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SMART RESILIENCE AND EU ENLARGEMENT POLICY¹

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The European Union's enlargement policy is an ever-changing policy area. Today, its flexibility is illustrated by an ever more diverse set of entry rules. In the half-century since the first round of enlargement, the transposition of thousands of pages of legislation has been accompanied by the harmonisation of laws and the incorporation of other values, along with indicators of economic maturity. In the wake of the first two enlargements, the credibility of the European Union was under threat in the eyes of the political elite and society in the applicant countries, and reforms were introduced to avoid disillusionment. The sluggishness of enlargement in the Western Balkans and the aftermath of recent Russian aggression in Ukraine have redefined the course of enlargement policy with any significant acceleration yet to occur.

KEYWORDS:

enlargement policy, smart resilience, Western Balkans, European Union

INTRODUCTION

The European Union's enlargement policy is an ever-growing and detailed policy area in which the will of the Member States prevails and which is characterised by a very slow process of compromise decision-making. In this paper, I will attempt to show the sensitivity of enlargement policy to external pressure, the extent to which the international environment (geopolitics) influences the bargaining system, and the extent to which it is in fact a policy that is constantly changing but responsive to environmental events.

¹ Project no. TKP2021-NKTA-51 has been implemented with the support provided by the Ministry of Innovation and Technology of Hungary from the National Research, Development and Innovation Fund, financed under the TKP2021-NKTA funding scheme.

In the course of the study, I will define the following hypotheses, which I will attempt to prove or disprove by the end of my work:

- H1. Enlargement policy is a soft policy instrument in the hands of the Member States.
- H2. The ongoing development of the detailed rules of enlargement policy is itself a consequence of resilience.

This paper will primarily use a qualitative method, drawing on both primary and secondary sources. It will make use of primary sources published by the European Union, supplemented by published book chapters, studies, and journal articles, as well as occasional newspaper articles. The structure of the study follows the logic of the evolution of the EU's enlargement policy, with the first section covering the first enlargement, from the 1970s until the adoption of the Maastricht Treaty. The second section discusses the changing rules and the introduction of an ever-expanding set of criteria. The third section deals with the current enlargement process in the Western Balkans and the negotiating position of these countries, while the fourth section deals with the consequences of Russian aggression and the applications for the accession of Ukraine, Moldova, and Georgia. In the fifth section, I aim to describe the evolution of enlargement policy itself and the actors who play a major role in its development.

THE FIRST PHASE OF ENLARGEMENT POLICY (1970–1990)

European integration has been an attractive form of cooperation since its inception, and in the 1960s, the first countries intending to join had already expressed their wish to gain full membership. In the summer of 1961, the United Kingdom, Ireland, and Denmark applied for membership, followed by Norway in 1962, and the enlargement clause of the then EEC had to be activated. Although the internal tensions in the Member States meant that it was not until 1970 that practical steps towards achieving this were taken, the core elements of the policy was already in the making. With the enlargement of the bloc's membership, the aim was to establish cooperation on a solid basis of shared values, with political and economic identification at the heart of the process. The first phase of enlargement involved the accession of the countries that shared the common characteristics of having democratic systems, functioning market economies and benefiting from Marshall Aid.

As new members have joined the process of European integration, it can be referred to as a constantly changing scheme of cooperation, with frequently changing and tightening enlargement standards. However, the main strategy had already been put in place at the time of the first phase of accessions and had been continuously updated over the previous fifty years before a total of 22 countries joined.

It is important to draw attention to two factors that have influenced the constant evolution of enlargement policy, which can then be interpreted as a reflection of the way in which the responses to the challenges that have emerged have been reflected in enlargement policy and, ultimately, in the resilience of accession policy. The first stage of enlargement took

place during the Cold War period, where the sense of bloc integration and the constant threat from the Soviet Union took its toll on the Western states. This may also have been reflected in the fact that it was not considered necessary to work out an enlargement policy in this period in which the reinforcement of the bloc proved more important than the drafting of detailed rules. The emergence of this phenomenon can be seen as a response to the international situation. This misguided thinking may have ultimately proved to be detrimental to the Community during the UK's Thatcher period or after Greece's accession. On the other hand, the Cold War reflexes did not lead to the development of the detailed accession criteria mentioned previously, because the international environment did not provide grounds for it, i.e. enlargement policy was not adapted to the requirements of the times, and no detailed expectations were set for those intent on joining. The external and internal 'expectations' at this time ultimately resulted in the emergence of a very flexible system, an instrument of soft policy, with only the treaties defining the conditions, while the detailed rules were easily shaped by the Member States of the Community. An example of this can be seen in the speed with which the technical parts of the negotiations were completed during the first enlargement phase, with only a few detailed rules needing to be agreed on, while no specific strategies and documents were drawn up for accession on a country-by-country basis.

