

The Muzzled Watchdog

The impact of EU conditionality on media freedom in Serbia

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Master thesis - European Governance – Belgrade, 15 August 2016

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“A free press can, of course, be good or bad, but, most certainly, without freedom, the press will never be anything but bad” – Albert Camus (1913-1960)¹

¹ Albert Camus was a french journaliast, author and philospher. In 1957, Camus won the Nobel prize for literature (Ingelhart, 1998).

Abstract

On 18 July 2016, Serbia opened Chapter 23 on judiciary and fundamental rights of the *acquis communautaire* in the European Union (EU) accession process. Taking into account the important watchdog role of media in democratic society, media freedom is an important condition for EU membership. Despite Serbia's process of EU integration, various reports showed a recent stagnation or even decline of media freedom in the country (Freedom House, 2016; MSI, 2016). This research aims at explaining the impact of the EU on media freedom and the existing media freedom deficit in Serbia regardless of the EU accession process. This qualitative case analysis shows that the impact of EU conditionality is limited to the formal legal rule adoption. Serbia formally aligned its media legislation with EU rules and standards, however, among others the lack of implementation and enforcement hampers a sufficient policy outcome of these newly adopted media laws. Findings of the careful analysis of empirical data consisting of policy documents, monitoring reports, and interviews with policy officials, show that the lack of will of Serbia's political elite, the poor economic state of the media market and the lack of credibility/clarity of EU rules and legislation are the main reasons for the lack of impact of EU conditionality in this policy field; the impact in the field of media freedom in Serbia is seriously challenged by both EU and domestic factors.

Keywords: Democratisation, EU enlargement, conditionality, media freedom, Serbia

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List of Abbreviations

<i>Acquis</i>	Acquis Communautaire
ACC	Anti-Corruption Council of the Government of Serbia
BIRN	Balkan Investigative Reporting Network
CEE	Central and Eastern Europe
<i>Charter</i>	European Charter of Fundamental Rights of the EU
CINS	Center for Investigative Journalism Serbia
<i>Commission</i>	European Commission
<i>Council</i>	Council of the EU
CSO	Civil Society Organisation
DOS	Democratic Opposition of Serbia
DS	Democratic Party of Serbia
EC	European Community
ECHR	European Convention on Human Rights
ECSC	European Coal and Steel Community
EP	European Parliament
EU	European Union
ICTY	International Criminal Tribunal for the former Yugoslavia
IPA	Instrument for Pre-Accession Assistance
NGO	Non-governmental Organisation
NUNS	Independent Association of Serbian Journalists
OSCE	Organization for Security and Co-operation in Europe
PSB	Public Service Broadcaster
RTS	Radio Television of Serbia
RTV	Radio Television of Vojvodina
<i>Serbia</i>	Republic of Serbia
SEE	South-East Europe
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
SNS	Serbian Progressive Party
SFRY	Socialist Federalist Republic of Yugoslavia
TEU	Treaty of the European Union
UNS	Association of Serbian Journalist
UK	United Kingdom
QCA	Qualitative Comparative Analysis

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Introduction

Since Serbia overthrew its authoritarian regime in 2000, society has embarked on a process of political change and democratisation. In response to the rapid and frequently violent transitions in South-East Europe (SEE), the international community introduced assistance to steer and guide the transformation process (Haug, 2016; Kumar, 2006). After the dissolution of former Yugoslavia in 1992, the EU increased its effort to promote democracy, rule of law and human rights in the Western Balkans (Pavkovic, 2016). When in 2003 the EU officially declared Serbia a potential candidate for membership, the incentive to comply with European norms and standards was strengthened (Hartman, 2015). The states in the Western Balkans responded to EU's conditionality by implementing domestic institutional and policy changes in line with EU accession requirements (Noutcheva, 2006).

Conditionality is widely described as one of the most powerful tools of the EU to steer and provide democratic change in target countries (Grabbe, 2002; Schimmelfennig & Sedelmeier, 2005; Schimmelfennig, 2008; Simmons, 2011; Wallace, Pollack & Young, 2015). The EU's 2004 enlargement strategy of the former Eastern bloc showed that the EU was able to effectively impact the process of democratisation; the EU successfully stimulated reforms in Central and Eastern Europe (CEE), where eight CEE member states complied with the EU entry criteria and became official members of the EU that same year (Wallace et al., 2015). As part of the 2004 Eastern enlargement, Slovenia was the first Balkan country to join the EU. In 2008, Bulgaria and Romania also succeeded in fulfilling the accession requirements, almost 20 years after the start of the transition process. The EU's newest member state is Croatia, which entered in 2013 (Wallace et al., 2015). The other Western Balkan states are still in state of pre-accession and are working on the qualification of membership at one's own pace. The EU's normative role in the promotion of democratisation in practice contains the external rule exportation strategy – it offers access to negotiations, aid and technical assistance, policy advice and the provisions of legislative and institutional templates in various policy domains (Wetzel & Orbie, 2015).

One crucial element of the requirements for EU accession is freedom of the media. This, as the prerequisite of freedom of expression, is intrinsically important in the creation and maintenance of a well-functioning democratic system (Irión & Jusić, 2013). Tragic events in former Yugoslavia showed that media, when controlled by the state, could play a powerful role in provoking and conducting violence (Kumar, 2006). Media has the power to influence and shape the public opinion, where controlled, biased, dogmatic and inaccurate media coverage of incidents can aggravate public tensions and anxiety (Jakubowicz & Sükösd, 2008). At the same time, independent and balanced media can contribute to the resolution of conflict and existing political tensions (Bosnjak, 2005). Freedom of media is a fundamental principle of the European Union (Art. 11, Charter; Art. 49, TEU; Art. 2, TEU). As the former president of the European Commission (Commission), José Manuel Durão Barroso, stated in 2011: "Freedom of expression and the freedom of the press are two non-negotiable freedoms that lie at

the very heart of our democratic societies. They are essential core values of the European Union and you can be assured that the Commission will continue to defend them vigorously” (Barroso, 2011).

Although Serbia has set considerable steps towards democratisation and the implementation of the EU *acquis communautaire* (acquis), a downward trend can be detected in the field of freedom of media. The international community repeatedly expressed their concerns about the freedom of media in the candidate countries in the Western Balkans. In EU’s 2015 progress report on Serbia stressed that, although a new media legal framework was adopted, the lack of implementation and scarce policy preparation constrain the freedom of media in society (European Commission, 2015a). In addition, annual rankings presented by *Freedom House* emphasised the deterioration of media freedom in Serbia. Over the past few years, Serbia was one of the few countries in the region that showed a decline in media freedom, and its media freedom ratings are significantly below the EU average (Freedom House, 2015).

1.1 Research aim and questions

The primary aim of this research is to explain the (lack of) impact of EU conditionality in the field of media freedom in Serbia. The empirical analysis of the impact of EU conditionality broadens the understanding of effectiveness of EU’s foreign policy strategy to promote fundamental rights beyond its borders. Moreover, it sheds light on the context and implications of EU media freedom conditionality in Serbia. In order to analyse the capacity of the EU to promote democratic standards by EU conditionality, this research examines how and to what extent the conditions for effectiveness of EU conditionality, distinguished by studies on EU transformative power, apply to the case study of Serbia in the case of media freedom. Therefore, the main question of this research is:

How could the impact of EU conditionality on media freedom in Serbia be explained?

The starting point of this thesis is the assumption that EU conditionality does not have a considerable impact on media freedom reforms in Serbia. This assumption is based on the fact that a declining state of media freedom is observed in Serbia, in spite of the inclusion of media freedom in EU accession criteria. In order to analyse the accuracy and deeper context of this assumption, the analysis starts with the general assessment of the state of media freedom in Serbia in context of Serbia’s EU accession process. The second question addresses the level of compliance and the degree of impact of EU media freedom conditionality in Serbia specifically. Lastly, in order to answer the main question of this thesis, the theoretical framework is applied to this specific case to analyse the determining factors that explain the level of effectiveness of EU media freedom conditionality in Serbia.

- ❖ *What is the current state of media freedom in Serbia?*
- ❖ *How does EU conditionality impact media freedom in Serbia?*

- ❖ *To what extent do the conditions for effectiveness of EU conditionality explain Serbia's level of compliance with EU conditionality in the case of media freedom?*

1.2 Academic and societal relevance

On 18 July 2016, Serbia opened Chapter 23 on judiciary and fundamental rights in the European Union (EU) accession process. Chapter 23 stipulates that applicant state must ensure respect and protection of fundamental rights, among others freedom of expression (European Commission, 2013a). Therefore, the opening of the Chapter asks for a comprehensive operationalisation of the state of affairs of media freedom in Serbia. In addition, the EU's limited capacity to address internal fundamental rights issues after accession implies that the EU approach towards democratic principles during the EU accession procedure should be carefully assessed (Gateva, 2016; Hillion, 2013). Moreover, the increasing global threat of terrorism accentuates public interest in independent media development and underscores the saliency of the issue. Recent incidents targeting media, such as the attack on French satirical weekly magazine *Charles Hebdo* in Paris, instigated the discussion of freedom of expression and media in Europe and further afield. Concerns for the deteriorating state of the rule of law and the increasingly authoritarian control over media freedom in the oldest EU candidate state, Turkey, again revived the public debate about the EU's capacity to consolidate fundamental rights in EU candidate states.

In addition, the assessment of the domestic and EU-related factors in terms of the effectiveness of EU conditionality is increasingly relevant for academia. The effectiveness of EU conditionality of candidate states is extensively researched, however, research on the impact of EU conditionality is mostly focussed on candidate-state Europeanisation of post-communist countries in CEE (Chatzigiagkou, 2010; Elbasani, 2013; Hartman, 2015). The impact of EU conditionality on SEE states such as Serbia remains considerably understudied and under-theorised in comparison with democracy promotion literature on CEE. This study extends research on candidate state Europeanisation to a new corner of the European continent, the Western Balkans. Moreover, the existing research on Europeanisation of Serbia is mostly focused on the clearest cases of non-compliance with conditionality, for instance, cases of conditionality related to the normalisation of Serbia's relation with Kosovo or Serbia's cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY). Applying the theoretical framework of effectiveness of EU conditionality to a less clear example of non-compliance provides a more general understanding of the EU's democracy consolidation capacity.

1.3 Literature review and theoretical framework

In order to explain the impact of EU conditionality on media freedom in Serbia, several theoretical approaches should be taken into consideration. The democratisation process and the external role of the EU has been intensively researched over the past decades (Merkel, 1998; Pevehouse, 2002; Dimitrova, 2004; Börzel & Risse, 2009). The research focus and findings vary from the analysis of domestic

transformations within state institutions and society, to the development of democratic societies under pressure of external actors. The latter, also referred to as the study of democratic promotion, is specifically relevant for this thesis, and is intensively practiced by various international actors globally. Examples of democratic promotion activities range from financial support of domestic democratic initiatives, such as the United Nations Democratic Funds, to US military involvement in Iraq as an instrument to promote democratisation across the Middle East and North Africa region.

The EU has a unique and powerful mean at its disposal to promote democracy beyond its borders: enlargement. The amount of studies on the Europeanisation of societies as the result of the EU accession process strongly increased after the end of the Soviet era. The strict Copenhagen criteria pressure the potential EU candidate states to implement reforms and to comply with the EU's set of standards in order to obtain EU membership. From the perspective of EU conditionality, it is expected that national stakeholders carry out democratic transition in order to adhere EU standards to be eligible for EU membership. Important scholars in the field of EU conditionality, Schimmelfennig and Sedelmeier, extensively studied the impact of EU enlargement policies and the factors that determine effectiveness of this strategy (Schimmelfennig & Sedelmeier, 2002; Schimmelfennig & Sedelmeier, 2005a; Schimmelfennig & Sedelmeier, 2005b; Schimmelfennig & Scholtz, 2008; Schimmelfennig, 2008; Schimmelfennig & Schweltnus, 2008; Schimmelfennig, 2015; Sedelmeier, 2006). According to their research, among other determining factors, transaction costs and the level of commitment of candidate states dictate the level of democratisation, transformation and therefore compliance of EU candidate states.

The debate on the effectiveness of EU conditionality is embedded in the new institutional school of thought, which makes the general distinction between rationalism and social constructivism. Along branches of new institutionalism, Schimmelfennig and Sedelmeier established two models: the external incentives model and the social learning model. These explain the policy outcomes as the result of EU conditionality and, in addition, they reveal the conditions that determine the effectiveness of the EU's enlargement strategies. The first model – the external incentives model – is a model of rationalism where conditions such as adoption costs and credibility of incentives are decisive factors of the efficiency of EU conditionality. In contrast, the second model – the social learning model – derives from the assumption that logic of appropriateness, not logic of consequences, determines the degree of rule adoption. This model is based on the social constructivist stance and believes that determining factors for the level of effectiveness of the EU's democratisation aspirations, are national identity and societal salience. Empirical studies have shown the relevance of the two models in explaining the impact of EU conditionality on a target state (Schimmelfennig, 2008; Trauner, 2009; Vachudova, 2009). The complex but rich theoretical framework of democratisation, democracy promotion by enlargement, new institutionalism, and the aforementioned models are applied to the case analysis of EU media freedom conditionality in Serbia.

1.4 Research methods

In order to adequately address the main question and objectives of this research, this thesis consist of a qualitative analysis of a single case: the effectiveness of EU's media freedom conditionality in Serbia. To answer the main and sub-questions of this research, data is mostly generated from documents and monitoring reports. In addition, interviews were conducted to enrich the understanding of the studied research subject with the perspective of relevant actors in the field. Moreover, the analysis of the data obtained from the semi-structured interviews with policy officials, Serbian NGO's, CSO's representatives and Serbian journalists accumulated detailed prescriptions of their perception on the EU and media freedom in Serbia which reveals explanations and interpretations that are not necessarily observable in document analysis. To broaden the scope of understanding, the models of effectiveness of EU conditionality, which derived from the literature, are applied on the case of Serbia. In contrast to traditional studies in the field of EU conditionality, this thesis focusses both on possible relevant aspects on the EU-level as on the domestic level. Moreover, also both the external incentive – and the social constructivist model are taken into account. This holistic approach allows the research to fully capture the research subject and its context at stake.

EU Enlargement and Media Freedom – a Background

“The EU’s enlargement policy is an investment in peace, security and stability in Europe. It provides increased economic and trade opportunities to the mutual benefit of the EU and the aspiring Member States. The prospect of EU membership has a powerful transformative effect on the countries concerned, embedding positive democratic, political, economic and societal change” (European Commission, 2015b).

Democracy promotion is an important facet of the EU’s foreign and development policy strategy. Since the end of the Cold War, democracy promotion has become an important external policy goal for the EU (Koch, 2015; Wallace et al., 2015). After the breakdown of the communist regimes in CEE in the late 1980s, the EU successfully guided democratic consolidation throughout the region by offering financial aid and the prospect of membership. Enlargement of the EU has been perceived as effective foreign policy method, where the premium of EU membership and tight political conditionality as part of the EU accession process provided the EU with considerable transformative power in the candidate states (Schimmelfennig & Scholtz, 2008). Examples in the past show that EU democratic promotion and EU conditionality could contribute fundamentally to peace, stability and economic recovery of the target state (Schimmelfennig & Scholtz, 2008). In order to fully understand the role of the EU and its conditionality in the democratisation process of Serbia, this chapter briefly describes the EU democratic strategic promotion by means of enlargement, while mainly focusing on the EU enlargement policy and process in the field of media freedom.

2.1 EU enlargement: accession procedure

Originally starting with six member states, the EU² has extended significantly through several enlargement rounds and now has 28 member states (Bache, Bulmer, George, & Parker, 2014). Membership criteria are since 1992 legally embedded in Article 49 of the Maastricht Treaty (Art. 49, Treaty). Until today, Article 49 TEU provides the legal basis for a country to join the EU, drawing on Article 2 TEU, which sets out the values upon which the EU is founded. In essence, Article 49 TEU mainly refers to the fact all member states and the European Parliament have to agree upon the entry of a new state and the requirements and conditions that a state has to comply with in order to access the EU.

