

# ENLARGEMENT CONDITIONALITY OF THE EUROPEAN UNION AND FUTURE PROSPECTS

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## I. INTRODUCTION

European integration was perceived in the beginning as a long political process leading to a high but undetermined degree of unification. From a more pessimistic perspective, integration is usually defined as a continuous flow of bargaining among states about the controlled pooling of sovereignty, with the aim of finding better ways of problem-solving than at the national level. The founding members and those who joined in subsequent enlargement waves declared their readiness to achieve an 'ever closer union', *i.e.* to deepen their integration in a continuous manner. This engagement could permit, in principle, to reach an extremely high level of integration. Of course, progress depended in the past—and would depend in the future—on the changing political attitudes of the Member States' governments concerning their willingness to strengthen cooperation in the framework of the European Union (EU). However, the final political objectives have not been clarified, except some remote idealistic depictions of 'united Europe'. Major integration projects, such as the Single Market and the Economic and Monetary Union (EMU), have usually been defined in ambitious long term documents approved unanimously by the Heads of State or Government and implemented in a stepwise approach through painful interest harmonisation between and among them.

Enlargement is an exception. Taking new members aboard has been one of the fundamental objectives of European integration since the very beginnings in accordance with the original Article 237 of the Treaty of Rome. The geographical expansion of the project was an integral part of an 'ever closer union' in Europe. Being based on a clear final objective, this field of action was fundamentally different from any other targets of EU integration. Inviting 'all European states' to join the Community established by six founding members, means reaching one day the geographical borders of Europe. This provision with the 'all' word could be interpreted as a clear final target of integration, even if it was not expressly

formulated that way. Enlargement is also different from all other aspects of integration for the mere fact that achieving its objective brings the integration to its final limits, to the maximum of its extension up to the (natural geographical) borders of the continent. All basic treaties, from the Treaty of Rome up to the Lisbon Treaty have opened and reconfirmed the possibility of accession for 'all European states'.

As to the implementation of this famous provision, the well-known question—'Where does Europe end?'—pushed the final phase of EU enlargement into a nebulous geopolitical area in the eastern continental part of Europe.<sup>1</sup> This question stressed uncertainty from the foundation of the European Economic Community (EEC) until the end of political division of Europe (1957–1990). During this time, according to the geographical definition of the continent, the eastern border line marked by the Ural and the Caucasus mountains was to be searched somewhere in the depth of the Soviet Union. But the concept of 'all European states' had a second, hidden dimension, too. In the bipolar world of the Cold War the political demarcation line representing the final ends of Europe was in reality equal to the Iron Curtain. Behind that border, states of the 'other Europe' were clearly not eligible for membership in a community based on western norms and values because of obvious systemic differences.

After 1990, in the 'new Europe' the geographical meaning of 'all European states' can be clearly identified, as it will be demonstrated below.<sup>2</sup> For this reason, the accession criteria stipulated for the candidates and the preconditions of future enlargements—the two sides of the same coin—should be analysed in a new light. The first enlargement event after the above date, the EU accession of three neutral states by 1995, was in reality a legacy of the past: covering the 'white spots' on the map of integrated Western Europe. The real test case was the 'big' eastern enlargement in 2004 and 2007.

In order to proceed in a systematic manner, we will start with a short overview of the written (*i.e.* legally formulated) criteria of EU accession as a first step. We will deepen more particularly three criteria: European location, the quality of statehood and the size of states. After that, as a second aspect, the 'unwritten conditions' will be analysed, including the territorial aspects of integration, the importance of group enlargements and the periodicity in timing of the enlargement waves. Finally, further elements of EU conditionality will be suggested in a concrete approach to the rest of 'all European states', *i.e.* all remaining potential EU members.

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<sup>1</sup> R. Brague, 'Do We Need Borders?', in: X., *What Borders for Europe?* Culturesfrance, Paris: 2007, pp. 4–18.

<sup>2</sup> Y. Lacoste, 'Geopolitics of European Borders', in: X., *What Borders for Europe?* Culturesfrance, Paris: 2007, pp. 20–34.

## 2. THE 'WRITTEN' ENLARGEMENT CRITERIA

The basis of the written conditions is the article of the Treaty containing the fundamental provisions on EU accession. Article 49 of the Treaty on European Union (TEU), as all its predecessors, contains eligibility criteria as well as procedural provisions of accession. The eligibility criteria include the well-known geographical limitation ('European states') which has been completed in the Lisbon Treaty with a strong reference to sharing and implementing the 'norms and values' of the EU, in accordance with Article 2 TEU.<sup>3</sup> The procedural provisions describe the way of presenting the application for EU membership on behalf of the candidate country and the decision-making steps in the EU following the application. Both aspects deserve some comments in the light of further enlargements.

### 2.1. Procedural Rules

We begin with the procedural rules in Article 49 TEU prescribing the way of submitting applications for EU membership and taking decisions upon them. In reality, these provisions cover the most important political condition of enlargement: unanimous acceptance of the new country by the Member States. The acceptance is expressed at three different stages of the accession process: first, when the Council receives the application of a new candidate and asks the Commission for its opinion about the applicant; second, at the conclusion of negotiations, expressing the acceptance of the accession conditions of the new member (*e.g.* transitional periods, quotas, contributions to and receipts from the common budget etc.); third, by ratifying the accession of the new member in all national parliaments and the European Parliament and approving by this act the modifications of the Treaty (*e.g.* the changes of voting weights in the Council, of numbers of seats in the European Parliament etc.). The political condition of unanimity has caused serious difficulties in the past, from the accession of the United Kingdom up to the internal agreement on the extent and timing of the 'Eastern enlargement', not to mention the actual and future questions about the Turkish EU membership. With the growing number of EU Member States, and the diversity of the potential candidates, unanimity could be even more difficult to achieve and national options more divergent than in the past.

