

Next Steps for EU Enlargement – Forwards or Backwards?

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Summary

The EU's present enlargement process, once applauded as the EU's most successful foreign policy, is not working well. With the addition of candidate status for Ukraine and Moldova the case for a serious reform of existing procedures is widely recognised. This is witnessed by the emergence of several proposals, mostly for restoring the incentive power of membership perspectives; but there are other ideas for stopping further enlargement or offering alternatives to it. This paper surveys the content of these proposals, considers also the cost of rescinding enlargement prospects and offers ideas going forward. It fleshes out the hitherto empty notions of 'gradual' and 'accelerated' integration and argues that by structuring the accession process in clearly marked 'stages' of clustered chapters, the EU would be able to provide concrete visible benefits for citizens already during the process of negotiations. This would be with a view to boosting public support, and help in building candidate countries' institutional capacities in a logical step-by-step manner, thus promoting cooperation and trust.

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Forwards

Three days after the start of Russia’s invasion, the President of the Commission, Ursula Von Der Leyen, expressed unequivocal support for Ukraine becoming a member of the European Union: “They are one of us and we want them in.”² In her State of the Union speech of 14 September 2022, Von De Leyen extended that vision to all accession applicants:

“So I want the people of the Western Balkans, of Ukraine, Moldova and Georgia to know: You are part of our family, your future is in our Union, and our Union is not complete without you!”³

The family reference is emotively strong, while ‘in the Union’ has to mean full accession. Von Der Leyen mentioned for Ukraine several examples of how practical integration could proceed, with the single market, electricity grid connections and roaming. However, the Commission has yet to come forward with clearly structured proposals how the enlargement process could be enhanced.

The most eminent proposal for serious reform of the present enlargement methodology has come from no lesser figure than the President of the European Council, Charles Michel. His speech of 18 May 2022 has a section entitled ‘Enhancing the enlargement process’ - to make it more effective dynamic, and create a new impetus.⁴ He goes on to be more specific:

2 <https://www.euronews.com/2022/02/27/ukraine-is-one-of-us-and-we-want-them-in-eu-ursula-von-der-leyen-tells-euronews>.

3 https://ec.europa.eu/commission/presscorner/detail/ov/speech_22_5493

4 <https://www.consilium.europa.eu/en/press/press-releases/2022/05/18/discours-du-president-charles-michel-lors-de-la-session-pleniere-du-comite-economique-et-social-europeen/>

- The process should be faster, gradual and reversible;
- There should be socio-economic benefits to partners during and not just after accession negotiations;
- There should be gradual, phased integration as its compliance with the EU acquis is confirmed, for example in certain sectors of the internal market, the EU roaming area, and the common energy market;
- When a country meets certain standards in a given sector it could be actively involved in an advisory capacity in the work of the Council of Ministers;
- When a country meets certain benchmarks it could also be given access to European programmes and funding;
- The principle of reversibility would mean that if there is backsliding some benefits of integration could be withdrawn.

The Austrian foreign ministry has been the most explicit among EU member states in advocating a reform along these same lines. In a 'non-paper' submitted to EU foreign ministers in May 2022 the following elements were suggested:

- gradual integration into the single market and policy fields such as trade, climate, energy, research, health, foreign/security/defence policies,
- a merit-based approach based on more quantified assessments of reform progress, and the principle of reversibility,
- gradual access to EU funds to enhance reforms,
- regular invitations of candidate countries to informal Council meetings, annual EU-Western Balkan summits, and possibly observer status at other EU institutions.

At the European Council summit level, its conclusions from the June 23-24 meeting retained only a faint trace of these proposals: *"Building on the revised methodology, the European Council invites the Commission, the High Representative and the Council to further advance the gradual integration between the European Union and the region already during the enlargement process itself in a reversible and merit-based manner."*

At the level of senior officials, as in the COWEB and COELA working groups of the Council, there are understood to be discussions about various items of 'gradual' and 'accelerated' integration, including various sectors (climate, energy, transport, education, etc.). However, nothing emerges so far – at least in public - that would resemble a tangible, structured reform of the enlargement process.

