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The Impressive EU-Ukraine Summits - Alongside the Inadequate Enlargement Methodology

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The EU-Ukraine Summit

The Kyiv Summit on 2-3 February 2023 was impressive, bringing Presidents Michel and Von der Leyen, plus half of the college of the Commission to an active war zone. They travelled by the now customary overnight train from Warsaw to a Kyiv subject to spasmodic Russian missile attacks, while the EU and US are preparing the supply of heavy tanks to help Ukraine to win the war with Russia. There followed one week later President Zelensky's visits to London, Paris and Brussels on 8-9 February. In Brussels he addressed the European Parliament as well as meeting all EU member states leaders at the European Council. Testifying to Zelensky's tireless and dazzling public diplomacy, he is the only politician ever to have received standing ovations from all three of the US Congress, the British House of Commons and the European Parliament.

The agendas and agreements of the meetings with EU leaders were, beyond the political symbolism, hugely extensive in substance. First, the EU is expanding its financial instruments of support for Ukraine, with €3 billion paid in January out of the €18 billion macro-financial aid committed for 2023, €303 million for fast recovery of infrastructure, and €105 million for humanitarian assistance, including de-mining. Most striking, and unthinkable before the war, has been €12 billion of military assistance from the EU and member states. To help alleviate the damage of Russian strikes against the electricity network, 5,400 generators have been supplied or committed, alongside 35 million LED lightbulbs. A Strategic Partnership on Biomethane, Hydrogen and other Synthetic Gases was agreed as also a Priority Action Plan for DCFTA and single market inclusion. Solidarity Lanes, facilitating the transport of bulk exports of grains have been organized. A Horizon Europe Office, to support Ukrainian researchers and innovators, is being opened. There is a New European Bauhaus for stimulating high quality and sustainable rebuilding of cities. For the 4 million Ukrainian refugees currently in the EU, mainly women and children, an agreement for free or affordable roaming is planned to aid family communications. The EU will step up its work towards using Russia's frozen assets of €300 billion to support Ukraine's reconstruction.

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These and other initiatives are concrete actions alongside the beginnings of the accession process. But the latter remains subject to an extraordinary and highly unsatisfactory spread of scenarios, with the Prime Minister of Ukraine speaking implausibly of accession in two years, while President Macron has spoken discouragingly about decades (in the plural) if at all. This makes it crucial to establish a clear and credible sequence for the accession process which today is unspecified by the EU. Seven pre-conditions have been set before accession negotiation might begin with Ukraine. The EU limits itself to saying in the Summit conclusions of 9 February that it “acknowledges Ukraine’s determination to meet the necessary requirements in order to start accession negotiations as soon as possible”. The EU side refrains from anything more precise than that. Its member states should at least agree in principle to the opening of accession negotiations by the end of 2023 if the pre-conditions have been reasonably met.

This uneasy stand-off leads into the generally unsatisfactory state of the enlargement process itself, as the current experience of the Western Balkans shows.

The Inadequate Enlargement Methodology

The need to re-dynamize the enlargement process is universally understood. The revised methodology of 2020 is not doing this.

At the same time all applicant states are free and even encouraged to adopt the EU acquis and other policy norms as far and fast as they are able to do so, irrespective of whether the clusters and chapters in question of the formal accession process have been opened. Current debates in the Council working groups are revolving around such keywords as ‘accelerated’, ‘enhanced’, ‘advanced’, ‘gradual’ and ‘sectorial’ integration before accession, to be applied across a wide range of sectors covering virtually all chapters. This follows the European Council’s conclusions of 23-24 June 2022 on the Western Balkans calling for ‘gradual’ integration already during the enlargement process, but this presumably would apply also for Ukraine, Moldova and Georgia. The proliferating vocabulary of adjectives itself testifies to the unsatisfactory status quo, with no sight yet of substantial proposals coming from the Commission (where however the new leadership of its responsible department presents an opportunity to do better).

All this marks a confusing and damaging blurring in the EU’s own doctrines, in saying that fundamentals have to come first as part of the formal accession procedure, but that candidates should go ahead and adopt EU acquis across the board in any case, with cooperative initiatives based on the existing association agreements between the East European and Western Balkans respectively. Many such initiatives are cited in the joint statement at the end of the EU-Ukraine summit on 3 February.

However, the distinction between accession and association is fundamental. The blurring of categories feeds skepticism among candidate states over the real intentions of the member states, which has already greatly weakened the perceived incentives for the Western Balkan candidates to adopt European-oriented reforms. The European Council should rather, for the

East European candidate states, be highlighting that fulfillment of the conditions set in the Commission’s opinions would lead straight into an intergovernmental conference marking the opening of accession negotiations.

What's more, there could be one conceptually simple solution to re-dynamize the process in the short-run, namely to switch to qualified majority voting for the opening and closing of individual clusters and chapters, retaining unanimity only for the big decisions (candidacy early on, and accession at the end of the process). The Council can decide to do this without a treaty revision. In reality the eight years of work by the East European trio in implementing their DCFTAs means that they have passed already the benchmarks conventionally used for the opening of many chapters, and this should be recognized.

This change in voting rules should lead on to a more profound reform of the enlargement procedures. An operationally detailed proposal for this has been prepared by the Centre for European Policy Studies (CEPS) in Brussels together with the European Policy Centre (CEP) in Belgrade, which envisages a staged accession process building on the present methodology of clusters and chapters. This could and should be grafted onto the existing enlargement methodology in order to enhance the incentives for the necessary alignment on EU laws, standards and norms.

Ukraine should win the war against Russia, but if the EU does not reform its enlargement methodology, together with Ukraine they may lose the peace. The stakes are that high.



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