

RETHINKING A GLOBAL EUROPE

Ideas to make the EU
a stronger global actor



POLICY BRIEF 4

FEBRUARY 2024

FORGING A CREDIBLE ENLARGEMENT POLICY

In the aftermath of Russia's full-scale invasion of Ukraine, enlargement has shot to the top of the EU's agenda. However, the accession policy is hardly fit for purpose. With EU Member States now exerting control over the enlargement process – exploiting it for their own benefits as and when necessary – they undermine both the accession principles and general Union objectives, as set out in the Lisbon Treaty. The disjuncture between the enlargement policy and geopolitical realities leaves aspiring states (especially those from Eastern Europe) in a precarious limbo. We offer a set of essential recommendations to rectify some problems in a way that does not require Treaty change.

1. Reduce the Council's role in the technical aspects of the negotiation process

To minimise EU Member States' ability to instrumentalise the enlargement agenda for domestic gain, the role of the Council in technical matters needs to be curtailed. In particular, 'benchmarks' – which candidate countries have to meet in order to make progress in the accession process – should be formulated and monitored by the Commission only.

2. Switch from unanimity to qualified majority voting for routine decisions on accession negotiations

Unanimity should be reserved for milestone decisions, such as concluding accession negotiations. Routine decisions such as the opening and closing of clusters of the *acquis* should instead be made by qualified majority voting. This switch would not only reduce the opportunities for individual Member States to block or delay the accession process, but would also put the Commission back in control.

3. Set a target date for admitting new Member States to restore the credibility of enlargement

Setting such a target can push the EU to get its own house in order in terms of making institutional and budgetary adjustments, as well as reforming key policies. As for existing Member States, it would also increase their perceived costs of hindering EU enlargement.

4. Ensure that the accession process is merit-based

Time spent in the accession process does not correlate with readiness to join the EU. For example, the new Eastern European candidates had already benefitted from years of alignment with the EU *acquis* when they submitted their respective membership applications. The EU's enlargement policy should put a premium on compliance and merit, rather than on the length of the waiting period.

FORGING A CREDIBLE ENLARGEMENT POLICY

After a dozen countries joined the EU in the early 21st century, the enlargement policy became politicised and largely unproductive. The way that Member States now control – and exploit – the process contravenes accession principles and general Union objectives, undermining the EU's coherence and effectiveness. This carries the added risk of leaving aspiring states (especially Eastern European ones) in a dangerous geopolitical limbo – not able to progress towards membership, while facing an existential challenge. To remedy this situation, we offer a set of recommendations the adoption of which would require no Treaty change.

Introduction

Russia's full-scale invasion of Ukraine has led to a fundamental shift in the EU's foreign policy, as evidenced by the momentous decision to offer a membership perspective to Ukraine, Moldova and Georgia. Yet, this step was taken in the absence of an agreed strategy to enlarge the Union. While enlargement policy was once hailed as the EU's most successful foreign policy tool, it has become highly dysfunctional and it has failed to usher in any new EU members for over a decade. This policy brief makes the case for its urgent reform and identifies some key issues that said reform should address.

Why does this matter?

With the 2004 'big bang' enlargement and the 2007 follow-up, the EU quickly grew from 15 to 27 Member States. However, momentum subsequently faltered and the process stalled – with the sole exception of Croatia's accession in 2013. As other Western Balkan countries faced sluggish progress and Türkiye became disenchanted with EU integration, pessimism took hold.

The 2004–2007 enlargement was driven by the European Commission, which specified the conditions to be fulfilled and ensured candidate countries' compliance during accession negotiations. While EU Member states exercised oversight within the Council, their role was limited to the political decision to open negotiations and the eventual ratification of accession treaties – they were not involved in day-to-day procedural matters.

To placate Member State concerns arising from the post-2004/7 **enlargement fatigue**, the policy was revised. In 2006, **new procedural and substantive requirements were formulated**, resulting in a complex body of accession rules and mechanisms which supplement the basic Treaty requirements. This meticulous methodology involves extensive screening, agreeing on benchmarking, and opening and closing clusters and chapters.

While the Commission intended to ensure a rigorous but fair process, these adjustments actually had the opposite effect. **Since every stage of the negotiations needs to be unanimously approved by all 27 Member States, the door to politicisation is now wide open.** This has resulted in a rather tortuous accession process (see Figure 1). Member States have asserted control over the process, showing few scruples in instrumentalising the enlargement agenda for domestic political gains (see Figure 2). For instance, Slovenia obstructed accession negotiations with Croatia due to their bilateral border dispute.

