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## **Specific Conditionality of the EU Towards the Western Balkans: The Macedonian Case**

### **Abstract**

The European Union, as a community, concept, and *sui generis* entity, is highly attractive to all Western Balkan countries. One of the strategic goals of all these countries is accession to and membership in the European Union. On the road to the European Union, there are many standards, criteria, and conditions that each candidate and potential candidate country must fulfil. The EU conditionality principles were established in 1993 at the Summit held in Copenhagen, Denmark, and amended at the Madrid, Luxembourg, and Helsinki summits in 1995, 1997, and 1999, respectively. Besides the general criteria for membership in the European Union, there are also specific criteria related to each country with candidate or potential candidate status for EU accession. In this paper, using descriptive, comparative, content analysis, historical, and other relevant methods, the authors will try to explain the EU's specific conditionality towards the Western Balkan countries by analysing the Macedonian case. The expected results of this paper will show whether these specific criteria for membership are justified and necessary or if they are merely political tools in the hands of the European Union that can often be misused and which can hinder the Euro-integration processes of the Western Balkan countries.

**Keywords:** Conditionality, Accession, Balkan, Criteria, Membership, European Union

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## **Introduction**

The European Union as an entity *sui generis* includes many policies and covers many areas connected with numerous aspects of the daily life of the European states and citizens. Also, it promotes many values, such as justice, the rule of law, democracy, the protection of human rights, etc. For all these reasons, it receives myriad membership applications, mainly coming from countries in the Western Balkans.

The Western Balkans is a geographic and political determination that generally comprises the countries that became independent after the dissolution of the Socialist Federative Republic of Yugoslavia. Today, the Western Balkan comprises North Macedonia, Serbia, Albania, Montenegro, Bosnia and Herzegovina, and Kosovo.

One of the main strategic goals of all the countries that are part of the Western Balkans is membership in the European Union. Also, most of the population in each of these countries accepts the European values and the democratic pattern of the societal organisation practiced by the European Union and its Member States. Fundamentally, the current Lisbon Treaty outlines that the values of the European Union “generally encompasses freedom, democracy, respect for human rights and fundamental freedoms, and the rule of law” (Ilik, Adamczyk, 2017, p. 11).

On the complex path toward EU membership, all these countries must fulfil many criteria and achieve many standards. Most of these criteria are general criteria related to all countries, whereas some are specific and related to particular countries.

The general criteria are mainly the Copenhagen Criteria, established in 1993, amended by the Madrid Criteria in 1995, the Luxembourg Criteria in 1997, and the Helsinki Criteria in 1999. These criteria are a mix of political, economic, administrative, monetary, judicial, and some other components. Still, all of them are needed to adequately prepare candidates *and* potential candidates for membership in the European Union.

The specific criteria, on the other side, are concrete tasks that are connected to an individual country, and the fulfilment of these criteria is essential for the particular Euro-integration path of the affected state.

### **General Criteria for Membership in the European Union**

Membership in the European Union implies the fulfilment of specific standards and criteria which, to the greatest extent, are unified for all potential aspirants for EU membership. In general, it can be said that some of these criteria have a legal-formal character, and some have only

a political character and weight. In general, it is about the following criteria: 1) the applicant country must be a European country; 2) the applicant state must meet so-called “political” criteria; 3) the applicant state must meet so-called “economic” criteria; 4) the applicant state must accept the so-called “*l’acquiscommunautaire*”; and 5) the EU must consider its capacity to expand and practice its interests. To sum up, the first criterion is purely geographical, the second is political, the third is economic, the fourth is legal, and the fifth correlates with political assessments and perceptions.

In 1993, at that year’s European Union Summit held in Copenhagen, Denmark, a principled position was taken that the doors of entry to all countries from Central and Eastern Europe that meet the required economic and political criteria were to be opened. At the same time, the requirements themselves were explicitly defined and presented at that Summit. They were:

- stability of the institutions that guarantee democracy, the rule of law, human rights, and respect for the rights of minorities (political criterion);
- the existence of a functioning market economy, as well as an extant capacity to deal with competitive pressure and market forces in the Union (economic criterion);
- the ability to undertake the obligations of membership, including adherence to the objectives of the political, economic, and monetary Union (*l’acquiscommunautaire* incorporation criterion) (www.europa.eu/scadplus, 2024).

The above criteria were subsequently upgraded, systematised, and further clarified at the Summits in Madrid (1995), Luxembourg (1997), and Helsinki (1999), and most of them emphasised the need for a developed administrative and judicial system and the capacity of the state to effectively and efficiently apply adopted common benefits (*acquis*).

