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Ever Expanding Union? A Closer Look at the European Union's Enlargement Agenda

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Among the topics to be included in the series, the following are suggested:

- The collapse of the Constitution and its rescue
- Turkey: prospects of membership
- Immigration crisis and cultural challenges
- Security threats and responses
- The EU and Latin America
- The EU as a model and reference in the world
- The Common Agricultural Policy and other public subsidies
- The euro and the dollar
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These topics form part of the pressing agenda of the EU and represent the multifaceted and complex nature of the European integration process. These short papers also seek to highlight the internal and external dynamics which influence the workings of the EU and its relationship with the rest the world.

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Ever Expanding Union? A Closer Look at the European Union's Enlargement Agenda

Gaye Gungor♦

Theme

On January 1, 2007, with the entry of Bulgaria and Romania, the European Union (EU) completed its fifth enlargement. Prior to their entry, the European Commission issued a special report on November 8, 2006 on the EU's capacity to integrate new members along with its Enlargement Strategy and Main Challenges 2006-07. For the first time, the Commission related the enlargement not only to the progress made by the candidate countries, but to the Union's own capacity to integrate new members, and function after their entry. Before they continue with another round of enlargement, Member States, "need to show that a Union of 27 can work and take decisions, [and] enlargement is not an obstacle but a success" as President of the European Commission Jose Manuel Barroso stated recently at his Pre-European Council Press Conference on June 19, 2007.¹ The major challenge facing the heads of states and governments at the upcoming European Council's meeting of June 21-22, 2007 is Treaty reform. Mr. Barroso pleaded the Member State governments not to miss this opportunity, and give the Union the capacity to act.² A further widening cannot be accomplished without further deepening. Enlargement has been "the most powerful policy tool to extend the zone of peace, liberty and prosperity and to project Europe's values and interests in the world" (Olli Rehn, The Enlargement Commissioner, 2007). In order to keep its promises and continue with its enlargement agenda, the EU needs to reform itself institutionally. A new institutional arrangement is needed "not only for the sake of enlargement but also for the sake of making the current EU to function better, to serve better [European] citizens" (Olli Rehn, the Enlargement Commissioner, 2007).

Introduction

Enlargement has been a recurring phenomenon throughout the European Union's (EU) history. The original EU of six expanded incrementally to twenty-seven over forty years, ending the division of the continent by peaceful means. The EU had a unique opportunity and responsibility to help the newly emerging democracies of central and eastern Europe develop economically and politically, while consolidating its role in the international arena as a stable and competitive player. Now, it is the largest single market in the world, with a population of almost five hundred million people. While the successive rounds of enlargements helped the EU to become a major

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She is also the co-author of an article (with Amie Kreppel) "Institutional Integration of an Expanded EU or How 'New' European Actors Fit into 'Old' European Institutions" in IHS Political Science Series, March 2006.

¹ http://ec.europa.eu/commission_barroso/president/pdf/speaking_points_20070619_en.pdf

² Ibid.

international powerhouse, the future EU enlargement agenda faces various challenges in the years ahead. Many question the pace and scope of enlargement, and some politicians have even called for a definition of the 'borders of Europe' (European Commission 2007). Before it can take in new members, Brussels needs to ensure that it is well-equipped to embark on another round of enlargement. In this paper, I examine the enlargement agenda of the European Union historically, by focusing on the accession process itself, the previous rounds of EU enlargements, and the development of membership criteria over these years. I finally discuss challenges facing the EU, and their possible effects on the candidate and potential candidate countries.

Road to Membership

To obtain membership status a series of necessary steps must take place. The process begins with the submission of application and ends when the Accession Treaty enters into force. These steps are as follows:

