

Table of Contents

<i>Avant-propos</i>	ix
Table of Contents	xi
Abbreviations	xv
Table of Cases	xix
Table of Treaties, Instruments & Legislation	xxxi
Introduction	1
PART ONE	
THE LAW	9
Chapter 1	
EU Enlargement Law and Practice	11
1.1 Enlargement Law at Treaty Level	12
1.2 Enlargement Practice	21
1.2.1 Application Criteria	22
1.2.2 Enlargement Principles	38
1.2.3 Enlargement Procedure	57
1.3 Bridging the Gap between Enlargement Law and Practice	62
Chapter 2	
The Legal Framework of Conditionality	65
2.1 The Instruments of Conditionality	65
2.1.1 Copenhagen-Related Documents	67
2.1.2 Pre-accession Influence Tools	79
2.2 The Issue of Legal Competence	80

PART TWO	
APPLICATION OF THE LAW	83
Chapter 3	
Commission's Fusion of Democracy and the Rule of Law	85
3.1 Democracy and the Rule of Law in the Structure of the Copenhagen-Related Documents	85
3.2 Democracy and the Rule of Law: an Uneasy Fusion?	89
3.2.1 Democracy	90
3.2.2 The Rule of Law	98
3.2.3 Interrelation between Democracy and the Rule of Law	110
3.2.4 The Separation of Powers as a Tool of Combining Democracy and the Rule of Law	113
3.3 The Commission's Approach: Democracy, the Rule of Law and the Separation of Powers Combined	117
Chapter 4	
The Commission and the Pre-accession Reform of the Legislatures	121
4.1 National Parliaments Within the EU Architecture	125
4.2 The Commission's Assessment of the Legislatures	131
4.2.1 General Principles of the Operation of Parliament	135
4.2.2 Composition of Parliament	145
4.2.3 Efficiency of Parliament	148
4.2.4 Legislating in Line with the <i>Acquis</i>	156
4.3 Forgotten Elements of Transformation	162
Chapter 5	
The Commission and the Pre-accession Reform of the Executives	169
5.1 Soviet-Type Executives vs. the European Administrative Space	170
5.2 Pre-accession and the Special Role of the National Executives in the EU	179
5.3 Commission's Pre-accession Assessment of the Candidate Countries' Executives	187
5.3.1 Structural Reform of the Administration	191
5.3.2 A Unified System of Civil Service	202
5.3.3 Transparency Issues	223
Chapter 6	
The Commission and the Pre-accession Reform of the Judiciaries	227
6.1 National Courts as Community Courts	231
6.2 The Commission's Pre-accession Assessment of the Candidate Countries' Judiciaries	243
6.2.1 Structuring the Reform	249
6.2.2 Independence of the Judiciary	252

6.2.3 Training of Judges and Filling in Judicial Posts	276
6.2.4 Improving the Handling of Cases and Access to Justice	287
Conclusion: Applying Conditionality?	297
Conditionality on Paper: New Vision of Enlargement Regulation	297
Conditionality in Practice: A Resounding Failure	300
Conditionality's Future: Begging for Reform	311
Bibliography	315
Index	353