Charles Michel's speech and the Austrian non-paper have many features in common with the proposal advanced by the Centre for European Policy

Studies (CEPS) in Brussels with the European Policy Centre (CEP) in Belgrade, 'A *Template for Staged Accession to the EU*⁵, to which the present authors contributed. But the CEPS-CEP document contains some important additional elements. It sees four Stages grafted on top of the present process of opening and closing chapters, as follows:

- Stages I and II would be pre-accession, in which the candidate state's performance in relation to each of the 33 'chapters' of the process would be rated *quantitatively*, following broadly the *qualitative* summary ratings made by the Commission each year in their annual reports on accession applicant states. Quantification would permit aggregation and averaging, and thus more transparent and robust benchmarks for advances through the stages, assuring advantages in terms of progressive participation in the policies, funding and institutions of the EU.
- Stage III would be for when the candidate state reaches all the standards normally required for accession, and would be designated with a new status as a 'New member state' in a treaty of accession. The specificity of this stage would be that the candidate's comprehensive inclusion into the EU would be subject to a few transitional institutional exceptions, concerning notably the Council and Commission. In the Council the new member state would have qualified majority voting power, but transitionally no veto power. Similarly, there would be no member of the Commission, although the EU could resolve this issue by implementing the provision (not yet activated) in the Lisbon Treaty to reduce their number to two-third of that of the member states.
- Stage IV would be for conventional membership, after the transition in Stage III.

A distinction should be made according to the current framework of pre-accession relations of each (potential) candidate country. With different points of departure, each country will need to fulfil the conditions set out for it in either the negotiating framework (Montenegro and Serbia, plus the newly conceived ones for Albania and North Macedonia) or the designated conclusions of the European Council (cf. Bosnia and Herzegovina, Kosovo, Ukraine, Moldova and Georgia).

The transitional exceptions in Stage III warrant further comment. They are intended to reassure existing member states which are most apprehensive about the risks that further enlargement would damage the governability of the EU itself, as exemplified by the arguably abusive use of the veto power by some of the member states acceding in the 2000s. This concern is the most serious argument of those resisting further enlargement. An open question is how long the transition in Stage III would last. The most elegant solution would be for the EU to progress in the extension of qualified majority voting, in which case the distinction between Stages III and IV is progressively dissolved. Failing this there would be the question of whether there should be a time-limit to the transition, which would conform with the EU's preference for the homogeneity of its legal order, and some precedents like temporary derogations from the free movement of labour. On the other hand the most recent enlargements have also seen major exceptions to the principle of legal homogeneity, with the acceding member states excluded initially from the euro and Schengen areas, and their ultimate

5 Emerson, M., M. Lazarevic, S. Blockmans, and S. Subotic, 'A *Template for Staged Accession to the EU*', CEPS Brussels, and CPE Belgrade, October 2021.

inclusion subject to policy conditions without time limits. This key issue of a temporary exclusion of veto powers should be the subject of further legal and political analysis.

Pierre Mirel, former director for the Western Balkans at the European Commission, has been arguing in favour of reforming the enlargement procedures since 2019. In his most recent paper he quotes one observer saying *“Enlargement is clinically dead, kept artificially alive by summits with the EU. The region is becoming an enclave of economic distress, social tensions and unresolved conflicts in the middle of Europe”*⁶. He goes on to advocate a staged accession process now as a matter of geo-political necessity, along the same lines as that proposed by CEPS-CEP.

The staged accession proposal is also endorsed by Kataryna Wolczuk and Laure Delcour in a detailed paper on Ukraine's candidate status and prospects for its integration into the EU, while remarking that treaty reform to reduce unanimity will remain a big challenge⁷. The authors argue that without reform of the enlargement methodology “a Balkan-style purgatory is the fate that awaits Ukraine as well”, quoting M. Bergmann⁸. They make the important point that a robustly structured accession process, with objectively established benchmarks, would limit the risks of the negotiations getting bogged down with an endless succession of points of detail being insisted upon by individual member states – since the opening and closing of each chapter is subject to the Byzantine requirement of unanimity of the member states at each step. In addition to the regular procedures the authors stress the need for close donor coordination over reconstruction in Ukraine and for an enhanced security dimension, including repurposing of the off-budget European Peace Facility and participation in PESCO projects.