² European Coal and Steel Community (ECSC) 1952

Article 49

(ex Article 49 TEU)

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.

The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.

Article 2

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.

Figure I. Legal framework EU enlargement (Art. 49 TEU; Art. 2 TEU).

The limited demand for EU membership up until the 1990s made it unnecessary for any strict procedure or measures to be included in the EU accession policy. When Eastern bloc countries started to express their desire to apply for EU membership after communism fell in 1989, the EU was faced with a new challenge of how to ensure democratic consolidation and compliance with the body of EU legislation – *acquis communautaire* - of the potential post-communist EU member states. Since the challenges of the post-communist enlargement go far beyond simply reaching a bilateral agreement between candidate – and member states, the EU developed a new framework for enlargement policy after 1989. The EU established a method to use the prospect of EU membership to support domestic changes and democratic transitions in candidate countries (Dimitrova & Pridham, 2004). In order for their applications to be considered, the Council laid down various criteria that needed to be fulfilled (Bache et al., 2014). EU accession conditionality - where the EU ties the ultimate reward of membership to various requirements - changes the set and structure of incentives of candidate states which could bring about internal domestic changes according to the desires of the EU (Wallace et al., 2015).

In June 1993, the Council accepted the legitimacy of the aspirations of the CEE sovereign states to be part of the EU framework. The Council agreed with the proposal of the Commission for a set of criteria that not only obliged candidate states to align with the *acquis*, but included also political and economic requirements. Countries that wish to join the EU need to comply with the so-called Copenhagen criteria, they need to ensure;

- ❖ ‘stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- ❖ a functioning market economy and the capacity to cope with competition and market forces in the EU;
- ❖ the ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic and monetary union (EC, 2016, legal reference)’.

The political conditions vary between the different EU candidate states. In the Western Balkans, the political conditions set by the EU expanded to issues related to the brutal Yugoslavian wars of the nineties and the still existing ethnic issues of the region. Examples of these conditions are, in the case of Serbia, the cooperation with the ICTY or the normalisation of the relationship with Kosovo. Throughout the process, enlargement countries receive financial and technical assistance from the EU, to comply with EU accession conditions. Specifically, by means of the Instrument for Pre-accession Assistance (IPA). The fund supports political, societal and economic reforms, while ensuring the candidate states are fully prepared for the rights and obligations related to EU membership (European Commission, 2015c).

How Accession Works

Any European country that adheres to the following principles is considered eligible for membership in the EU:

- Stable institutions that can sustain democracy, the rule of law, human rights, and respect for minorities.
- A functioning market economy and the capacity to cope with competitive pressures.
- The ability to apply the EU's rules and policies (known as the *acquis communautaire*).

When a country submits an application to join the European Union, it triggers a sequence of evaluation procedures that may, or may not, result in the country being invited to become a member.

The European Commission issues a formal opinion on the applicant country, after which the Council of the European Union decides whether to accept the application. Once the Council unanimously agrees to begin accession negotiations, discussions may be formally opened between the candidate and all the Member States, provided that the applicant country has met the core conditions—the Copenhagen criteria.

Negotiations are conducted individually with each candidate country, proceeding from one stage of the process to the next, but only moving forward once all conditions have been met at each stage.

After negotiations are concluded to the satisfaction of both sides, a detailed, comprehensive Draft Accession Treaty is submitted for approval by the Council of the EU, the European Commission, and the European Parliament. Once approved, the treaty is signed by the candidate country and the representatives of all EU Member States, after which it is submitted to all Member States and the candidate country for ratification, according to their respective constitutional rules. When the ratification process is complete, the treaty enters into force on its scheduled date, and the candidate country becomes an EU Member State.

Figure II. The process of EU accession (Kofler, 2010).

2.2 Serbia: EU integration

2.2.1 Former Yugoslavia, Serbia and the EU.

To understand the impact of the EU on Serbia’s transformation process, one should look into the development and genesis of the relationship between the EU and Serbia. The relationship dates back to

the period even before the end of the era of communism, which fell with the Berlin Wall in 1989. This event marked the start of a new period in history, where post-communism and democratisation inspired various countries in Europe. However, Serbia, together with the other emerging states of the Socialist Federal Republic of Yugoslavia (SFRY), already established close ties with the former European Communities (EC) in 1967, even in a period before the first EC enlargement (Crnobrnja, Trbovich et al., 2010). However, the violent break-up of Yugoslavia after the death of its leader Josip Broz Tito and the continuous ethnic tensions in the region had major implications for the ties between emerging states of the SFRY and the EU (Haug, 2016). The legacies of the Western Balkans, the recent history of political instability, ethnic conflicts and the violent state fragmentation significantly influenced the development of post-communist democratisation and Europeanisation (Cierco, 2016).

The accumulation of war crimes limited the political and economic future of Serbia and influenced its reputation beyond its borders. The Federal Republic of Yugoslavia (FRY), which was established by the remaining republics of SFRY- Montenegro and Serbia - in 1992 after Slovenia, Croatia and Macedonia seceded, was subject to rigorous and harsh sanctions imposed by the United Nations (UN) (Pavkovic, 2016). Over the following two decades, the relations between the FRY and the West downgraded to an absolute minimum. Serbia in particular was considered mainly responsible for the cruel and harrow manner in which the SFRY was dissolved. The general impression of Serbia among EU citizens was largely shaped by the bombing of Dubrovnik in 1991, the war in Bosnia and Herzegovina (1992–1995) and specifically the genocide in Srebrenica, which marked Serbia as “brutal ethnic cleansers”. Moreover, the NATO bombings in 1999 confirmed the perception among EU citizens that Serbia prefers the use of armed force over compromise and political means to solve crucial national issues (idem, 2015).

Simultaneously, negative perceptions on the EU-Serbian relations existed and still exist among the public of Serbia. During Milošević’s regime, which was ruling Serbia from 1989 – 1997 and FRY from 1997-2000, the anti-European position was an important instrument of the foreign policy strategy. Negative image-building via the mass media, and the hostile response of the West towards the internal developments in Serbia framed the EU and the West as the enemy. Although the post- Milošević regime strongly advocated for the pro-European position, the historical events and the strong EU conditionality in the years to follow stimulated a negative segment of the Serbian public. A considerable part of the public and the political elite still feel resentment towards the EU and EU accession (Keil & Stahl, 2014).

2.2.2 EU strategy towards Serbia’s accession process.

The EU showed support for the gradual integration and democratic consolidation of the Western Balkans when in 1999 the EU officially launched the Stabilisation and Association Process (SAP) (Munter, 2016). The strategic framework is based on bilateral agreements, political dialogues and the intensification of economic relations. The adoption of the Thessaloniki agenda in 2003 on the integration, among other Western Balkan states, of Serbia and Montenegro in Europe, marked the start

of the formal political dialogue between the State Union of Serbia and Montenegro³ and the EU. However, it was not until 2005 that the negotiations on the Stabilisation and Association Agreement (SAA) started. Despite the fact the EU provided extensive financial support and assistance to Serbia to promote the consolidation of democracy after the fall of the Milošević regime in 2000, Serbia did not have a clear prospect of EU membership. The controversial political developments, the assassination of the Prime Minister Zoran Đinđić in 2003, the failure to cooperate with the ICTY and impasse over the status of Kosovo were reasons for strong criticism towards the EU integration of Serbia (Erkem, 2016). The most prominent obstacle was the declaration of the independence of Kosovo in 2008, which is still not accepted by the Serbian state and other partners (including Russia, China, and five EU member states) (Ioniță, 2015). The difficult relationship with Kosovo was a crucial burden for Serbia's negotiation process. Although the majority of the EU recognised the independence of Kosovo, five EU member states – Romania, Cyprus, Greece, Slovakia and Spain – refused to do so (Economides & Ker-Lindsay, 2015). This directly means that the official recognition of Kosovo's independence is not considered a strict condition for EU membership. Nevertheless, the normalisation of Serbia's relationship with Kosovo was considered one of the core priorities in the EU accession process. The EU asked Serbia to 'cooperate constructively on matters relating to Kosovo' (Economides & Ker-Lindsay, 2015). Even though the ruling Democratic Party strongly favoured EU membership and aimed at maintaining good relations with the EU, the almost hostile diplomatic strategies while establishing closer ties with Russia and China to prevent Kosovo's recognition was by many considered as a sign that Serbia was not able to accommodate with the EU democratic principles (idem, 2015). In 2006, the EU suspended the talks on the Stability and Association Agreement (SAA) due to Serbia's failure to fulfil its commitment to cooperate with the ICTY. The EU agreed upon re-opening the negotiations in 2007, after Serbia arrested and extradited two important war criminals, to the ICTY.

Montenegro, as the junior partner of the State Union, also greatly suffered as a result of Serbia's nationalism, the Yugoslavian wars and, most importantly, the economic and political sanctions of the international community (Bideleux & Jeffries, 1998). When 55.5 percent of the Montenegrin population voted in 2006 for the independence of Montenegro from the State Union of Serbia and Montenegro in a referendum, the state union was dissolved and Montenegro continued its EU integration process independently (Zuokui, 2010). The process of the official break-up of was brokered by the EU, which aimed at facilitating the deal to secure the stabilisation of the region and to prevent tensions over border issues (Džankić, 2016).

In December 2009, Serbia officially applied for membership of the EU, regardless of the clear existing tensions between Brussels and Belgrade over Kosovo, and it was only in 2012 that the Council granted Serbia the status of candidate country (European Commission, 2015a). Serbia's progress towards the normalisation of the relationship between Belgrade and Pristina was acknowledged by the

³ The State Union of Serbia and Montenegro is the official name of the federation between Serbia and Montenegro after the fall of Milošević' regime until the independence of Montenegro in 2006.

EU and when an important agreement was reached in 2012 on the ongoing EU-facilitated Belgrade-Pristina dialogue about Kosovo's regional representation, the European Council endorsed the recommendation of the Commission to start the accession negotiations with Serbia (Munter, 2016). When the screening process, the analytical assessment of the acquis, was completed at the end of 2013, the process of negotiations was officially opened during the first international conference in January 2014. At the end of 2015, the first chapters of the acquis were opened, namely Chapter 32 on financial control and Chapter 35 on other issues among which the normalisation of relations with Kosovo. The most recent development regarding Serbia's EU accession is the opening of Chapter 23 on judiciary and fundamental rights, and Chapter 24 on justice, freedom and security, during the Intergovernmental Conference on the 18th of July, 2016⁴.

2.3 Media freedom

2.3.1 *Freedom of media – a definition*

The concept of 'freedom of media' is complex in nature. Moreover, the fact it is often used in parallel to terms as 'freedom of speech', 'freedom of expression' and 'freedom of press' could be the cause of confusion. The notion of freedom of expression, with the synonym freedom of speech, is one of the core European fundamental rights and described as the basic human right 'to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers' as stated in Article 10 of the European Convention on Human Rights (ECHR) (Art. 10, ECHR).

Freedom of media, with the synonym freedom of press, is a crucial prerequisite for the freedom of expression. The concept of media freedom is widely understood as "the extent to which economic, political and social conditions, promote, allow and do not restrict media freedom or a journalist's ability to cover the news" (Becker, Vlad & Nusser, 2004). Media freedom and pluralism refer to the significant level of 'independence of media from government/authorities control (...) and the independence of media from private control and disproportionate influence of one or few economic, social and/or political powers' (Calderaro & Dobreva, 2012).

2.3.2 *Freedom of media, democracy and the process of democratisation*

Media freedom is considered necessary in order for a liberal democracy to exist and function properly (Mouffe, 2009). The public needs to be well informed in order to contribute to the democratic decision making process (Eser, 2013). The media in fulfilling multiple roles in a democratic society, described by among other terms as the fourth estate, a guardian, civic forum, agenda-setter and watchdog (Eser, 2013; Hoti & Gërguri, 2015; Irion & Jusić, 2013). The media informs the public about developments in institutions, politics and society, and indirectly holds politicians and public figures accountable for their

⁴ Please find the detailed timeline of EU integration of Serbia in the appendix.

actions by exposing failures, malfeasance and possible corruptive practice (Kellam & Stein, 2015). Moreover, it gives notice of possible humanitarian injustices, provide a platform for (political) pluralism, offer a medium for politicians to reach the public and to inform them about policy decisions in order to build necessary support. In order to fulfil the role as a democratic watchdog, the media must be able to operate freely and independently (Kumar, 2006).

The existence of unburdened and impartial media is also considered crucial in the process of democratisation. The freedom of media contributes to the establishment of a well-functioning liberal democracy “by contributing towards the right of freedom of expression, thought and conscience, strengthening the responsiveness and accountability of governments to all citizens, and providing a pluralist platform and channel of political expression for a multiplicity of groups and interests” (Norris, 2008; Sen, 1999). The positive link between the development of free media and the process of democratisation is complementary. In the first phase of the democratisation, where the post-autocratic government withdraws state control over the media by opening up the market to private ownership, the public is exposed to a wider array of ideas and perspectives. In the second phase, democratic consolidation is strengthened as a result of media liberalisation, where media could embrace its watchdog role in society to deter and expose misdemeanours to the public and provide a forum for various voices to participate in public debate (Haynes, 2003; Norris, 2008).

2.3.3 Media freedom and EU policies

Freedom of media, as the necessary prerequisite of freedom of expression, is one of the core fundamental rights on which the EU is founded (CMPF, 2013). The freedom of expression is legally safeguarded by the European Charter of Fundamental Rights (Art. 11, Charter) and the ECHR (Art. 10, ECHR). This fundamental right is enshrined in Article 11 of the Charter, which obliges EU Member States and candidate states to defend and respect the freedom of media as a fundamental principle of the EU. With the ratification of the Treaty of Lisbon in 2009, the Charter was officially given the same legal status as the EU treaties; as Article 6 of the Treaty of the European Union (TEU) stipulates “the institutional and judicial approval of the EU Charter has given it an ongoing salience even though its ultimate legal status remained undetermined” (Art. 6, TEU; Hoti & Gërguri, 2015). Therefore, according to Article 49 TEU, the implementation and the effort to promote respect for the core fundamental EU values (among others the freedom of expression) are important criteria on which the aspirations of a candidate country are assessed (Art. 49, TEU).

Article 11

Freedom of expression and information

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
2. The freedom and pluralism of the media shall be respected.

Figure III. Legal framework Freedom of Expression Media Freedom (Art. 11, Charter).

The EU has several instruments at its disposal to intervene in matters of media freedom and pluralism. The legal basis of media freedom in the Charter, the ECHR and the national constitutional traditions of EU member states are the legal and normative corpus as a guideline for the formation, utilisation and interpretation of media laws and regulations (CMPF, 2013). However, the main responsibility and competence of the maintenance of media freedom and pluralism lies with the Member States (HRW, 2015). The protection of media freedom, as an essential prerequisite of a democratic society, is the mandate of all governments (European Charter of Freedom of the Press, 2009).

2.3.4 Media freedom and EU enlargement

Taking into account the importance of fundamental rights and democracy for the EU, media freedom is an important precondition for EU accession. As the strict criteria stipulates, accession states have to comply with minimum standards and adopt the general body of EU law, including media freedom and pluralism. “Freedom of expression is a key indicator of a country's readiness to become part of the EU. It implies a commitment to democracy, good governance and political accountability. Accordingly, no country can join the EU without guaranteeing freedom of expression as a basic human right’ as mentioned in the strategy on media reform in Commission document” (Commission, 2015d). The EU has set high standards on the protection of media freedom as part the EU’s fundamental norms and values as justice, freedom and security (Öztürk, 2013).

The instruments of EU conditionality directly and indirectly refer to media freedom and pluralism. Therefore, “in the context of the accession, political players and society more broadly perceive the EU as the ultimate standards-setter and the guarantor of democratic principles and procedures, observance of human rights, and media freedom and pluralism” (European Parliament, 2014). An important element of the *acquis* which is relevant for media freedom and the media sector is the parts related to liberalisation and harmonisation of the internal market, which is only an indirect reference to media freedom and the media sector (CMPF, 2013). The liberalisation of the media markets and other media issues related to the single market are embedded in Chapter 10 on Information and Media of the *acquis*. The EU has also incorporated the right to freedom of expression, and therefore the right of media freedom and pluralism, in Chapter 23 of the *acquis*. This chapter underlines the

importance of the development of a firm legal framework and institutions in order to ensure the protection of the EU's fundamental rights and its related policies (European Parliament, 2015; Öztürk, 2013). The Commission has increased its leverage capacity in the area of media and its pluralism and freedom for EU aspiring countries. Media freedom plays a more centralised role in the EU accession process, building on experiences from the previous accession rounds (TransEurope, 2015).

