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Enlargement policy

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Introducing

Enlargement has thus long featured, as a highly prominent issue, on the EC/EU policy agenda. Indeed, since the first application to join the EC was made – by the UK in July 1961 – there has virtually never been a time when EC/EU policy-makers have not been considering enlargement issues. These issues have included: considering whether applications should be accepted in principle; undertaking investigations to see whether applicant states are sufficiently prepared to open accession negotiations; setting out frameworks for negotiations; conducting negotiations; determining whether negotiations have been successfully completed, and if they are deemed to have been so deciding when accessions should take place; and incorporating new member states into existing policies and into policy-making and institutional frameworks.

Enlargement is thus best viewed not so much as a series of discrete events but rather as an ongoing policy issue and policy process. It is an issue and process that is, moreover, quite unlike any other. This is so because enlargement raises fundamental questions about the very nature and direction of European integration. In particular, enlargement forces EU decision-makers to think about the implications of expansion for the EU’s operation and agenda and, more broadly, how wide they want the EU to be in geographical terms and what the implications of widening are likely to be for integration deepening.
This chapter does not attempt to cover all of the myriad aspects of EU enlargement policy. Rather, it focuses particularly on two key aspects. The first aspect is the EU’s willingness to enlarge. On most counts the EC/EU has been a successful organisation, yet many of the states that have been permitted to join it have been, at the time of their accession, much less successful and have brought with them costs and risks of various kinds for the EC/EU. Why, therefore, have EU leaders been prepared to enlarge? The answer that is provided in this chapter suggests that a multi-dimensional approach is needed to be able to answer this question.

The second aspect concerns the nature of the policy processes that are used to manage accession applications. It will be shown that there are three key points here. First, the processes combine aspects of the supranational and the intergovernmental, with the Commission providing much of the policy lead and dynamic but with the existing member states very much being the final decision-takers. Second, whilst the procedural stages of enlargement decision-making procedures have become somewhat routinised, there nonetheless are very great variations between types of applicants regarding the extent to which their accession processes are politicised and how long they take. Third, as enlargement processes have increasingly been focused on ‘difficult’ states to the east and south of the EU, so has the EU made their accessions increasingly conditional.

A theme underlying much of the chapter is that the EC/EU has never had a clear or consistent policy toward enlargement, in the sense of it knowing how much it wants to grow in terms of membership and at what pace. Rather it has, for the most part – and necessarily it might be argued – reacted to events and circumstances.

**Why does the EU keep enlarging?**

**The nature of the puzzle**

It is clear why so many states over the years have sought to join the EC/EU: it has been seen to be in their national interests to do so. The precise nature of the benefits seen by applicants as likely to accrue to them has varied from case to case, but has always involved some mixture of perceived economic and political benefits and for many applicants there have been perceived security benefits too. The main perceived economic benefits have usually been better access to the EU’s large internal market, participation in a strong(er) macroeconomic policy framework, and – especially important for poorer applicants – budgetary support for policy programmes. The main perceived political benefits have been involvement in EU institutions and decision-making processes. As for perceived security advantages, these have included support for fledgling democracies and ‘soft’ security protection from large and potentially threatening neighbours.

But if the advantages of EU membership for applicants are relatively easy to identify, the advantages for the EU of permitting applicants to become members have not always been so readily discernible. For whilst new members have brought an assorted mixture of potential benefits for existing member states with them, most notably in the form of increasing the size of the internal market and thereby increasing the prospects for higher levels of trade, they often also have brought considerable challenges and dangers – either for the EU as a whole or for individual member states. Amongst these difficulties and challenges have been: accession of the Mediterranean states was always likely to increase pressures on the EU’s budget and on the operation of the Common Agricultural Policy (CAP); accession of the CEECs would also likely increase budgetary and CAP pressures, would threaten to divert Structural Fund assistance away from existing beneficiaries, and would create major problems in respect of the composition of the EU’s institutions and the functioning of its decision-making processes; the accession
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of Cyprus might well cause major security difficulties (given the long-standing nature of the
Cyprus Problem and the occupation of the northern part of the island by Turkey); and Turkish
accession would create a wide range of major political, economic and cultural difficulties.