Although it is not precisely determined, the so-called “absorption capacity” *de facto* represents the fourth Copenhagen criterion. It gives the European Union a legitimate right to tacticise the Enlargement Policy, that is, the number of Member States in terms of sustainability and functionality.

However, this criterion does not represent a danger for the majority of countries that claim to become part of the EU (except for Turkey) because neither the territorial nor population aspect can affect or disrupt the absorption capacity of the European Union, which means that this issue will not be placed on the negotiation agenda between the Balkan states and the EU and will not represent a specific criterion for membership.

If one were to make a comprehensive review of the conditions imposed by the European Union for the entry of aspirant states, it would be clear that they are determined on two levels: 1) internal, i.e., the processes and mechanisms through which the political will of the EU and the Member States is formed to start the procedure for the admission of new members and the factors that influence the adoption of such a decision; and 2) external, i.e., the conditions to be fulfilled by the states which are candidates for EU membership. Those conditions are determined by the European Union unilaterally and with varying degrees of specification. According to the type of changes that need to be carried out, they are divided into political, economic, and legal, and, according to the degree of specificity of the requirements that the EU sets before the candidates, they are divided into general formulas and specific requirements (Taskovska, 2004).

In addition to the purely internal factors within the EU concerning any future enlargement, which the candidate countries can hardly influence, three other global factors will determine the pace of integration and membership of the candidate countries in the EU: 1) the internal security situation and general stability in the states; 2) the regional situation in every respect, mainly the complete security stabilisation of the Western Balkans; and 3) the degree of fulfillment of the political, economic, and legal criteria for membership by each of the candidate states (Taskovska, 2004).

Undoubtedly, all these criteria should be cumulatively met to complete the accession of a new Member State to the European Union. However, the central dilemma is whether these criteria could have been adopted a few years or even decades before the Copenhagen Summit held in 1993, or whether the timing was right. The answer to this dilemma lies in the fall of the Berlin Wall, the end of the Cold War, the dissolution of the Soviet Union, and the dissolution of Yugoslavia and Czechoslovakia, that is, in general, in the consequences of the collapse of the socialist systems at the end of the 1980s of the last century. Namely, until then, the process of enlargement of the European Union (European Communities) took place with countries from Western, Northern, and Southern Europe, but the Union, anticipating a wave of applications for membership from Central and Eastern Europe after the fall of socialism, had to prepare an exceptional platform for the admission of new members that was drastically different from the previous integration criteria. Hence, as a response to such social developments in Europe, the Union established the Copenhagen and, later, the Madrid criteria. That is, through such criteria, the EU set the stages of social-political and economic convergence that the post-socialist states had to go through to be eligible for integration into the European Union.

The need to introduce such explicit criteria arose from the increasing number of membership applications and the socio-political and economic physiognomy of the applicant states. The Union introduced filters for integration on a normative basis, thus protecting its integrity, reputation, structure, and cohesion.

The Copenhagen criteria, especially its political facets, appear in many significant places in the Agreements. Article 49 of the Treaty on the European Union states: "Any European country that respects the principles established in Article 6 may apply for membership". According to Article 6 of the same Agreement: "The European Union is based on the principles of freedom, democracy, the rule of law, respect for basic human rights and freedoms, principles that are common to the Member States" (<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012M/TXT>).

Although the criteria are clearly stated, a detailed explanation of the content is still missing. The documents initiated by the Copenhagen Summit provide only general outlines, and more detailed information can be found in the documents generated by the European Commission and, according to Marktler, only a few pages of the reports and analyses are reserved for political criteria. And yet, at the same time, dozens of pages deal with economic criteria and criteria for adopting legislation. Political analyses are neutral, and sometimes it is impossible to assess whether the activities of a candidate state for membership are moving in a positive or negative direction. The same evaluation formulas have been used for decades. Still, despite the considerable number of political analyses, attitudes, and perceptions, the impression remains that their true meaning remains a secret (Marktler, 2006). Of course, this is connected with the discretionary right of the European Union to calculate the ways and methods of its interpretation of the concrete political achievements of a candidate country.

Conditionality is a technical method for achieving cooperation between the European Union and candidate countries. In particular, state-level fitness/eligibility should establish the primary basis for achieving effective cooperation between two or more actors. The fundamental question is how the party that imposes the criteria (the EU) motivates the candidate states to follow specific rules and achieve results in exchange for a reward (Kilick, 1998), and if the reward takes a very long time to arrive, then one can question the motivation of the candidate countries to fulfil the required criteria.