Michael Roth, Chairman of the Bundestag foreign affairs committee, is especially concerned by the Western Balkans, and make proposals for reforming the accession process under six headings⁹:

- representatives of candidate states making sufficient progress in democratic governance and the rule of law would take part in meetings of the European Council and sectoral Councils,
- prior to accession, candidate states would cooperate more closely with the EU on issues of security, energy and infrastructure, with gradual access to the single market,
- financial assistance would be increased pre-accession,
- the role of pro-European minded civil society should be enhanced,
- EU member states should take on sponsorship of individual candidate states (or regions),

6 Mirel, P., *'In support of a new approach with the Western Balkans: Staged accession with a consolidation phase'*, Robert Schumann Foundation, Policy paper, European issues n°633, 24 May 2022.

7 Wolczuk, K. and L. Delcour, *'Ukraine's candidate status and prospects and modalities of integration in the EU'*. Paper submitted to a conference of the LIB-MOD, Berlin, 14 September 2022 (forthcoming).

8 Bergmann, M. *'The EU's next big deal: Enlargement for treaty reform'*, Politico, 2 August 2022.

9 Roth, M., *'The Future of the Western Balkans is at stake'*, Note circulated by United for Ukraine (U4U) members' publications, September 2022.

- The process of opening and closing chapters in the formal negotiation process should be decided by the Council on a qualified majority basis.

Roth summarises his proposals as an 'incremental accession process'. They include several features consistent with the proposals of Charles Michel and CEPS-CEP, and would in our opinion be equally applicable to the East European applicants as well as for the Western Balkans.

Piotr Buras and Karl-Olaf Lang propose an initiative entitled '*Partnership for Enlargement – a new way to integrate Ukraine and the EU's eastern neighbourhood*'¹⁰. This partnership would be built around three 'pillars', applicable to both the East European and Western Balkans.

- single market integration and the reconstruction of Ukraine,
- a reinforced commitment to energy security and climate transition, and
- stronger political cooperation in security matters.

The European Stability Initiative (ESI) advocates a revitalization of the enlargement process by offering to candidate states that meet fundamental political criteria access to the single market for all four freedoms – for goods services, capital, and labour.¹¹ For this, no reform of the accession process would be required, nor would it be an alternative to accession: "*Enjoying the four freedoms as a result of domestic reforms would simply be a meaningful step on the road to eventual full accession, which remains the ultimate goal*". This proposal, like others advocating access to the single market as if something supplementary to the core accession process, is problematic - for reasons explained in the next section. On the other hand the latest ESI paper includes an exhaustive quantification of ratings of the performance of each of the six Western Balkan states under each of the 35 chapters¹², as also advocated by CEPS-CEP.

The Belgrade Centre for Security Policy published in November 2022 a study advocating reform of the enlargement process¹³. This mainly focuses on weaknesses of the accession process in delivering transformative impacts with regard to political fundamentals, and most of all for functional democracy. Regarding the possibility to improve existing enlargement procedures the report notes the CEPS/CPE proposal for staged accession. The authors consider that this could only be effective if progress in the rule of law be the core condition for passing from stage to stage.

10 Buras P. and Lang K-O, '*Partnership for Enlargement: A new way to integrate Ukraine and the Eastern Neighbourhood*', ECFR Policy Brief, 17 June 2022.

11 <https://www.esiweb.org/proposals/offer-four-freedoms-balkans-ukraine-and-moldova>

12 European Stability Initiative, '*The Balkan Turtle Race – A warning to Ukraine*', ESI Report, 13 July 2022.

13 Nikic, J.P., et al. "*Reclaiming the fundamentals – Unleashing reform potential of the EU enlargement process*", Belgrade Centre for Security Policy, November 2022.