Theoretical framework

The study of democratisation, which analyses how states and their democracies emerge and endure, is one of the most complex and unsettled subjects within the field of international relations and political science (Beichelt, 2012; Cardwell, 2011; Petrova, 2015; Wetzel, 2015). The diverse and evolving nature of concepts within the study of democratisation makes it challenging for academics to determine concepts and comprehensive terminology. In this thesis, one specific element within the study of democratisation that is relevant for this study is addressed: the role of the EU (or other international actors) in the process of democratisation of target states, also known as the concept of democracy promotion. Research on democratisation and the evolution of states towards a more democratic political and societal system dates back to the early 1900s, but in the aftermath of the Second World War, the amount of research conducted in the field of democratisation significantly increased (Simmons, 2011). However, only since the 1990s has an increased interest emerged among scholars in the external dimension of democratisation (Beichelt, 2012; Levitsky & Way, 2006). General consensus exists among scholars that domestic factors are ultimately important in understanding long-term prospects of democratisation. Although, increasingly attention has been paid to the role of international actors and organisations in the transformation process of democratically evolving states (Simmons, 2011). As this research focuses on the democratisation, or more specifically Europeanisation, of Serbia in the field of media freedom in the context of EU accession process, this theoretical framework will outline theoretical developments and research findings of the various separate concepts: democratic promotion, enlargement, EU conditionality and Europeanisation.

4.1 Democracy promotion – a definition

Defining democracy promotion and creating a comprehensive analytic framework is and will remain a complex task. Even today, scholars do not agree upon a shared definition of this phenomenon. However, the concept of democracy promotion is broadly understood as the “non-violent activities by a state, non-governmental organisation or international organisation that has the potential to bring about, strengthen, and support democracy in a third country” (Freyburg, Lavenex, Schimmelfennig, Skripka, & Wetzel, 2015). The Council (2006) presented a broader definition of democratic promotion, describing it as a policy action “to encompass the full range of external relations and development cooperation activities which contribute to the development and consolidation of democracy in third countries (...) all measures designed to facilitate democratic development” (Council, 2006). This term covers not only the range of interventions from donor assistance and subtle promotional activities, but also international military intervention. Taking into account the scope and purpose of this research, in this thesis democratic promotion is understood as a process in which international actors (in this case specifically the EU) attempt to foster democratic deployment by externally generated efforts in recipient states (Grimm & Merkel, 2008).

4.2 Enlargement – a democratic promotion strategy

Since the end of the Cold War, democracy promotion by means of enlargement has become an important external policy goal of the EU (Koch, 2015). After the breakdown of the communist regimes in CEE in the late 1980s, the EU successfully guided democratic consolidation throughout the region by offering financial aid and the prospect of membership. Enlargement of the EU has been perceived as an effective foreign policy method, where the premium of EU membership and tight political conditionality as part of the EU accession process provided the EU with considerable transformative power in the candidate states (Schimmelfennig & Scholtz, 2008).

With the aspirations of the EU to include the CEE states into the European framework a great increase of research and literature on enlargement and EU-approximation of democracy building was employed. Enlargement as the mean to promote EU rule transfer was based on the idea that the inclusion of the CEE countries in the framework of the EU would stimulate and foster the process of democratisation in the region (Öztürk, 2013). EU enlargement and the idea of democracy consolidation by EU accession is subject to extensive research, where various frameworks and concepts are developed to increase the understanding of the influence of the EU's democracy promotion attempts. Academic literature on EU enlargement could be classified along four aspects based on their main research focus: the enlargement policies of the applicants, the enlargement policies of the existing member states, enlargement policies of the EU and lastly the impact of enlargement. The latter is a particularly important dimension in respect to the research aim of this thesis (Bache et al., 2014; Schimmelfennig & Scholtz, 2008). Through the study of impact of democracy promotion, Europeanisation and political conditionality, this thesis aims to broaden the understanding of efficacy of EU conditionality in the field of media freedom in Serbia.

4.3 (Pre-accession) Europeanisation

The study of Europeanisation re-emerged after the collapse of the Soviet regime, in order to study the impact of the EU on the new potential EU member states. A relevant aspect of the drivers and extensive academic debate on Europeanisation are the studies on the impact of the EU on the domestic institutions and politics in candidate member states during their process of accession. EU enlargement has not only big implications for the internal institutional set-up of the EU, but it also has considerable consequences for domestic affairs of candidate countries. Scholars in the field of EU studies have used different terms and approaches towards Europeanisation. A relevant distinction for this thesis is between scholars who refer to Europeanisation as a specific EU-related term and scholars who broaden the scope of Europeanisation to non-EU states while focusing on the transfer of European political ideas and practices (Bache et al., 2014). The latter process of institutional transformation towards EU practices of non-EU states – defined as the (external) process of Europeanisation – is relevant in this respect. This specific

approach of the Europeanisation debate, which mainly analyses how the EU impacted internal reforms in domestic political and societal regimes, increased significantly over the last decades.

One of the pioneers in the field of Europeanisation studies, Robert Ladrech (1994) defines Europeanisation as “an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organisational logic of national politics and policy-making” (Bache et al., 2014; Ladrech, 1994). A more comprehensive definition was offered by Radaelli (2003), he defined Europeanisation as “processes of a) construction, b) diffusion, and c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’, and shared beliefs and norms which are first defined and then consolidated in making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures and public policies” (Beichelt, 2012; Radaelli, 2003).

4.4 Europeanisation and New Institutionalism

In the development of the contemporary academic debate, attempts to explain the nature and extent of Europeanisation are linked with the concept of new institutionalism, including sub-categories of the theoretical concept (Bache et al., 2014). The analysis of enlargement and Europeanisation of non-member states has drawn on the main theoretical debate in the field of international relations and European studies, namely between ‘constructivism’, ‘rationalism’ and ‘historical institutionalism’. All three branches of this theory attempt to explain the role, causes and impact of international institutions on third states (Schimmelfennig & Sedelmeier, 2002; Schimmelfennig, 2015). In order to broaden the understanding of the effects of Europeanisation and the role of the EU in providing domestic change, the literature utilises the three different strands of new institutionalism. Although these approaches are different in nature, all three of them tend to explain the characteristics of an institutions, the way they evolve and impact at both the domestic and the international level. Linking the theory of new institutionalism to the concept of Europeanisation contributes to the understanding of internal institutional reform beyond the EU borders as a response to the EU enlargement policies. The three different strands of institutionalism are widely utilised in the empirical research on Europeanisation and the impact of the EU while exerting political conditionality.

The first branch of institutionalism, the *rational choice perspective*, is based on the idea that actors use institutions and the reform of institutions to maximise their individual utility (Pollack, 2006). According to the rationalist theory, the membership to an international organisation is conceived as voluntary, what means that rational actors would join or remain part of the associations upon the condition that membership results in a net gain. In the context of Europeanisation, the focus lies on responses of domestic (political) actors to new opportunities provided by European integration (Pollack, 2006). Institutional and political reform occurs whenever domestic actors rationally utilise the EU resource to maximise their individual interests (Graziano & Vink, 2013). The cost-benefit analyses of

states determine their preferences and interest towards enlargement, both candidate and member states. In other words, this means that member states are in favour of EU enlargement and the accession of a candidate state – or a non-member states pursuing EU membership – unless the actor gains net benefits as the result of the enlargement that exceed the benefits deriving from any other kind of institutional relationships (e.g. bilateral treaty) (Schimmelfennig & Sedelmeier, 2005a; Schimmelfennig & Scholtz, 2008; Schimmelfennig, 2015). Enlargement occurs when the marginal benefits of states, both those that are candidates and members, exceed the marginal costs of the admission of the new member states (Schimmelfennig, 2015). Rationalist institutionalism suggests that the impact of the EU on both candidate and member states follows the *logic of consequences*. Pressure from the EU changes the structure of opportunity for utility-maximising of national actors. The offer of legal and political assistance empowers particular actors to seek domestic transformation.

Secondly, *social constructivism* refers to change as the result of socialisation, construction and diffusion of EU ideas and practices. According to social constructivist institutionalism, institutional change and reform is shaped by cultural, ideational and ideological factors (Schimmelfennig & Sedelmeier, 2002). From the constructive perspective, it is not material and distributional factors related to enlargement that determine the interests of a state, rather social norms, values and identities are essential prerequisites in the case of enlargement. From this perspective, states are more willing to consent with the admission of a new member state - as non-EU states are more likely to aspire to EU membership – when the target states could be identified with the constitutive beliefs, practices, norms, and values of the EU (Schimmelfennig, 2015). By contrast to rationalist institutionalism, constructivism emphasises that domestic institutional change is the result of *logic of appropriateness*. The impact of the EU on internal affairs in candidate states is the result of a process of socialisation in which national actors embody EU values and norms that they consider legitimate (Sedelmeier, 2006). National cultural understanding and informal institutions determine if domestic actors employ the social learning process in which EU norms and rules result in consolidation of domestic identities (Sedelmeier, 2006). Rationalist and constructivist approaches both presume that a ‘misfit’ between domestic and European politics, policies and institutions comprise the requirement for domestic transformation and that change is the result of pressure by compliance resulted from this misfit (Öztürk, 2013; Börzel & Risse, 2003).

The last approach - *historical institutionalism*, complementary to social constructivism theory, researches the development of institutions over a period of time (Bulmer & Radaelli, 2004). It analyses the ‘sequences of domestic adaptations in connection to the evolution of European political discourses, strategies, institutions and policies’ (Graziano & Vink, 2013). Studies embedded in historical institutionalism assume that domestic political and societal change is the result of chances derived from events in the past such as ‘path dependency’ or ‘positive feedback’.

4.5 Europeanisation – theoretical research models

Schimmelfennig and Sedelmeier, crucial contributors to the theoretical conceptualisation of Europeanisation, also referred to the variants of institutionalism, specifically rational choice and social-constructivism. Schimmelfennig and Sedelmeier identified several relevant conditions for Europeanisation of EU candidate states, which are proven theoretical plausible and empirical based. Their designed theoretical framework is considerably accurate and suitable for broadening our understanding of the impact and effectiveness of EU efforts in stimulating the transition process in the Balkan region (Schimmelfennig & Sedelmeier, 2005a). Therefore, the two models of Schimmelfennig and Sedelmeier are the starting point of the analysis of this research, whereas assumptions based on their theoretical framework could enrich our comprehension of the research subject. The conditions for effectiveness of EU conditionality are based on two models, (1) the external incentive model and (2) the social learning model. The external incentive model derives from the rationalist perspective and focuses on the role of the actor while based upon the logic of consequences. Whereas the second model – the social learning model - is based on the idea that a “government adopts EU rules if it is persuaded of their appropriateness” (Schimmelfennig & Sedelmeier, 2005a).

4.5.1 Rational-choice institutionalism – the external incentive model

The external incentive model explains the logic of consequences, whereas “EU pursues a strategy of conditionality in which the EU sets its rules and conditions that non-member countries have to fulfil in order to receive EU rewards” (Schimmelfennig, 2015). The nature of these rewards could range from financial support to a stronger institutional relationship varying from international trade agreements to the prospect of EU membership. In this case, domestic political actors rationally decide to comply or not to comply with these requirements. Logically compliance with the conditions of the EU occurs when benefits of institutional reform exceed the adoption costs (Kubicek, 2003; Schimmelfennig & Sedelmeier, 2005a; Schimmelfennig & Scholtz, 2008). Deriving from rational-choice institutionalism, the external incentive model is perceived as a model of “rationalist bargaining”, which illustrates a behavioural model based on “material incentives” (Schimmelfennig & Sedelmeier, 2005b).

According to this model, ‘reinforcement by reward’, so-called EU conditionality, is the most effective and influential mechanism of the EU to provide Europeanisation within the candidate state (Cowles, Caporaso, & Risse-Kappen, 2001; C. Radaelli & Featherstone, 2003). With the social structure of ‘reinforcement’ the social actor (in this case the EU) offers rewards to reshape the behaviour of the target state (in this case the candidate state). The outcome of this reinforcement is influenced by the bargaining power and the level of ‘reward’ or ‘punishment’ offered by the social actor (Schimmelfennig & Sedelmeier, 2005b). However, in contrast to other strategies such as ‘reinforcement by punishment’ or ‘reinforcement by support’, the EU does not interfere coercively by imposing extra costs or support by extra benefits. The EU sets rules and conditions which the target states have to comply with to receive

the EU reward. The EU specifically offers two types of rewards to candidate countries: (financial and technical) assistance and institutional relations. The current supporting EU instrument is the IPA. With the IPA, the EU offers technical and financial support in various policy areas in order to strengthen the domestic capacities throughout the process of accession (European Commission, 2015c). In addition, the EU institutional rewards range from international agreements such as Stabilisation and Association Agreements (SAA) to complete EU membership. Using reinforcement by reward, also referred to as *political conditionality*, the EU grants the rewards when the target states fulfil the requirements. Simultaneously, it holds back the merits when the candidate state fails to comply with the conditions. According to the ‘reinforcement by reward’ strategy, countries that do not fulfil the conditions of EU membership are simply denied membership and are dependent on other institutional ties, such as association agreements. Schimmelfennig and Sedelmeier (2002) defined four factors which explain the differential levels of compliance with EU conditionality and, therefore, Europeanisation: the credibility of threats and promises, determinacy of conditions, the size and speed of the rewards, and the size of adoption costs (Schimmelfennig & Sedelmeier, 2002; Öztürk, 2013). These propositions will be discussed in more detail in the next chapter, where these propositions are theoretical grounded assumptions, which guide the research on the explanations of the (lack of) impact of EU media freedom conditionality in Serbia.

4.5.2 Social constructivism – the social learning model

The alternative model – the social learning model – dwells from the constructivism perspective of institutionalisation. In contrast to the rational-choice brand of institutionalism, social constructivism perceives institutions as more than the package of formal rules and procedures, namely also as a forum of moral templates, symbols and cognitive values. Studies that take social constructivism as a starting point focus on the explanations behind adoption and consolidation of institutional rules and norms (Öztürk, 2013). Institutional change is not explained by the drive to maximise self-interests of social actors, but by the will to meet social expectations. As Börzel and Risse (2000) explain “actors are guided by collectively shared understandings of what constitutes proper, i.e. socially accepted behaviour in a given rule structure” (Börzel & Risse, 2000). As explained above, domestic change as the result of Europeanisation and the prospect of membership is observed as ‘socialisation’ and a process of ‘collective learning’.

Deriving from social constructivism, the social learning model describes the model of behaviour, based upon factors such as social influence, imitations and identification (Börzel & Risse, 2000). It functions as the main alternative of the external incentive model, since both assess the impact and effectiveness of the EU on domestic change in target states. The social learning model offers an alternative in the sense that it basis its explanation of how institutions influence acting of state actors in making them comply with EU conditionality on sociological principles (Öztürk, 2013). From this perspective, it could be argued that states comply with conditions if they are perceived ‘appropriate’ and

socially desirable (Schimmelfennig & Sedelmeier, 2005a). The decision to adopt external rules is, similar to the external incentive model, based on rewards offered by the EU to fulfil EU requirements. However, these rewards are non-materialistic in nature, as for instance ‘knowledge’, ‘learning’, ‘persuasion’ or ‘policy dialogues’ (Öztürk, 2013). The main assumption of the social learning model is therefore “a government adopts EU rules if it is persuaded of the appropriateness of EU rules” (Schimmelfennig & Sedelmeier, 2005a).