The extremely detailed and sophisticated negotiation process on EU membership assures, in principle, the compliance with the *acquis communautaire* on behalf of the new member.<sup>4</sup> Experiences gained in the Eastern enlargement in this respect have been twofold as candidates manifested two different kinds of

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<sup>3</sup> J.-C. Piris, *The Lisbon Treaty: A Legal and Political Analysis*, Cambridge: CUP, 2010.

<sup>4</sup> F. Schimmelfennig and U. Sedelmeier, 'The politics of EU enlargement: theoretical and comparative perspectives', in: F. Schimmelfennig and U. Sedelmeier (eds.), *The Politics of European Union Enlargement*, Routledge, 2005, pp. 3–29.

attitudes towards the higher norms required by the EU: some of them fought bitterly for longer transitional periods in order to assure the necessary time (and financing) for a complete compliance with the higher standards (*e.g.* in the field of environment protection), others agreed easily on any new standards but proved to be reluctant in applying them in reality. Considering the cultural heritage of the candidates on the waiting list, the second type of behaviour has bigger chances to be experienced in the future.<sup>5</sup>

We have to add that the compliance with the requirements of the *acquis communautaire* is not only a question of political will and behaviour, but includes the factual problem of applicability of foreign law. The sophisticated set of the EU *acquis* is the fruit of West European legal and institutional development of well-established market economies and parliamentary democracies. Those candidates whose traditions are enrooted in that political and legal culture can swiftly adapt EU law if they wish so. This was the case with the descendants of the Hansa alliance's cultural heritage around the Baltic Sea and the legal and institutional traditions of the former Habsburg Empire in Central Europe. Beyond those territories the influence of Russia or that of the Ottoman Empire was traditionally stronger than the influence of the West. For this reason, the transplantation of EU law is primarily a question of adaptability and not of political openness and will. In most of the potential future Member States of the EU in South-Eastern and Eastern Europe this will be the situation.<sup>6</sup> At the same time, the successful westernisation of modern Turkey gives some hope that old fundamentals of legal and institutional culture can be renewed.

## 2.2. *The European Reserves of EU Enlargement*

The adjective 'European' has gained a new content after the end of the historical period of the Cold War. Following the collapse of the bipolar world order dominated by two superpowers, the USA and the Soviet Union, and the military alliances guided by them, the NATO and the Warsaw Pact, a new political map of Europe has taken shape. An eruptive process of state building transformed the formerly well-known political contours on our continent. German unification and the dissolution of three former federal states in the eastern half of Europe—the Soviet Union, Yugoslavia and Czechoslovakia—resulted in the creation of twenty-five new states on their place. The former German Democratic Republic (GDR)

<sup>5</sup> U. Sedelmeier, 'Eastern enlargement: risk, rationality and role compliance', in: F. Schimelfennig and U. Sedelmeier (eds.), *The Politics of European Union Enlargement*, Routledge, 2005, pp. 120–141; C. A. Stephanou, 'Regulatory Adjustment in the Wider European Area', in: C. A. Stephanou (ed.), *Adjusting to Enlargement*, Cheltenham: Edward Elgar, 2006, pp. 109–134.

<sup>6</sup> G. Noutcheva, 'Fake, partial and imposed compliance: the limits of the EU's normative power in the Western Balkans', *Journal of European Public Policy*, 16 (7), 2009, pp. 1065–1084.

was integrated almost unnoticed into the Federal Republic of Germany achieving the military and economic integration overnight, including monetary integration and the free movement of persons. German unification changed the geographical area and the number of inhabitants of the state and lowered several macroeconomic indicators, but the re-establishment of national unity did not cause major identity problems (except the inherited systemic dichotomy of 'Ossis' and 'Wessis'). At the same time, twenty-four new states in Central and Eastern Europe as well in Central Asia had to find their new identities and build up their political and economic systems in their modified, smaller dimensions. Twenty-one new capital cities appeared on the map of Europe, which were before headquarters of local or regional administration, from Zagreb to Chisinau. The new state borders are located definitely closer to the multitude of ethnic borders. At the same time, the subdivision of bigger countries gave birth to a series of new minorities, first of all in the form of dispersed fragments of the former dominant ethnicity, like Russians and Serbs in several successor states.

On the new political map the final ends of EU enlargement can be clearly traced as political borders lie closer to the eastern, geographical land frontiers of Europe. European states eligible for EU membership or a candidate status can be classified into four different categories.