The legal framework for enlargement was laid down in the Treaties, which were implemented in three stages:

1. In accordance with Article 98 of the Treaty of Paris of the European Coal and Steel Community, any European state can join the organisation, and thereby entrusts its implementation entirely to the Council.²
2. This was later supplemented by Articles 237 of the Treaty of Rome of the European Economic Community and Article 205 of Euratom. All three regulatory articles were necessary at the time as a candidate country were required to join all three organisations simultaneously, yet separately. The relevant provision of the EEC Treaty states that:

“Any European state may apply to join the Community. It must submit its application to the Council, which will decide unanimously after obtaining the opinion of the Commission. 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.”³

Since 1958, the basic framework for accession that has prevailed to this day has been clear: 1. the existence of European statehood, 2. the Member States having a decisive say on any proposed accession in the Council, 3. the Commission giving an opinion

² Treaty of Paris establishing the European Coal and Steel Community (ECSC), Article 98.

³ Treaty of Rome establishing the European Economic Community (EEC), Article 237.

on a candidate's preparedness, 4. unanimity required for full membership, 5. the need for a single agreement to implement the accession, 6. the need for the agreement to be ratified by both the existing and the new Member States. The content of the treaties would be amended with practical elements during the first round of enlargement, thus adding elements of customary law to the enlargement policy.

3. With the adoption of the Single European Act, Article 237 of the EEC Treaty was amended to read: "Any European State may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament."⁴ As is evident from this, the European Parliament's powers have been extended, as it now has a say in the composition of the membership in the field of enlargement policy, and it is now also engaged in the monitoring of the preparedness of the candidate countries.

The parts of the agreement pertaining to enlargement were rather brief and focused more on procedural issues than membership conditions. The real criteria and principles were contained in a combination of codified law and customary law: being European, statehood, and democratic rights, supplemented by the unwritten requirement of accession to the Council of Europe.

The following points were already formulated as basic principles of enlargement during the first round of accessions:

1. Accession negotiations with a candidate country may commence when it accepts the treaties and the political objectives set by the Community. This is the primary cornerstone, which has been increasingly insisted upon over time. The elementary requirement was formulated at the European Council meeting in The Hague on 1–2 December 1969. The requirements to this end were specified in the Treaties, thereby ensuring their imperative role.
2. Countries wishing to join must fully adopt the *acquis communautaire* (body of Community law). As the Community's areas of cooperation have expanded steadily, candidate countries have had to take on board more and more written law and even non-codified law, including non-binding recommendations and opinions. As a result of the continuing delegation of tasks to Community-level, by the 1990s, the volume of Community legislation had reached 80,000 pages.
3. The transitional period after accession (derogation) should be as short as possible, with no long derogations from Community rules and the commitments made in the Treaties being permitted.⁵

The codified background and principles for enlargement were developed in the first round of enlargement. The origins of the principles were set out in the Commission's country

⁴ Single European Act, Article 8.

⁵ Temporary exemptions usually cover a period of between 2 and 7 years, with exceptions of up to 10 years (for example, in the case of Hungary for agricultural subsidies or the right of foreigners to buy land).

opinions of 1 October 1969 on the preparedness of the British, Irish, Danish, and Norwegian States. It is clear to see the Commission playing a very important role in providing the substance of these, as they also provided a framework for national governments during the negotiations. The negotiations proceeded at a rapid pace, as the aforementioned principles had been agreed upon, even if the interests of the candidate countries did not always coincide with the expectations of the Community (see the British and Irish negotiations).⁶ Eventually, as is well known, the European Communities by 1973 had grown to having nine members, with the accession of the United Kingdom, Ireland, and Denmark.

When discussing membership of the European Economic Community, it is important to mention the association agreements, which established close cooperation with third countries with the ultimate aim of membership. Such association agreements were concluded with the countries of the southern, Mediterranean or second phase of enlargement, because certain characteristics of these countries prevented them from becoming rapidly subject to cooperation. The 'Athens Agreement' was signed with Greece on 9 July 1961. Spain sent its letter of request for association in 1962, to which a reply was received only in 1967, and the preferential agreement was signed in 1970. Portugal also expressed its wish to participate in 1962, and once again, there was a long pause before the agreement was signed, until the free trade agreement came into force in 1972. All three countries had in common a non-democratic system which made them unstable in political values. It is interesting to examine how the European Communities applied the enlargement option to these three countries. In fact, during the undemocratic period of these countries, the EEC 'forgot' to respond to their membership applications. The enlargement policy was then used (or rather not used) as a way of making value judgments as well as a means of international politics. Greece applied for full membership in 1975, while the two countries on the Iberian Peninsula did the same in 1977. Unlike the first wave, these accessions involved protracted rounds of negotiations and divided national interests. The EEC finally decided to integrate on political grounds, because once these states had begun cooperation, they could not deviate from the democratic path, so Greece joined in 1981 and Spain and Portugal in 1986, thus expanding the trading bloc to twelve members.