Schimmelfennig and Sedelmeier (2005) distinguished various sociological factors that impact the effectiveness of EU conditionality, namely legitimacy, identity and resonance (Schimmelfennig & Sedelmeier, 2005a). These factors contribute to the explanation for the variance of the effectiveness of the EU in providing domestic change in candidate states, as they directly affect the power of persuasiveness of the EU. Also these factors will be further conceptualised in the next chapter, while functioning as the main theoretical framework of this thesis.

4.6 Conclusion

Taking into account the different theoretical approaches of EU conditionality and Europeanisation, this study intends to research the impact of the EU in the democratic process in Serbia by applying both the constructivist as the rationalistic approach, considering that they both disclose different but not necessarily unrelated explanations for the formation of democracy. The decision to carry out this research by the two theoretical models is based upon various considerations. At first, the model allows us to empirically research the effectiveness of EU attempts of political conditionality. Moreover, as the result of their empirical findings of Schimmelfennig and Sedelmeier developed various conditions that impact the level of effectiveness of democratic promotion beyond internal borders. These suggestions function as assumptions for this thesis, which guide the empirical data analysis of the research. In addition, the theory provides accurate explanations and examples that describe divergent policy outcomes depending on several important variables. Thirdly, the contrast to many studies on effectiveness of EU conditionality, the adoption of these models follows both the *top down* as the *bottom up* perspective of Europeanisation. This allows the research to both seek for explanations of the effectiveness of the strategy of the EU and it takes into account the Serbia’s domestic challenges that complicate compliance with EU conditionality. Lastly, empirical research reveals that both models to analyse the conditions for effectiveness of EU conditionality are applicable and relevant (Schimmelfennig & Sedelmeier, 2005; Schimmelfennig & Schwellnus, 2008; Wetzel & Orbie, 2015).

	Rational Choice Institutionalism	Social constructivism	Historical institutionalism
Logic of action	Consequentiality (cost-benefit analysis)	Appropriateness (rule guided behaviour)	Path dependency (stickiness of institutions)
Interests of actors	Exogenous for action (new means for old goals)	Endogenous for action (new means for new goals)	Evolving over time (malleable in the long-term)
Main element of change	Thin learning (strategic bargaining)	Thick learning (socialisation)	Timing and practices
Strategy of Europeanisation	Conditionality (reinforcement by reward)	Persuasion and legitimacy	Incremental change and critical junctures
Scope conditions	<ul style="list-style-type: none"> ❖ size/speed of reward ❖ credibility ❖ determinacy ❖ adjustment costs + amount of veto players 	<ul style="list-style-type: none"> ❖ legitimacy ❖ identity ❖ resonance 	

Table I. New institutionalism and Europeanisation (Denti, 2014).

Research Design and Methodology

In this study, the media freedom in Serbia in the context of EU accession is researched, while tracing back the process of adhering to EU accession conditions. As briefly introduced in the first chapter of this thesis, with this qualitative case study, the main research aim is to uncover the scope of transformative power of the EU by explaining the level of impact of EU conditionality in the field of media freedom in Serbia. To begin with, this chapter reintroduces the research aim and question of this thesis. Moreover, methodological considerations, which led to the research design and case selection of this thesis, are introduced. Furthermore in the third part of this chapter, research methods and data selection are further explained. Moreover, this chapter consists of the conceptualisation and operationalisations of the main variables derived from the theoretical framework (see Chapter 4). The chapter concludes with the illustration and discussion of potential flaws and limitations of the chosen research design and method.

5.1 Research question

This research is an extensive study of the development of media freedom in Serbia in the context of EU accession. The thesis draws on the theories of EU conditionality of Schimmelfennig and Sedelmeier. It aims to contribute to the general debate Europeanisation of EU candidate states and to the specific understanding of the (lack of) impact of conditionality on media reforms in Serbia, by answering the main question:

How could the impact of EU conditionality on media freedom in Serbia be explained?

In order to answer this question, the current state of media freedom, the level of compliance with EU accession criteria and the factors that explain the effectiveness of EU conditionality are explored.

- ❖ *What is the current state of media freedom in Serbia?*
- ❖ *How does EU conditionality impact media freedom in Serbia?*
- ❖ *To what extent do the conditions for effectiveness of EU conditionality explain Serbia's level of compliance with EU conditionality in the case of media freedom?*

5.2 Research strategy and design – qualitative single case analysis

Given the general aim of this thesis, the qualitative analysis of a single case is considered the most appropriate and suitable research method. Therefore, this case study consist of “a conversion of (...) descriptive explanations of particular outcomes to analytic explanations based on variables” (Levy, 2008). The detailed and intensive small N-analysis is concerned with the uniqueness and complexity of

a specific social phenomenon (Bryman, 2015). A qualitative case study allows the research to go beyond the *prima facie* impression of a phenomenon (Giandomenico, 2015). In comparison to large N-research, single case study has the capacity to explain complexity and establish theoretical results, without losing sight of context specificities (Jano, 2016; George & Bennett, 2005). Unlike more superficial and generalising quantitative analyses of multiple case studies, the qualitative analysis of a single case study result in a so-called ‘thick description’ of a phenomenon while including details and context, which enhance to overall level of understanding (Willes, 2014). This research method is well designed to accomplish the main aim of this research, broaden our understanding of and finding explanations for the complex nature of media freedom reform in Serbia in the context of EU accession. Therefore, the qualitative case study is the most appropriate research method based on the research puzzle this thesis aims to solve.

Taken into account the complexity and possible contradicting explanatory variables, a solid approach in order to cognise ‘key’ arguments and simultaneously ensuring that the number of explanatory factors is limited, is applying both deductive (theory testing) and inductive (theory generating) research strategies (Jano, 2016). This research draws on the core conditions grounded in the theoretical framework outlined in the previous chapter and at the same time examines possible new conditions applicable in this specific case of media freedom in Serbia. In short, this research involves both a comprehensive explanation of the sequential factors that play a role in this case, and at the same time it is amenable for alternative explanations as well as possible limitations of the available evidence and theory (Willes, 2014; Bennett & Elman, 2010). This thesis is a qualitative exploratory study intended to exemplifying the factors and conditions that complicate the situation of compliance with EU media freedom conditionality.

A common strategy of measuring the explanatory factors of the lack of impact of EU conditionality on target states is often tested by the method of Qualitative Comparative Analysis (QCA). In QCA multiple cases are focussed on distinguishing causality and structural patterns in the investigation of multiple cases. However, this research will contain of a single case study analysis, for the specific reasons that this would allow me to focus on the ‘holistic nature’ of the study subject. The extensive analysis of a single cases studies a case and its context ‘as a whole’, whereas not similarities between cases is relevant, but yet the exploration of uniqueness of this case could contribute to the broader understanding of EU conditionality generally, and Serbia’s path to EU membership specifically. Moreover, the lack of existing cases with or ‘the most similar design’, where the dependent variables differ, either the ‘most different system design’, in cases which independent variables differ, is another reason to consider qualitative single case analysis over QCA. The focus on dichotomies and similarities between cases in order to search for permanent causes in order to generalize finding is not compatible with the research aim of this thesis, which research complexity in order to find explanations and obtain concrete knowledge about specific processes and historical divergence (Della Porta, 2008). The single

case analysis contributes to the understanding of this particular cases, by applying the instrument of narrative.

5.3 Case selection – media freedom in Serbia

The case selection has inevitably an impact on the reliability and validity of the findings of the case study and is therefore an essential element of a valuable research strategy (Öztürk, 2013). The selection of Serbia as the researched case for this thesis is based on several considerations. The decisive strategy of the case selection is based on the relevance of the case for achieving the research aim, theoretical framework and research question, with the aspiration to improve the empirical and theoretical understanding of the research subject (Öztürk, 2013; Yin, 2003). The explanation for the case selection is twofold. To begin with, Serbia could be considered a ‘hard and critical case’, whereas non-compliance with EU criteria in the past, as the conditions on normalisation of relation with Kosovo and cooperation with ICTY, show that the transformative power of the EU is limited in the case of Serbia. Schimmelfennig et al. (2003) indicate that the selection of hard and critical cases is more valuable in order to explain the important conditions for the impact of EU conditionality, wherein ‘high level of conflict provide better opportunity to observe the scope of the impact of the EU’ (Öztürk, 2013, Schimmelfennig, 2002). In comparison to the other Western Balkan candidate states, Macedonia, Montenegro and Albania, Serbia is considered an example of a critical case where difficult domestic dynamics could possibly limit the impact of EU conditionality.

Secondly, the decision to investigate the specific questions concerning for the (lack of) impact of the EU on media reform in Serbia derived from real-life policy demand. Media freedom is an important policy priority of the Dutch Ministry of Foreign Affairs, therefore the Embassy of the Kingdom of the Netherlands in Belgrade is closely monitoring developments in the field of media freedom in Serbia. An in-depth academic research on the important factors limiting effective media reform in Serbia could significantly contribute to their overall understanding of this specific policy issue in Serbia. The results of this research function as a starting point of policy evaluation of the democratisation strategies of the Embassy in Serbia. Moreover, the last consideration which led to this particular case selection is the fact my internship at the Embassy in Belgrade allowed me to get acquainted with the research topic in a unique and extensive manner. Because of the internship, I got the opportunity to get in touch with high officials and experts in the field of media freedom and EU enlargement strategies. This significantly improved the overall quality of the thesis, since I was able to discuss the research topic with first rank actors in the field of my media policy. This high advantage would not be present with a different case selection.

The (policy) unit of analysis chosen for this research is media freedom. This because on the one hand media freedom is considered one of the core prerequisite for a well-functioning democracy, and on the other hand media freedom could contribute to the process of transition. Media freedom is an

interesting policy selection, both from a societal and academic point of view. The analysis of media freedom from a societal perspective is relevant because, as briefly explained in the introduction, the EU has difficulties consolidating media reforms in both current member states (Hungary and Poland) and candidate states (Turkey and Serbia), whereas the analysis of the expected lack of impact in one of these states contributes to our understanding of EU's limited transformative power. As explained in Chapter 2, media freedom is which is both embedded in political criteria as in the *acquis*. Therefore, studying compliance with EU conditionality in the field of media freedom allows this research to evaluate the EU stimuli of a thick conditionality, since the factor is both based on the *acquis* as on the political criteria. The policy area of media freedom is incorporated in the EU accession criteria; yet, media freedom reform poses challenges for Serbia in its EU accession process.

In order to assess the contemporary conditions for transformative power of the EU in the field of media freedom, data is analysed from the moment Serbia was officially granted EU candidate status in 2014, until today, August 2016. The time period for this researches defines the contemporary situation of media freedom in Serbia. However, on several occasions also the analysis of data outside this time frame was incorporated in the study due to its relevance to understand the historical developments of events.

5.4 Data selection – documents and interviews

Taking into consideration the scope and aim of this research, the empirical research relies on interview and document sources. Research was conducted in the first half year of 2016, consisting of intensive document analysis of policy documents (both from the EU, national government and other relevant international organisations as the OSCE and the Dutch Embassy in Belgrade), (policy and monitoring) reports of relevant NGO's/CSO's and international organisation, research studies and publications and in-depth interviews with local media owners, journalists, representatives of media organisations, media experts and policy officials active in the field of freedom of media in Serbia.

The document analysis consist of the analysis of primary EU sources among others Serbia's progress reports of 2014 and 2015, EU enlargement strategies and the benchmarks of Chapter 23. The decision to include the EU primary sources in this analysis is based on the fact these documents structurally present accurate information about Serbia's progress made and the strengths and weaknesses of Serbia's democratisation efforts. Secondly, also national primary sources, which were available in English, were included in this research. This includes official documentation of the government regarding Serbia's EU integration process, published by or the government or the Serbia European Integration Office (SEIO), the government service dealing with EU integration. Among others, documents related to the negotiations on Serbia's accession to the EU as the official Action Plan of adoption Chapter 23 of the *acquis*, national program for adoption of the *acquis*, monitoring reports and the national programmes for integration, national media regulation and legislation. These reports

provide us with the domestic perspective on Serbia's EU accession process. The third source of information consists of recent reports and publications of NGO's, CSO's and Think Tanks, both international as local. Before the inclusion of these reports in this research, the reliability and credibility of the research entity was extensively researched, in order to prevent the inclusion of incorrect or biased data in this research.

In addition to the document analysis, data has been collected by executing in-depth interviews with media representatives, journalists and policy officials of the international community. The total amount of interviews conducted is 9, including (investigative) journalists, media manager, representative civil society, and policy officials of international organisations. The majority of the participants objected digital recording and requested to remain anonymous. Despite the fact this directly harms the reliability of the thesis results and the data collected from this interviewees, this allowed the participants to speak freely about their thoughts and opinions. This allowed on the one hand policy officials to (critical) discuss the topic without being limited to the general stance of their organisation, and on the other hand journalists were able to freely discuss their experience without risking personal confrontation with their statements. The interviews were essential and extremely informative for the overall understanding of the context and subject circumstances, to test the accuracy of previously document analysis and lastly, to increase the validity of assumption derived from the theory. The semi-structured interview style was used for this research. As Öztürk (2013) describes "this style keeps the focus of the topics constant, provides a partial structure to the interview, where a written guide can be provided prior to the interview, but at the same time it also provides the necessary flexibility for both the interview and the interviewee, where they can improvise on the discussion of the topics" (Öztürk, 2013).⁵

5.5 Data analysis – operationalisation of variables

As discussed in the previous chapter, compatible with the rationalist and the social constructivist perspective, Europeanisation has been used in previous studies to describe and explain the top-down and bottom-up relation between the EU and domestic states. The outcome of this interaction is not inevitably a uniform merge of structures, but rather characterised by differentiated pattern, which is dependent on various scope conditions (Denti, 2014). The theoretical strands applied on this thesis are simultaneously rationalist institutionalism and social constructivism, empirically analysed with the theoretical frameworks: external incentives and social learning models. One could assume that the empirical grounded and theoretical plausible conditions deriving from these models are also applicable to the case of media freedom in Serbia. The main assumptions based on these models are the starting

⁵ The list of topics and general questions functioning as the interview guide, could be found in the appendix of this research.

point of this thesis analysis. The assumptions which derive from this theoretical models do not aim at mutual exclusiveness, in contrast, they aim at explaining the outcome.

In contrast to the majority of studies on enlargement and Europeanisation which mainly focus on the *top down* perspective, this thesis also focusses on the *bottom-up* perspective by including the analysis of the domestic context, the internal influential factors and interaction between the candidate states and the international community. This allows me to grasp the overall context and assess the dynamics of the impact of the EU on Serbia.

5.5.1 Data and variables

5.5.1.1 Dependent variable

The dependent variable is the degree of democratisation and rule adoption of Serbia. More specifically, in this research, the level of Europeanisation in the field of media freedom is measured. Similar to the dependent variable used in studies of Europeanisation, compliance, and institutionalisation research, the principle dependent variable is rule adaptation (Schimmelfennig & Sedelmeier, 2005b; Schimmelfennig & Schweltnus, 2008). The level of Europeanisation is operationalised in three differential degrees of domestic rule adaptation: verbal adoption, legal adoption and substantive adoption. Whereas the first category, verbal adoption, describes the rhetorical confirmation of EU's norms and reform instructions by domestic actors. *Verbal adoption* (1) consists of rhetorical expressed support for EU rules by political stakeholders, as the result of domestic capacity or political willingness. This first category is investigated to identify the degree of norm diffusion and domestic political and societal willingness. Verbal rule adoption could be measured by monitoring the political stance of the most prominent political elite of Serbia's society. Since the ruling party in Serbia has the majority of seats in the Serbian assembly, officials from the SNS are the main decision makers in Serbia. Verbal rule adoption of the SNS, therefore, could have considerable impact on the final legal and substantial adoption of EU standards.

The second degree of requires the legal endorsement of EU rules, as the following step after verbal adoption. *Legal adoption* (2) occurs when attempts exist to establish formal institutions and carry out legislation in conformance with EU norms. This legal adoption may vary from the initiation of parliamentary debate on EU draft regulation to the explicit adoption of EU legislation in domestic structures. The main indicators for this second category are the policy revisions and institutional alignment.

