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It Takes Two to Tango - Ukraine, Moldova and Georgia Advance Over the EU's Conditions, While the EU Itself Prevaricates

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Ukraine, Moldova and Georgia are seriously engaged in works to fulfil the EU's conditions for advancing the EU accession process. There is more to be done in all three cases, while Ukraine is said to be 'on track'. The EU for its part has to reform its currently dysfunctional enlargement methodology. All agree that something has to be done, but debate so far among the EU institutions talks of several vague terms, such as 'gradual' integration. The only fully specified proposal is that for 'staged accession' proposed by think tanks.

The Commission on 22 June duly delivered its 'oral' reports to the Council at its meeting in Stockholm on how Ukraine, Moldova and Georgia progress in meeting the conditions set in July 2022, required to permit their accession processes to advance. The oral delivery meant minimal transparency for independent analysts and public opinion in the three states, which are left to interpret fragmentary remarks and leaks – which itself is unfortunate. What follows is the best we can make out of what is going on, to some extent only impressions.

The Trio's Homework on the EU's Conditions

Progress in implementing the conditions have been subject to numerous unofficial contributions, including [ours in March](#). Our assessment at that time was that all three states were hard at work in seeking to satisfy the conditions, which prioritise issues of democratic governance and the rule of law. Since then, there has been further incremental progress. It is understood that the Commission considers that good progress is being made by Ukraine and Moldova, while Georgia faces bigger challenges.

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On Ukraine the Commission considers 2 out of the 7 conditions now to be met, on the judiciary and media freedoms. More action is needed on the constitutional court, corruption, money laundering, oligarchs and minorities. While this is still a large agenda, the momentum of reform is deemed 'impressive' by the Swedish Council presidency. Commissioner Varhelyi stresses the need for a credible track record of prosecutions and convictions over corruption, for which the recent prosecution of the head of the supreme court is actually a striking example. Overall, the Commissioner judges Ukraine to be 'on track', and could satisfy the conditions by October.

On Moldova the Commission considers 3 out of the 9 conditions now to be met, including the fundamental functioning of the democratic institutions. Further work needs to be concentrated around the nexus of corruption, crime, and money laundering. There are concerns around the functioning of the Supreme Council of the Magistrate. Relations seem to be tense between the National Anti-corruption Centre and the Prosecutor's office, with the government now proposing to merge them – a matter that will take time to settle down.

On Georgia the Commission consider 3 out the 12 to be met, but these do not concern the topics of most fundamental importance, notably de-oligarchisation, de-polarisation, media freedoms and the judiciary. There are concerns about backsliding in relation to human rights in the treatment of the media, civil society, and popular protests. Commissioner Varhelyi stressed that Georgia needs to speed up work on all areas. Beyond the formalised 12 conditions there is concern over the ambiguity of Georgia's current geo-political stance, in applying for EU membership while seeking positive relations with Russia at the same time.

Overall, the Commissioner says he is hopeful that all conditions will be met in time for the comprehensive assessments made in October in the so-called 'Enlargement Package' reports. However, he only uses the 'on track' language for Ukraine, with Moldova next in the implicit ranking, while the outstanding problems are greatest in the case of Georgia.

For October a mainstream scenario is for the Commission to conclude that progress on the conditions may be enough to justify Ukraine and Moldova to be moved beyond their candidate status with the formal opening of accession negotiations through the convening of a first intergovernmental conference.

Georgia is at present one step behind, having been granted in July 2022 a 'membership perspective' but not 'candidate' status. The one hand the population and civil society are overwhelmingly in favour of accession to the EU, but the leadership stands as an egregious case of oligarchic state capture, coupled to its current geo-political ambiguity. An original proposal favoured by Georgian civil society is that candidate status should be granted explicitly as encouragement to the people and civil society for now, while further advance would depend on fundamental political reforms that only the government can assure.

The EU's Homework on Reforming Its Enlargement Methodology

The current enlargement methodology, as revised in 2020, has proved ineffective for revitalising the process for the Western Balkan applicants, and cannot be expected to do better in Eastern Europe.