Even during the first and second rounds of enlargement, differences between Member States over the admission of new members arose. In the first accession, of the prime examples of this were the two vetoes by President Charles de Gaulle against the British joining, which can be seen as representing the French national interest, or, in the case of the Mediterranean enlargement, the French and Italian fears about an influx of new agricultural products. However, it is also important to note that without the larger states, enlargement could not be given a boost, since France and Germany had a decisive say in both British entry and the southern enlargement.

Following the domino principle of regime change, the European Communities' immediate neighbourhood also saw the beginning of a series of changes and democratic

⁶ RAPCSÁK 2005: 287; GÁLÍK 2005: 352.

transformations. The fall of the Berlin Wall and the unification of the two German states was a unique area of enlargement policy, since the literature does not count the ‘accession’ of the GDR among the EU’s enlargements, although it undeniably involved territorial expansion (geographical spillover). The reason behind this is that, because of the one nation two states concept, the Federal Republic of Germany from the very beginning of integration considered the East German territory of the DDR as one that would eventually unite with them, and as such, these territories would also be covered by the agreements.

THE SECOND PHASE OF ENLARGEMENT POLICY (1990–2020)

The end of the Cold War and the collapse of the Eastern bloc led to regime changes in Central and Eastern Europe and European integration subsequently became the most attractive forum for cooperation for those states. However, integration was preceded by the provision of political and economic stability in the candidate countries, therefore a major reform of enlargement policy was also underway.

The third enlargement, known as the EFTA round, followed the same logic as the previous ones, in that the candidate countries had the same characteristics as the previous ones, with the clear reasons for their desire to join being the changing global political context. These countries applied for membership in 1989, with negotiations starting in February 1993⁷ and took 13 months to complete. The rapid negotiations with Austria, Sweden, Finland and Norway were made possible by all four candidate countries having levels of economic development well above the EU average and their democratic functioning having long established them among the Western European states. The Norwegian people voted against accession for the second time, but the other three countries became full members of the European Union from 1995 onwards, bringing membership of the Union to a total of 15 members.

The role of enlargement policy was also enhanced by the changing international environment, and it started to be used increasingly as an instrument to influence the leadership of an applicant country, be it in general political terms or even on the level of policies. The volatility of policy has created an ever-increasing and richer system of detailed rule-making concerning membership. In the run-up to the EU’s enlargement to the East, the previous wave of clarification of the treaties was further intensified, complemented by a tightening of the principles of enlargement:

1. With Maastricht, a formal change took place, Article 237 of the EEC Treaty was abolished and the Treaty on European Union was adopted, with Article O of the Maastricht Treaty identical in content to the previous definition of enlargement.⁸ A change from

⁷ With the adoption of the EEA Agreement, the EFTA countries have also become bound by the rules of the internal market.

⁸ Treaty on European Union, Article O.

1994 was that the European Parliament now voted on the accession treaties, in which it could even veto them by virtue of its power of assent.

2. The Amsterdam change assigned number 49 to Article O making it Article 49, and the elements of customary law were incorporated into the accession rules in written form: “Any European State which respects the principles set out in Article F(1) may apply to become a member of the Union. It must submit its application to the Council, after consulting the Commission and obtaining the absolute majority of the votes of the Members of the European Parliament and the assent of the European Parliament, acting unanimously by a majority of its component members.” Article F(1) stated that: “The Union shall promote freedom, democracy, human rights and respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.” According to Article F(1), “The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.”⁹
3. With the entry into force of the Lisbon Treaty, the strengthening of the role of national parliaments is also reflected in the enlargement policy, which states that

“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.”¹⁰

The expansion in terms of principles is evident from the now more than 100,000 pages of Community legislation, which it is not enough for the candidate countries to transpose into national law, but the EU is also expected to monitor its application. Article 25 of the 1997 Luxembourg Decision of the European Council already requires the Candidate State to increase its capacity. Moreover, since the entry into force of the Amsterdam Treaty, the principle of limited flexibility has been introduced, i.e. candidate countries cannot opt out of policy cooperation in certain areas. The three existing principles have been amended with a fourth one, conditionality, which ensures that the EU Member States guarantee that

⁹ Treaty of Amsterdam, Article 49.