Recurrent Issues

Several themes emerge recurrently in these proposals for reforming the enlargement process.

First, there is the need for reform of the core structure of existing enlargement procedures, namely the opening and closing of chapters. The case for a structured process of stages (or phases) is at times presented alongside or with vaguer language such as for a 'gradual' enhancement of benefits from the accession process before its conclusion with a treaty of accession. While it is obvious that the rationale behind delivering benefits in an accelerated fashion is to create virtuous cycles of reform with greater popular backing, the 'gradual' language has the disadvantage of lack of credibility if its concrete meaning is not made clear. The process should move faster, for example through the proposal to decide upon the opening and closing of chapters by qualified majority in the Council. But such accelerated integration is not obvious for areas characterized by heavy regulatory and budgetary burdens. Hence, the argument to cluster the accession chapters and frontload those that are relatively light on *acquis* (e.g. enhanced cooperation on hybrid threats and cyber security, alignment with the EU's sanctions and Common Foreign and Security Policy, association with EU policies in the field of education, science and research) in Stage I.

There should be benchmarks, preferably quantified, conditioning progress through the stages, and for increases in funding and institutional participation. The Commission (DG Near) has already been doing this as a matter of internal procedures, but so far has preferred to keep their detailed findings confidential and ignored in its official and policy communications¹⁴. It is recommended that for forthcoming Annual Reports on the progress of accession applicants the Commission publish comprehensive quantified ratings chapter by chapter, in the interests of transparency and creating more precise incentives for improved performance where needed. They have the data. CEPS has published such data for both East European and Western Balkans¹⁵. Several think tanks in the Western Balkans (Serbia, North Macedonia, Montenegro) have also published such data for their countries¹⁶, as has the European Stability Initiative for all the region¹⁷.

The core procedures should be complemented by actions to deliver concrete benefits more rapidly and visibly, and to develop priority sectors falling outside the core procedures.

Access to the single market is being proposed by several authors as offering early benefits, either 'in certain sectors', or 'gradually', or comprehensively for all four freedoms. These proposals need better specification and justification, given that the chapters of the core enlargement methodology cover all the substance of the single market in any case. There is no way of obtaining market access other than by complying with the relevant *acquis* and technical standards, as specified in the relevant chapters of the core methodology. It is therefore misleading to present such ideas as offering an additional boost to the existing

14 European Commission, DG Near, Annual Activity Report 2020.

15 Emerson, M. and S. Blockmans, 'Balkan and East European Comparison - Building a New Momentum for the European integration of the Balkan and Eastern European associated states'.

16 For Serbia see <https://cep.org.rs/en/publications/serbias-progress-and-preparation-for-eu-membership/>; for North Macedonia see https://epi.org.mk/wp-content/uploads/New-EC-Report_No-Surprises.pdf; for Montenegro see <https://institut-alternativa.org/en/the-report-of-european-commission-on-montenegro/>

17 European Stability Initiative, op.cit.

procedures. Candidate states are free and indeed encouraged to adopt single market *acquis* as fast as they wish and are able to do so. Yet, one has to assess the different speeds with which each of the four freedoms can realistically be applied. The free movement of labour is especially problematic, given the risks of de-population and brain drain from the applicants as well as sensitivities in the EU member states. Bulgaria, Romania and Croatia had to wait for years after accession before getting free movement of labour.

The conditions for granting 'full internal market treatment' for selected service sectors are already specified in the Deep and Comprehensive Free Trade Areas (DCFTAs) of the East European states, such as for financial markets and telecommunications in the case of Ukraine (detailed in annexes to Association Agreements with the DCFTAs). However, these specific provisions are not currently being pursued, and understandably so since in the case of financial markets this would involve compliance with highly complex regulations for sophisticated derivatives products which do not feature in the still rather basic financial markets of East European or Western Balkan states. This is an example where full internal market inclusion would best come later rather than sooner.