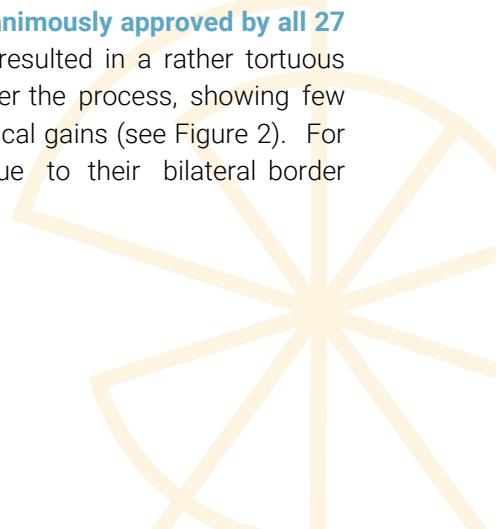


Figure 1: Accession timeline of current and potential candidate countries

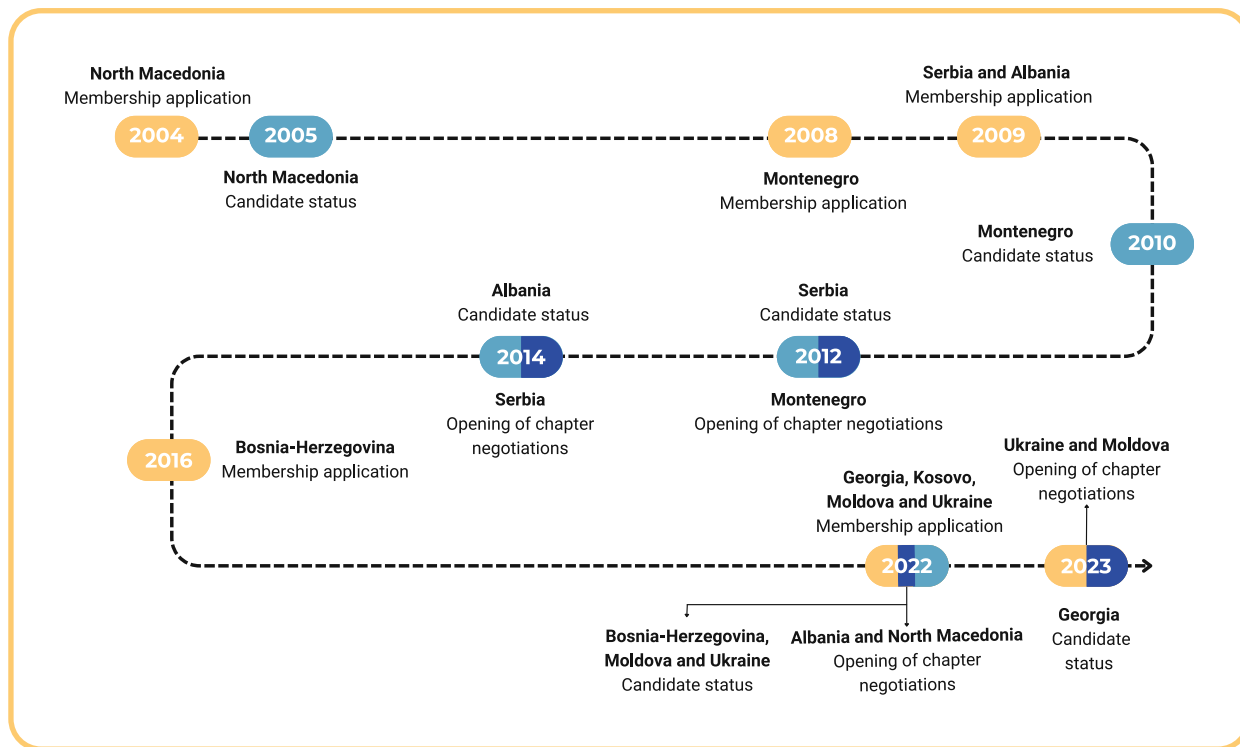
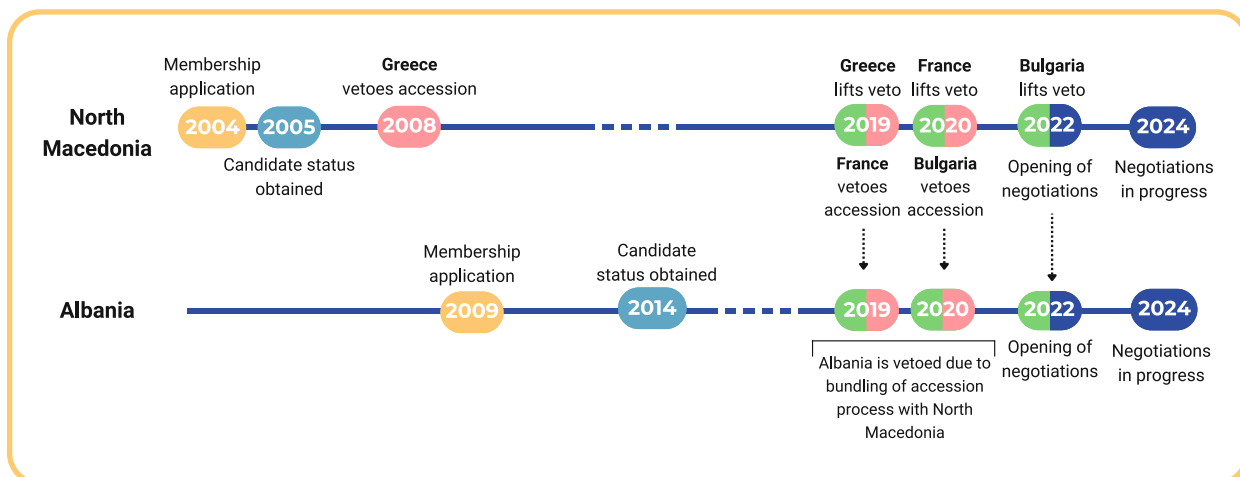


Figure 2: Examples of Member States' vetoes during the accession processes of North Macedonia and Albania



* Türkiye submitted its membership application in 1987. However, accession talks reached a standstill in 2018.