¹⁰ Lisbon Treaty, Article 49.

democratic transition and the consolidation of the market economy will be achieved in the candidate countries before accession and that their instability will not jeopardise the European project. The adoption of the Copenhagen criteria at the Copenhagen summit in 1993 provided the legal basis for all of these principles:

1. Political criterion: A stable, democratic institutional system guaranteeing the rule of law, human rights and the protection of minorities.
2. Economic criterion: A functioning market economy with the ability to compete in the EU.
3. Legal and institutional criterion: the candidate states must be able to assume the obligations of membership, adopting and applying the whole body of Community law.
4. Absorption capacity: the Union must be able to absorb the new members.¹¹

It has become difficult to define the content of enlargement policy as the criteria have not been plainly defined, so it is still not clear what the EU means by one or other of these criteria, and hence what is the ideal state in which a candidate country is ready for accession. The EU's enlargement to the East and the negotiations in the Balkan region have shown that this conceptual framework is also constantly being developed. This in turn leads the parties to the mistake of not having crystallised the accession criteria. Strategies prepared by the European Commission and country opinions on preparedness may provide more precise definitions. The vagueness of the enlargement policy criteria is in fact used as a tool in the hands of the EU institutions and Member States, as they can be interpreted in different ways, making enlargement policy an area that is both strict and flexible.

The Central and Eastern European countries and the two Mediterranean island states expressed their desire to join European integration in the first half of the 1990s. The first step towards this was to build closer economic ties with the region, and the Europe Agreements were signed for this reason. This was the start of a process in a historical context in which the Member States themselves were divided and had different national interests at Community level. Some member states wanted to deepen cooperation in the newly created political areas, while others wanted to unify Europe as soon as possible, since they had a sense of responsibility towards the countries of the former Eastern bloc. The aforementioned Copenhagen criteria were also established on the basis of the same principle, in order to provide a more precise framework for the enlargement policy.

When it became clear at the Helsinki summit of 11 December 1999 that the principle of differentiation would be combined with the principle of equity, the Big Bang enlargement became a reality, i.e. it was established that the applicants would be admitted to the European Union together. The previously non-existent system of more detailed specifications was replaced by individual progress, with negotiating rounds of 31 chapters of Community legislation, which were composed of the technical agreements, along with country-specific preconditions and provisional closure. The Europe of the Fifteen sensed that there might be

¹¹ BRAUN 2017.

a number of concerns about the new entrants, and a protracted series of negotiations took place. It was also becoming clear that Romania and Bulgaria were lagging behind the other eastern countries, so their entry was delayed. Formal negotiations with the Luxembourg Six started on 31 March 1998 and with the Helsinki Six on 15 October 2000. The large number of applicants also required a single document to set out the stages of the process and clarify the expectations of enlargement. On 8 November 2000, the European Commission published an enlargement strategy paper, which proposed to the Council and the European Council that three categories should be distinguished when assessing applications from candidate countries: acceptable, negotiable and inadmissible. The areas of concern among the existing and acceding members included the free movement of labour, changes in the level of agricultural subsidies, the problem of foreigners buying farmland or derogations from the transposition of environmental rules. The Copenhagen summit on 12 and 13 December 2002 formally concluded the negotiations and opened the way to the ratification process, which culminated in the enlargement of the European Union to 25 members on 1 May 2004.¹²

Romania and Bulgaria had a considerable backlog when it came to meeting their commitments, so at the 2002 European Council it was decided that the two countries could only join integration at a later stage. It was further agreed that a new measure, the so-called co-operation and verification mechanism (CVM), would be introduced for them after accession to fill the obvious gaps in their preparations.¹³ The mechanism covers the areas of judicial and administrative reform, and the fight against money laundering, corruption and organised crime. The initiative has by no means been an unqualified success, as the mechanism is still in place for both countries.

What the European Union has to learn from all this is that preparedness can be meaningfully influenced in the accession process, but its persuasiveness after accession is more dubious. In line with the renewed consensus on enlargement endorsed by the European Council of 14–15 December 2006 and the subsequent Council conclusions, the admission of new members has remained a key policy of the European Union, but the “3Cs” of *consolidation, conditionality, communication*¹⁴ were defined as an innovation. Finally, Romania and Bulgaria became members of the European Union on 1 January 2007.

The 2004 and 2007 rounds of enlargement negotiations made it clear to the European Union that new key areas needed to be developed and kept on the agenda from the start of negotiations until their conclusion. The previous 31 negotiating chapters have thus been expanded to 35,¹⁵ and two key areas have been created: 23: Judiciary and Fundamental Rights and 24: Area of Freedom, Security and Justice. These two chapters came into effect

¹² ÖRDÖGH 2022: 523.

¹³ VÁRKONYI 2019: 63.

¹⁴ Consolidation: deepening the impact of past accessions. Conditionality: strict, but fair conditionality, with specific targets and consistent monitoring. Communication: proper communication of the process to the public in the Member States and candidate countries.