1. Submission of membership application
2. The European Council asks the European Commission its opinion
3. The Commission delivers its opinion
4. The Council unanimously decides to open negotiations
5. The Commission proposes common negotiating positions for the EU for each chapter and the Council unanimously adopts a position on the applicant's accession
6. The results of the negotiations are incorporated in a draft accession treaty. This means that the agreement is reached between the EU and the applicant on the actual draft treaty
7. Accession Treaty is then submitted for approval to the European Parliament and the Council of the European Union
8. The EP delivers its assent by an absolute majority of its members. Under Article 49 of the Treaty on European Union, the application of any country for membership in the EU requires the assent of the European Parliament after the negotiations are concluded. Contrary to the role of the national parliaments of the Member states, who have to ratify the Accession Treaty after it has been signed, and thus ratifying the accession of all countries *en bloc*, the European Parliament has to give its assent to each country's application individually before the Accession Treaty can be signed, i.e. it could block any country of entering the EU.
9. The Council delivers its assent (unanimous decision)
10. Signature of the Accession Treaty by the member states and the applicants
11. Member states and applicants ratify the treaty; in some cases it involves referenda
12. The treaty comes into effect and the applicant becomes a member on the date of accession.

The period between the application for membership and the accession to the Union might be a decade long, if not longer, depending on the length of the accession negotiations. For some, the negotiations were concluded swiftly (e.g. Austria, Finland and Sweden), where for others, it took years to reach an agreement (see Table 1).

Table 1

Country	Date of application	Opening of the accession negotiations	Date of Accession
Bulgaria	12/14/1995	02/15/2000	01/01/2007
Cyprus	07/03/1990	03/31/1998	01/01/2004
Czech Republic	01/17/1996	03/31/1998	01/01/2004
Estonia	11/24/1995	03/31/1998	01/01/2004
Hungary	03/31/1994	03/31/1998	01/01/2004
Latvia	10/13/1995	02/15/2000	01/01/2004
Lithuania	12/08/1995	02/15/2000	01/01/2004
Malta	07/03/1990	02/15/2000	01/01/2004
Poland	04/05/1994	03/31/1998	01/01/2004
Romania	06/22/1995	02/15/2000	01/01/2007
Slovakia	06/27/1995	02/15/2000	01/01/2004
Slovenia	06/10/1996	03/31/1998	01/01/2004
Turkey	04/14/1987	10/04/2005	

(Source: European Commission)

Previous EU enlargements and development of the accession criteria

The success of the European integration made the EU a most desirable club to join. Once open to any European state³, now the EU membership requires the satisfaction of strict membership requirements (known as the accession criteria). Before joining the Union, the candidate countries are expected to take all the necessary measures of adjustment to qualify. This was not exactly the case, when the first time the then European Economic Community (EEC) decided to take in three former European Free Trade Association (EFTA) countries: United Kingdom, Ireland and Denmark. There were no explicit membership criteria; nevertheless, their accession negotiations were not without problems.

As for the first group of applicants, the European Commission issued its “Opinion to the Council on certain problems resulting from the applications for membership received from the United Kingdom, Ireland, Denmark and Norway” on April 2, 1968. This document stressed the need for interim measures to strengthen ties between the Community and the applicant countries, and to facilitate and prepare the way for their ultimate membership. It recommended action in three fields: trade relations, technological cooperation, and permanent contacts. The major problems posed by this enlargement were economic in nature, and were primarily as a result of Britain. Among the problems were the British contribution to expenditure from the Community budget under the financial regulations adopted by the Community, certain points in the agricultural policy (including the common fisheries policy), Commonwealth sugar exports, the special problems of New Zealand, and certain other Commonwealth matters. The issues related to Norway needed careful crafting. These were related to its agricultural sector, fisheries, capital movements, right of establishment, and the Svalbard coalmines. Norway eventually opted not to join the Community when the first enlargement took place in 1973.

When the membership of the newly democratized countries of Southern Europe appeared on the horizon, the Community’s emphasis turned to the political aspect of the accession. The 1978

³ Article 237 of the EEC Treaty specified that: “Any European state may apply to become a member of the Community. It shall address its application to the Council, which after obtaining the opinion of the Commission, shall act by means of a unanimous vote.”

European Council emphasized “respect for and maintenance of representative democracy and human rights in each Member state” as essential elements of membership of the European Communities. Specific membership conditions were not introduced, but certainly included *genuine free elections, the right balance of party strength, and a reasonably stable government*. In fact, even prior to the 1978 European Council meeting, when Portugal sought to start negotiations with the EEC in the late 1950s, it was rejected on the grounds that only democratic countries could apply for membership. The prospective of EC membership helped the post-authoritarian governments of Southern Europe to consolidate their democracies, and eventually join the Community. Greece was the first to join in 1981, followed by Spain and Portugal in 1986.