This peculiar combination of Member State-driven politicisation and Commission-sponsored technocracy led to a bureaucratic quagmire, striking at the credibility and efficiency of the Union. To put it bluntly, **even if candidate countries meet the specified criteria, the current enlargement policy does not guarantee accession.** The said state of affairs runs counter to the EU's fundamental principles and objectives, fuelling disillusionment, cynicism and resentment among aspiring countries. With regard to members of the Associated Trio – Georgia, Moldova and Ukraine – a failed enlargement policy would carry an even more acute risk of leaving them in a dangerous geopolitical limbo.

POLICY RECOMMENDATIONS

Reduce the Council's role in the technical aspects of the negotiation process

In particular, the Council's role in defining 'benchmarks', which candidate countries have to meet for the EU to open and/or close a particular negotiating chapter, needs to be curtailed in order to minimise EU Member States' ability to instrumentalise the enlargement agenda for domestic gains. Benchmarks should be formulated and monitored by the Commission exclusively. While contingent on a unanimous Council decision, this reform does not require Treaty changes.

Switch from unanimity to qualified majority voting for routine decisions on accession negotiations

Unanimity should be reserved for milestone decisions, such as concluding accession negotiations. Routine decisions such as the opening and closing of clusters of the *acquis* should instead be made by qualified majority voting. This switch would not only reduce the opportunities for individual Member States to block or delay the accession process, but would also put the Commission back in control.

Set a target date for admitting new Member States to restore the credibility of enlargement

The year 2030 has been proposed as a target date. This is not to say that enlargement should actually happen by this deadline. However, setting such a target can push the EU to get its own house in order in terms of making institutional and budgetary adjustments, as well as reforming key policies. As for existing Member States, it would also increase their perceived costs of hindering EU enlargement.

Ensure that the accession process is merit-based

When they submitted their respective membership applications, Georgia, Moldova and Ukraine were in a much stronger position with regard to the *acquis* than non-EU Western Balkan countries were when they took that same step. In particular, Moldova and Ukraine are replicating the pre-emptive approach adopted by Latvia, Lithuania, Malta and Slovakia prior to their accession. These countries started membership negotiations in 2000, whereas negotiations with the so-called 'Luxembourg' cohort (Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia) had begun in 1998. Yet, even before opening the negotiations, Latvia, Lithuania, Malta and Slovakia had already made considerable strides in many areas. This enabled them to quickly catch up with the first cohort, complete negotiations in less than three years and join the Union in 2004. Similarly, Moldova and Ukraine have benefitted from several years of implementation of their bilateral Association Agreements – Deep and Comprehensive Free Trade Areas (DCFTAs) with the EU – which promoted an extensive alignment with the *acquis*. In short, there is no correlation between time spent in the accession process and the readiness of the aspiring countries. For this reason, the EU's enlargement policy ought to put a premium on compliance and merit, rather than on the length of the waiting period.

This policy brief has been drawn up by Katarzyna Wolczuk on the basis of research conducted in the ENGAGE project. For a more in-depth look at the research, please visit the ENGAGE website.

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Project identity:

The ENGAGE (Envisioning a New Governance Architecture for a Global Europe) project examines how the EU – both the institutions and its Member States – can effectively and sustainably harness all of its tools in joined-up external action alongside the Common Foreign and Security Policy (CFSP) and its Common Security and Defence Policy (CSDP) to meet key strategic challenges and become a stronger global actor.”

- **Project name:** ENGAGE (Envisioning a New Governance Architecture for a Global Europe)
- **Coordinator:** Fundación Esade (Spain)
- **Consortium:** Carnegie Europe Foundation (Belgium); College of Europe, Natolin (Poland); GLOBSEC (Slovakia); Fundación Esade (Spain); Hertie School (Germany); Institut Barcelona d’Estudis Internacionals (Spain); Institut de Relations Internationales et Stratégiques (France); International Institute for Strategic Studies (Germany and United Kingdom); Katholieke Universiteit Leuven (Belgium); Rijksuniversiteit Groningen (The Netherlands); Sabanci University (Türkiye); Tampere University (Finland); and The University of Edinburgh (United Kingdom)
- **Funding scheme:** Research and Innovation action of the European Union’s Horizon 2020 Framework Programme. Grant agreement no. 962533, under the topic “SU-GOVERNANCE-07-2020 - The Common Foreign and Security Policy and the expanding scope of the EU’s external engagement”
- **Duration:** 1 January 2021 – 30 June 2024
- **Budget:** € 2 999 973,75
- **Website:** www.engage-eu.eu

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This project has received funding from the European Union’s Horizon 2020 research and innovation programme under grant agreement no. 962533.