¹⁵ For the chapters in force since the eastern enlargement and the Croatian enlargement, see Annex 1.

with the accession of Croatia and are also a priority for the ongoing enlargement process in the Western Balkans. Another novelty of the negotiations was that chapter opening conditions¹⁶ were now set, not only chapter closing conditions as before, while the possibility of suspending negotiations¹⁷ was introduced at the same time. While the opening of these two chapters was delayed at the time of Croatia's accession, the Commission took this opportunity in 2011 to announce a “new approach”, with a new set of procedures for its negotiations with Montenegro. The opening of chapters 23 and 24 is now subject to the adoption of action plans by the candidate country authorities. In the common position on the opening of chapters, the Member States stipulated intermediate (interim) conditions. Finally, it should be acknowledged that Croatia has come a long way from its application as a candidate country in 2003 to becoming the 28th member state of the European Union on 1 July 2013.¹⁸

ENLARGEMENT TO THE WESTERN BALKANS

With the accession of Romania and Bulgaria, and the lengthy but ultimately successful integration of Croatia, the EU seems to have stalled its enlargement plans for a while. The process of accession of the Western Balkan countries seems to be a rather bumpy detour. Neighbourhood relations are a major stumbling block to progress, exacerbated by political instability and unpredictability. Slow but incremental progress over the past decades has undermined the credibility of the European Union.

In connection with the states of the region, a series of Stabilisation and Association Agreements with a regional approach were first concluded as a result of the post-Yugoslav wars and the autocratic traditions of these countries, setting out country-specific recommendations for political and economic recovery. The first agreement of this kind was put in place with Northern Macedonia, followed by an agreement with Kosovo in 2016. Meanwhile, it can also be seen that over the last two decades, the best perspective for the states in the region has been perceived as entering the European Union, with all states having now submitted their applications for membership.

Northern Macedonia indicated its intention to join in 2004, followed by a positive response in 2005, while the Greeks consistently vetoed the opening of negotiations due to a name dispute between the two nations. The conflict was settled in 2018 with the Prespa Agreement.¹⁹ However, not long afterwards the Bulgarians stepped in with their national identity dispute²⁰ and blocked the start of negotiations. Montenegro was the second country

¹⁶ Opening or closing conditions, benchmarks.

¹⁷ Negotiations may be suspended in the event of a persistent and serious breach of EU values, at the request of the Commission or of one third of the Member States, by a qualified majority in the Council.

¹⁸ See Annex 2 for the enlargement rounds of the European Union.

¹⁹ Prespa Agreement.

²⁰ EGERESI 2022.

to apply for full membership in 2008, was granted candidate status in 2010 and has been negotiating since 2012. Progress has been mixed, with 33 chapters opened but only three provisionally closed. Montenegrin politics has become rather unstable in recent years with the end of Milo Đukanović's party in government after 30 years.²¹ As a third regional state, Albania indicated its intention to join in 2009, although it was only granted candidate status in 2014. Internal, structural problems have meant that negotiations have not yet started with the Albanians either, and they have been waiting nearly ten years to sit down at the negotiating table. Serbia was the fourth country to apply to the rotating presidency for full membership in December 2009. It was granted candidate status three years later, in 2012, and has been negotiating harmonisation since 2014. Like Montenegro, Serbia is still not close to accession, with 22 chapters opened and two provisionally closed. The most major problem is its unsettled relationship with Kosovo.²² Bosnia and Herzegovina became the fifth state to apply for membership in 2016 and received a positive response from the EU in December 2022, but still has a number of tasks to complete before negotiations can start. Finally, Kosovo, whose independence is not recognised by five EU Member States, has begun the accession process. In December 2022, the Kosovo Prime Minister formally handed over his country's application for membership.²³ The disputed statehood will certainly not receive a positive response from the EU for a few years.

Several factors have influenced the halt in EU enlargement. For one, the European Union was preoccupied with Brexit, focusing chiefly on the exit arrangements with the United Kingdom. Almost as soon as this crisis was over, it was the turn of the Covid-19 pandemic to paralyse any possibility of political progress for another two years, followed by a period in which the EU's leaders focused on recovery and economic growth. On enlargement policy, the countries that wanted to join the EU increasingly voiced their dissatisfaction, and the EU eventually reacted. In 2020, to restore credibility, Olivér Várhelyi, Commissioner for Neighbourhood and Enlargement, said:

“First, today we are proposing concrete steps to improve the accession process. While strengthening and improving the process, the goal remains accession and full EU membership. Second, in parallel with the first point, the Commission stands firmly by its recommendations to open accession negotiations with Northern Macedonia and Albania and will provide an update on progress made by both countries shortly. Third, in preparation for the EU-Western Balkans Summit in Zagreb in May, the Commission will present an economic and investment development plan for the region.”²⁴

In reality, all three steps have been taken, but there has been no rapid change in the pace of accession negotiations. Negotiations on enlargement reform will start with the core issues,

²¹ Hungarian Institute of International Affairs [s. a.].