Yet, notwithstanding these, and other, reasons why it arguably has not been in the EU’s
interests to allow certain enlargements to proceed, or at least not to proceed as rapidly as they
have, most membership applications have either resulted in membership being achieved or
being considerably advanced. Even the highly contested Turkish application is proceeding,
albeit very slowly, with formal accession negotiations having been opened in 2005.

Given all the difficulties, how is the advancement of enlargement to be explained? Why has
the EU not just refused to enlarge? Or, alternatively, why has it not insisted that it is not pre-
pared to go further than the various types of special arrangements short of membership that it
has initially concluded with all applicants since the Mediterranean round was completed? After
all, the special arrangements – the European Economic Area in the case of the EFTAns, associa-
tion agreements in the case of the 10+2 and the Balkan applicants, and the creation and then
strengthening of a customs union and a preferential partnership in the case of Turkey – have all
offered the applicants close economic and political relations with the EU.

It is suggested in the analysis that follows that an explanation of the EU’s willingness to keep
on enlarging requires a multi-dimensional approach. In this approach, each dimension features
and interacts with the other dimensions, although in varying degrees and ways in different
enlargement rounds. The three dimensions of explanation are rationalism, constructivism, and
political pressures.

Explaining via rationalism

Rationalist approaches to explaining political decision-making rest on the assumption that deci-
sions are taken to maximise utility. That is to say, it is assumed that in considering what decisions
to take decision-makers weigh costs and benefits and seek to take the course of action that seems
most likely to reap the maximum benefits.

Costs and benefits can come in many forms and different variants of rationalism identify
and attach importance to the forms in different ways. However, particular emphasis is usually
placed by rationalists on measurable costs and benefits, which is a problem when applying the
approach to enlargement policy as some of the perceived costs and benefits are not by their
nature measurable. So, for example, included amongst the perceived benefits for the EU that
have been identified in enlargement rounds over the years are the increase in EU’s political
voice and influence on the world stage (cited in all enlargement rounds) and the creation of
greater stability on the European continent (cited especially in the 10+2 round and now also in
the Balkan round). To be useful in helping to explain EU enlargement policy, rationalism thus
has to be broadly conceived.

Two other points about problems with using rationalism as an explanation of enlargement
policy are also important. The first is that key decisions on enlargement – from decisions to accept
applications from states to the setting of accession dates – are taken in the European Council or
the Council of the EU on a unanimous basis. The main decision-makers are thus the govern-
ments of the existing member states. It follows from this that whilst it can be useful to look at
the costs/benefits for the EU as a whole stemming from a particular future membership (a larger
market, investment opportunities, security implications, etc.), it is necessary also to look at the
implications for each existing member state. Take, for example, the highly controversial decision
in 2005 to open accession negotiations with Turkey and then subsequent decisions to keep the
accession process moving forward – albeit very haltingly and slowly. The balance sheet in terms
of gains and losses of opening and then proceeding with the membership application may have been positive for the EU as a whole, but it has not been so for all member states. Amongst states known to have great concerns have been, and still are: France and the Netherlands (where there is strong popular opposition to admitting Turkey); Cyprus (where the Cyprus Problem is seen as needing to be resolved before Turkish accession can proceed); and Germany (where the concerns include the further dilution of Europe’s predominantly Christian identity).

The second point is that cost/benefit balance sheets have to be seen not as they are at the time enlargement decisions are taken but as they seem likely to be when applicant states accede. This has been very important in the lengthy time periods built into the accession processes from Western Balkan states, with the costs to the EU of admitting them being anticipated as falling by the time accessions actually occur – as the economies of applicants grow and as their political and security systems strengthen. To doubly ensure the costs to the EU are not excessive, unprecedented precautions have been taken in respect of Turkey, with the terms of the Negotiating Framework including, amongst other protections, ‘permanent safeguard clauses’: that is, clauses that would prevent Turkey from participating in, or at least fully in, specified EU policy areas – including policy areas that are of particular interest to Turkey, namely ‘freedom of movement of persons, structural policies or agriculture’ (European Commission, 2005, p. 7).

