed opportunity for gender mainstreaming throughout the region (Bretherton 2001). EU accession has resulted, with very few exceptions such as possibly structural funds (Krizsan 2009), in gender equality being incorporated in a variety of gender-related fields, but not mainstreamed in policy areas that are not directly gender-related. This constitutes the flip side of what is otherwise a story of successful adoption of gender equality policies throughout post-communist Europe, as shown below.

Feminist comparative studies draw on a broad range of literature in order to provide a comprehensive picture of the ways in which the pressures of EU conditionality and EU membership interact with gender equality policies in the region. Avdeyeva (2015) investigates compliance in

Poland, the Czech Republic and Lithuania. She finds that post-communist states kept the institutions and policies adopted due to pre-accession conditionality in place after accession. This is explained through a combination of factors, such as the role of political parties, the existence of supportive social actors, and the presence of women in national cabinets. Bego analyses the cases of Bulgaria, the Czech Republic, Latvia and Poland, drawing on the state feminism conceptual framework to argue that the EU 'initially created a broad incentive structure for candidate states to adopt gender equality policy, but its adoption and implementation success are mediated by domestic facilitating factors' (Bego 2015, 138). She finds that, the role of women's policy agencies may be 'necessary for institutionalising the relationship with civil society and eliminating the potential future negative effects of lack of political will or Euroscepticism' (Bego 2015, 139). Smaller comparative studies, such as Chiva (2009) and Velluti (2014) reach similar conclusions, highlighting the complexity of factors driving Europeanisation in the post-communist member states.

Scholarship on the impact of EU enlargement and women's activism in CEE has also yielded quite a few excellent insights into how EU accession altered the opportunity structures for women's movements across the post-communist region. Regulska and Grabowska (2008) argue that, in Poland, enlargement has led to a stronger collective agency for women's movements and has enhanced their ability to engage politically. Haskova and Krizkova (2008) find that Czech women's groups transformed rapidly during the accession process, especially in terms of better access to funding and greater opportunities for influencing government. Kakucs and Peto (2008) trace the huge discrepancy between *de jure* and *de facto* implementation of gender equality policies in Hungary, to the relative absence of civil society mobilisation combined with lack of government support for gender mainstreaming. Krizsan and Popa (2012) examine the impact of EU accession in the area of domestic violence policy, where there was no 'hard' conditionality to be met by candidate countries, but women's movements were successful in pressing for change. They argue



that, in contrast to the external incentives model, Europeanisation can and does occur even in the absence of direct EU influence, through mechanisms of social learning and norm contestation in domestic political settings.

Scholars have also recently begun to study the impact of EU enlargement on LGBT politics in the post-communist region (Ayoub 2015; Ayoub and Paternotte 2014; O'Dwyer 2010, 2012; Slootmaeckers et al. 2016). Contributors to Slootmaeckers *et al.* (2016) shed light on the interplay between enlargement and LGBT activism in post-communist Europe. Ayoub (2015) argues that the diffusion of LGBT norms to post-communist Europe can be at least partially explained by the fact that new-adopter states are 'more dependent on international resources for making new issues visible and are more inclined to see policy adoption as a means to gain external legitimacy and improve reputation', and that the transnational embeddedness of LGBT groups in CEE explains differentiation in their success. Overall, the emphasis in the literature on LGBT right is on documenting the impact of EU enlargement in equality policy in this area, and explaining the factors determining policy adoption in the new EU member states and candidate countries.

A fourth and final strand of scholarship concerns intersectionality and EU enlargement. This is perhaps the area in which there is the greatest scope for additional work. Koldinska (2009) argues that coercive sterilisation of Roma women in the Czech Republic was a case of intersectional discrimination and needs to be addressed from the perspective of intersectional equality, a process where civil society actors prove to be indispensable. Krizsan and Zentai (2012) argue that, although post-communist Europe has witnessed a shift from the total absence of formal equality policies towards an increasing recognition of equality concerns, intersectionality is incorporated in a limited way into the equality regimes of the region.

Hence, there have been significant advances in scholarship in terms of understanding and conceptualising the impact of EU enlargement policy vis-à-vis the post-communist member states. These advances notwithstanding, there remains significant scope for further research.

### **Directions for future research**

Scholarship on gender and EU enlargement could fruitfully develop further issues in future research such as the following: (1) an integrated approach towards enlargement and Europeanisation that brings together analyses of the EU-15 and the new member states; (2) an exploration of the sources and nature of opposition to gender equality across Europe within the context of EU membership; (3) an examination of the role of informal norms in the process of EU enlargement, especially within the area of gender equality.

Since membership conditionality was minimal in the enlargement rounds prior to 2004, it is difficult to draw precise comparisons between the established and the new member states. It appears that potentially the most promising avenue of research is to compare the member states *after* accession through the theoretical framework of Europeanisation. Specifically, are there any differences between new and old democracies in terms of how they ‘upload’ their preferences to the EU level in the field of gender equality? Are the CEECs likely to resist the notion of gender equality to a greater extent than the older member states in a Union that is increasingly vulnerable to the forces of populism and democratic backsliding (see Siim and Fiig in this volume)? These questions are still unanswered, not in the least because the post-communist countries’ input into EU policy-making still has to be studied in depth.

Recently, opposition to gender equality has been increasing in Europe; some of the post-communist member states, as well as some established democracies, have been at the forefront of these developments (Verloo 2018). We need to understand the precise terms of such opposition from a

broader comparative perspective, which includes both the EU-15 and the post-communist member states. For instance, as van der Vleuten (2007, 179) argues, resistance to the adoption of gender equality policies in the ‘old’ member states was often framed in economic terms – ‘when women become costly, states become contrary’. There is some evidence suggesting that this may well be true for CEE as well, in the context of the economic crisis. However, there is also evidence that, in the CEECs, resistance to the adoption of EU gender equality legislation may be supported by a different set of considerations that do not fit an economic cost-benefit frame. For instance, when President Vaclav Klaus vetoed the equal opportunities bill adopted by the Czech legislature in 2008, he argued that the Act sought to ‘a natural phenomenon’ - inequality. The issue of whether the notion of gender equality plays out differently in political debates in CEE thus needs to be examined in greater detail.

Finally, many studies have focused on the *formal* process of accession, including how conditionality became a part of accession, and the degree to which candidate countries met formal membership requirements. Given the growing literature on the role of *informal* institutions in national and international politics (see, for example, Waylen 2017), it is important to reflect on how informal norms shape the process of EU enlargement, especially in the Western Balkans, where accession is still unfolding.

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