Other plausible ideas could consist of joining the customs union, or more ambitiously prioritizing free movement of goods, which could advance faster than services, and more profound inclusion in the Trans-European Network for Transport (TEN-T). These could be made into landmark achievements at stages preceding accession.

The energy sector is cited as another example where integration could be accelerated. After all, the applicant states of Eastern Europe and the Western Balkans are already full members of the Energy Community, which entails commitment to comply with the entire energy *acquis*, thus overlapping with the energy chapter of the core methodology. Here also the potential of existing cooperation platforms with candidate countries has already been rather fully exploited and a deepening of integration in this case offers only limited additional incentives. However, there are several examples of concrete projects and programmes going beyond EU legislation, including the recent accession of Ukraine and Moldova to the ENTSO-E synchronous electricity grid, gas procurement pooling (cf. the intra-EU policy discussions about a joint purchase facility), and gas pipeline and electricity cross-border infrastructures power lines.

It is of utmost importance that the discussion on accelerated integration reflects the changed geopolitical and security context in Europe following Russia's unprovoked and unjustified war on Ukraine. Areas of geostrategic importance such as energy security, cyber resilience and CFSP alignment should therefore be given a particular weight. Ukraine has for some years been advocating accession to some of the EU's sectoral unions in order to signal politically significant and visible actions alongside the process of approximating EU legislation as laid down in the voluminous annexes to the DCFTA. This includes Ukraine's ambitions to accede to the EU's customs union, energy union, digital union, and Green Deal. According to the conclusions of the recent EU-Ukraine Association Council examples currently seeing progress include electricity grid connections, customs procedures and free roaming¹⁸. The domains of strategic security and post-war reconstruction are the new imperatives.

18 <https://www.consilium.europa.eu/en/press/press-releases/2022/09/05/joint-press-release-following-the-8th-association-council-meeting-between-the-eu-and-ukraine/>

Backwards

President Macron took the occasion of his speech to his *corps diplomatique* on 1 September 2022 to sound a note of blockage for future enlargement. His wording was not too precise in saying that “*this [referring to his proposed European Political Community] would permit a stop to the logic of infinite expansion of the European Union...*”¹⁹. How far this refers to the possible accession of existing applicant states is not clear. However since nobody is advocating an “*infinite*” expansion of the EU, one has to assume that he is targeting some or all of present applicants. The reference to the European Political Community leading the paragraph in question seems also to contradict the formal declarations that this new forum would not be an alternative to enlargement²⁰.

Given the high sensitivity of these issues the least one might expect would be clarification of the remarks. One might hope that the proposal of transitional exclusion of veto powers in the Council for new member states would do much to allay the concerns of enlargement-sceptic states for the governability of the EU.

Andrew Duff, in his new book on constitutional change in the EU, has a chapter on ‘The Neighbours’, in which he advocates a new legal category named ‘Affiliate Membership’ as explicit alternative to accession, following a sub-title ‘The End of Enlargement?’. He supplies (in an annex) proposed drafting for in defining Affiliate Membership in a next revision of the EU’s basic treaty. The opening of negotiations for an Affiliate Membership agreement would be taken by simple majority of the Council and consent of the European Parliament. Conclusion of an agreement would be subject to a majority of four-fifths of the European Council and an absolute majority of the European Parliament. Duff proposes that “*Affiliate status should be regarded as a durable settlement and not necessarily a springboard for full membership*”.

The content of an Affiliate Membership agreement has some overlap with what CEPS-CEP are advocating for a staged accession process. Affiliates would converge on EU norms but on ‘less onerous’ terms, as in Stages I and II of the CEPS-CEP proposal. Affiliates would be included as observers in the Council and its subordinate bodies. Regarding voting rights in the Council, Duff only refers to European Economic Area countries, which would be given the right to a qualified majority vote – but without the power of veto - on matters of market regulation, thus resembling what we propose for our Stage III of accession²¹. Parliamentarians would attend legislative committees of the European Parliament. There would be access to EU spending programmes, and the work of EU agencies. The consultative bodies of the EU – the Economic and Social Committee and Committees of the Regions would be fully open to Affiliates. The central banks of Affiliates would be ‘formally allied’ to the European Central Bank. The crucial difference between Duff’s Affiliated Membership and the CEPS-CEP proposal is that for the latter the staged process leads into a treaty of accession for ‘New member states’ (in Stage III), whereas the Affiliated Membership would be mean a durably lesser status.