First of all, the 'rest EFTA' countries have always been at the forefront of EC/EU enlargement. Norway, Iceland and Liechtenstein are also members of the rather sophisticated structure of the European Economic Area (EEA) based on free trade and involving several aspects of the EU Single Market. Iceland started accession talks in 2010. Norway and Switzerland prefer to maintain their special relations to the EU including a wide range of cooperation activities without EU membership.<sup>7</sup>

To the second category belong the successor states of the former Yugoslavia and Albania. Their European status has never been contested. From this region, Slovenia joined the EU in 2004. After the EU and NATO accession of Romania and Bulgaria in 2007, the remaining part of the Balkan peninsula has been named in political discourse the 'Western Balkans'.<sup>8</sup> This area constitutes an EU enclave being surrounded only by old and new EU Member States. Croatia will be the 28th Member State of the EU acceding on the 1st of July 2013. All the other countries of the region have expressed their wish to accede to the EU and have received a firm accession perspective at the 2003 Thessaloniki European Council. The six states (Montenegro, the Former Yugoslav Republic of Macedonia, Albania, Serbia,

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<sup>7</sup> G. Avery, *The European Economic Area revisited*, Brussels: EPC Policy Brief, 19 March 2012.

<sup>8</sup> J. Bugajski a.o., *A New Transatlantic Approach for the Western Balkans*, Center for Strategic and International Studies, Washington, 2011, pp. 1–33.

Bosnia and Herzegovina and Kosovo) are on the waiting list of the EU at various degrees of candidacy, depending on their individual performance.

From the ex-Soviet republics, three new states—Estonia, Latvia and Lithuania—were among those joining the EU in 2004. Following a Swedish-Polish initiative, six other European ex-Soviet countries (Ukraine, Belarus, Moldova, Armenia, Georgia, Azerbaijan) have been covered by the 'Eastern Partnership' framework programme of the EU which started in 2009.<sup>9</sup> These states constitute the third category of potential EU candidates.

Finally, Turkey applied for EU membership in 1987 as a European state. The application was rejected in a first approach, but not for geographical reasons (as in the famous precedent case of Morocco), but with regard to the low level of preparedness of the country for EU membership. Later on, at the 1999 Helsinki European Council, candidate status was granted to Turkey. Finally, accession negotiations started in 2005 which are still at an initial stage.<sup>10</sup>

For the time being, enlargement reports of the European Commission<sup>11</sup> enumerate nine candidate countries including six countries of the Western Balkans, Croatia as an acceding country and Turkey and Iceland carrying on negotiations. As a result of these accessions, the EU could grow, on a longer term and in several enlargement waves from 27 to 36. After that, the final reserves for EU membership in geographical Europe are not more than the rest-EFTA states and the participants of the Eastern Partnership programme, *i.e.* eight countries altogether.<sup>12</sup> In accordance with the geographical stipulations of Article 49 TEU, extending the possibility of membership to 'all European states', the final size of the EU would be a forty-four member strong organisation. This statement is based on the political situation by the end of 2012. However, state creation seems to be an on-going process and the risk of secession of parts of actual states is present in both parts of Europe, in the West as well as in the East.<sup>13</sup>

<sup>9</sup> A. Makarychev and A. Deviatkov, *Eastern Partnership: Still a missing link in EU Strategy?*, Brussels: CEPS Commentary, 13 January 2012, pp. 1–5.

<sup>10</sup> V. Morelli, *European Union Enlargement: A Status Report on Turkey's Accession Negotiations*, Washington: CRS Report for Congress, 2011, pp. 1–17.

<sup>11</sup> Communication from the Commission to the European Parliament and the Council, 'Enlargement Strategy and Main Challenges 2012–2013', Brussels, 10 October 2012, COM(2012) 600.

<sup>12</sup> In this inventory we are not counting Liechtenstein, see the sub-heading 'Size of state matters' (2.4.).

<sup>13</sup> The secession drive of Scotland or Catalonia in the EU, the independence-like behavior of the 'Republica Srpska' in Bosnia and Herzegovina, Transnistria in Moldova, Nagorno Karabakh in Azerbaijan, South-Ossetia and Abkhazia in Georgia are all unfinished or half-open questions of sovereignty. See in more details under subtitle 'Questions of statehood' below.

### 2.3. Questions of 'Statehood'

After having clarified the term 'European', a few important remarks on 'statehood' have to be added to the projection of the forty-four member EU embracing 'all European states'. The concept of 'states' needs to be commented with special regard to the recent state-building process in the eastern part of Europe, on the one hand, and to the presence of 'mini-states' in the remaining number of 'all European states', on the other.

The whole construction of European integration bears the characteristics of a well-structured international organisation consisting of established and internationally recognised states represented by their governments. Early federalist dreams projected the superiority of common institutions over the member countries, resulting from a continuous transfer of competences. However, after half-a-century of integration the dominant decision-making centres of the EU are the forums consisting of direct government representatives, *i.e.* the European Council and the Council of Ministers. In addition, the Lisbon Treaty has further strengthened the inter-governmental fundamentals of the Union with two new institutions: the permanent President of the European Council, on the one hand, and the High Representative of the Union for Foreign Affairs and Security Policy, holding among other things the permanent chair of the Foreign Affairs Council, on the other hand.

States, as the fundamental building blocks of various international organisations, and among them the EU, are conceived as internationally recognized, functioning, 'finished' actors. However, the criteria of 'statehood' are not specified in the EU Treaties. Some of the candidate countries in the south-eastern and eastern neighbourhood of the EU are 'unfinished states', and several of them are speckled with separatist regions of self-declared 'independence', occupied territories, old and new 'frozen conflicts' etc. In the Western Balkans, the internal state structure of Bosnia and Herzegovina has been petrified along the lines of the 1995 Dayton peace agreement and the country is governed with the help of international organisations.<sup>14</sup> The denomination of Macedonia, a former Yugoslav republic under the same name (but without international actorship by that time), is contested by Greece and no solution of the dispute is in sight. The statehood of Kosovo has not been recognized by five out of the twenty-seven EU Member States for fears of internal separatism in their own countries.<sup>15</sup> In the region of the Eastern Partnership several 'frozen conflicts' raise doubts about the finished and functioning statehood of the participants. In Moldova the

<sup>14</sup> G. Toal and A. Maksic, 'Is Bosnia-Herzegovina Unsustainable? Implications for the Balkans and European Union', *Eurasian Geography and Economics* 52 (2), 2011, pp. 279–293.