So the accession negotiations with Turkey were set up in such a way as to ensure that those existing member states that had doubts about the cost/benefit balance to them of allowing Turkey to become a member could be assured that: a) the cost/benefit balance would likely tilt decidedly in a ‘benefit’ direction by the time Turkish accession became imminent; b) exit options existed for the EU if the costs ultimately came to be seen as being too high.

On this basis, the EU’s decision to open accession negotiations with Turkey and then to continue with it can arguably just about be explained in rationalist terms. But not quite, especially since some of the perceived costs of Turkish membership are ideational and judgemental in nature and as such are not so susceptible to suggestions that costs can be reduced and made to be acceptable. Other explanations of enlargement thus also merit attention.

Explaining via constructivism

In broad terms, constructivists take the view that the behaviour and actions of political actors are not driven, or at least are not wholly driven, by objective and instrumental political and economic situations and needs. Rather, behaviour and actions are socially constructed in that they are mainly shaped by social norms, values and identities. So, in terms of explaining political decision-making constructivists have a quite different approach to rationalists. Whereas rationalists explain decision-making in terms of a logic of consequences – with decision-makers asking what is the likely overall outcome of taking a particular decision? – constructivists explain decision-making in terms of a logic of appropriateness – with decision-makers asking what is the appropriate decision to take in a particular situation?

Frank Schimmelfennig and Uli Sedelmeier have written extensively on the value of constructivism as an approach to explaining the 10 + 2 enlargement round (see Schimmelfennig, 2005a, 2005b; Schimmelfennig & Sedelmeier, 2006; Schimmelfennig & Sedelmeier, 2005; Sedelmeier, 2005). Their starting point is that rationalism as an explanatory approach is extremely useful and serves to provide much of the explanation for why the EU chose to enlarge. But, they suggest, had existing member states acted purely on the basis of their own national needs and preferences some of them ‘should’ have voted to reject the opening of accession negotiations with some of the applicants. The reason they did not do so is because their decisions were not shaped by...
instrumental considerations alone. Non-instrumental considerations, based essentially on notions of shared identity and cultural match with the CEECs, encouraged existing member states to be naturally favourable toward and to be pre-disposed to support the admission of the applicants. Foremost amongst the non-instrumental considerations identified by Schimmelfennig and Sedelmeier producing such sentiments was the shared identity and sense of obligation that can, they argue, exist between liberal democratic states.

Helen Sjursen (2002) takes a similar position, though for her the value- and norm-laden glue in the 10 + 2 round was not identification between fellow liberal democracies but rather what she calls ‘kinship-based duty’. It may not have been clearly defined or understood, but there existed, she argues, a community-based European identity that helped the enlargement process to move forward. For a decision to enlarge to have been triggered, ‘something more than instrumental calculations and something less than a selfless concern for human rights has been at play’ (Sjursen, 2002, p. 509). In a similar vein, Sedelmeier has spoken of how ‘The discourse of a collective EU identity, characterised by a “responsibility” towards the CEECs, became a central aspect of EU policy’ (Sedelmeier, 2000, p. 269).

Of course, common identity and associated feelings of obligation are not so strong on the EU side when it comes to Turkey. They manifestly are not so in kinship terms and – because of the many perceived ‘breaches’ in Turkey’s credentials as a democratic state – are much less so in liberal democratic terms. Social constructivists would see this greater ‘distance’ as helping to explain why the Turkish application is proving to be much more difficult to process than the applications of the CEECs.

A different, but potentially complementary, constructivist approach to explaining the advancement of ‘difficult’ enlargements focuses not on the relations between the EU and applicants but rather on the relations between those in the EU who take enlargement decisions. This approach also draws on the constructivist assertion that political actors do not necessarily take decisions on the basis of the expected utility of alternative courses of action but rather on the basis of what is most appropriate to their social role and the nature of the situation. In this context, the ways in which the European Council and Council of the EU operate are highly relevant, with consensual decision-making virtually always applying in the former and usually being sought in the latter. So, as regards enlargement, a member state may have reservations about negotiating accession terms with a particular applicant or applicants, but may well be obliged, or feel it is incumbent on them as a good ‘club member’, to fall in with the prevailing preference.