According to Fiero, the asymmetry in the conditional relationship is inevitable; the applicant state is fully or partially dependent on the aid

and rules of the European Union (Fierro, 2003). It is very interesting to note that besides the candidate countries, “Romania and Bulgaria are the only EU Member States where post-conditionality continued to apply even after both countries became full members of the EU” (Cuglesan, Ilik, 2022, p. 460).

This means the candidate country will always depend on the will of the European Union and its Member States, not *vice versa*. That implicates frustration and impatience on the candidate countries’ side.

This does not, however, automatically mean that it is a question of complete subordination of the candidate states concerning the European Union, but of an asymmetric partnership relationship, which the candidate states maintain by fulfilling the requirements and criteria imposed by the Union, but also by obtaining transitional provisions, derogations, and clauses before signing the Accession Agreement, which is in their favour and their interests.

The situation of conditionality, often defined as the so-called “carrot and stick approach”, in practice offers several modalities for a state’s motivation, such as a final award (membership), temporary financial assistance, building a special partnership, etc. (Veebel, 2011). It is understood that, if necessary, the Union can also use the part of the approach that contains sanctions and coercion. In reality, it tries to use as few repressive mechanisms as possible.

Overall, EU conditionality in the Western Balkans is established by the following: (a) the general Copenhagen criteria, i.e., political, economic and acquis-related – applied to all candidate and potential candidate countries; (b) the 1997 Regional Approach and 1999’s Stabilisation and Association Process (SAP); (c) country-specific conditions to be met before entering the Stabilisation and Association Agreement (SAA) negotiation phase and conditions arising out of the SAAs and the Community Assistance for Reconstruction, Development, and Stabilisation (CARDS) framework; (d) conditions related to individual projects and the granting of aid, grants or loans; and (e) conditions that arise out of peace agreements and political deals (e.g., Resolution 1244 of the UN Security Council, and the Dayton, Ohrid, and Belgrade agreements). In other words, EU conditionality in the Balkans is a multidimensional instrument geared towards reconciliation, reconstruction, and reform. It is regional, sub-regional, and country-specific. It is economic, political, social, and security-related. It is positive and negative.

The content of conditionality has developed gradually along with the evolution of the EU; it was based on the single market in 1993 but also Common Foreign and Security Policy and Justice and Home Affairs by

2003. The European Commission, in its yearly reports, closely monitors progress in fulfilling ever-increasing conditions. Through screening and accession negotiations, the European Commission identifies the main weaknesses and technical adaptations needed by candidate countries, sets out criteria and priorities accordingly, and directs EU funds towards relevant projects. Similarly, the SAP is monitored and reviewed annually to highlight the Western Balkan region's key priorities and channel funds (Anastasakis, Bechev, 2003, p. 8).

### **Specific Criteria for Membership in the European Union: The Macedonian Case**

Before the authors analyse the Macedonian case, they will briefly review the criteria for the EU membership of other Western Balkan countries.

EU conditionality in the Balkan region is both multidimensional (featuring economic-related criteria, political-related criteria, social-related criteria, and security-related criteria) and multi-purpose (featuring reconciliation, reconstruction, and reform); the aims of EU conditionality in the Western Balkans were to integrate the Balkan states into the EU, to promote reforms, to prescribe criteria correlated to EU-granted benefits, and to differentiate among countries (Noutcheva, 2006).

The challenges of conditionality were encountered in creating sustainable reforms, the inability to generate local consensus about the need for reform, and inconsistencies between the priorities of the EU and local populations. If the authors are to explain the causes, they would have to think about the lack of regional input in shaping priorities – which slows the process of creating reform, the underlying heterogeneity that exacerbates antagonism, and the mix of bilateral and regional conditionality that leads to suspicion: “(...) the stronger feel that the weaker countries delay them and the weaker do not benefit from the progress of the stronger” (Anastasakis, Bechev, 2003, p. 3).

In Bosnia and Herzegovina, the EU submitted a particular list of criteria to the authorities. It did not allow them much maneuvering space, which built a sense of direction for compliance measures but also generated hurdles in the political process. The objective of EU conditionality was to generate consensus on reforms in a much-divided society that did not have a common understanding of the local reform agenda (Moise, 2015, p. 142).

At the moment, Montenegro is the country from the Western Balkans which is closest to attaining European Union membership. In the past, a specific criterion was the minimisation of the Russian influence in

the country, but the emphasis in the last period was on corruption and institutional weaknesses.