The latter degree of domestic rule adoption is *substantive adoption* (3), which goes beyond the rhetorical and formal EU rule harmonisation since it includes the actual implementation of the newly introduced EU legislation. The implementation process is defined through 'which external norms are transposed, adhered to and enforced at the domestic level' (Elbasani, 2013). Substantive compliance requires the deeper consolidation process as the result of EU pressure to reflect consistent rule behaviour. The verbal, legal and substantive degree of rule adoption corresponds with the different levels of

institutionalisation of EU rules. Whereas legal adoption is defined as the legislative measure taken to align domestic legislation with EU rules and therefore clearly located at the political level, substantive adoption includes the actual implementation of the formally adopted rules involving a broader range of actors not only on the political- but also on the administrative and societal level (Schimmelfennig & Schwellnus, 2008). This means that on the political level, the most important measure is the budgetary allocation of financial means to ensure the implementation of the rule. On the administrative level this means that state authorities must actually apply the formally adopted rules and the implementation is only considered present when courts enforce the legalisation. Lastly, on the societal level implementation is dependent on the fact if beneficiaries claimed the rights or formally granted provisions (Schimmelfennig & Schwellnus, 2008). Societal level implementation could be measured based on the evaluation of legal adoption in NGO/CSO reports and interviews with similar organisations and Serbian citizens.

5.5.1.2 Independent variables

Taking into account the empirical findings of extensive research on conditions for effective EU democracy promotion strategies, the independent variables of this thesis derive from the external incentive model and the social learning model. The main determining factors for the level of democratic transition in the external incentive model are (1) the size/speed of rewards, (2) determinacy of conditions (3) credibility of threats and promises, (4) veto players and adoption costs. Drawn on these factors, several hypotheses about the effectiveness of EU external governance could be established.

The first factor that according to the external incentive model influences the cost-benefits analyses of state authorities to comply with EU set standards and conditions, is considered the *size and speed of rewards (1)*. The promise of institutional cooperation in the form of membership is a more powerful tool of ensuring rule adoption than the promise of association or assistance. In addition, the incentive to adopt EU rules and norms is lower when the temporary distance till the moment the reward is received is longer. In other words, compliance is more likely at the moment when the EU decision on accession of the candidate states get closer (Schimmelfennig & Scholtz, 2008).

According to the external incentive model, compliance with rule adoption does not occur when the EU does not set rule adoption as a condition for reward (in this respect membership) (Schimmelfennig & Scholtz, 2008). The likelihood of adoption of rules increases whenever the *determinacy of the conditionality (2)* of the EU and the set of rules is enhanced. In other words, if rules are determinant, clear and adoption is necessary in order to receive the reward, the chances are higher that rule adoption takes place. Whereas the concept determinacy refers to the clarity of the formality of the rule. As Schimmelfennig and Scholtz (2008) state “the clearer the behavioural implications of a rule, and the more ‘legalized’ its status the higher its determinacy” (Schimmelfennig & Scholtz, 2008). The main explanation behind this determining factor is the determinacy of conditionality fosters the

credibility of necessary rule adoption. With the existence of determinant and clarified rules the target state could not manipulate the interpretation of compliance to their advantage.

The third factor, *credibility of conditionality (3)*, is related to the credibility of EU's threat to, in case of non-compliance, withhold the reward and the promise to grant the reward when the candidate states adopt the EU rules. This factor is highly dependent on capabilities and costs of the actor which employs conditionality. This means that the EU external service should be in the possession of strong bargaining power and acquire desired guarantees of conditional payments to ensure a sufficient level of credibility for effective rule exportation. Moreover, the level of credibility increases when the rewards offered by the EU are proportional to the progress made in terms of compliance with EU rules. Whereas the further a state is in the process of EU accession, the higher the waste costs for the EU whenever rewards are withdrawn in case of non-compliance. Another important factor influencing the level of credibility of rewards is that the presence of cross-conditionality: other sources of conditionality that offer the same rewards for lower adoption costs. Lastly, the credibility of rewards is effected by asymmetries in information. If the EU is not capable of sufficiently monitoring the progress of rule adoption in the target state, asymmetry in the perception of the reality could lead to inconsistency of EU behaviour and weaken the level of credibility of rewards.

Lastly, the *size of adoption costs and number of veto players (4)* are important determinants impinging the level of EU rules adoption. The external incentive model starts with the assumption that rule adoption is always a costly process, since otherwise it would already have taken place without the presence of EU conditionality. The outcome of the cost-benefit analysis of the benefits of the rewards offered in case of compliance and the costs of rule adoption determine the level of compliance. Since the level of rule adoption is highly dependent on the establishment, the level of adoption costs is related to the preference of political veto players – understood as ‘actors whose agreement is necessary for a change in the status quo’ (Schimmelfennig & Scholtz, 2008). Taking into consideration that the number of veto players increases the relevance of the cost-benefit analyses. Net condition costs for veto players are considered the loss of power, the costs of opportunities and the increase of welfare.

Despite the fact that various empirical studies of among other scholars Schimmelfennig and Sedelmeier did not find significant evidence for the relevance of the alternative social learning model (analysis of legitimacy, identity and resonance), whereas empirical studies did not consider the explanatory value of this alternative model (Schimmelfennig, 2015). The alternative model is included in this research to integrate the constructive variables to guarantee and test the validity of the previous empirical findings and theoretical assumptions. In contrast, the social learning model draws on the social constructivism stance of new-institutionalism, assuming that the adoption of rules is the result of logic of appropriateness, and therefore compliance with EU conditionality is dependent on the fact if the candidate states regards the EU rules and legislation in conformance with identity, norms and values.

The main determining factors for the level of democratic transition in the social learning model are (1) legitimacy of EU rules and process (2) identity and (3) resonance.

The first factors, *legitimacy of EU rules and process (1)*, refers to the quality of the process and content of EU conditionality. According to the tradition scholars in the field of institutionalist, rule adoption depends on ‘the clarity with which the rule communicate, the integrity of the process by which they were made and are applied, their venerable pedigree and conceptual coherent. In short, it is the legitimacy of the rules which conduces to their being respected (Schimmelfennig & Sedelmeier, 2005b). Specifically, even though the determinacy of a rule is guaranteed, if for instance member states do not apply the laws consistently, the legitimacy of the rule is weakened. Moreover, if the rule is in line with the constitutional values and legal norms of the target state, the level of legitimacy is strengthened. Another important assumption that derives from this is the idea that the more the EU is capable of creating the feeling of ‘ownership’ of a rule, the more likely the state is likely to adopt the rule in accordance to the increase of legitimacy of the rule.

Secondly, candidate states are more likely to comply with EU conditionality if the European Union and the community of countries are considered a group which resembles collective norms, values and *identity (2)*.

The last factor that influence the level of compliance according the social learning model is *resonance (3)*, underlines the importance of the domestic context that facilitates the persuasion of EU rules. Examples of factors that complicate rule adoption are an existing contradicting legal framework, policy strategy or EU rules that do not correlate with ‘good’ policy according to the domestic political and societal culture.

	External Incentive Model	Social Learning Model
EU-Level	Determinacy	Legitimacy
	Credibility	
	Size and Speed of Rewards	
Domestic Level	Size of adoption costs/number of veto players	Identity
		Resonance

Table II. Contextualisation and operationalisation of independent variables.

5.6 Limitations of this research – validity and credibility

Although the research strategy selected is the most suited to answer the research question of this thesis, it is important to take into account the main potential limitations of the chosen research design and methods. A single case analysis has minimal generalisation capacity of the results, since there is high

risk of random error appearance. Moreover, the research design does not provide ground for conclusion concerning causality of the conditions and the degree of compliance (Bryman, 2008). However, taking into account the fact the main aim of this research is to apply a holistic approach to understand the lack of impact of the EU in this particular case and not to systematically explore causality of conditions and the level of compliance, these limitations are not considered substantial. Moreover, in order to prevent possible risks of validity and reliability, this research includes a very detailed and comprehensive ‘thick description’, so the progression of events and conclusions is clear for the reader and to explain the line of reasoning (Brink, 1993).

Freedom of the Media in Serbia – *an analysis*

Various monitoring reports of CSO's, NGO's and international institutions as the EU express their concerns regarding the media situation in Serbia (European Commission, 2015a; Freedom House, 2015; World Press Freedom Index, 2016; CIMA, 2016). This chapter consists of an in-depth analysis of the state of media freedom and pluralism in Serbia by focussing on the relevant legislative media framework in place, the role of the public service broadcasters, the economic situation of the media markets and lastly the working conditions and professionalism of journalists. Concluding with the overall assessment of rule adoption and the conformance with EU-conditionality in this specific policy field. Finally, in the last part of this chapter, the important factors derived from the theoretical framework of the external incentive and social learning models designed by Schimmelfennig and Sedelmeier are evaluated, in order to assess their capacity to explain the (lack of) impact of the EU in the field of media freedom.

6.1 The media landscape of Serbia

6.1.1 *An introduction*

Since the end communism after Josip Broz Tito's death in 1980, Serbia has embarked on a process of transition. The post-communist and post-war society started to process of reform from a state based society towards a pluralistic, liberal democratic society. Until today, the country is facing the consequences of former centralisations, nationalistic and conservative policy legacies (EJC, 2014). Various monitoring reports underline the worrisome state of media freedom in Serbia. Reporters without Borders rank Serbia's state of media freedom in the World Press Freedom Index place 54 in 2014, 67 in 2015 and 59 in 2016 in the world. The index for freedom of press of Freedom House describes Serbia as partly free. With a rank from 0 (best) to 100 (worst), Serbia received the overall score of 36 in 2013, 37 in 2014 and 40 in 2015 (Freedom House, 2016). The Media Sustainability Index (MSI) granted the media state in Serbia in 2015 the lowest mark since MSI began in 2001. Although some of the indexes show a slight decrease of media freedom (World Press Freedom Index, 2015) and others observe deteriorating circumstances of the media landscape (Freedom House and MSI), one thing is certain, all scores are significantly below EU average (Freedom House, 2016; Reporters without Borders, 2016; MSI, 2016).

6.1.2 *Legal framework and regulation*

Freedom of expression finds legal and constitutional protection in Serbia. The right to freedom of expression is legally embedded in the Serbian constitution. Restrictions to the freedom of expression, according to the constitution, are only justified in cases of protection of the rights of others, health and well-being of society, court's authority and independence and when the national security or morals of society are at stake (European Parliament, 2014). Moreover, the constitution grants everyone with the

freedom to establish media without required permission and it prohibits censorship of media (European Parliament, 2014). Regarding the legal framework in the field of media freedom, in August 2014, three new media laws were adopted – the Law on Public Information and Media, the Law on Electronic Media and the Law on Public Service Broadcasting (European Commission, 2015a). The adoption of these new laws was welcomed by CSO's and the EU (Benedek & Nyman-Metcalf, 2015). The EU states that “the adoption of the three laws (...) further aligns Serbian legislation with the EU legal framework in this area” (European Commission, 2015a). The three landmark laws were intensively consulted with the EU and modified according to EU standards and regulations.

The protection of media freedom was strengthened and aligned with EU standards since the approval of the new laws on media, but the mere adoption of new laws does not constitute a full-fledged reform that leads to media freedom in Serbia (MFA NL, 2015a). A few crucial problems remain: at first, the majority of the media laws and regulation are poorly or partly implemented (idem, 2015a). A good example is the lack of implementation of the Law on Public Information and Media, which prescribed a process of mandatory privatisation of state-owned media by 1 July 2015. The privatisation process is until today not fully completed and state influence on media is therefore not eliminated (MFA NL, 2015b). The deadline of the implementation of this newly introduced law passed without sufficient action and nobody was held accountable for the delay (Interviewee IV, 2016). Various reports stress that implementation is necessary in order to ensure that the legal mechanism in place could ensure a sufficient level of media freedom and pluralism in Serbia (European Commission, 2015a; CIMA, 2016; BTI, 2016; Nedeljkovic, 2016).

The lack of implementation goes hand in hand with the lack of enforcement of the new media laws. Although the constitutional and legal systems are aligned with EU legislation and in theory protect the freedom of expression, the rules and regulations are regularly impeded by numerous actors without any judicial consequences (Freedom House, 2015; Interview VI, 2016). The enforcement of the media legislation by police and prosecution is hampered by country characterized problems concerning rule of law such as corruption, ineffectiveness of the judicial system and impartiality of judges. As described in the MSI report of 2016 “media members have difficulty finding protection under the law, due to the huge deviations in practice and the judicial system that is under control of the authorities” (MSI, 2016).

6.1.3 Public service broadcasting

A public service broadcaster (PSB) is an autonomous and independent media outlet, which serves the public interests and provides general media services for different sections of society by publishing radio, television and multimedia content (Law on Public Service Broadcasting, 2014). The newly adopted Law on Public Service Broadcasting regulates the two PSBs, the republican PSB Radio Television of Serbia (RTS) and the PSB of the northern autonomous province Vojvodina Radio Television of Vojvodina (RTV). Serbia's PSBs, RTS and RTV, are funded by television subscriptions purchased by business and households in order to prevent dependence on the state (SEE Media Observatory, 2014). The newly

adopted law provided legislative changes in line with EU standards, by correcting the legislative deficiencies in the field of PSB present before the adoption of the new law on PSB. The new law allows the media freedom in the field of PSB to flourish, but despite the solid legal framework, various obstacles to the independence of PSB, both RTS and RTV, could be observed.

The first serious issue of concern regarding PSB is the lack of independence of their editorial policies (Interview I, 2016). Since the considerable drop of revenues from public subscription fees in the last couple of years, both RTS and RTV are becoming more dependent on public funds (European Parliament, 2014; Nedeljkovic, 2015). The fact that both PSBs are direct beneficiary of the state inevitably creates grounds for state interference and economic pressure (European Parliament, 2014). Although clear prove regarding increasing political interference and partiality of PSBs in Serbia is difficult to obtain, several indicators point in the direction of considerable influence of ruling political structures on PSB that prevent full pluralism (CIMA, 2015). A study conducted by the international organisation South Eastern European Media Observatory showed that despite the adoption of the new law in 2015, PSBs in Serbia fail to represent the public interests. Significant shortcomings of the law constrain the professional and ethnical capacities of the PSBs. The PSBs are despite the adoption of the new law still not an open forum for dialogue for different opinions and visions on matters of public interest (Nedeljkovic, 2015). The study found that “the most frequent appearing person was the leader of the SNS, Prime Minister Aleksandar Vučić, who was quoted uncritically by the PSBs on any occasion” (idem, 2015). Since their election victory and the start of the ruling term of SNS, the presence of the party in the PSB newscasts has been multiplied by five, which is disproportional high. This study not only found an imbalance of media coverage based on political affiliation, it also revealed inequality with regard to gender, age, marginalized groups and location (idem, 2015).

A very recent example of possible political influence and impartiality of PSB is the dismissal of the editorial staff RTV in May 2016, directly after the ruling party SNS came into power in Vojvodina. Various CSO’s and NGO’s argue that the power shift in Vojvodina had considerable impact on the public dependence of RTV, which now reflects the positions of the local government (Interview IV, 2016; Interview III, 2016; Interview II). There is a general impression that the PSBs are utilized to serve the government instead of the public interests. The EU delegation and OSCE Mission to Serbia expressed their concerns about the dismissals of RTV employees in a public statement, whereas OSCE especially referred to the appointment of new editors without a proper process of recruitment (Poznatov, 2016). Nevertheless, political influence in this manner is difficult to prove. The decision was made by the management board, due to decline in ratings. The responds to the critics by state authorities therefor was “as far as I can tell, things there are happening according to the law for the first time. Why should I be concerned if things are happening according to the law? No one is dismissing people and bringing in people from Belgrade on partisan grounds, as they did in other years,” as Prime Minister Aleksandar Vučić stated (idem, 2016).

In short, contemporary PSBs in Serbia are not sufficiently financial sustainable and editorial independent from political influence, and therefore face difficulties with providing an alternative program from commercial media outlets, covering information for the broader audience serving the public interest and cultivate investigative journalism (SEE Media Observatory, 2014).