The third enlargement took place in 1995, when Austria, Finland and Sweden acceded to the European Union. This was considered to be the smoothest enlargement in the EU history, where the entry of new members had a positive impact on the EU policies, and raised the EU standards considerably. Environmental, health and safety standards were issues of particular interest to the northern applicants, and needed to be negotiated carefully. Yet, accession negotiations were concluded swiftly. It took approximately thirteen months for the Northern Europeans to sign the Accession Treaty, and which was a very short period of time compared to six year long accession negotiations with Spain and Portugal.⁴

The years following the fall of Communism demonstrated that the stability of Western Europe was highly related to the stability of its eastern neighbors. The EU had a unique opportunity and responsibility to help these newly emerging democracies economically and politically. This round of enlargement, however, was an ambitious political undertaking in its scope and nature. With the imminent accession of these former Communist eastern neighbors, the 1992 Lisbon European Council, based on a report by the European Commission, defined three basic conditions for membership: 1) European identity, 2) democratic status, and 3) respect for human rights. But it also suggested several additional criteria. Applicants had to accept the entire community system, the *acquis communautaire*⁵ and be able to implement it.

The Copenhagen European Council of 1993, took a decisive step towards the current enlargement, and decided to admit the associated countries in Central and Eastern Europe that wished to join the EU as soon as they fulfilled the membership requirements. For the first time, it also defined the explicit membership criteria, which are often referred as the “Copenhagen Criteria.” These included:

- Stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities,
- the existence of a functioning market economy as well as the capacity to cope with competitive pressures and market forces within the Union,
- the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

From 1987 to 1996 thirteen countries submitted applications to join the EU: Cyprus, Estonia, Hungary, Poland, the Czech Republic, Slovenia, Bulgaria, Latvia, Lithuania, Malta, Romania, Slovakia and Turkey. The Luxembourg European Council of 12 and 13 December 1997 launched the EU enlargement process.

Accession negotiations began on 31 March 1998 with the six best-prepared countries (Cyprus, Estonia, Hungary, Poland, the Czech Republic and Slovenia), and on 15 February 2000 with all the other candidate countries (Bulgaria, Latvia, Lithuania, Malta, Romania and Slovakia) except Turkey. They were based on the principle of "differentiation", i.e. each country's

⁴ Granell, Francisco. 1997. “The First Enlargement Negotiations of the EU” in *the 1995 Enlargement of the European Union*. John Redmond (ed.) Aldershot: Ashgate, pp. 35-64.

⁵ **Acquis communautaire**: All the EU rules, practices and presumptions. It basically means what has been achieved so far. This included the Single European market AND the Maastricht provisions on the Economic and Monetary Union.

progresses at its own pace according to its level of preparation for accession. Thus, the length of the negotiations varied according to each candidate country's progress. From 1998 the Commission published regular reports every year on the progress of each country. These documents were the basis for "screenings" (sector-by-sector evaluation) to establish a "roadmap" for each candidate specifying the legislation that needed to be adopted or amended to comply with the Community *acquis*.⁶

The Copenhagen European Council of December 2002 found that 10 of the 13 candidate countries (Cyprus, Estonia, Hungary, Poland, the Czech Republic, Slovenia, Latvia, Lithuania, Malta and Slovakia) fulfilled the conditions necessary for joining the EU. They signed their Accession Treaty on 16 April 2003, and officially joined the EU on 1 May 2004 after the ratification procedures were completed.⁷ However, the fifth enlargement of the Union was not complete. Two former communist countries of Southeastern Europe, namely, Bulgaria and Romania, had to wait three more years to become full members. Finally, in 2007, Bulgaria and Romania joined the Union. With their entry, the fifth enlargement of the EU was complete. For the former communist countries of Central and Eastern Europe, the EU membership means a symbolic break with a difficult past, and more importantly, political and economic stability in the short run, and prosperity in the long run. The membership of this prestigious club also means constant surveillance at least for the two newcomers. Bulgaria and Romania is being monitored closely, particularly in the areas of crime and corruption, food and aviation safety.⁸ The Member States criticized the European Commission for being too soft on the newly admitted countries, and called on the Commission to exert more pressure on Bulgaria and Romania.