²² KRISTÓF 2022.

²³ SHENOUDA 2022.

²⁴ European Commission 2020a.

which will remain open until the end of the accession negotiations (e.g. the rule of law). The results of these negotiations will set the framework for the rest of the process, and the criteria will remain unchanged throughout the process in the interest of predictability. In the last two years, no significant progress has been made in either Montenegro or Serbia, so the reform has not lived up to expectations. Negotiations with Northern Macedonia and Albania could not start in 2022 either, following vetoes from Bulgaria and the Netherlands. The third element announced is the Economic and Investment Plan 2020. This was presented in October, and it provides €9 billion in support around five pillars: “(a) climate action, including de-carbonization, energy and transport; (b) circular economy, with a focus on waste management, recycling, sustainable production and efficient use of resources; (c) biodiversity, i.e. the protection and restoration of the region’s natural assets; (d) combating air, water and soil pollution; and (e) sustainable food systems and rural areas.”²⁵ These investments are currently being implemented. Moreover, for the Western Balkan countries, the rapid granting of Ukraine’s candidacy may have sent the wrong message.

THE EASTERN PARTNERSHIP ENLARGEMENT

The Russian Federation committed aggression by attacking Ukraine on 24 February 2022, and this geopolitical event also triggered a series of actions in the European Union. In addition to the widening sanctions list, it also affected enlargement policy. The act of war in the EU’s immediate neighbourhood also posed a security challenge. As fighting intensified, Ukraine was the first to apply for EU membership on 28 February 2022, followed by Moldova and Georgia on 3 March. Clearly, the aim was primarily to allay fears of war and strengthen ties with the West (for parallels, see Finland and Sweden’s NATO accession process). On 17 June 2022, the European Commission published its opinion on the preparedness of the three countries²⁶ where it called for the granting of status to all three, praising their achievements. This ‘country review’, which lasted only a few months, makes it clear that the decision was less about technical and more about political issues. A similar explanation can be found in the positive endorsement of all three applications by the European Council on 23 June 2022, which granted them candidate status. Enlargement policy has thus become a tool for international relations and has sent the wrong message to the countries that have already joined. The basis of the wrong message is that they have not in fact achieved the expectations that were set for them or that the EC has differentiated between candidates and candidate states. This move also set a new record, as Moldova and Georgia were assessed at record speed, in just three months. It is important to emphasise these differences, as the treatment of the Eastern Partnership countries and the accession of the Western Balkan countries has been taking place in a different international context.

²⁵ European Commission 2020b.

²⁶ European Commission 2022a; European Commission 2022b; European Commission 2022c.

ACTORS AND PROCESS OF ENLARGEMENT

The treaties mention the candidate country, the EU Member States, the Council, the European Commission and the European Parliament as the actors of enlargement policy but make no mention of the European Council. It is clear from the Paris Treaty's reference to enlargement that the emphasis is on the Member States, but in practice it has been the Commission that has played a major role in progress. Today, this seems to be changing and the Council is becoming a more active player as the political involvement of Member States comes to the fore. It should be added, however, that the Commission continues to represent the EU in the negotiating rounds according to the predefined framework programme, although the Member States are also increasingly making their voice heard in this area. Within the European Commission, it is the Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) that plays the most important role in enlargement.

The classical enlargement methodology, as developed today, can be summarised in the next six points, following in the footsteps of Christopher Preston:²⁷

1. The candidate country is required to transpose and implement the *acquis communautaire* into its national law; no permanent opt-out is allowed.
2. The accession negotiations are the practical implementation of the *acquis communautaire*.
3. New problems have arisen in the context of the enlargement process, and new accession instruments have been introduced to solve them.
4. The new members were only partially prepared and able to integrate into the Community institutions, but effective functioning took place in the post-accession period.
5. The Community negotiates and enlarges as a group with countries that are similar to each other.
6. Member States focus on their individual interests during negotiations, but the Union seeks solutions to internal problems by projecting them.

Márta Várkonyi²⁸ described the stages of the accession process as follows:

- The European Union is a European perspective, a promise of future accession for a given country or region – *a potential candidate for membership*.
- The potential candidate country submits an application for membership to the Council Presidency.
- The Council asks the Commission to examine the application. The Commission draws up an Opinion (Avis).
- On the basis of the Opinion, the Council decides unanimously to grant candidate status.
- Once the status of candidate member is granted, it can be called a candidate member.

²⁷ PRESTON 1997: 18–21.

²⁸ VÁRKONYI 2019: 68.