6.1.4 Economic state of the media market

One of the main challenges for Serbia's transition process is the privatisation of state institutions in order to develop a well-functioning market-based economic system (SEE Media Observatory, 2014). The reconstruction of the media system is an essential step to establish independent, free and pluralistic media (idem, 2014). However, state ownership of the media market is until today a considerable issue in the overall process of media reform (Interview II, Interview VIII). Measures to guarantee the privatisation of the media market were welcomed. In 2014, the Law on Public Information and Media, which covered the financing of media, was officially adopted. As briefly mentioned in the assessment of the legal framework in place, the law stipulated that the state was obliged to officially withdraw from the media market before the 1st of July 2015. The main idea behind the reconstruction of the media landscape was to limit state control over editorial policies and the increase of transparency of media financing. However, as already briefly mentioned in the first paragraph of this chapter, the process of implementation of this newly adopted legislation is until today not fully completed. Approximately 72 state owned media companies needed to be privatised by the first of July 2015. The Serbian authorities announced in June 2015 that the official deadline for the finalising of the privatisation process would be moved to the end of October. Of the 72 state media enterprises, 21 were not eligible for privatisation due to negative capital, 36 were sold to private entities, and fifteen companies were not sold on the market (ANEM, 2015). According to the law, all companies that were not privatised by October 1st 2015 were supposed to be erased from the market. However, this provision is not respected in all cases of privatisation, as controversy exists around the privatisation of Tanjug, the previously national state-owned news agency, which after a failed attempt of privatisation continues to operate. Tanjug is still broadcasting news, despite the legal provisions which state that it should be closed down after the failed privatisation. Head of Media department of the OSCE Mission in Serbia, Gordana Jankovic, stated that "the media, which should have been closed down, continue to operate without consequences. The case of news agency Tanjug is unprecedented" (CIMA, 2016; Interview I, Interview II, Interview IV).

Another important issue concerning financing of media markets is the lack of clarity concerning ownership structures (SEE Media Observatory, 2015; ACC, 2015). In an extensive research from the Anti-Corruption Council of the Government of Serbia (ACC) on the different models of media control in 2011-2014, the ACC found that the identity of nine out of eleven commercial broadcasters' owners was not known for its audience (ACC, 2015). The ACC concluded that there is a significant risk that the owners of media hide their identity in order to camouflage particular interests, which are the driving force behind the editorial content (SEE Media Observatory, 2015; ACC, 2015).

The poor economic state of media companies on the liberal market is considered the main threat by the majority of journalists in several surveys (SEE Media Observatory, 2015). The financial crisis of 2008 and the digitalisation of society worsened the economic position of the media in the market. The declining economic situation of the country considerably affected the quality of media coverage and the level of media freedom and pluralism in Serbia (BTI, 2016). The BTI country report of Serbia noted “falling living standards, opaque media ownership and funding, weak financial base of many private media outlets, and a corresponding dependence on business and political interest groups” (BIT, 2016). The increased competition from the digital media and the financial crisis resulted in a considerable decrease of cut media businesses’ revenues throughout Europe and beyond (SEE Media Observatory, 2015). The impact of the economic situation of the Serbian media market exposes media outlets and journalists to possible financial and political pressure. The majority of the media companies in the year 2015 were chronically underfunded and did not manage to make sufficient profit to operate independently. Media agencies are increasing dependent on financial revenues originated from state funding and advertisement. However, both advertisement and state funding have been proved to be used as financial instruments for business or political actors to influence the editorial content of the media (ACC, 2015).

Several interviewees refer to the lack of transparency and regulation in the process of state funding (Interview I, 2016; Interview II, 2016; Interview VIII). Under the new media law, a new method of state funding is introduced in order to secure fair competition among media competitors and limit state influence in distribution of state funds. Media outlets are invited to apply for state funds in order to secure the production of media content in the public interest. However, an ongoing in-depth analysis of ACC shows that this new procedure did not result in a shift of the state budget allocation. Media outlets which received state funding before the introduction of the new legislation continue to receive similar revenues from the state despite the official tender procedure and call for proposals (Interview III, Interview IV; ACC, 2015). Moreover, a research of Balkan Investigative Reporting Network (BIRN) found that only 20 percent of all the state spending was the result of a transparent competitive process, whereas the other 80 percent of the budget devoted to media was allocated through direct contracts and subsidies, what is officially not allowed according the new adopted umbrella of media laws (BIRN, 2015; MIS, 2016). Several irregularities concerning the tender procedure of state funds were reported, among which a case of the municipality of Jagodina, where the mayor publicly announced that only project which cover topics that the government perceives as important are eligible for project support (CIMA, 2016). Another common irregularity is the lack of independence of the commission which grants the state funds, which is regularly composed by officials closely related to the ruling party (CIMA, 2016). Therefore, despite the introduction of the new media legislation on the allocation of state funds, state funding remains an important tool to execute state interest and influence editorial content of independent media.

In addition to the abuse of state funding procedure, the concentration of the advertisement market allows companies and the state to pressure media outlets economically (EJC, 2014). One of the biggest advertisers in Serbia is the state. Due to the legal deficit of state advertisement provisions, big state-owned enterprises are able to spend public money on advertisement, sponsor events and other media services (CIMA, 2016). National companies are mainly focussing their advertisement on particular media, without any clear justification why they limit their advertisement to these specific media outlets. Moreover, in various cases national enterprises include content related requirements in the advertisement contracts. A clear example is the advertisement practice of the heating plant in Nis, which stipulated in their marketing agreements with local media outlet that “the media will not only cover the work of the state-owned media plant and its representatives, but also that they will reprint the company’s written statement, never broadcast negative information before asking the company’s input, and if asked by company officials, will submit the company audio or video recordings related to it” (idem, 2016). If the media violates the agreement, the state enterprise could annul the agreement (idem, 2016). Moreover, there is clear evidence that because of strong ties between the ruling party and private business enterprises, next to advertisement via state enterprises also private advertisement is a tool for the state to execute power over media content (EJC, 2014). The impact of private advertisement is visible in the case tabloid Kurir. Directly after Kurir published highly critical content about the ruling party, the tabloid experienced a steep decline in advertisement revenues, from both state and private enterprises (CIMA, 2016; Interview III, 2016; Interview V).

Lastly, another state economic instrument to influence editorial policies of media outlets in Serbia is the biased enforcement of (tax) laws (CIMA, 2016). The ACC published a report which showed that the closer the media outlet is to the ruling party, the higher the chance of receiving a favoured approach of the state authorities (ACC, 2015). As interviewee I explained, “the state has the power to completely exploit you financially, the agency does not have the resources to pay for multiple court procedures and high fines, so you think twice before you publish a critical article about the state” (Interview I, 2016).

To conclude, the issues of the economic state of the media market are multifaceted. The modernisation of the media system is limited due to various characteristics of the Serbian media market as “the lack of investment, unregulated market, inadequate number of broadcasting licences, non-transparent ownership, uncontrolled concentration, partisan state funding, unknown media industry data, inadequate media resources for market operations” (SEE Media Observatory, 2014). The abuse of ownership and other financial instruments as funding, advertisement and tax procedures prevents the development of a sustainable business model, where media serve the public interest and a sufficient level of media pluralism is guaranteed (idem, 2014).

6.1.5 Status of journalist

Media workers are confronted with difficult economic working environment (Freedom House, 2015). The level of professionalism and quality of media coverage seems to decline in parallel with the deteriorating economic situation in Serbia since the economic crisis in 2008 (BTI, 2016). Journalism, also before the financial global crisis, is a sensitive profession, where ‘one has to work hard, but earns very little’ (European Parliament, 2014). The profession is not legally protected and journalists have irregular income with partial or no social (health) protection. The tough working conditions of journalists inevitable compromises the quality of the media coverage and it discourages talented journalists to execute the profession (Interview VII, 2016; European Parliament, 2014). Journalism in Serbia is captured by high job insecurity, low remunerations and high work pressure (HRW, 2015).

In addition, the environment in which journalists operate is extremely hostile (Interview I, 2016). Media outlets and journalists are consistently risking political, physical and verbal threats. Regardless the legal protections in place, journalists are frequently the victim of threats, physical and verbal violence (European Parliament, 2014; Interview I, Interview II, Interview V, Interview VII). Various expert report mention the ineffective law enforcement and judicial response to threats of this kind (MSI, 2016). The Independent Association of Serbian Journalists (NUNS) reported 34 attacks against journalist in 2014, of which 20 verbal and ten physical and three vandalism attack on property (NUNS, 2015; MSI, 2016). Two cases of these criminal charges resulted in a closed court case. The lack of efficiency of the judiciary and police leads to a state of impunity, characterised by scarce legal action against the perpetrators of the threats and assaults towards journalists.

In addition to the execution of political pressure from the ruling party on editorial policies via financial means, the SNS also actively pressures media in the form of “official announcements directly condemning journalists that express their attitudes or question politicians’ practices” (MSI, 2016). An example is public accusations of the ruling party, is the statement of Aleksandar Vučić, who during a press conference called the journalists of BIRN ‘liars’, after BIRN’s publication of an investigation on a state-owned power company. The Prime Minister repeatedly names journalists and foreign in public, while accusing them of ‘foreign mercenaries’ or ‘spies of the foreign coalition to topple the government’. Independent media are, moreover, faced with ongoing smear campaigns of the pro-governmental tabloids, such as *Informer*. In March 2016, editor of chief of the Crime and Corruption Reporting Network (KRIK) was subject to various strong allegations after the, soon to be published, investigative article about the property holdings of the family of Prime Minister Vučić. Sole intentions of intimidation endanger freedom of expression and could result in self-censorship. “Journalists know exactly which topics not to touch in order to prevent political and public slander. Journalists avoid taboo topics as Vučić’s family, the controversial project Belgrade Waterfront, Kosovo and AirSerbia” (Interviewee V, 2016).

There were various attempts to improve the level of professionalism and protect the rights of its journalists. However, the trade unions which serve to improve the working conditions of journalists, are

poorly organised, ineffective and the membership numbers are relatively low. Journalists are hesitant about Union membership, mainly because of the risks for employers’ reprisal and the lack of trust in the effectiveness of trade unions (European Parliament, 2014).

The reinforcement of the Code of Ethics (Code of Conduct) was an attempts to improve the level of professionalism in the field of journalism. The various journalists associations among others the Association of Serbian Journalist (UNS) and NUNS embraced the Code of Conduct to improve the editorial and ethical standards of the Serbian media landscape. However, the level of compliance with this Code of Conduct is relatively low. Especially the presumption of innocence (one is innocent until proved otherwise), the protection of privacy and minors are violated on numerous occasions (European Parliament, 2014; Interview I, 2016; Interview III, 2016). The self-regulatory body, the Press Council, was founded in 2009 in order to responds to the violations of the ethical and professional standards of printed media. Nevertheless, the sanctions of the Press Council are limited to public statements, which is not considered sufficient to ensure compliance with the professional norms (European Parliament, 2014; Interview I, 2016).

6.1.6 Conclusion

Since the fall of the authoritarian regime in Serbia, the country has been embarked upon a process of reform of the system of media, aimed at the creation of a free, impartial, and pluralistic media climate. The media system changed significantly, whereas media are to a great extent in private ownership, the media legislation is based on democratic European standards, PSB are regulated by independent bodies, state budget funding of media is exposed to the market (SEE Media Observatory, 2015; European Commission, 2015a). However, there is no consensus if the new media system in place improved the degree of media freedom in Serbia. The media freedom in Serbia is hampered by many weaknesses of Serbia’s media freedom (BTI, 2016; SEE Media Observatory, 2015). The main result of the brief assessment of the level of media freedom, based on the indicators of the legal framework, PSB’s, economic state of the media market and status of journalism, are summarised in the table below.

Media freedom indicators:	Opportunities for Media Freedom in Serbia	Risks and Limits to Media Freedom
Legal framework	Legal framework: <ul style="list-style-type: none"> ❖ Constitutional protection ❖ Media legislation: aligned with EU standards (2014) 	<ul style="list-style-type: none"> ❖ Lack of implementation ❖ Lack of enforcement
Public Service Broadcasting	Legal framework: <ul style="list-style-type: none"> ❖ Law on PBS (2014) 	<ul style="list-style-type: none"> ❖ Financial unsustainability ❖ Lack of independence ❖ Political interference

Media Market: economic state	Legal framework: ❖ Privatisation	Lack ownership transparency Financial unsustainability Economic/political influence: ❖ Advertising ❖ State funding ❖ Fines, judicial proceedings
State of journalism	❖ Legal protection journalists ❖ Code of Conduct ❖ Self-regulatory body	Verbal threats and physical violence Low editorial independence and professionalism ❖ Violations Code of Conduct ❖ Poor self-regulation

Table III. General assessment of media freedom in Serbia.

6.2 EU transformative power – effectiveness explained

The approach of the EU to consolidate media freedom with political conditionality is only partly successful. Under EU pressure and consolidation in the early phase of EU integration, the EU opted for the improvement of the media system of Serbia. The adoption of the media strategy was one of the main conditions before Serbia was eligible for EU candidate status, the implementation of the media strategy was monitored in the progress reports of the EU and the new media legislation is intensively consulted with the EU before adoption. Moreover, the establishment of a clear visible action plan for Chapter 23 is required before the opening of the two crucial chapters in the EU negotiation process. The impact in this respect is utmost clear. However, the outcome of the new media legislation and policies are not according to EU standards. The media freedom is weakened by various factors described in the previous part of this chapter. A state of ‘fake’ and ‘partial’ compliance with EU conditionality could be observed. The media laws and policies are predominately adopted under pressure of EU conditionality, but they have limited effect in practice. The reconstruction of the media system is mainly impeded by strong state repression. The various attempts of the EU to promote freedom of media and the limited success of this strategy leaves the question concerning the effectiveness of EU’s attempts in the promotion of this freedom unanswered. By assessing the two models of effectiveness of EU conditionality, this chapter address the question, how could the lack of impact of EU conditionality in this specific context be explained?

6.2.1 Serbia's bid on EU membership

When the EU granted Serbia the candidate status in 2014, the incentives to comply with EU accession criteria was strengthened. Serbia is, after conformance with the membership criteria, eligible for the highest institutional reward, EU membership. The opening of the key Chapters 23 and 24 in July 2016, brings the country another step closer to EU membership. However, regardless Serbia's candidate status, the credibility of the promise that the EU will grant this reward once Serbia fully complied with the criteria is questionable.

The Union is suffering from a considerable commitment deficit, since there is no clear timeframe of accession available for Serbia. With the absence of a clear prospect of EU membership, which remains mainly an abstract option, the leverage of EU is considerably challenged (Renner & Trauner, 2009). Secondly, despite the fact Serbia is a *de facto* candidate for eventual EU membership, the Council finally decides – by unanimity – if the country will become an official member of the EU. The critical political and societal relationship with Croatia, the most recent member of the EU, could be a considerable obstacle for Serbia's process of EU accession. The negotiations with Serbia about Chapters 23 and 24 of the *acquis* have been postponed several times after obstructions of Croatia because of bilateral issues as minority right protection and war crime resolution. Examples in the past, as for instance the name dispute between Macedonia and Greece, have shown that bilateral issues between an EU member state and candidate state could temporarily or even permanently block the accession of candidate states. The recent controversy about the start of negotiations of Chapter 23 and 24 show that bilateral issues as the consequence of the subsequent of the Balkan wars are a (possible) obstacle for Serbia's bid on EU membership. Thirdly, another important factor that negatively affects the credibility of the full incorporation of Serbia into the EU system after the completion of the accession process is Europe is the *enlargement fatigue*. The obstacle of anti-enlargement discourse among major member states most likely affect the credibility of the prospect of membership upon which the main principle of EU conditionality is based. After the big bang enlargement in 2004, the prevailing mood in Brussels, in many member states and among the EU public is increasingly described as enlargement fatigue (Schimmelfennig, 2008). "The emphasis on 'integration capacity', the exit options contained in EU's Negotiation Framework for accession negotiations with Turkey, and the act that future enlargements may be put to a referendum in France (...) seem to indicate that new candidate for membership face more uncertainty and higher hurdles than previous applicants" (Schimmelfennig, 2008). Moreover, recent developments as the result of the United Kingdom (UK) referendum on EU membership, rising populism, increasing migration from new to older EU member states, and also the (Greek) debt crisis and the refugee crisis have affected the general stance towards European integration in general and enlargement specifically. Specifically, the vote of UK to leave the European Union is another internal development with far reaching implications for the credibility of the membership incentive as the core of EU conditionality. Florian Bieber, professor of South European History and Politics, argues that the Brexit vote will have a considerable impact on the accession process of the Western Balkans, despite

the fact that “enlargement has continued, this technical process has lost much of its political support in the EU, and Balkan governments have often seemed ill at ease with committing to the reforms necessary for accession. The UK’s departure from the EU may be the last nail in the coffin for accession” (Bieber, 2016). EU enlargement, for the time being, will continue nonetheless the internal developments, however it goes without saying that the pro-enlargement policy stance is nowadays a lot more difficult to defend.