19 “Ça nous permettra de stopper cette logique d’expansion infinie de l’Union européenne qui, compte tenu de tout ce que j’ai dit, a plutôt besoin d’être plus forte, plus souveraine et plus autonome, et donc, doit déjà régler ses problèmes”. <https://www.elysee.fr/emmanuel-macron/2022/09/01/discours-du-president-emmanuel-macron-a-loccasion-de-la-conference-des-ambassadrices-et-des-ambassadeurs>

20 <https://www.consilium.europa.eu/media/57442/2022-06-2324-euco-conclusions-en.pdf>

21 However the proposal for this apparently to apply only the European Economic Area states has little significance since qualified majority voting is the rule for the single market in any case.

The Costs of Non-Enlargement

Macron and Duff both seem to be pointing towards the end of enlargement, with nuances. Macron is not saying clearly whether the present candidacies would be stopped, only the “infinite” expansion of the EU. Duff advocates a new category of Affiliate Membership, while saying that this would not exclude subsequent full membership. These nuances are presumably to dampen the inevitable protests and disillusion of present applicants, and reputational damage to the EU in renegeing on its continuous declarations supporting the enlargement process.

Nuances aside, the likely costs of an ‘end to enlargement’ need to be clearly understood. First, there would be the obvious reputational damage to the EU itself: the hypocrisy of renegeing on commitments to enlargement for the Western Balkans made at summit level at Thessaloniki in 2003, and repeated every year since, and the unreliability of a polity that claims a leading global role as advocate of the eternal political values of democracy, the rule of law and human rights.

Second, would be the likely impact on the accession applicant states. There would be an end to any effective EU instrument of support for democratic political values. It would play straight into the hands of extreme right political parties that deny the EU's political values. Such parties currently gain ground within the EU itself, but only incrementally and facing strong institutional and ideological resistances. However these resistances are far weaker in the young and immature democracies of the accession applicant states, where liberal democratic political forces and civil society would suffer a devastating blow. While disillusion with the EU is entrenched already in the Western Balkans, this is not the case with the Eastern European applicant states. Public opinion is strongly pro-European in these states, and needs to be sustained with credible prospects for advancing along the enlargement path. Most dramatic of all is the case of Ukraine, where the European perspective is a significant part of their extraordinary political consensus supporting a war effort of historic proportions. To undermine the fresh accession perspectives for Ukraine would devalue if not wipe out the strategic value of the huge EU and Western support currently being supplied. Aside from the unknown outcome of the war, a disillusioned Ukraine would be open to the advance of more radical nationalist and less democratic tendencies.

A third result would relate to the balance of contributions to Ukraine by the Western alliance. It is the US that is making the biggest material (and notably military) contributions, whereas alongside smaller financial pledges the EU is making the biggest immaterial but still vital contribution through the new candidate status. If the EU were to renege on this unique contribution it would undermine the solidity the trans-Atlantic alliance, at a time when Trumpian political are seeking to make a comeback.

Finally, a fourth result would be the open door extended in the regions of the applicant states to the influence of other external actors, meaning first of all both Russia and China. Russia's war crimes should in principle cut out its role in the wider Europe, but this is not the case everywhere, as for example in Moldova, Georgia, Serbia and Bosnia-Herzegovina, where pro-Russian sympathies remain, and would certainly be encouraged if the EU renegeed on its enlargement commitments. China, on the other hand, would have even easier free pass to advance its interests.

