

The EU's Enlargement Strategy 2015: Will the 'new elements' make a difference?

Erwan Fouéré

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After an unprecedented delay, the European Commission adopted its 2015 Enlargement Package¹ on November 10th, together with the annual reports on each of the candidate and prospective candidate countries.²

While not publicly stated, the reason for the delay from the originally scheduled date of October 14th related to the refugee crisis and the EU's efforts to woo Turkey to be more forthcoming in helping to stem the unending flow of refugees. In this respect the publication of a critical report on Turkey's reform record, just a few weeks prior to the general elections that took place on November 1st might have made those efforts more difficult.

However legitimate the reasons for the delay may have been, they did little to instil much-needed confidence and credibility in the EU's enlargement policy and gave the impression that the European Commission prioritised political expediency over substance.

Already suffering from a severe credibility crisis over the past few years despite the success of previous enlargements up to 2004, the EU's enlargement agenda has been subject to further strain with the unfolding refugee crisis - a crisis that some EU leaders have even characterised as an existentialist threat to the EU's very foundations. Thus, even more than previous years, the challenge facing the EU institutions and more particularly the European Commission, was to show that not only its transformative power continued to bring results, but also that the enlargement policy remained vital for stability in the EU's closest neighbourhood.

In presenting this year's enlargement package the Commissioner for European Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn, highlighted a number of what he called "new elements", not least an "overarching strategy for the next 4 years" (coinciding with the remainder of the Commission's mandate), "much clearer guidance to the countries on what they have to focus on in the year ahead", as well as on the "longer-term results that are needed to meet EU expectations".

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, COM(2015)611 final, 10 November, 2015.

² Montenegro, Serbia, the Former Yugoslav Republic of Macedonia, Albania, Bosnia and Hercegovina, Kosovo and Turkey.

Erwan Fouéré is Associate Senior Research Fellow at CEPS.

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As the strategy highlights, the lay-out “should facilitate greater scrutiny of reforms by all the stakeholders, including civil society”. There is no doubt that the country reports are more user-friendly and written in a less bureaucratic language than in the past, thus making the political nature of the exercise more transparent, even if the timeline is generally limited to assessing the situation in the previous year. The country report on Turkey appears to be the exception in this respect.

The “new elements” the Commissioner spoke of do not constitute - in and of themselves - a new methodology, but rather reinforce the existing basis on which the Commission’s assessments were made in previous years. The “new elements” set out a “five-tier standard assessment scale” that is being applied as a pilot exercise to the fundamental reforms. In the spirit of “fundamentals first”, these reforms remain at the heart of the accession process. They include reforms in the following areas:

- rule of law, including judicial reforms and tackling organised crime and corruption;
- fundamental rights, including freedom of expression and fighting discrimination, notably against the LGBTI community and Roma, and the functioning of democratic institutions;
- public administration reform and
- economic development and strengthening competitiveness.

The strategy states that this assessment scale applied to each reform area and sub-issues for each one will ensure more harmonised reporting, thus allowing for “increased comparability between the countries”. It is questionable whether this has been achieved with this year’s country reports. Instead of a harmonised approach, the presentation of the sub-issues varies from one country report to another, making any comparisons difficult. If the strategy had included a comparative table in an annex setting out the state of play for the past year(s) in each of the fundamental reform areas in each country, this would have enabled a clearer picture and introduced an element of healthy competitiveness between the different countries.

It remains to be seen if these ‘new’ elements will make a significant difference in terms of the performance of each country assessed. One of the major criticisms of previous years has been that priority has been focused on the countries adopting laws so as to achieve a sufficient degree of legislative alignment with EU standards, i.e. quantity versus quality. Even though previous reports emphasised the importance of quality, at the end of the day, those who ‘ticked more boxes’ tended to be more favourably assessed. The strengthened assessment system that is emphasised in this year’s strategy will hopefully address this weakness and ensure that if no progress is registered in the implementation of a particular piece of legislation, it should not be deemed as adopted.³

The strong emphasis on Regional Cooperation and the importance of improved ‘connectivity’ in the transport and energy sectors within the Balkan region is welcome and reflects the significance of the discussions taking place within the ‘Berlin process’, following Chancellor Merkel’s Balkan summit initiative of August 2014, which was followed by the summit in Vienna last August, with the next one planned for France in August 2016. These summits contribute to fostering regional investment as well as greater focus on the need for economic

³ See the 2nd Recommendation in Erwan Fouéré, “The EU’s Enlargement Agenda - Credibility at Stake?”, CEPS Policy Brief No. 324, 31 October 2014 (www.ceps.eu/publications/eu%20%99s-enlargement-agenda-%E2%80%93-credibility-stake).

growth and job creation, in a region where unemployment, particularly among the youth, remains unacceptably high.

One of the weakest elements of this year's strategy paper relates to the Commission's approach on the resolution of outstanding bilateral disputes. Admittedly this is not an issue where the Commission is in control, but it is an area that continues to undermine the credibility of the entire enlargement process and the element of fairness in the conditionality principle. It is unfortunate that the Commission did not take on board all the recommendations from the Balkans in Europe Policy Advisory Group (BiEPAG), which were presented at the above-mentioned Balkans Summit in Vienna.⁴

With the exception of the process of normalisation between Serbia and Kosovo (which has, however, suffered significant set-backs since the publication of the enlargement package), the other outstanding bilateral disputes, have seen little or no concrete developments. The one sentence devoted to the Macedonia/Greece dispute, compared to a whole paragraph in last year's strategy paper, reflects an air of hopelessness that doesn't do the EU any favours. In relation to the Turkey/Cyprus dispute, the strategy paper merely expresses some hope for progress following the resumption of the UN-led settlement talks.

However much the European Commission is to be commended for its valiant efforts to demonstrate the continued relevance of the enlargement process, it will require much more to convince an increasingly sceptical EU audience of the merits of the enlargement agenda and the benefits it brings to the EU itself. The Commission will also need to deploy all the instruments at its disposal to ensure a more consistent approach in its assessments of the performance of individual countries, and a more effective use of its leverage capacity vis-à-vis those countries that are seriously lagging behind in their reform commitments. The latest crisis in Macedonia is a case in point, where the government's EU reform programme went off the rails over three years ago, yet the Commission's recommendation to open negotiations was allowed to stand. This year, however, its recommendation is conditional on the country's ability to implement the latest of many political agreements to resolve a succession of crises.

The refugee crisis has made the Commission's task all the more difficult,⁵ yet, paradoxically, it also offers the EU an opportunity to reinforce the argument for increased cooperation with the candidate and potential candidate countries, bringing benefits for both sides. This is particularly the case with regard to Turkey, where a more intensive phase of relations will hopefully lead to progress in accession negotiations and the country's reform record.

⁴ BiEPAG, "Removing Obstacles to EU Accession: Bilateral disputes in the Western Balkans", Policy Brief, August 2015 (<http://balkanfund.org/newsletter/balkans-in-europe-policy-advisory-group-special-edition-august-2015/?frame=0>).

⁵ See my editorial in the November 2015 European Neighbourhood Watch newsletter, "A Human Tide on Foot across the Balkans" (<https://www.ceps.eu/content/ceps-european-neighbourhood-watch>).