Schimmelfennig (2005a) has developed this notion of ‘falling in’ to show how, in the context of the enlargement to the CEECs, those who were in favour of enlargement from an early stage – ‘the drivers’ as he calls them – used rhetorical action to pressurise and shame those states that were initially reluctant. An important tactic of the drivers was to make use of values and norms – such as ‘loyalty’ to fellow Europeans and liberal democrats – to bring the ‘brakemen’ on board. The intent of the drivers was not to necessarily persuade the brakemen to change their views of what was in their self-interest, but rather to persuade them that there was a wider organisational interest they should recognise and support. As part of their strategy, the drivers pushed increasingly upgraded commitments through the European Council, to the extent that it eventually became very difficult for the brakemen to stop the enlargement process without being seen to be disloyal and poor club members. What in effect happened was that a process of unfolding ‘rhetorical commitment’ eventually produced a ‘rhetorical entrapment’.

A similar process of rhetorical commitment is observable with the Turkish application where, in historical institutionalist language, European Council pronouncements produced a
‘path dependency’ that constrained potential opposition and made it difficult for the opening of accession negotiations to be stopped. Any government exercising a veto would be seen to have put narrow national interests before established EU commitments and credibility. The rhetoric had produced a near ‘lock-in’ (Nugent, 2007).

**Explaining via political pressures**

Those who make enlargement decisions – essentially the governments of the member states – are pressurised on the decisions they should take. The pressures come from many quarters, but the most important are the applicants themselves and the governments of other member states.

As regards the applicants themselves, the amount of pressure they can exercise depends on a number of factors, of which the most important is their value to the EU. This has been no more clearly demonstrated than with Turkey. In the first ten years after the Turkish membership application in 1987 Turkey confined its reaction to the lack of progress that was being made with its application to expressions of disappointment. This situation changed, however, when, in 1997, the EU decided to offer a foreseeable membership perspective to all applicants except Turkey. Turkish leaders reacted to the decision with anger and with statements and comments to the effect that Turkey might have to start looking more seriously to its east and south for allies. Given Turkey’s position as a large and geo-strategically important state with which the EU wants to have close relations, this reaction quickly resulted in EU leaders coming to view the 1997 decision as having been over-dismissive, and indeed potentially dangerous should Turkey start to edge away from the EU. Accordingly, the leaders embarked on a policy of offering Turkey a foreseeable membership perspective by according it the status of being a ‘candidate state’ at the 1999 Helsinki summit (European Council, 1993, p. 3).

After Helsinki, Turkish governments continued to stress consistently that they were not to be side-tracked with promises of a special relationship, which some EU governments were advocating. In the words of Tayyip Erdogan, who became Prime Minister in 2002, ‘The aim of Turkey is full membership in the EU. We are not ready to accept anything else’ (quoted in Kirk, 2005). This ‘message’ from the Turkish government was carried directly to EU political elites. It was so not least by Erdogan himself, who became highly active in meeting with key EU decision-makers in Ankara, in EU capitals and on the margins of European Councils.

As regards the governments of other member states, at the beginning of enlargement rounds some governments are more enthusiastic about particular applicants than are others. The enthusiasts seek to persuade and pressurise those that are more reluctant. Classic examples of this occurred during the 10 + 2 round, when Germany acted almost as a sponsor of Poland and Greece did so of Cyprus, so much so that both let it be known to doubters that if ‘their’ candidates did not enter in the first enlargement wave (and doubts were raised about both Poland and Cyprus) then no candidate state would enter.

Turkey has not benefited from having a strong ‘patron’ or ‘sponsor’ of its case amongst existing EU members, but it has had ‘friends’, which have supported its membership aspirations. Within the EU itself, the most important of these friends have included the UK and, in recent times, Greece. UK support has been important because of the UK’s position as one of the EU’s largest states, whilst Greek support has had considerable symbolic significance because of the traditional enmity between Greece and Turkey. Outside the EU, the US – which for geo-strategic reasons has long been close to Turkey in western power circles – has acted virtually as a sponsor of the Turkish case.