Conclusions

There is a growing set of proposals for reforming the current methodology of the enlargement process, to go way beyond the modest revision of 2020, which has not delivered perceptible results. The status quo is everywhere considered unsatisfactory, in the EU and notably the Western Balkans, which unlike the East Europeans, have years and even decades of experience of the system. This ultimately unsustainable situation will have to give way either to measures to move forwards, or backwards – the latter meaning an end to enlargement. Publicly identifiable positions in favour of moving forwards are more numerous than those in the backwards camp, which in itself may seem encouraging, but the bottom line is that unanimity among EU member states is required for further enlargement to happen.

There are several key features in proposals currently being made to advance.

A first is that there should be a 'gradual' and 'accelerated' process of sectorial and institutional integration, rather than the current binary 'in' or 'out' regime of EU membership, where the applicant is 'out' of key benefits until all conditions are fully met.

Second, the content of a more structured, i.e. 'staged', accession process would consist of a transparently conditioned, step-by-step inclusion in the EU's institutions and funding mechanisms, in addition to sectorial policies as a result of compliance with EU standards and regulations.

Third, some of the proposals, such as by CEPS-CEP, go further in advocating an assessment mechanism whereby performance be mostly checked in relation to quantified benchmarks.

Fourth, further elements of reform would see the opening and closing of negotiation chapters decided by the EU Council by qualified majority votes, doing away with the present Byzantine requirement that the opening and closing of every chapter is subject to veto power of each member state (as painfully illustrated by the recent Bulgarian-North Macedonian affair).

Fifth, there are widespread calls for the formal enlargement methodology (chapters and clusters) to be accompanied in parallel by concrete and visible steps such as sectoral or project advances, for which there are many possible examples: cyber security, customs union, the digital single market, energy market, Green Deal, electricity grid connections, Trans-European networks for transport and energy, roaming, etc. However, calls for access to the single market upon adherence to the 'fundamental' principles that underpin it (respect for fundamental rights, democracy and rule of law) cannot logically be presented as additional measures to enhance the enlargement process, since access can only be gained through compliance with the relevant EU legislation and technical standards covered in any case in the chapters of the existing core methodology.

Sixth and finally, there is the crucial question what might be done to allay the concerns of EU member states about the future governability of the EU in the event of further enlargement, given worrying experiences from the enlargements of the 2000s. Here CEPS-CEP makes a specific proposal for a few transitional exceptions to full inclusion in the EU, most importantly that the new member states, while having qualified voting power in the Council would not have veto power. This is a delicate but key proposition both politically (with some member states committed to ratifying treaties of accession by referenda) and legally, but should now

be fully debated, since in the absence of something like this there will *de facto* be an end to enlargement.

Indeed, the likely 'costs of non-enlargement' have to be evaluated. If this black scenario were to materialize the costs would be very serious, indeed - for the EU itself, for the political outlook in the applicant states, for the trans-Atlantic alliance in support of Ukraine, and wider geo-political developments in the EU's neighbourhood.

The discussion on gradual and accelerated integration for the Western Balkans should be inspired by and extended to Ukraine and Moldova. Areas of geostrategic importance such as energy security, cyber resilience and CFSP alignment should be front-loaded.

At the same time, accelerated and gradual integration will have to be based on a firm conditionality and merit-based approach. It should be linked to clearly identified 'stages' with pre-defined benchmarks guaranteeing a sufficient level of alignment with the EU's *acquis*, coupled with a strong focus on the fundamental reforms and a built-in principle of reversibility.

By structuring the accession process in clearly market 'stages' of clustered chapters, the EU would be able to provide concrete visible benefits for citizens already during the process of negotiations with a view to boosting public support, help in building candidate countries' institutional capacities in a logical step-by-step manner, thus promoting cooperation and trust.

Creating an inclusive, sustainable and beneficial process of staged accession is a challenge, but the groundwork has already been laid.