<sup>15</sup> The following EU Member States have not recognized the self-declared sovereignty of Kosovo so far: Spain, Greece, Cyprus, Slovakia, Romania.



Transnistrian territory, squeezed between this country and Ukraine, is under the outlaw governance of Russia. In Azerbaijan, Nagorno Karabakh is being occupied and ruled by Armenia. Important parts of Georgia, Abkhazia and South Ossetia, have 'voluntarily' acceded to Russia.

Based on states, the EU could not welcome and handle the eventual rapprochement of neighbouring regions either, which are parts of states. The western ends of some eastern neighbours already constitute 'EU enclaves' and these special locations could better be exploited for mutual benefits. The Trans-Carpathian region of Ukraine is surrounded by four EU (and NATO) members: Poland, Slovakia, Hungary and Romania. A special investment zone associated with the EU and operated jointly by Kiev and Brussels could stimulate the European orientation of Ukraine. A similar opportunity is offered by the location of Kaliningrad, a Russian territory between Poland and Lithuania.

#### *2.4. Size of States Matters*

A rather neglected and unspecified aspect of states is their size. In the UN and many international organisations the guiding principle is the 'sovereign equality' of states, their size not influencing in any respect their rights and obligations (only their financial contributions). However, in a closer union like the EU extremely big or very small members can cause problems in various fields like institutions, burden sharing and representation. The EEC was founded by three 'big' states, on the one hand, and the trio of the Benelux consisting of two medium sized and one single small country, on the other. As a result of subsequent enlargement waves, the number of smaller states in the EU has increased quicker than that of the 'big'. In the EU-27 less than one quarter of the members are 'big' and all the others belong to the smaller category. In a more nuanced approach, the 27 Member States can be classified into four different size groups: six big (38–82 million inhabitants), nine medium sized (8–22 million), five smaller (4–8 million) and seven little countries (under 4 million).

One of the gravest questions of functioning EU institutions is raised by the growing number of small states. For a long time, from the beginnings up to 2004, Luxemburg was the only small state in the EU with equal rights and full membership status. A unique precedent is affordable in any organisation, with special regard to the exclusive qualities of this country. In fact, a smaller member speaking fluently the languages of the two big founders, Germany and France, but not competing with them in any respect, can always offer political actors and highly qualified civil servants for compromises. Several Presidents of the European Commission just like the person of the actual head of the Eurogroup, Jean-Claude Juncker, underpin this argument. However, if the founding fathers were to read the future, they probably would have isolated this precedent by constituting a special status for the Benelux as one actor, on equal footing with the 'big', and not for the three individual smaller states. The consequences of not doing so are



well-known.<sup>16</sup> With the 2004 'big enlargement' small states 'invaded' the Council in an increased number. As a contrast to the single case of Luxemburg, today there are altogether seven Member States in the narrow range of 0.4 to 3.2 million inhabitants. Their political equality with the biggest is beyond any doubt, of course, as they are entitled to a seat at the Council table, to a post of Commissioner in the European Commission etc. At the same time, in burden sharing exercises or in foreign and security policy actions there is a striking and growing difference between the contributions of the 'big' and the 'small'.

Apart from the formal members, four mini-states (Vatican, San Marino, Monaco, Andorra) are also integral parts of the EU economy without being represented in its institutions. Their population is below 100,000 each. Liechtenstein, which finds itself in the same dimensions with 36,000 inhabitants, has contractual links with the EU through EFTA and the EEA.<sup>17</sup> Nothing would prevent this latter country to apply for full EU membership one day. Among the candidates and potential further candidates for EU membership there are six countries of smaller size. Iceland with 320,000 inhabitants is carrying on accession negotiations. On the Balkans three countries belong to this category: Montenegro (625 thousand), Macedonia (2 million) and Kosovo (1,7 million). Along the eastern border line of the EU, Moldova (3,5 million) and Armenia (3,2 million) can be considered as small states. An EU-36 would include altogether eleven small states (with a population below 4 million each), almost one third of all the state actors. The supposed final size of the Union, an EU-44, would include thirteen small members. On the legal basis of Article 49 TEU, application of a 'European state' could not be refused with reference to any size limit. However, other criteria could help testing the statehood of the applicant, *e.g.* the existence of an independent and functioning monetary system as a sign of national sovereignty, or some minimum requirements in connection with contributions to the common EU budget.

The EU has also some political difficulties in handling 'big' countries in its immediate neighbourhood. 'Big' means in this context: near to or beyond the size of the biggest EU Member States. Turkey is an obvious case as its population is approaching that of the biggest EU country, Germany.<sup>18</sup> Russia has also proved to be 'too big' for the EU to find well-balanced and appropriate forms of

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<sup>16</sup> E. Mylona, *The Impact of the Accession of the Western Balkan Countries on Voting and Coalition Formation within the European Council of Ministers*, York: The University of York, 2007, Discussion Papers in Economics, n° 2007/28, pp. 1–38; S. Nasra, 'Governance in EU foreign policy: exploring small state influence', *Journal of European Public Policy*, 18 (2), 2011, pp. 164–180.