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The three approaches to explaining EU enlargement policy that have just been outlined are potentially mutually complementary rather than mutually exclusive. Whilst their individual uses can vary between particular enlargements, as a general rule it is the case that applying them together helps to provide a fuller and rounder account of why the EU has enlarged and continues to enlarge.

Enlargement policy processes

Application criteria

The 1957 EEC Treaty made it easy for European states to apply to join the EC. It simply said: ‘Any European State may apply to become a member of the Community’ (Article 237, EEC Treaty).

However, in the early 1990s it came to be questioned whether such a simple, open and unconditional invitation should be left on the table. This was because the collapse of communism in Eastern and Central Europe resulted in a host of states that hitherto had not been thought of as possible EU members suddenly becoming likely applicants. The response in many EU quarters to this situation was one of considerable concern. Whilst support was quickly given to assistance and transition programmes, the general view was that the newly liberated states should be dissuaded from applying for EU membership until they were much nearer to meeting the accession conditions. But what were the accession conditions? It had long been informally understood that members had to be liberal democracies – hence Portugal and Spain were dissuaded from applying until the collapse of their autocratic systems of government in the mid-1970s – but nothing was written down about this or any other ‘conditions’. The June 1993 Copenhagen summit therefore took steps to rectify this situation by setting out what have subsequently come to be known as ‘the Copenhagen criteria’. There are four dimensions to the Copenhagen criteria. The first three apply to applicants and say they must:

- be fully functioning liberal democracies
- have effective market economies
- have sufficiently robust domestic structures and systems so as to be able to apply the EU’s acquis

The fourth criteria, which has come to be increasingly cited as the EU has grown in size and has received increasingly ‘difficult’ applications, requires that the EU displays sufficient flexibility to absorb new members without damaging its own operation and effectiveness. Formerly referred to as the EU’s ‘absorption capacity’, this is now referred to by the Commission as the EU’s ‘integration capacity’.

Two features of the Copenhagen criteria that sometimes are missed merit stressing here. First, they refer to membership not to applications. That is, they do not state that all of the criteria have to be met at the time a state applies, only that they have to be so if membership is to be achieved. A consequence of this has been that although the criteria were certainly originally intended to deter some potential applicants, they have not been as successful in this regard as was intended – or hoped. Second, although they have considerable impact by virtue of being contained in European Council Conclusions, the criteria do not have treaty status. Partly to compensate for this and partly also to emphasise the democratic nature of the EU, treaties since the 1997 Amsterdam Treaty have specified that only European states that respect the values
of the EU may apply for membership. Under Article 2 TEU, these values are listed as being ‘respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities’.

**Processing applications**

Over the years, accession processes have become increasingly long and complex. Three factors explain this. First, virtually all of the ‘easy’ potential applicants have become installed as EU members. Since the EFTAn round, there have been only three significant West European states that are not EU members – Iceland, Norway and Switzerland. So, since the EFTAn round all applications (apart from a short-lived application from Iceland – see below) have been from the east and the south – where there have been serious questions about the membership ‘credentials’ of applicants in terms of their political, administrative and judicial systems, their levels of economic development, and in some cases also their cultural make-up. Second, the EU’s policy portfolio has grown enormously over the years, so there is now a much larger range of issues to be covered in accession processes than there used to be. In the first enlargement round, for example, there was little to discuss in such policy areas as fishing, transport, and research and innovation, but these have all become important EU policy areas and now feature prominently in application processes. Third, since the 1995 enlargement round there have been some pressures from within the EU to deliberately slow, or even stop membership negotiations. This has either been because of genuine beliefs that the pace is being over-rushed and longer adjustment and transitional periods are necessary or because of concerns that the membership of particular applicants could be just too disruptive for the EU (concerns that were felt by some existing member states about Cyprus and are still felt by some states about Turkey and Balkan states such as Serbia and Macedonia).