Recommendations

- The first half of 2023, that of the forthcoming Swedish presidency of the EU Council, is a suitable time for debate and negotiation of revisions to the existing enlargement process, which in spite of some changes in 2020, is not delivering significant results in the Western Balkans.
- Innovations in a revised system should include a set of structured stages, in which progress from stage to stage would bring increased funding and participation in the institutions of the EU, conditional on attainment of quantified ratings in relation to the benchmarks set for each chapter of the process.
- The penultimate stage before full classic accession should include a few transitional provisions to assuage the concerns of existing member states for the governability of the EU, notably in regard to the use of veto powers.
- The objective should be to have a revised system entering into force towards the end of 2023, when the Commission will be delivering its annual reports on the progress of each applicant state, on this occasion covering Ukraine, Moldova and Georgia for the first time.

References

Buras P. and Lang K-O, '*Partnership for Enlargement: A new way to integrate Ukraine and the Eastern Neighbourhood*', ECFR Policy Brief, 17 June 2022. <https://ecfr.eu/publication/partnership-for-enlargement-a-new-way-to-integrate-ukraine-and-the-eus-eastern-neighbourhood/>

Duff, A., '*Constitutional Change in the European Union*', Springer, 2022 <https://link.springer.com/book/10.1007/978-3-031-10665-1>

Emerson, M., M. Lazarevic, S. Blockmans and S. Strahinja, '*A Template for Staged Accession to the EU*', CEPS and EPC, October 2021. <https://www.ceps.eu/ceps-publications/a-template-for-staged-accession-to-the-eu/>

Emerson, M., and S. Blockmans, 'Balkan and Eastern European Comparisons - Building a New Momentum for the European integration of the Balkan and Eastern European associated states', CEPS, February 2021. <https://www.ceps.eu/ceps-publications/balkan-and-eastern-european-comparisons/>

European Commission, DG Near, 'Annual Activity Report 2020'. https://ec.europa.eu/info/system/files/annual-activity-report-2020-neighbourhood-and-enlargement-negotiations_en.pdf

European Stability Initiative, '*The Balkan Turtle Race – A warning to Ukraine*', ESI Report, 13 July 2022. <https://www.esiweb.org/sites/default/files/reports/pdf/ESI%20Turtle%20Race%20-%20a%20warning%20for%20Ukraine%20-%204%20freedoms%20-%2013%20July%202022.pdf>

Lazarevic, M. and S. Subotics, '*The Model of Staged Accession to the EU – Addressing the Western Balkans' three key concerns*', CEP, Belgrade, August 2022. <https://cep.org.rs/en/publications/the-model-of-staged-accession-to-the-eu-addressing-the-western-balkans-three-key-concerns/>

Lazarevic, M., 'Away with the Enlargement Bogeyman', 2018, CEP Discussion Paper.

Macron, E. <https://www.elysee.fr/emmanuel-macron/2022/09/01/discours-du-president-emmanuel-macron-a-loccasion-de-la-conference-des-ambassadrices-et-des-ambassadeurs>

Michel, C. <https://www.consilium.europa.eu/en/press/press-releases/2022/05/18/discours-du-president-charles-michel-lors-de-la-session-pleniere-du-comite-economique-et-social-europeen/>

Mirel, P. '*In support of a new approach with the Western Balkans: Staged accession with a consolidation phase*', Robert Schumann Foundation, Policy paper, European issues n°633, 24 May 2022. <https://www.robert-schuman.eu/en/doc/questions-d-europe/qe-633-en.pdf>

Nikic, J.P., B. Elek, D. Pokuševski, N. Mumin, L. Šteric, '*Reclaiming the fundamentals – Unleashing reform potential of the EU enlargement process*', Belgrade Centre for Security Policy, November 2022. <https://bezbednost.org/en/publication/reclaiming-the-fundamentals-unleashing-reform-potential-of-the-eu-enlargement-process/>

Roth, M., '*The Future of the Western Balkans is at stake*', Note circulated by United for Ukraine (U4U) members' publications, September 2022.

Wolczuk, K. and L. Delcour, '*Ukraine's candidate status and prospects and modalities of integration in the EU*', (forthcoming).



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