- The Council sets the conditions for the opening of accession negotiations. It decides whether or not these conditions have been met on the basis of the relevant Commission report.
- Accession negotiations take the form of an intergovernmental conference and start with *screening*.
- In the final stage of the negotiations, Member States draft the text of the Accession Treaty.
- The Council decides on the conclusion of the accession negotiations.
- The signature of the Accession Treaty is followed by a ratification procedure by the acceding country and the Member States.
- Once the ratification process is completed, accession takes place.

The current enlargement countries are mainly those of the Western Balkans.²⁹ As with previous accessions, the European Union has sought to forge closer relations with the countries of the region for the first time, and the *Stabilisation and Association Process (SAP)* has been developed for the region, with bilateral *Stabilisation and Association Agreements (SAAs)* concluded with each of the countries concerned.³⁰ In parallel, the Feira Summit of June 2000 envisaged ‘the fullest possible European integration’, i.e. potential membership candidacy for these states. The Thessaloniki meeting in June 2003 set out a triple objective for them, based on stabilisation, regional cooperation and integration. Five out of the six countries applied for membership, four of which were granted candidate status.

With regards to the enlargement policy, it is important to note its susceptibility to influence by national interests. As seen earlier, the use of soft instruments at EU level is reflected in each enlargement round, but also in the ability of individual Member States to pursue their interests in the case of an accession country. The larger member states certainly have an important role to play, as can be seen in the activities of France and Germany in the Western Balkans (e.g. the Berlin Process). However, it is not only the larger states that have the power to influence progress in this area, but any country can slow down progress if it does not find the harmonisation of an accession chapter satisfactory.

CONCLUSIONS

In my study, I have sought to illustrate the resilience of enlargement policy, namely how it has evolved over the last fifty years. The focus of my research has been on how enlargement policy can be understood as a response to international developments, and what aspects and value judgments can be identified in it.

²⁹ The following countries are included in the Western Balkans: Albania, Bosnia-Herzegovina, North-Macedonia, Kosovo, Montenegro, Serbia.

³⁰ For the key dates of European integration of the candidate countries, see Annex 3.

I formulated two hypotheses, the evidence for which was as follows:

H1: Enlargement policy is a soft instrument in the hands of member states. It can be seen that, from the 1960s onwards, existing member states shaped the expectations that a state wishing to join had to fulfil. Initially, the potential of this was not exploited, but with each enlargement round, the instrument has become more substantial, but at the same time less concrete. The content is still immature and there are no clear explanations of what is expected as the instrument continues to evolve. This implies flexibility, i.e. the policy is capable of formulating country-specific expectations, but it also implies unpredictability, which has jeopardised the credibility of the European Union.

H2: The continuous development of the detailed rules of enlargement policy is itself a consequence of the enlargement policy's resilience. The enlargement criteria defined by each enlargement round and then fleshed out after the Maastricht Treaty continue to leave room for interpretation. This broad, undefined set of requirements is the result of the stubborn insistence of the EU Member States on not wishing to define and quantify the criteria precisely, thus leaving room for arbitrary definition. This, however, generates controversy between the acceding countries and the EU Member States. To add to that, different explanations for this fluidity have been proposed within the Community as a whole, for example on the question of democracy and the rule of law. In each enlargement phase, the EU's increasing demand for democracy and the rule of law is reflected in the negotiating rounds and monitored in the European Commission's annual country reports.

In sum, enlargement policy is a soft tool in the EU's hands, but this weapon seems to be backfiring if politically motivated decisions and the current geopolitical environment are allowed to influence value judgments. It will soon be a question for the Community to decide whether to maintain a flexible approach to enlargement policy or to commit to a more precise definition, in which case it will lose one of its soft instruments to influence the functioning of the acceding country.

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ANNEXES

Annex 1: Eastern enlargement 31 and chapter 35 of the Croatian negotiations

Negotiating chapters in the Eastern enlargement negotiations	Chapters of the accession negotiations with Croatia
1. Free movement of goods	1. Free movement of goods
2. Free movement of persons	2. Free movement of workers
3. Freedom to provide services	3. Right of establishment and freedom to provide services
4. Free movement of capital	4. Free movement of capital
5. Company law	5. Public procurement
6. Competition policy	6. Company law
7. Agriculture	7. Intellectual property rights
8. Fishing	8. Competition policy
9. Transport policy	9. Financial services
10. Taxation	10. Information society and media
11. Economic and Monetary Union	11. Agriculture and rural development