The precise way in which enlargement policy processes work naturally varies from case to case. They do so particularly according to two factors:

- The number and extent of the changes and adjustments that have to be made on either ‘side’ to enable accessions to proceed in the least possible disruptive manner. It was possible to conduct the EFTAn round quickly and smoothly because the applicants were small and well-established democracies with successful market economies, and also because many of the issues that are covered in membership negotiations had already been resolved in the earlier and successful negotiations that resulted in the European Economic Area (of which the applicants in the EFTAn round were all members) entering into force in January 1994. By contrast, while the Western Balkan states currently aspiring to EU membership also have the advantage of being relatively small, they all contain major weaknesses in their economic and political systems.
- Whether applications raise particular political sensitivities in the EU because of some characteristic or characteristics attached to them. When this happens, whether the sensitivity is on the part of most or just one existing member state, applicants affected are likely to see their application process become highly politicised and often much delayed, with attention focused both on the contentious matter(s) concerned and on the technical matters that are the customary ‘staple diet’ of accession processes. Over the history of EU enlargement, a number of applicants have seen their applications become highly politicised, including the UK (which had two applications vetoed by the French President, General de Gaulle, on the grounds of political unacceptability), Cyprus (because it was seen as presenting a
potential internal security threat), Turkey (whose already complex and highly problematic application has been further complicated by questions as to whether or not it is European and whether an Islamic country is a suitable member of an organisation with Christian roots), and the Former Yugoslav Republic of Macedonia (FYROM) (because Greece has objected to its wish to call itself Macedonia).

So, the precise way in which application processes function can vary significantly between applicant states. But, that said, what might be called a ‘standard procedure’ for handling accession processes has been developed over the years. The stages in this procedure are now described.

Preparations before applications are submitted

It is usually clear that a state or grouping of states are to submit applications long before they actually do so. With applications now coming almost exclusively only from ‘difficult’ states, the EU has moved to anticipating possible applications and taking appropriate steps. The steps are of two main types.

One type is to try and head off applications, by making clear that whilst close relationships are both possible and desirable, EU membership is not realistic in the foreseeable future. The most important manifestation of this approach is the European Neighbourhood Policy (ENP), which was developed mainly between 2002–2004 and which, in the word of the Commission’s influential 2003 document *A Wider Europe*, proposed that ‘the EU should aim to develop a zone of prosperity and a friendly neighbourhood – a ‘ring of friends’ – with whom the EU enjoys close, peaceful and co-operative relations’ (European Commission, 2003, p. 4, bold in original). This ‘ring of friends’ now consists of ten southern Mediterranean states and six former Soviet states in Eastern Europe and the southern Caucasus. The essential purpose of the ENP is to create close and special relations with ENP states on a range of fronts – including trade relations, technical assistance, political dialogue and cultural exchanges. The EU recognises that the nature of its relations with these states must vary from case to case, and hence an important part of the relations is conducted bilaterally.

The other type of step is to provide assistance to possible applicants so that when they apply they can reasonably claim to be well on the road to meeting the Copenhagen criteria and to be in a position to enter accession negotiations with good prospects of success. In the 2000s, this ‘preparing for application’ approach has involved pre-accession arrangements with the Western Balkan states: Albania, Bosnia and Herzegovina, FYROM, Kosovo, Montenegro, Serbia and Croatia – the EU’s most recent member. There are different organisational forms of pre-accession arrangements which, once initial steps have been successfully undertaken, are formally constituted within Stabilisation and Association Processes (SAPs) and Stabilisation and Association Agreements (SAAs). SAPs and SAAs include preferential trade agreements, the provision of financial, technical and administrative aid, guidance on reform priorities, and visa liberalisation. The Commission also produces annual Progress Reports in which it logs the situations in the applicant and potential applicant states regarding the extent to which they meet pre-agreed targeted benchmarks.