<sup>17</sup> M. Maresceau, *Very Small States and the European Union: the Case of Liechtenstein*, *A constitutional order of states? Essays in EU Law in Honour of Alan Dashwood*, Gent: 2011, pp. 500–527.

<sup>18</sup> B. Rumelili, 'Turkey: Identity, Foreign Policy, and Socialization in a Post-Enlargement Europe', *European Integration* 33 (2), 2011, pp. 235–249.

cooperation.<sup>19</sup> Sooner or later Ukraine, having the size of France or Italy, could provoke similar headaches in Brussels.<sup>20</sup>

### 3. UNWRITTEN CONDITIONS

The unwritten conditions of EU enlargement are well detectable and consequently applied practices, which could be observed in past enlargement waves without any formal provisions in the Treaties.

First of all, the EU has always selected its next members from its direct geographical neighbours.<sup>21</sup> The enlargement of the integration project has been rather similar to that of a medieval imperium expanding towards its immediate neighbourhood occupying new lands and people. The opposite example was EFTA which had no difficulties in including into its network dislocated members from Norway to Portugal as the free trade model is easily applicable without contiguous territories. The EU is not a fully territorially bound project either as many of its rules can be implemented without any physical proximity or connection (*e.g.* environment protection, labour standards, consumer protection rules etc.). At the same time, other aspects like the customs union, trans-European networks or the Schengen zone are easier to be applied in a single territory, within common external borders. This rather strong territoriality can be one of the main reasons why new members have consequently been chosen from the direct continental neighbourhood of the EC/EU.

A second unwritten rule of EU enlargements seems to be the clear preference of the Union for taking groups of countries as new members and not individual candidates, one by one.<sup>22</sup> Of course, group negotiations do not change the fundamental principle of individual conditionality applied to the candidates on behalf of the EU, but this approach has several advantages already in the negotiation phase. First of all, the Union could save negotiating capacities in using the same schemes to a group of candidate countries. We have to add that the members of the groups joining the EU in the same enlargement round, so far, came from the same regions. For this reason, comparing the legal and economic background of the individual candidates was also easier and helped the EU in judging about the performance of the future members. Group accession talks offered also an excellent political occasion to the EU to awake the spirit of competition between and among the individual candidates. As the applicants were close partners and often

<sup>19</sup> I. Klinke, *Postmodern Geopolitics? The European Union Eyes Russia*, Europe-Asia Studies, Glasgow: Vol. 64, n° 5, July, 2012, pp. 929–947.

<sup>20</sup> O. Shumylo-Tapiola, *Ukraine at the Crossroads: Between the EU DCFTA & Customs Union*, Paris: IFRI, Russie. Nei Reports n° 11, 2012, pp. 1–25.

<sup>21</sup> The only exception from this rule was Greece in 1981 where the Mediterranean Sea assured the connection with mainland EC.

<sup>22</sup> The exception was again Greece to be followed by Croatia in 2013.

neighbours of each other, they were rather sensitive for any temporary advantages in the negotiation process. Even the smallest technical or time gap could provoke political reactions, like for instance the higher number of already closed negotiation chapters. Of course, some moderate and fair competition among the candidates helped the advancement of the whole negotiation process. This positive effect proved to be more useful than some temporary tensions between the accession countries. The candidates also took political profit from the group strategy of the EU: they exchanged information, coordinated some of their positions and reactions to EU requirements. An obvious technical advantage of joint accession of several new members to the EU is the concentration of the ratification process in the European Parliament and the national Parliaments of the Member States. In a similar way, the necessary modifications in the various EU institutions can be arranged by one token (modification of the voting weights in the Council, increased number of Members of the European Parliament, new Commissioners in the European Commission, new languages for translation and interpretation etc. up to inserting new national flags into the row before the EU buildings in Brussels, Strasbourg and Luxembourg).

A third unwritten rule of EU enlargements can be detected from the timing of the subsequent enlargement rounds. After half a century existence of the EC/EU and four big enlargement rounds (with six accession dates) embracing altogether twenty-one new members, the rhythm of enlargements shows a regular pulsation of decades. In fact, enlargements took place once in the 1970s (1973), in two subsequent steps in the 1980s (1981, 1986), in one movement in the 1990s (1995) and finally in two waves in the 2000s (2004, 2007). The 'double step' enlargements in the 1980s as well as in the 2000s included countries from the same geographical regions. In fact, managing the necessary preparatory steps, conducting the accession negotiations and inserting the new members into the various structures of the organisation took each time roughly ten years for the gradually expanding community of EC/EU. Should we maintain this rhythm in the future and prepare a next enlargement round for the 2020s?