What does this enlargement mean for the EU? This enlargement increases the membership of the EU to 27, and makes it the largest single market in the world. It also means stark contrasts in wealth, where at the highest end of the spectrum lies Luxembourg with 251 percent of the EU average GDP per capita, and at the lowest end, Romania with 33 percent of the EU average.⁹ This enlargement might also entail risks for the EU's enlargement agenda. Even before the enlargement took place, the European Commission took pre-cautionary measures to ensure the functioning of the Union.

In its special report of November 8, 2006, the European Commission replaced the previous criterion "absorption capacity" with "integration capacity," which will be determined by the "development of the EU's policies and institutions, and by the transformation of applicants into well-prepared member states" (European Commission, 2006). The new enlargement strategy emphasizes the need for a cautious approach to further widening that might have serious repercussions for the candidate and potential candidate countries. The future accessions, as the Commission stated, are likely to take place in the "medium to long term" and that the EU does not have to consider all the applications for membership. However, the EU promises to stick to its commitments to the countries already in the accession process. In his address to the European Parliament Foreign Affairs Committee on May 7, 2007, the enlargement commissioner Rehn explained what they actually intended to achieve with this report:

"I am delighted to address this distinguished audience. I would like to begin by looking back to the results of the December European Council. After the Summit we had headlines reporting that "EU leaders are closing doors ". This was misleading spinning.

The correct headlines should have read "the EU keeps its doors open to the South Eastern Europe". This door is open to Turkey, Croatia and the other countries of the Western Balkans. We look forward to these countries to be ready to walk through that door, once each one of them meets the accession criteria.

⁶ <http://www.europa.eu/scadplus/leg/en/1vb/e50017.htm>

⁷ *ibid*

⁸ Financial Times, "Bucharest and Sofia Urged to Enact Reforms," 13 June 2007.

⁹ EUobserver.com, "EU of 27 to see stark contrasts in wealth," 19 December 2006.

The EU leaders were building a renewed consensus on enlargement. We need to maintain the EU's soft power to encourage democratic and economic transformation whilst, at the same time, ensuring EU's capacity to gradually integrate new members (European Commission 2007).¹⁰

Currently there are three candidate countries: Croatia, Turkey and the Former Yugoslav Republic of Macedonia (FYROM). Among these Croatia's membership seems closer than the other two, but still Brussels remains quiet on any target accession date. Macedonia's main challenge is to accelerate the pace of reforms, which has slowed after the Republic gained the candidate status in 2006. The most problematic of all three is Turkey. Opinions on Turkey's membership remain strong and divided. While it is in the best interest of the Union to have a stable and prosperous Turkey integrated into the EU, Turkey still remains too distant and different to many Europeans.

Conclusion

With the completion of the fifth enlargement, the EU entered a period of restoration. The new criterion for membership shifts the focus from the borders of Europe to the capacity of the Union to function. In his speech at Bertelsmann Foundation on February 27, 2007, the enlargement commissioner Olli Rehn emphasized the necessity of a functioning Union¹¹:

[T]he question of Europe's ability to act is so important. Today, the picture is the one of evolution, or work in progress. It is made of shades of grey rather than simple black and white. On the one hand, we are capable of taking many practical steps to pursue our economic and security interests. On the other hand, there are limits to pragmatism. We need a new institutional settlement which makes Europe capable of dealing with greater challenges ahead.

Whether or not the European Union is a reliable partner that can live up to its promises, only time will tell. But, at this week European Council's meeting (June 21-22, 2007), EU heads of states and governments can make a major contribution towards this goal, and reach a deal on Treaty reform. While an institutional agreement is in the interest of the member states and European citizens, it is of utmost importance to the candidate and potential candidate countries. Only, a strong and functioning EU can go ahead with further accessions, and continue to be a major international actor.

¹⁰<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/07/287&format=HTML&aged=0&language=EN&guiLanguage=en>

¹¹ Olli Rehn, "The EU's Capacity to Act: Institutional and Practical Challenges," Strategy Group on the Future of Europe at the Bertelsmann Foundation, Berlin, February 26, 2007.