Deciding whether an application is acceptable in principle

As pre-application arrangements have broadened and intensified in scope, applicant states now normally time applications in consultation with the Commission. Applications are considered by
representatives of the governments of the member states – normally meeting in the formation of the General Affairs Council (GAC), but can be considered in the European Council if a summit is due or if an application is particularly controversial – which, on the advice of the Commission, decide whether an application is acceptable in principle. As with all decisions on enlargement, the decision needs unanimous support. Only one application has been rejected to date – that of Morocco in 1987, because it is not a European state.

**Production of the Commission’s Opinion**

When an application is deemed to be acceptable in principle, the GAC or the European Council asks the Commission to produce a report on whether the applicant meets the conditions of membership and to evaluate the strengths and weaknesses of the application.

The Commission’s report on an application, which normally takes some months to produce, is known as its Opinion (or *avis*). Opinions usually contain a recommendation on whether or not to proceed to accession negotiations, and if so when.

**Setting a date for the opening of accession negotiations**

Decisions on when negotiations are to open used to be taken by the Council, but now are usually taken by the European Council. Interestingly, it was the Council which was the decision-maker on the only occasion when a Commission recommendation not to open negotiations was rejected by the governments of the member states. In its Opinion on Greece, the Commission stated that Greece was not economically ready for membership and proposed a transition period of unspecified duration. The Council rejected this advice, largely on the grounds that membership would assist Greek attempts to bolster their democracy and strengthen their position as part of Europe.

In taking decisions on when accession negotiations should be opened the European Council/ Council of the EU is, of course, guided by the Commission. So, for example, the decision that was taken at the December 1997 European Council meeting to split the opening of negotiations with the 10 + 2 into two waves was very much based on a recommendation the Commission had made in its *Agenda 2000* communication of July 1997 (European Commission, 1997). Similarly, the decision taken at the December 1999 European Council meeting to move immediately to the opening of negotiations with the second wave 10 + 2 states was based on encouraging Commission reports about the extent to which these states were ‘catching up’.

However, if an application is politically sensitive the European Council is not necessarily ‘led’ to a decision. So, regarding the opening of accession negotiations with Turkey, the summit participants, as usual, made use of relevant Commission documentation, but because of the high sensitivities associated with the application the Commission was unwilling to make specific recommendations concerning when negotiations should be opened. The outcomes of the two most relevant summits – those of December 2002 and December 2004 – were by no means guaranteed beforehand and decisions on whether, when, and on what conditions the opening of negotiations with Turkey should be authorised were hotly disputed by governmental representatives both before and at the summits. In the event, at the December 2002 summit Turkey was promised that if it continued with its political reform programme the December 2004 summit would take a decision to open accession negotiations ‘without delay’, and at the December 2004 summit it was agreed to open negotiations in October 2005 subject to conditions (European Council, 2002; 2004 respectively).
The accession negotiations

Accession negotiations vary enormously in terms of how long they last. The ever-expanding nature of the EU’s policy portfolio has resulted in progressively more ground needing to be covered, but it is not as critical in determining the length of accession negotiations as are the preparedness of applicant states to become members and the eagerness of existing member states to move negotiations along quickly. Accordingly, there has been no steady increase in the length of negotiations but rather a forward and backward movement between relatively long and relatively short periods. So, the first enlargement round negotiations lasted in total for just eighteen months. The length of the Mediterranean round negotiations varied between the applicants, with those for Greece lasting just three years and those for Portugal and Spain lasting around eight years. The EFTAn round negotiations were the quickest negotiations of all: thirteen months in the cases of Austria, Finland and Sweden, and only eleven months in the case of Norway. The length of the 10 + 2 round negotiations was approaching five years for the six states that opened negotiations in 1998 and became EU members in 2004, approaching three years for the four states that opened negotiations in 2000 and became EU members in 2004, and almost five years for the two states (Bulgaria and Romania) that opened negotiations in 2000 and became members in 2007. The Croatian negotiations took just over eight years. Assuming they are carried through to completion, the negotiations with Turkey will probably last at least twenty years.

The negotiations are divided into sectoral areas, known as negotiating ‘chapters’, and the negotiating stage of accession processes are based on a phased opening and provisional closing of the chapters. The number of negotiating chapters has naturally grown in parallel with the growth of the EU’s policy portfolio, with around 35 chapters now being the norm. To give a few examples, chapters in the Croatian negotiations included ones on competition, energy, regional policy, taxation, and social policy and employment.