#### 4. ADDITIONAL PRECONDITIONS

Apart from the written and unwritten rules of EU enlargement, some obvious entry conditions have never been stipulated. Neglecting these aspects brings about consequences which can cause problems at a later stage, after accession, just like the non-observance of any written and unwritten rule.<sup>23</sup> In the perspective of future enlargements the requirement of 'statehood' seems to be of utmost

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<sup>23</sup> A striking example was the case of Cyprus: ignoring its unfinished status was contrary to the traditional and strict conditionality of the EU towards candidates and has caused tensions in the accession process of Turkey being one of the most important applicants.

importance in the remaining areas of potential EU candidate countries. In the circle of the twelve potential future members beyond the EU-28 of 2013 (six from the Western Balkans and six of the Eastern Partnership) seven have serious problems with their full-fledged statehood (internal division, frozen conflicts, non-recognition of the state or of its name). Adding the criterion of an independent monetary system, only four countries look formally eligible for EU candidacy from the whole eastern and south-eastern neighbourhood (Serbia, Albania, Ukraine, Belarus). The next question is obviously testing their compliance with the Copenhagen criteria which would further select the team.

The interpretation of the entry conditions could be specified with the help of other European and global international organisations which could partly take over the role of entry pre-qualification of the EU in a relatively large field of accession conditionality. As WTO membership is a clear pre-requisite for establishing free trade with the EU, closer cooperation with the Council of Europe in political maturity and with the OECD in judging about functioning market economies would be more than helpful for the EU. Apart from these organisations several others could lend technical assistance to pre-qualifying candidate states for EU membership. For this purpose, a list of international organisations could be set up, similarly to the Copenhagen criteria, containing two categories: those whose membership is considered as a pre-condition of EU candidate status (*e.g.* WTO), on the one hand, and those which are strongly emphasised to join before EU membership.

After the eastern enlargement, the economic development level of EU candidate states has acquired a growing importance, too. This aspect has never been a point of considering EU candidates' eligibility. Political strategic aspects of EU enlargement have usually overruled the problems arising from development gaps between old and new EU members. The first concrete case, when the political will swept away potential tensions caused by the definitely lower level of economic output and competitiveness, was the accession of Greece in 1981. The wealthy centre of Europe pondered that the post-dictatorial consolidation of the country would be worth of paying the bill of closing up with the more developed EC members. The situation was rather similar in the case of Spain and Portugal in 1986. In addition, after the first southern enlargement in the 1980s, rich EFTA-countries joined the EU by 1995. The new net contributors to the EU budget laid down the basis of the cohesion fund<sup>24</sup> which complemented the original scope of the cohesion policy within the EC-12.

The qualitative turn arose with the 'big' eastern enlargement in two subsequent waves by 2004 and 2007 when a large crowd of low development level

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<sup>24</sup> The Cohesion Fund originated from the European Economic Area agreement. Protocol n° 36 offered 1500 million ecu of loans and 500 million of grants financed by the EEA partners and utilized by Greece, Portugal, Ireland and 10 Spanish departments.

countries joined the Union.<sup>25</sup> The new members brought with them backward regions which never before appeared inside the EU but were located in its neighbourhood. In fact, the six eastern regions of Poland, the eastern ends of Slovakia and Hungary and, in a next step, the whole territory of Romania and Bulgaria represented a level of about one third of the average per capita GDP of the EU. The cohesion policy of the Union was confronted with new kinds of challenges which take their sharpest form in the discussions between and among Member States about the EU budget.<sup>26</sup> The hard core of the EU is targeting world-wide competitiveness, whereas the internal semi-periphery is following closing up objectives, and the newly internalised low development regions would need basic infrastructure, workforce education and fundamental investment in manufacturing industries.

The future potential members of the EU are all—with the exception of the two rest-EFTA states, Switzerland and Norway—potential net beneficiaries of the common budget although the net contributors would be basically the same.<sup>27</sup> If the Union would like to maintain its common budget and offer resources for co-financing its projects, the main targets of the cohesion and agricultural policies and the eligibility rules for EU funds should be altered and/or the selection criteria of potential new members should be complemented with minimum requirements concerning the economic development level of candidates.

##### 5. THE ROOTS OF 'ENLARGEMENT FATIGUE'

After the last 'big' enlargement, symptoms of 'enlargement fatigue' have appeared in the political attitude of core EU countries. The decisive German-French tandem is apparently silent on future enlargements. For example, the topic was not touched upon in the French presidential election campaign early 2012 although the refusal of Turkish EU membership was high on the agenda of the previous campaign in 2007. The phenomenon could be explained by the exceptionally large scope of the last enlargement wave and the usual ten-year rhythm of subsequent enlargements. However, this political behaviour is probably one of the consequences of a multiple crisis of the European unification project. The crisis of the EU has several layers composed of competitiveness, institutional and identity

<sup>25</sup> A. David, 'Cohesion Policy Pre- and Post-Enlargement', in: M. Baun and D. Marek (eds.), *EU Cohesion Policy after Enlargement*, Palgrave, 2009, pp. 15–33.

<sup>26</sup> B. Laffan and J. Lindner, 'The Budget: Who Gets What, When and How?', in: H. Wallace a.o., *Policy-Making in the European Union*, Oxford: OUP, 2010, pp. 207–228.

<sup>27</sup> Only few of the new Member States and their regions have emerged from the eligibility limits for structural funds as a result of their economic development like the regions of Prague, Bratislava and Budapest.

elements which are also connected, in one way or another, with the problems of further enlargements.