Besides the long-term obligation imposed by the European Union for recognising Kosovo, Serbia now has additional requests related to the Serbian alignment of the foreign policy regarding the Russian Federation, i.e., a demand sent to Serbia to introduce sanctions against Russia, which is not possible. For these two reasons, Serbia's path towards the European Union is currently at a stalemate.

Albania faces many problems regarding corruption, the rule of law, and weaknesses in the judicial system and public administration. However, sometimes the EU warns of the Islamic influence coming from Turkey and Saudi Arabia, which can harm the Albanian democratisation and emancipation processes, especially in its rural parts.

The Macedonian case is the most complex, and the Macedonian path to the European Union is the most difficult, considering the specific criteria related to all Western Balkan countries.

Mainly, three specific criteria marked the Macedonian three-decade EU accession process: the name dispute with Greece; the Ohrid Framework Agreement (OFA); and its dispute with Bulgaria. The specific criteria were launched before the general accession criteria were established in Copenhagen. Namely, after gaining independence in 1991, Macedonia declared its desire and aspiration to become a member of the European Union. In 1992, a special Arbitration Committee, headed by French Constitutional Court President Robert Badinter, was established to review Macedonia's ability to achieve independence. Aside from the positive review given by the Badinter Committee, and due to pressure from Greece, the EC was not in a position to take this opinion as a legally binding, authoritative opinion or to accept it. Therefore, in its Lisbon Declaration of June 1992, the European Community omitted the word "Macedonia" from the state's name as a condition for the recognition of independence and potential EU membership.

The Greek veto on Macedonian accession towards the European Union came immediately after the first positive recommendation by the European Commission for the start of the negotiations in 2009. This veto policy by Greece was maintained for almost a decade despite the continuous flow of positive recommendations given by the European Commission.

The EU's enlargement to the Western Balkans epitomises an imperfect and highly politicised enlargement process. The Macedonian name saga lasted over three decades before being settled under significant international pressure, if not actual US and EU intervention (Vasileska, 2024, p. 65). Finally, in 2018, the Prespa Agreement was signed, the



name dispute was resolved, and the Greek veto was removed, enabling Macedonia's Euro-integration process to continue.

The second specific criterion was the successful implementation of the Ohrid Framework Agreement, supported by the EU and USA, which stopped the war in Macedonia. After many years of challenges aimed at the Macedonian state by the ethnic Albanian minority of the country, the situation escalated into a violent conflict in 2001 between state security structures and the Albanian paramilitary organisation by the name of the National Liberation Army (NLA).

The conflict ended with the signing the Ohrid Framework Agreement (OFA) in August 2001. As part of the OFA, Macedonia amended its constitution and enacted a series of laws in the years following the Agreement. The implemented legal reforms effectively meant establishing a power-sharing model of democracy, i.e., a consociational democracy (Aleksovska, 2015, p. 1). The implementation of this Agreement brought the candidate status for the country in 2005, so this specific criterion was absolved.

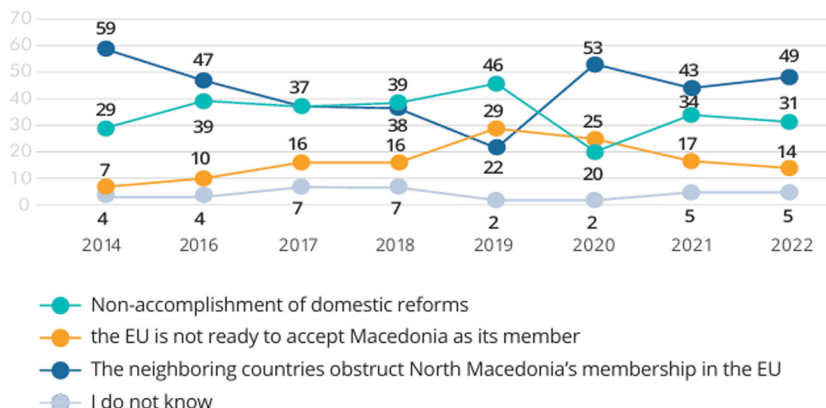
The third specific criterion is connected with the Macedonian-Bulgarian relations. The start of the Bulgarian veto policy was after the end of the Greek veto policy, so essentially nothing had changed after the signing of the Prespa Agreement, bearing Macedonia's accession towards the European Union in mind.