Credibility of EU conditionality is in addition to the power to grant membership after compliance with EU conditionality also defined by the EU’s capacity to withdraw the incentive in the case of non-compliance. There is no concrete reason to believe that, in case of fake compliance with freedom of expression criteria, the EU will withhold the prospect of EU membership. Despite the fact the EU is aware of the backsliding state of media freedom in Serbia, its vocal response is restricted (Interview V, 2016; Interview I, 2016). Whereas in Bosnia Herzegovina a similar state of media is described as problematic, the EU is not opposing new stricter criteria or further recommendations to improve the freedom of media in the region. This could primarily be explained by the fact that the focus of EU conditionality in Serbia is mainly on regional stability, as Serbia’s relation with Kosovo and Serbia’s cooperation with the ICTY (Stojic, 2016). Various indicators point out that media freedom is not one of the main priorities in the EU accession process. As interviewee IV explained “the first chapters to be opened in the EU negotiation process was Chapter 35 on the normalisation of relations with Kosovo, in contrast to other neighbouring countries where they started with the key Chapters, 23 and 24. It clearly shows that the EU is pursuing its own agenda and pragmatic interests. From the long term perspective, I think this is not entirely a strategic strong decision. Without a proper functioning democracy with a sufficient level of media freedom, and a public debate on salient issues, stability is not sustainable – and simply temporary” (Interviewees IV, 2016). The fact that Chapter 35 on the normalisation with Kosovo was opened before Chapter 23 and 24, could be considered a concrete example that media freedom is not considered the main condition of the EU membership in the case of Serbia. Numerous policy officials in the field of media freedom not only argued that other policy issues have the priority over media freedom, they also stated that media freedom could be seen as a certain trade off in respect to ‘more important issues’ as the ICTY and Kosovo. As interviewee I explained, “the EU is aware of the fact that corruption and political pressure exists, but the current regime is at least in favour of EU integration, so it takes the lack of media freedom or other democratic rights simply for granted”. He describes the interest of the EU related to the current Prime Minister Aleksandar Vučić “he might be a son of a bitch, but he is our son of a bitch” (Interview I, 2016). The EU seems to have turned a blind eye to deteriorating state of democracy in the country, as it praised Serbia’s recent constructive approach towards the normalisation of its relations with Kosovo (Interview II, 2016; Interview III, 2016). Another example is the controversial statement of Enlargement Commissioner Johannes Hahn during a press conference during his visit to the Western Balkans. Hahn demanded proof for accusations of the breaches of media freedom in Serbia. He told journalists that “I have heard this several times

[concerns about media freedom] and I am asking always about proof. I am willing to follow up such reproaches, but I need evidence and not only rumours,” (Balkan Insight, 2015). This statement is striking, especially taking into account that last three progress reports addressed the issue of media freedom in the region (strongly based on evidence), which assume that the media freedom deficit in Serbia is already known to the EU institutions. Despite the fact Hanh apologized for this blunder in the media, the fact that he did not have his facts about the developments regarding media freedom in the region straight, is a reason to believe that media freedom and democratic transformation remains in the ‘shadow’ of stability and security policy areas of EU conditionality (Stojic, 2016).

6.2.2 Rules on media freedom - lack of clarity

Another complicating factor is the fact that results on EU conditionality on fundamental rights are difficult to measure and only indirectly grounded in EU acquis. Apart from Chapter 10 on Information Society and Media, there are no clear and unambiguous norms and regulation or hard acquis in the field of media freedom available. This makes it on the one hand difficult for Serbia to define which rules need to be adopted, and on the other hand for the EU difficult to pressure for certain rule adoption. There are various different institutional models and structures of media systems which guarantee freedom of media in society. The media systems in the EU differ significantly and EU policy on media is limited to soft laws. Since the EU has not established specific media freedom standards for the current EU member states, a discrepancy exists between the internal and external application of the media freedom standard by the EU. There is not one European media model which could be applied on the situation of a transition state as Serbia. Even more, rules and regulations that in a member state with a long democratic tradition ensure the protection of media freedom do not necessarily work in a transforming state. As Interviewee V explained “some of the proposed media reforms look fantastic on paper and function great in western democracies, but they do not work in a society as Serbia where democracy is still in its infancy (...), not to mention the fact that a well-functioning institutional democratic framework in the hands of someone with bad intentions leads inevitably to terrible results” (Interview V, 2016).

6.2.3 Power over information – the role of political elite

The last factor, deriving from the external incentive model, is most helpful in explaining the fake compliance with EU conditionality in Serbia. Although the current ruling party carries out a pro-European policy, the costs of withdrawing control over editorial independence exceed the benefits of substantial compliance in this specific case. Interviewee V answered on the question if there is way to improve the situation of media freedom in Serbia, “yes simple, we just need a new government” (Interview V, 2016). Although the actual costs and benefits of compliance are difficult to measure, one could estimate the costs of power loss in case of substantial compliance are significant. However, with the adopted strategy of fake compliance, political elite could both ensure the high material incentive of

further progress of EU accession and receive domestic benefits. Benefits of solely legal adoption to EU conditionality are for instance electoral support by limiting critical media coverage and promoting pro-government editorial policies. In order to guarantee power over media, the Serbian government adopted this controversial method of compliance to “validate their pre-existing self-interested claims and to frame their preferences and actions as consistent with the norms, while at the same time rejecting or ignoring their substance” (Weaver, 2011). The lack of implementation of privatisation provisions in the newly adopted media legislation is, according to former judge of the Serbian Supreme Court Zoran Ivosevic “regulations on privatisation of the media are not applied as it should be, but in line with the political and other non-legal interests” (VIP, 2016). Moreover, Interviewee V even expects the increase of political control over media after the recent elections in April 2016, as “the ruling party lost many seats in parliament, although they still have the majority in the assembly, there are high chances that the political pressure will increase, since the media is one of their fundamental instruments to position themselves positively towards the Serbian public” (Interview V, 2016).

6.2.4 Pressuring for media freedom: is the EU a hypocrite?

EU conditionality regarding media freedom shows a sufficient degree of legitimacy. Media freedom is accepted as a communal fundamental right of the EU. The provision is embedded in the Charter, which has the same legal value as the treaties of the EU. Nonetheless, despite the fully integration of media freedom in its legal system of the EU, there is a clear divergence regarding actual policy implementation of this right in the different member states. The recent internal developments in various EU member states in the field of media freedom significantly challenge the legitimacy of EU conditionality. In the beginning of 2016, the new conservative government of Poland adopted controversial media legislation which enables the new government to elect the heads of PSB's. Whereas a couple of years earlier, the same trend could be detected in Hungary, where the government substantially changed the media legislation to intensify its control over PSB. Critics accuse both Poland and Hungary of violating the EU common standards and values with the adoption of the new media legislation (BBC, 2016). As interviewee VII argued “what the international community in Serbia does not realise is that the new media legislative framework in Serbia is legally more aligned with EU standards than the current media legislation in Poland or Hungary” (Interviewee VII, 2016). Additionally, the fact that Balkan countries, such as Bulgaria and Croatia, in spite of their similar low level of media freedom (partly free according to the freedom house) are accepted for EU membership, harms both the legitimacy and credibility of EU conditionality. Paradoxically, the EU intensifies its efforts to ensure the proper protection of media freedom since the previous enlargement rounds, mainly because the EU has limited instruments to steer democratisation in post-accession states. The EU harshened its enlargement strategies and conditionality in the field of fundamental rights and rule of law, based on experiences from the past, such as for the high level of corruption and political instability in Bulgaria. As Interviewee VIII mentioned “Serbia has to suffer from the consequences of the failed transition of Bulgaria and Romania. But why shall we

implement reforms, if EU itself is not upholding this fundamental right” (Interviewee VIII, 2016). The contradicting developments, as the sharpened EU conditionality and the decrease of EU legitimacy, negatively impacted the level of effectiveness of EU conditionality.

6.2.5 Serbian identity - Russia or Europe?

Several case studies on the Europeanisation of Serbia found explanations for non-compliance with EU conditionality on for instance the normalisation of relations with Kosovo by exploring the nature of Serbia’s identity (Noutcheva, 2009; Schimmelfennig & Schwellnus, 2008). Serbia has strong cultural, economic and social ties with its far neighbour in the East, Russia. The strong strategic relationship between Serbia and Russia impact the level of effectiveness from the principles of the external incentive model, whereas Serbia has an adequate alternative for EU integration, namely Russia. If the adoption costs of EU membership are higher than the costs for extension of the relationship with its Eastern partners, then it is from the rational choice perspective a logical decision for political elite not comply with EU conditionality. Also from the social constructive point of view Serbia’s ties with Russia have far reaching implications for their level of compliance with EU conditionality. The majority of the Serbian public considers Russia as a society which resembles their collective norms and values (REFERENCE). Simultaneously, taking into account the history of the European involvement in Serbia, the public mood is not necessarily predominantly in favour of EU accession. The strong presence of the European countries in the region during the war and the bombing of the alliance of transatlantic-European states NATO harmed the reputation of the EU in the region. Moreover, the high presence of the international community in Belgrade and surroundings could lead to a perception of intrusiveness of the EU (European Parliament, 2014). However, identity and the strong ties with Russia play mainly a role in specific policy issues that are closely linked to Serbian identity, such as the issue of Kosovo. In contrast to the majority of the EU member states, Russia does not acknowledge the independence of Kosovo and it back Serbia’s position in the United Nations Security Council and Russia and Serbia work closely in the field of energy policy (Economides & Ker-Lindsay, 2015). The presence of euroscepticism and support for Russia in Serbia’s society complicate the EU accession process.

Nonetheless, the strong ties between Russia and Serbia do not seem to be an obstacle for compliance with membership requirements in the field of media freedom. Although, the standards of media freedom in Russia not compatible in any kind with EU rules on media freedom, there is no reason to believe the Serbian identity explains the lack of compliance in this specific policy issue. Compliance with media reform standards would not directly nor indirectly conflict with Serbia’s national identity and Russian relations.

6.2.6 Media reform – legacies of the past

The last influential factor in explaining the lack of impact of EU conditionality in the field of media freedom is resonance. This factor, which derived from the social constructivist stance, refers to the domestic context that facilitates the persuasion of EU rules in Serbia. When assessing the impact of EU conditionality, it is important to take into account that Serbia has no history of complete freedom of the media. High level of state control over the media was a day-to-day practice during the FRY era, this societal and political tradition remained intact in Serbia's contemporary society. Despite various attempts of modernisation of Serbia's media system, the ruling party still has strong financial and political means at its disposal to influence the content of media coverage. Ownership, tax controls and advertisement resources are tools for the government to privileged themselves over the opposition parties who lack this power (Giandomenico, 2015). This method of scrutinising of power in society is accepted as the 'current norm' in society (Interviewee VI, 2016). Moreover, Interviewee I explained "Serbia was not even two decades ago suffering from a strict authoritarian regime, how could the EU expect that society as from tomorrow is a well-functioning democracy? The functioning democracies in Western Europe needed more than thirty years for this transition process". Although the legacies of the past play an intrinsic role in the development of the Serbian society, it is not necessarily an explanation for the lack of impact of the EU on media reforms. The EU successfully consolidated democracy in post-communist CEE member states such as the Czech Republic. Although no consensus exist of this rapid transition has been sustainable in the long term, no disagreement exist about the fact that EU conditionality successfully guided democratisation in the short term (Wallace et al, 2015). Therefore, resonance are important to understand the progress of transition, but it is not a stand-alone explanation for the limit transformative power of the EU in consolidating democracy.

6.2.7 Other explanations

The social learning and external incentive model, based on the logic of appropriateness and logic of consequences, provide the main explanations for the limited compliance with EU rule transfer of Serbia in the field of media freedom. However, there are several specific factors that are not addressed in the previous literature, which, based on the empirical data of this research, I consider relevant.

Firstly, the external incentive model mainly focusses on the adoption costs of political elite to align its (legal and societal) approach with EU accession criteria. If the political elite is in favour of compliance with EU conditionality because the benefits of compliance exceed the costs, and there are limited veto players with the opposite stand, the chance is higher that a case of EU rule transfer occurs. Next to the adoption costs of political actors, I consider the adoption costs of EU rule transfer relevant for non-governmental actors as citizens, NGO's and CSO's. Although the political elite is the formal agenda setter and decision maker when it comes to compliance with EU conditionality, the public has a considerable role in the transition and Europeanisation process (references). The media sector

specifically, could play an important role in steering and proving democratic change. In this specific case, media reforms are considered in the interest of citizens and not in contrast with national identity, but political elite prevent substantial EU rule adoption because of their self-interest. By executing public pressure to the political elite to adopt the new rules, CSO's, NGO's and journalists could bring about change in the current situation of media. However, in this case this situation is not likely to happen since the domestic context as the poor economic state of the media market in Serbia puts both possible 'change agents' and other non-governmental actors in a vulnerable position. As Interviewee IV noted "Serbia needs vocal critical activists, who challenge the political elite and put effort in opposing the strong political control over the media. There are only a few who dare to speak up. But do not get me wrong, I do not blame anyone. (...) You cannot expect everyone to put their job, safety and personal life at risk for the sake of media freedom".

The poor economic state of the country does not only impacts the working conditions of journalists and civil right activists, it also affects the public priorities. As Interview IV described "the public does not care about media freedom, if you have to worry about how you are going to feed your children tomorrow, you do not care about the freedom of media". There are reasons to believe that welfare is one of the preconditions for democratisation of post-authoritarian societies. According to Interview I, modernisation and democratisation are strongly connected, "Please name one poor democracy. They do not exist" (Interview I, 2016).

6.2.7 Conclusion

To conclude, the qualitative case analysis of empirical data shows that the impact of the EU in Serbia is limited to formal rule adoption, significantly lacking implementation and enforcement of EU norms. The situation of the media landscape in Serbia is worrisome, where current practices, such as the strong political control over PSB, lack of transparency of ownership structures, the poor state of the journalist's profession e.g. result in a declining level of media freedom. Both the conditions derived from the external incentive model and the social learning model are valuable for explaining the case of fake compliance with EU-conditionality in the field of media freedom. Also both *top down* circumstances and *bottom-up* factors contribute to the understanding of the fake compliance in Serbia. The most relevant and applicable factors in this respect are the size and adoption costs (for both political elite and non-governmental actors), credibility and legitimacy of EU conditionality. The table below systematic shows the relevant variables that impact the level of effectiveness of EU conditionality in this specific case. However, it is especially the combination of the different factors that explain the limited transformative power of the EU. For instance the fact EU considers regional stability priority over media freedom (credibility) in combination with the deteriorating state of media freedom in post-accession states (legitimacy) challenge compliance with EU conditionality.

	External Incentive Model	Social Learning Model
EU Level	Size and Speed of Rewards: <ul style="list-style-type: none"> ❖ Candidate Membership ❖ Opening Chapter 23, 24 	Legitimacy: <ul style="list-style-type: none"> ❖ Media Freedom and legal protection EU (Charter) ❖ Decline Media Freedom EU MS's
	Credibility: <ul style="list-style-type: none"> ❖ Enlargement fatigue ❖ EU crises: Brexit, refugee crisis and Turkey. ❖ EU interest in regional stability 	
	Determinacy: <ul style="list-style-type: none"> ❖ Lack of hard acquis ❖ Convergence EU media system 	
Domestic Level	Size of adoption costs/number of veto players: <ul style="list-style-type: none"> ❖ Lack of political will ❖ High adoption costs 	Identity: <ul style="list-style-type: none"> ❖ Relationship with Russia ❖ Euroscepticism
	Adoption costs of non-governmental actors: <ul style="list-style-type: none"> ❖ Economic state ❖ Empower non-governmental actors ❖ Lack of public demand 	Resonance: <ul style="list-style-type: none"> ❖ Communist and authoritarian past

Table IV: Impact of EU conditionality in Serbia in the field of Media Freedom explained.