The first alarming signals emerged at the turn of the century indicating a continuous decline of European competitiveness in the world. The initial reactions of the EU were not adequate and the illusory Lisbon Strategy of March 2000 had to be revised five years later. In the follow-up, growth and employment strategies acquired a strong energy and infrastructure dimension with the aim of strengthening and expanding the Trans-European Networks (TENs) of energy, telecommunication and transport and including the fight against global warming. Under pressure of the financial and economic crisis which broke out by the autumn of 2008 the consolidation of the eurozone took the central place of EU economic governance and all other aspects, including the stimulation of growth and job creation, were regarded as potential consequences of the successful functioning of the EMU.<sup>28</sup>

The deepening economic crisis shed light on some well-known efficiency aspects of the EU institutional system, too.<sup>29</sup> Slow and inadequate reactions to impulses from the outside, weak executive power, lack of transparency and accountability recalled the memory of the constitutional crisis after 2005 when the EU was unable to respond to the refusal of ratifying the Constitutional Treaty in France and the Netherlands.<sup>30</sup> Following a German initiative on the 50th anniversary of the signature of the Treaty of Rome on the 25 March 2007 the renewed treaty-making efforts led finally to the conclusion of the Lisbon Treaty.<sup>31</sup> However, the trimming of the original text of the Constitutional Treaty highlighted the deep internal division lines inside the Union. The growing gap between the political and practical objectives of the unionist and the intergovernmentalist poles questioned the identity and the homogeneity of the EU.<sup>32</sup> Continuous enlargement has also transformed and, to some extent, distorted the original integration model. Each new wave of enlargement has added new integration aspects: both objectives and limitations.

The first, northern enlargement (1973) has broken the homogeneous federative set of objectives and quizzed the validity of the original model including the target of an ever deeper integration. The second, southern enlargement wave

<sup>28</sup> J. A. Emmanouilidis and J. Janning, *Stronger after the crisis, Strategic choices for Europe's way ahead*, Brussels: EPC, 2011, pp. 1–31.

<sup>29</sup> D. Chryssochoou, 'Europe's Contested Democracy', in: M. Cini a.o. (eds.), *European Union Politics*, Oxford: OUP, 2009, pp. 377–389.

<sup>30</sup> R. Vetter a.o., 'Whose project is it? Media debates on the ratification of the EU Constitutional Treaty', *Journal of European Public Policy*, 16 (3), 2009, pp. 412–430.

<sup>31</sup> J. Dieringer, 'Assessing the German Council Presidency of 2007', in: A. Ágh–J. Kiss-Varga (eds.), *The prospect of the EU team presidencies*, Budapest, 2008, pp. 113–130.

<sup>32</sup> E. O. Eriksen a.o., 'Widening or reconstituting the EU?', in: E. O. Eriksen (ed.), *Making the European Polity*, London–New York: Routledge, 2005, pp. 237–270.

(1981, 1986) added net beneficiaries to the common budget increasing the burden on the net contributors and setting new requirements for a consistent cohesion policy. The third, 'northern' or EFTA enlargement (1995) diluted the homogeneity of the NATO members (with one single exception: Ireland) undertaking the fostering of a common security and defence policy. The fourth, eastern enlargement wave (2004, 2007) embodied a threefold challenge to the already rather complex pattern of integration. First, it lowered the average economic development level of the Union. This had multiple consequences, such as increased demands of support from the common budget, new necessities and requests to the cohesion and agricultural policies. Second, it has imported systemic diversity into the Union with new members coming from a different political and economic world and being in the very critical phase of transformation. Third, the eastern 'big' enlargement has added more new state actors to the internal decision-making process of the EU than any other enlargement ever before.

## 6. INSTITUTIONAL PROBLEMS AFTER THE ENLARGEMENTS

Since the 1st of December 2009 the new Treaty shifted the institutional balance of the EU towards the intergovernmentalist side. The office of the permanent President of the European Council has further strengthened the role of the Heads of State or Government in EU decision-making. However, the fundamental principle of the direct representation of the Member States' governments at all levels of the Council as well as in the nomination of the Commissioners and the judges of the ECJ has proved to be detrimental for the efficiency of the Union with 27—and more—members. In the Council, the sharply increased number of government actors is naturally influencing the length of the discussions and complicates the translation between and among all the official languages of the EU. Beyond such visible symptoms, the group dynamics of interest harmonisation have changed to a very large extent.<sup>33</sup> The example of six member coalitions is meaningful in this respect. This size was the original scope of unanimous decisions in the EC-6. In the EU-15 the overall number of potential six member coalitions grew to 5005, in the EU-27 their number is 296,010. Of course, not all the six-combinations have the necessary political weight for constituting a 'critical mass'. If we only select the six member coalitions with the participation of at least two big Member States, the increase from the EU-15 to EU-27 was from 715 to 12,650. This new situation motivates the 'big' EU countries to try to find agreements in their closer circles and present them to the smaller Member States as a *fait accompli*. The double majority voting system to be introduced by 2014 could ease this situation, but a 'triple majority' combining the number of Member States, the number of

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<sup>33</sup> N. Nugent, 'Political Dynamics in the Enlarged European Union', in: C. A. Stephanou, (ed.), *Adjusting to Enlargement*, Cheltenham: Edward Elgar, 2006, pp. 91–108.



their citizens and the share of net contributions to the EU budget would be more convincing and just.