Bulgaria imposed many conditions to unblock Macedonia's Euro-integration process. Although the Treaty of Friendship, Good-Neighbourliness, and Cooperation was ratified by the Parliaments of the Republic of North Macedonia and Bulgaria on 15<sup>th</sup> and 18<sup>th</sup> January 2018 respectively, Bulgaria didn't change its attitude towards Macedonian accession in the EU.

The signing of the Treaty of Friendship, Good-Neighbourliness, and Cooperation between Bulgaria and North Macedonia in August 2017 also failed to meet Bulgarian expectations. There was little progress in boosting bilateral relations (for example, in advancing infrastructural connectivity between the two countries). At the same time, the work of a commission of (mainly) history experts, which had been established to examine "educational and historical issues" disagreed on the identity of important historical figures like the revolutionary Goce Delchev (Christidis, 2020, pp. 231–232).

The new Bulgarian position brought about not only successive vetoes by Sofia at the beginning of the EU accession process of North Macedonia (in November 2020 and October 2021) but also unavoidably harmed bilateral relations; any advocate of closer relations with Bulgaria in North

Macedonia was put in an untenable position domestically, as it was hard to justify what in North Macedonia saw as a full-blown challenge to Macedonian identity and history (Christidis, 2020).



**Graph 1. In Your Opinion, What Is the Most Important Reason Why North Macedonia Is Still Not a Member of the EU?**

Source: Damjanovski, 2023, p. 17.

As expected, nearly half of the population cites obstructions from neighbouring countries as the primary obstacle to EU membership (Graph 1). This sentiment is likely influenced by the deadlock in accession negotiations during the first half of 2022 and the controversy surrounding the conditions of the so-called “French proposal”. This specific criterion is probably the most challenging for the Macedonian state and its citizens, as it involves a violation of the United Nations Charter on Fundamental Rights by Bulgaria, which does not recognise the Macedonian identity, nationality, nor language, while also disputing the right to self-determination. This Bulgarian position is inadmissible for an EU country and does not reflect good neighbourly relations.

The European Union has to step aside from this specific criterion of the Macedonian EU accession agenda because it opposes one of the most characteristics of the European Union: “United in diversity”.

Membership in the European Union provides many benefits but also imposes many obligations and commitments. For this reason, it is helpful to build a system of precise and continuous information on all layers and structures of citizenship in the Republic of North Macedonia to raise awareness among the citizens and to reach a consensus on the goals and

directions of the Euro-integration activities (Karadjoski, Ilik, Adamczyk, 2020, p. 87).

The European Union possesses a variety of instruments and modalities for observation, evaluation, and monitoring of the accession processes for EU membership for each candidate or potential candidate country, including Macedonia. Usually, these are the annual reports, accession partnerships, and short-term, mid-term, or long-term benchmarks brought by the European Commission, and all these have a common structure, purpose, and time framework for all candidate and potential candidate countries towards EU membership. Still, a special instrument was launched by the European Commission for Macedonia at the end of 2011 and the beginning of 2012, so named the High-Level Accession Dialogue (HLAD) (Karadjoski, 2015, pp. 1–2).

The authors will not categorise the HLAD as a specific criterion for EU membership but rather as a tool for the facilitation of the Macedonian accession process towards the European Union in a concrete period in bilateral relations and as a part of diplomatic history.

## Conclusions

Conditionality is a sort of protection mechanism of the European Union from uncontrolled enlargement and societal distortion. After the fall of the Berlin Wall and the end of communism in Eastern Europe, the EU was inundated with numerous applications for membership coming from Central and Eastern European countries. As an answer, the Union launched the Copenhagen criteria for membership, which is akin to a *conditio sine qua non* for each applicant country. Amended by the Madrid, Luxembourg, and Helsinki criteria, this set of standards became a guideline for entering the European Union.

General criteria for membership in the European Union are systematic, unified, and measurable for all candidate countries. However, the specific criteria are mainly political and individualised for a concrete country.

Macedonia's Euro-integration path is full of challenges and obstacles, mostly coming from those neighbouring countries which are members of the European Union. Using the right to veto and the unanimity principle of decision-making in the EU Enlargement policy, they impose specific demands which have been recognised and transformed into official criteria for EU membership.

The authors can conclude that the main criteria for entering the European Union should be the general criteria, whose fulfillment should be a metaphorical entry ticket for all Western Balkan countries. The

specific criteria, mostly consisting of political demands, should be avoided or minimised if the EU wants an objective and unbiased enlargement process. However, it is up to the European Union and its Member States to define which standards and criteria are of primary importance for entrance into the European Union, and also to consistently examine and review the fulfillment of these standards and criteria by each of the candidate and potential candidate countries for EU membership.

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