Its main weaknesses have been two. First, over the many years of painful legislation required to comply with hundreds of EU laws there are no parallel incentives of reward visible to the population, which only come all at the end of the process with the act of accession. Second, and making matters worse, the member states hold veto powers over every small step in the

process of opening and closing the 33 chapters, and there has been some conspicuous abuse of these powers in blocking the advance of specific chapters for political reasons having nothing to do with EU competences – infamously the Greek and then Bulgarian blockages over the name of today's North Macedonia.

Even President Macron has said that the revised methodology, which had been inspired by Paris, does not work. The status quo is unfairly asymmetric, with the EU setting its conditions for the applicants to implement so that the process can advance, while ignoring that it alone has entire responsibility for assuring that its methodology is fit for purpose, which it is not. At the 22 June Council the German minister for Europe was heard to say that the EU has not quite done its homework.

The only good news is that EU member states are at least talking about how to define necessary reforms, recognising the need. But the last year has only seen a cacophony of vague terms being used by the Council and member states to suggest that there are positive steps underway or under consideration: take your pick from gradual, accelerated, sectoral, enhanced and staged integration. The Commission has made no operational proposals on how to do this. The Austrian foreign minister comes closest to being explicit, calling for 'gradual and accelerated integration before full membership'.

'Staged Accession' has become a commonly used phrase in speeches about what to do, and this is the only term backed by a fully structured and operational proposal. However this has been devised only by independent think tanks, CEPS in Brussels with CEP in Belgrade (to which the present author contributed), and has no official status. Again, the Commission is silent.

The President of the Commission, Ursula von der Leyen, announced a proposal at her speech in Bratislava 31 May with special reference to the Western Balkans, with four points: get closer to the single market, deepen regional economic integration, accelerate fundamental reforms, and increase pre-accession funding. But these headlines do not amount to an operational reform of the dysfunctional enlargement methodology.

It is crucial that the Commission introduce reforms to the enlargement methodology, best along the lines of the Staged Accession proposal, in parallel the homework that the applicant states are engaged upon. Otherwise, one would expect the process of opening and closing clusters and chapters to stagnate for Ukraine and Moldova in ways analogous to the experience of the Western Balkans over the two decades since the noble Thessaloniki Declaration. In brief, the two basic weaknesses mentioned should be overcome by offering enhanced funding and institutional participation stage by stage. The dynamics of the process should be made more transparent and credible by quantification of the qualitative rankings made each year by the Commission in the Enlargement Packages. In addition, the detailed decision-making on individual chapters should be switched from unanimity to qualified majority, which the Council can decide upon in this instance without treaty change.

Conclusion

The game plan should be clear. By the time of publication this year's October Enlargement Package, it will be seen whether the applicant states have adequately fulfilled the conditions set by the Commission. There is more work to be done in all three cases, so this cannot be taken for granted. If they make the grades the rewards can be clear. Ukraine and Moldova could see the opening of accession negotiations, and Georgia could receive candidate status. The probabilities of success seem for the time being to be highest for Ukraine, even

before factoring in a warranted war support premium, followed by Moldova, and then at a greater distance Georgia. The Enlargement Package should also be the occasion for the Commission to present fully structured and operational proposals on how to reform the currently dysfunctional enlargement methodology. Otherwise, satisfaction over the possible successes for any or all of the trio will deteriorate into the kind of stasis and disillusion witnessed in the Western Balkans, which is all the more dangerous in the present context of war and geo-political strife.

Recommendations:

- Ukraine, Moldova and Georgia should fulfil their conditions well before the October publication of the Enlargement Package by the Commission.
- The EU should already say clearly that with this done there would be the opening of accession negotiations with Ukraine and Moldova, and for candidate status for Georgia.
- The Enlargement Package should include full specification of reform of the currently dysfunctional enlargement methodology, best along the lines of the Staged Accession model.
- The EU should respect fairer symmetry in the obligations of both parties. It takes two to tango.



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