The last, 'big' enlargement has also transformed the internal structure of the European Commission. The ten new Member States which acceded to the EU by 2004 were entitled to delegate one Commissioner each. However, the new members did not increase the number of portfolios on the 1st of May 2004 as they joined one of the 'old' Commissioners for the remaining six month time of the European Commission led by Romano Prodi. This outgoing Commission was based on the rule of including two Commissioners from each of the five big Member States and one Commissioner from each of the ten smaller countries. The overall number of twenty Commissioners was not far beyond the real functions controlled by the Commission. From November 2004, in the new set up, the principle of 'one Commissioner per Member State' has been applied. In this system the major part of the 27 Commissioners have realistic and useful tasks, but certainly not all of them. The workload of the individual members of the Commission is rather different from the highly exposed domains like the budget, the eurozone or cohesion policy to smaller issues like consumer protection, customs and taxes or multilingualism. With a larger number of Commissioners their selection criteria and the nebulous division of responsibility and accountability between their delegating countries and the EU became more visible, too.<sup>34</sup>

The eastern enlargement has also deepened the polarisation between the net contributors and the net recipients of the EU budget. The new members from Central and Eastern Europe are all net beneficiaries just like all their regional neighbours queuing up for future EU membership.<sup>35</sup> Net-contributors are not in sight as long as Norway and Switzerland do not change their position on EU accession. Under pressure of the recent economic crisis financing of the EU budget is experiencing further difficulties as the contributing Member States are not willing to increase the income side of the budget beyond the magic limit of 1 per cent of the EU Gross National Income (GNI).

## 7. FUTURE PROSPECTS OF ENLARGEMENT

As to the perspectives of further enlargements, Croatia will enter into the EU on the 1st of July 2013, bringing the number of Member States to 28. Iceland is carrying on accession negotiations giving hope to its accession in the near future.

<sup>34</sup> J. Thomassen, 'The Legitimacy of the EU after Enlargement', in: B. Kohler-Koch and F. Larat (eds.), *Efficient and Democratic Governance in the European Union*, Mannheim: University of Mannheim, 2008, pp. 209–220.

<sup>35</sup> J. Neyer, 'Politics of intergovernmental redistribution: Comparing compliance with European and federal redistributive regulations', in: M. Zürn and Ch. Joerges (eds.), *Law and Governance in Postnational Europe*, Cambridge: CUP, 2005, pp. 149–182.

Contrary to the negotiations with Turkey, which do not progress for several reasons. On the surface, the conflict situation with Cyprus has led to a blockage of a number of negotiation chapters. Behind this political problem the real preparedness of Turkey for EU membership and its progress in adapting EU law is less visible. The most important factor is obviously the reluctance of some EU Member States on accepting this country as a full-fledged member of the EU. The well-known arguments against Turkey are the high immigration potential of its workforce into the EU, its possible share from the EU budget as a beneficiary country and the cultural differences because of its Islamic culture and traditions. However, all these general claims can be denounced and the real problems connected with them could be dealt with in the negotiations. For example, Turkey has repeatedly declared that the free movement of workers is 'negotiable' which means that it would eventually accept longer transition periods or other limitations. The refusal of Turkish EU membership in some of the Member States could also be eased by pointing to positive examples of Turkish integration throughout several generations of immigrants in Germany and other EU countries. As long as decisive political forces of leading EU members are openly opposing Turkish EU accession, their public opinion will not change either. One real political problem behind the scene is the threat of the appearance of a new 'big' Member State which has nearly the size of Germany.<sup>36</sup> This aspect matters, first of all for the other big EU members as the voting weights in the Council are based, at least partly, on the number of population.

The latest enlargement report of the European Commission.<sup>37</sup> has opened the way for Montenegro to start accession negotiations with the EU. Having in mind the nebulous perspectives of Turkey, the enlargement process could easily take a new turn and include only two of the smallest European states, Iceland and Montenegro, with a population of less than one million together. With all due respect to the two countries with great national traditions, this would be the 'banalisation'<sup>38</sup> of the enlargement process proving that the Union is not able to solve the real challenge of the accession of a big state, Turkey, which would add its weight and important eastern dimensions to that of the EU.

The 'enlargement fatigue' in the EU can be explained by the accession of a highly increased number of new—and for most of the 'old' Member States, somewhat exotic—European countries. At the same time, the 'big' enlargement did not create the main problems of the Union, just rendered them deeper and more visible. The heaviness of EU institutions and of lengthy decision-making processes existed well before the opening to the east. Also tensions connected with the

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<sup>36</sup> R. Baldwin and M. Widgrén, *The Impact of Turkey's membership on EU voting*, Brussels: CEPS Policy Brief n° 62, 2005, pp. 1–11.

<sup>37</sup> Bague, *op. cit.*

<sup>38</sup> Expression introduced and used by M. Maresceau at a certain stage of the eastern enlargement.

limited scope of the EU budget and its re-distributional character returned every time when the Member States discussed contributions to and payments from the common financial framework. These problems are inherent contradictions and weaknesses of the EU system, continuous enlargements and more particularly the last, 'big' enlargement just aggravated their consequences.

By the middle of September 2012 eleven foreign ministers of EU countries launched a discussion paper under the title 'Final Report of the Future of Europe Group'. The bold ideas contained in this document are meant primarily for supporting the consolidation of the eurozone, reinforcing the efficiency of the Common Foreign and Security Policy and speed up the institutional renewal of the Union. In 2012 France and the USA elected their new presidents, by 2013 the Bundestag elections in Germany will be over as well, and in 2014 a new European Parliament will be elected and a new European Commission will take office. After those main international events Europe will hopefully regain its power of action. There is a new chance to get out of the multifold EU crisis and restart enlargement, hopefully on a new basis.