Negotiating chapters in the Eastern enlargement negotiations	Chapters of the accession negotiations with Croatia
12. Statistics	12. Food safety, animal and plant health policy
13. Social policy, employment	13. Fishing
14. Energy	14. Transport policy
15. Industrial policy	15. Energy
16. Small and medium-sized enterprises	16. Taxation
17. Science and research	17. Economic and monetary policy
18. Education and training	18. Statistics
19. Telecommunications and information technologies	19. Social policy and employment
20. Culture and audiovisual policy	20. Enterprise and industrial policy
21. Regional policy (regional development and cohesion aid)	21. Trans-European networks
22. Environment	22. Regional policy and coordination of structural instruments
23. Consumer protection	23. Justice and fundamental rights
24. Justice and home affairs	24. Justice, freedom and security
25. Customs union	25. Science and research
26. External economic relations	26. Education and culture
27. Common Foreign and Security Policy	27. Environment
28. Financial control	28. Consumer and health protection
29. Financial and budgetary provisions	29. Customs union
30. Institutions	30. External relations
31. Other matters	31. Foreign, security and defence policy
	32. Financial control
	33. Financial and budgetary provisions
	34. Institutions
	35. Other matters

Source: VÁRKONYI 2019: 66.

Annex 2: Entry of new Member States into European integration

Enlargement phase	Country	Submission of application	Beginning of negotiations	Signing of agreement	Accession			Membership start date
					Date	Referendum Yes (%)	No (%)	
I.	Denmark	10.08.1961			02.10.1972	63	37	
	The United Kingdom*	09.09.1961	30.06.1970	22.01.1972	-	-	-	01.01.1973
	Ireland	07.31.1961			10.05.1972	81	19	
II.	Greece	12.06.1975	27.07.1976	28.05.1979	-	-	-	01.01.1981
	Portugal	28.03.1977	17.10.1978	12.06.1985	-	-	-	01.01.1986
	Spain	28.07.1967	29.11.1978		-	-	-	
III.	Austria	17.07.1989			12.06.1994	67	33	
	Finland	18.03.1992	01.02.1993	12.04.1994	16.10.1994	57	43	01.01.1995
	Sweden	01.07.1991			13.11.1994	52	48	
IV.	Cyprus	04.07.1990	31.03.1998		-	-	-	
	Czechia	17.01.1996	31.03.1998		13-14.06.2003	77	23	
	Estonia	24.11.1995	31.03.1998		14.09.2003	67	33	
	Poland	05.04.1994	31.03.1998		07-08.06.2003	78	22	
	Latvia	13.10.1995	15.10.2000		20.09.2003	67	33	01.05.2004
	Lithuania	08.12.1995	15.10.2000	16.04.2003	10-11.05.2003	91	9	
	Hungary	31.03.1994	31.03.1998		12.04.2003	84	16	
	Malta	16.07.1990	15.10.2000		08.03.2003	54	46	
	Slovakia	22.06.1995	15.10.2000		16-17.05.2003	94	6	
	Slovenia	10.06.1996	31.03.1998		23.03.2003	90	10	
2.	Bulgaria	14.12.1995	15.10.2000	17.12.2004	-	-	-	01.01.2007
	Romania	22.06.1995	15.10.2000		-	-	-	
V.	Croatia	21.02.2003	17.03.2005	09.12.2011	22.01.2012	67	33	01.07.2013

*Note: * The United Kingdom would leave the European Union on 31 January 2020.*

Source: Compiled by the author based on PRESTON 1997: 11.

Annex 3: Enlargement countries

Country	Status	Stabilisation and Association Agreement		Accession				
		Signing	Effective from	Submitting application for membership	Enter candidate status	Start of negotiations	Number of chapters opened	Number of chapters provisionally closed
Iceland	withdrawn candidate membership*	-	-	17.07.2009	17.06.2010	27.06.2011	27	11
Ukraine	candidate member	-	-	28.12.2022	23.06.2022	-	-	-
Moldova	candidate member	-	-	03.03.2022	23.06.2022	-	-	-
Georgia	candidate member	-	-	03.03.2022	23.06.2022	-	-	-
Turkey	candidate member	-	-	01.12.1964	14.04.1987	12.12.1999	18	1
Montenegro	candidate member	10.10.2005	01.05.2010	15.12.2008	17.12.2010	29.06.2012.	33	3
Serbia	candidate member	10.10.2005	01.09.2013	22.12.2009	01.03.2012	21.01.2014	22	2
North-Macedonia	candidate member	15.04.2000	01.04.2004	22.03.2004	17.12.2005	-	-	-
Albania	candidate member	31.01.2003	01.05.2009	28.04.2009	24.06.2014	-	-	-
Bosnia-Herzegovina	potential candidate member	25.11.2005	01.06.2015	15.02.2016	15.12.2022	-	-	-
Kosovo	potential candidate member	28.10.2013	04.01.2016	15.12.2022	-	-	-	-

Note: * The government of Iceland withdrew its candidate membership application on 12 March 2015.

Source: Compiled by the author based on ÖRDÖGH 2019: 52, 56.