Conclusion

7.1 The Muzzled Watchdog

Since Serbia was officially granted with candidate status, the country has been subject to one of the most powerful EU's democratisation strategies, EU conditionality. EU conditionality is the core instrument of EU enlargement policy, designed to exert influence on domestic norms and values of the target state, by offering incentives, rewards and most importantly the prospect of EU membership. In contrast to the success of EU external democratisation strategy in previous EU-accession rounds, compliance with EU accession criteria for the current accession states is not self-evident. Serbia's EU integration is a process of trial and error, whereas former Serbian political elite in the early phase of EU integration repeatedly refused to comply with accession criteria. Although the new establishment adopted a predominant pro-European stance and the progress made by the new government in key issues such as the Kosovo dialogue is promising, Serbia's path to EU integration is not yet strewn with roses.

Another example of a policy field where the compliance with EU conditionality is not a matter of course, is the case of media freedom. Despite efforts from the EU to support and consolidate democracy in Serbia, a deteriorating trend of media freedom is, nonetheless, notable. The stocktaking of the current state of media freedom in Serbia confirmed this assumption. To the larger extent, good progress concerning formal alignment with the *acquis* and the establishment of necessary structures to secure the evolution of freedom of media and democracy could be observed. The constitution and new adopted media laws in 2014, which were adopted with extensive EU assistance and consultation, provide a solid framework for media freedom. However, difficulties occur with the implementation and enforcement of these laws. Moreover, a disturbing pattern of (soft) censorship, financial pressure and political interference impede the full fledged socialisation of core standards and rules on media freedom.

This thesis aims at answering the remaining question: *How could the impact of EU conditionality on media freedom in Serbia be explained?* In this context, the qualitative case analysis consists of an extensive assessment of (1) the state of play and context of media freedom (2) the impact of the EU in providing domestic change and (3) the explanatory value of conditions for effectiveness of EU conditionality in the case of Serbia's media freedom.

7.2 The main findings – answering the research question

The response to EU's media freedom conditionality in Serbia could be described as fake compliance, where formal rules and standards are formally adopted but not substantially accepted nor respected. The four media indicators, legal framework, economic state of the media market, PSB and status of journalism, reveal the core issues of media freedom in Serbia. Together with the low level of professionalism of journalism in Serbia and the poor economic state of the media market, strong political parallelism is one of the main obstacles for the media freedom in Serbia. The independence of media in

Serbia is harmed by strong control of government authorities over editorial policies. Despite the fact that legislation in the field of freedom of expression is generally in line with EU standards, the media freedom and pluralism is constrained by economic, political and societal pressures.

In this regard, several explanations for the lack of impact of the EU on substantial rule adoption could be distinguished. The most important constrain of full fledge compliance is the *size of adoption costs* for political elite to consolidate substantial change in the field of media freedom. The media is an important tool for the ruling party to secure and increase public support of their party and policies. In combination with the low *credibility*, *determinacy* and *legitimacy* of EU's media freedom conditionality, which is result of the ambiguity of media related acquis and political criteria, EU's policy priority over regional stability, the enlargement fatigue and the low guarantees of media freedom in EU member states, the establishment is proven not willing to risk the loss of power over the benefits of reward of compliance. Moreover, also characteristics of the domestic context, such as *identity* and the level of *resonance*, to a certain extent contribute to the lack of impact of EU conditionality. The overall public opinion towards EU membership is, in comparison to the CEE accession states, relevantly critical. However, Serbia's economic, cultural and political ties with Russia are a prominent part of the Serbian society, but nor *resonance* neither *identity* in itself could explain the situation of *fake compliance*.

The application of both the external incentive, and the social learning model on this case was considerably relevant. In addition, also *top down* as *bottom up* perspective play a role in defining the lack of impact of EU conditionality. However, this research shows that also the size of adoption costs for non-governmental actors is of added value in exploring the nature of compliance with EU media freedom conditionality. Despite the fact that the political elite possesses the core legislative and executive power, and are therefore more capable of changing the status quo, also non-governmental actors could play a significant role in the level of compliance with EU conditionality. This single case analysis reveals that none of the separated conditions could grasp the complexity of this case, only the combination of the different factors enrich our overall understanding of the lack of impact of EU conditionality in the case of Serbia's media freedom.

7.3 Implications of the research

7.3.1 Theoretical implications

This thesis revealed the relevant conditions for successful impact of EU conditionality and explanations for factors that potentially restrict the effectiveness of EU conditionality in providing domestic change. The adoption of the existing theoretical framework on the unique case of media freedom in Serbia enriched the existing literature on Europeanisation of candidate states. With the application of a similar theoretical design, but a different analytic approach than the majority of the Europeanisation literature, this thesis goes beyond the surface of the water to explore the undiscovered part of the ice berg. The finding of this research contribute to the literature on Europeanisation, mainly because of the discovery

of a new variable, which is proven relevant in this case. As explained in the previous actor, not only the adoption costs of political elite are of importance in defining the effectiveness of EU conditionality, also the size of adoption costs of non-governmental actors and the level of public demand for the reform could indirectly result in legal and most importantly substantial adoption of EU norms and standards. The inclusion of the circumstances of non-governmental actors in the theoretical frameworks to explain the level of Europeanisation could, based on the main findings of this research, improve the general comprehensive explanatory theoretical framework of the differential outcome of EU conditionality between countries and policy areas. Future research is needed to test the validity of this newly discovered variable. This finding, deriving from the empirical analysis of this case assumes that:

H₁: State compliance with EU conditionality increases with the acquiring net costs for non-governmental actors.

7.3.2 Policy implications and recommendations

Additionally, the findings of this research are relevant for policy oriented purposes. The research aims at explaining the reasons for the level of compliance, while it exposes the gap between EU policy goals and the actual domestic reform as the outcome of EU conditionality strategies. Therefore, as Öztürk explains “the research associating domestic change with EU conditionality (...) can be used as a guide for the policy makers in the EU and target countries to better understand the conditionality-compliance dichotomy and its implications in actual policy-making” (Öztürk, 2013).

In the case of media freedom in Serbia, the role of the political elite is the main explanation for the limited impact of EU conditionality on the improvement of the state of media freedom in the context of EU accession. However, also several explanations on the EU level could be distinguished. The lack of credibility, legitimacy and determinacy of the rules are considered relevant explanations for the degree of domestic rule adoption. These conditions are, nonetheless, difficult to address and modify, since they are considered issues at the very core of the European project, that are not easily changed in a short period of time, if even the EU has the capacity to change these issues in the first place. Changing the European public discourse of *enlargement fatigue* or adopting a single European media model is not an easy task. Taking into consideration the complex paradoxical context the EU mission in Serbia finds itself in, the main policy recommendations derive from conditions for effectiveness on the domestic level.

The unique condition for the EU conditionality in the member state is considered the high adoption costs of non-governmental actors, both journalist, citizens and civil society. We have reason to believe that if the public demand and capacity to act to this demand increases, these actors could play an important role in providing democratic change. In order to do so, the EU could intensify its efforts to support bottom-up reform and empower non-governmental actors. The EU is already actively executing this strategy, ranging from by training journalist in order to improve the level of professionalism to

capacity building of the judiciary to improve the effectiveness of court process and enforcement of legislation. However, I argue that in order to increase the democratic consolidation capacity, these efforts should be strengthened.

In order to address the main factor that jeopardises the process of effective substantial rule adoption and domestic reform – the lack of political will – a more complex situation occurs. The fake of effective democratisation response of the Serbian government is related to the very nature of Serbia society, which is characterised of centralised power, strong state interference and the high level of private and public connectedness. Even if the EU was able to address the issues of credibility, determinacy and legitimacy, democratisation comes down to political will and the capacity of the state and society. However, addressing the state capacity and political will in order to consolidate democracy is a complex and even controversial task. It asks not solely for financial support and technical incentives but an adjustment of the societal state of mind. This should in the end, be a common goal, for both Serbia and the EU, which could only be accomplished in close cooperation of the two actors. A real improvement of the level of media freedom could only be accomplished if the attitude of political elite and the societal structures are transformed in a manner which accepts and substantially implement the democratic rules and values that are fundamental for the sustainability of democracy in Serbia. The contemporary lack of political will and strategy of fake compliance is difficult to address by EU conditionality. The remaining question is therefore, is Serbia itself willing to substantially reform its political ethos and ideology for the better purpose of media freedom, even without the prospect of EU membership. Democratisation efforts of the EU are meaningless if Serbia's democratisation serves as a mean for other ends instead of an end itself. As interviewee IV stated in this regard "Serbia should not reform because we aim at EU membership, we must strive for these norms and values because we think they benefit our society, even despite the incentive of EU membership".

7.4 Limits of the research

This research has come across several limitations and challenges which need to be considered before assessing the scope and relevance of this thesis. Firstly, as mentioned previously, the main limitation of a single case study is its restricted capacity to generalise the results of the analysis (Bryman, 2008). The research subject of the inquiry is a conception and unique case, their findings may not be generalizable to other cases.

In addition to the chosen research design, also the applied methodology to this thesis has some consequences for the quality of the research. The thesis includes a single policy area in a considerable short time frame in order to explain the impact of EU conditionality on formal membership accession. One could argue that in order to assess *impact* of a certain variable on the outcome of a different variable the subject should be studied over a longer period of time, and should include various policy areas to define the most prominent general explanatory conditions for the level of impact on domestic reforms.

However, taking into account the that the accession negotiations with Serbia only started in 2014, in this point of time it was not possible to extent the research frame in order to analyse impact over time. Nonetheless, since the main aim of this research is to explore and explain the current state of play rather than to prove causality of conditions for the outcome, this was not considered a substantial limitation of the research.

Thirdly, the composition of the theoretical framework has consequences for the validity and reliability of this research. The research includes variables deriving from the, by Schimmelfennig and Sedelmeier designed, theoretical framework models – external incentive model and the social learning model. Schimmelfennig and Sedelmeier find confirm the validity of the first model, but I have decided to include the alternative model to broaden the scope of the research and limit the risk of overlooking important conditions. However, this leave the new institutionalist school of thought unsearched. The exclusion of the third branch of new institutionalism, historical institutionalism, might have generated a theoretical limitation.

The last potential limitation of this research is related to the sampling method and the analysis of data. The dominant source of data are interviews and document analysis of local NGO's, CSO's and journalist organisations. Unfortunately, despite several efforts to include state actors in the interviews, the domestic political elite is not or scarcely represented in this research. This could have led to a biased and non-independent stance of the researcher, leaving the governmental perspective mainly unrepresented. Nevertheless, in order to address this limitation, several policy documents and statements from the government and ruling party were included in this research.

7.5 Further research

The aforementioned theoretical implications and research gaps could be addressed by further research. To begin with, the briefly introduced hypothesis regarding the role of adoption costs of non-governmental actors in explaining the level of compliance with EU conditionality, could be the starting point for further research of domestic implications and validity of this variable in explaining causality. Further research is not only needed to assess the value of the newly introduced variable, it is also relevant to study the broader impact of the EU on the democratisation and Europeanisation of Serbia. This study included one of the relevant policy issues – media freedom – leaving other important democracy indicators such as the judicial, minority rights protection and the role of the military unsearched. Secondly, other frameworks to explain the degree of rule adoption and link EU conditionality with domestic impact are introduced in the study of democratisation. This analysis indicated that the capacity of society and journalists to address democracy gaps is considerably important. Further research to further examine the role of the economic state of the state (modernisation) and the level of democratisation would be an interesting starting point of future research. Lastly, the focus of this research is the role of the EU in providing change, leaving the impact of important international

organisations as the OSCE and the Council of Europe unaddressed. It would be relevant in further research to include these actors, in order to define if their strategies provide better results or explanations for the Serbia's transition process.

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Appendix

Serbia									
May 2005	May 2006	June 2007	February 2008	April 2008	September 2009	March 2012	September 2013	January 2014	July 2016
SAA negotiations called off, because of Serbia's co-operation with the ICTY has not improved	Montenegro declares independence from State Union of Serbia and Montenegro, establishment Republic of Serbia	SAA negotiations resume	Kosovo unilaterally declares independence from Serbia	SAA signed in Luxembourg .	Serbia applies for EU membership	Council confirms Serbia as candidate country	SAA enters into force	Start of accession negotiations with Serbia.	Opening of Chapters 23 and Chapter 24.

Table V. Time line EU integration Serbia.

GENERAL

- > **Population:** 7,176,794 (July 2015 est., *CIA World Factbook*)
- > **Capital city:** Belgrade
- > **Ethnic groups (% of population):** Serb 83.3%, Hungarian 3.5%, Romany 2.1%, Bosniak 2%, other 5.7%, Unknown 3.4% (2011 est., *CIA World Factbook*)
- > **Religions (% of population):** Serbian Orthodox 84.6%, Catholic 5%, Muslim 3.1%, Protestant 1%, atheist 1.1%, other 0.8%, Unknown 4.5% (2011 est., *CIA World Factbook*)
- > **Languages:** Serbian (official) 88.1%, Hungarian 3.4%, Bosnian 1.9%, Romany 1.4%, other 3.4%, Unknown 1.8% (2011 est., *CIA World Factbook*)
- > **GNI (2014-Atlas):** \$41.51 billion (World Bank Development Indicators, 2016)
- > **GNI per capita (2014-PPP):** \$12,150 (World Bank Development Indicators, 2016)
- > **Literacy rate:** 98.1%; male 99.1%, female 97.2% (2011 est., *CIA World Factbook*)
- > **President or top authority:** President Tomislav Nikolić (since May 31, 2012)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 818; Radio Stations: 284; Television Stations: 175; (Regulatory Authority for Electronic Media); Internet News Portals: 334 (Agency for Public Registers)
- > **Newspaper circulation statistics:** Not Available. Top four dailies by readership *Informer, Kurir, Blic, Alo (Ipsos)*
- > **Broadcast ratings:** Top four TV stations by average viewers per day: RTS1 (public service, 3.3 million); TV Pink (2.7 million); TV Prva (2.6 million); TV B92 (2.5 million) (Nielsen)
- > **News agencies:** Beta and FoNet (private), Tanjug (state owned, closed in late 2015)
- > **Annual advertising revenue in media sector:** €155 million to €160 million (2014 est. Nielsen)
- > **Internet Usage:** 3.6 million users (2014 est., *CIA World Factbook*)

Figure IV. Serbia at a glance (MSI, 2016).

Interview guide

0. Introduction thesis research
1. Could you introduce your organization and your daily activities?
2. How would you describe the current state of affairs of media freedom in Serbia?
 - a. How would you assess the legal framework in place? Are the newly adopted media laws an improvement of the situation?
 - b. What do you think of the contemporary economic state of the media market? (Media liberalization, ownership structures, advertisement, state funding).
 - c. How would you assess the role of the PSB and is its impartiality improved with the newly adopted legislation?
 - d. Could you elaborate on the status of journalists; working environment and editorial professionalism? (ethics, self-regulatory system)
3. How would you explain the media freedom deficit in Serbia, despite the process of EU integration?
 - i) Size and speed of rewards (closer to EU membership, more incentive to change)
 - ii) Determinacy (clarity/formality of rules)
 - iii) Credibility (bargaining power to withhold the grant, priority)
 - iv) Size of adoption costs + veto players (political will, loss of power)
 - v) Legitimacy (integrity of the process, ownership)
 - vi) Identity (resembles collective norms, values)
 - vii) Resonance (domestic context, contradicting legal framework).
4. What is the impact of the EU and its conditionality on media reforms in Serbia?
5. How could the current situation be improved?