Before detailed negotiations between an applicant and the EU can begin in any sectoral area – that is, before any negotiating chapter can be opened – two things have to be done. First, the Commission has to complete what is known as a ‘screening process’, which essentially involves it undertaking a detailed examination of the applicant’s *acquis* and identifying the main issues that need to be tackled in the accession negotiations. Screening processes take several months at least to complete: for example, the screening of the Croatian application started on 20 October 2005 (two weeks after the accession negotiations with Croatia were formally launched) and was completed on 18 October 2006. Second, the EU must agree on a common position for the negotiations. This is done via the Council which, acting on the basis of position papers prepared for it by the Commission, must reach unanimous agreement on the EU’s negotiating stances. Internal deliberations between the member states on what is to be the EU’s common position on a chapter can be extremely protracted, and can indeed take longer and be more difficult than the negotiations between the EU and applicants.

As for the negotiations between the EU and applicants, use of the word ‘negotiations’ to describe the exchanges is something of a misnomer. It is so because in reality the so-called negotiations are essentially about applicants adopting and applying EU policies, laws and practices. More broadly, they are about the export of EU values and standards to applicants and the repression in applicant states of departures from these values and standards. There is very little negotiating in the commonly understood meaning of the term. The EU can take this hard-line, which amounts to it imposing its requirements on applicants, because the power balance in the negotiations is wholly unequal. It is most obviously so in that the EU is by far the better resourced of the two negotiating sides. But even more importantly, the EU has the advantage of
not being so dependent on accession processes being successfully concluded. Applicants invariably have a stronger interest than the EU in processes succeeding, so are much less able to dig their heels in, let alone walk away, if negotiating outcomes are not to their satisfaction. For its part, the EU is able to take something near to a ‘take it or leave it’ stance.

Because the contents of chapters involve highly detailed and technical matters, most of the day-to-day work during the ‘negotiating’ period is not conducted orally between negotiating teams sitting around tables but rather is mainly conducted through the exchange of countless memos, papers and documents between officials and numerous formal and informal meetings and conversations between officials. These officials are from national governments on the applicants’ side and mainly from the Commission – working under the general oversight of the GAC – on the EU side. Officials in DG Enlargement (called DG Neighbourhood and Enlargement Negotiations in the Juncker Commission) naturally play a key role, but as facilitators and coordinators more than as subject specialists. The subject specialist work is mostly undertaken by officials from the Commission’s relevant sectoral DGs and specialised services. However, the provisional closings of chapters can only be undertaken by ministers.

When all negotiations on all chapters are deemed by the Council to have been successfully concluded, accession treaties are drawn up and signed by national heads of government (or their representatives) and the President of the Council. Projected accession dates are also identified, although these are made explicitly conditional on the newcomers continuing to give effect to necessary reforms and commitments and continuing also to be able to show that they will be able to assume all the obligations of membership at the time of their accession.

Ratification

Accession treaties must be ratified by the EP and by all existing and applicant states.

EP ratification, under the consent procedure, requires approval by an absolute majority of its members. As the EP is habitually inclined to support integrationist measures, of both a deepening and widening variety, it has always given its consent by very large majorities.

Existing and applicant states decide for themselves on their ratification procedures. Existing states almost invariably ratify by votes in their national parliaments, although there have been occasional departures from this. Up to the time of writing, no ratification procedure has failed in an existing member state, but the possibility of this happening in the future certainly cannot be ruled out. The prime reason for saying this is the increasing use in the EU of referendums, which some member states might be tempted to use in the future for accessions – especially if opinion polls indicate this could be to their electoral advantage.

Applicant states also decide for themselves what ratification procedures to use. Usually they do so via referendums. Only one applicant state has seen a national ratification procedure fail: Norway, where the people have twice – in 1972 and 1994 – rejected accession terms that have been agreed by their government.

Ratification processes can take several months to complete. When the EFTAn round negotiations were completed in March 1994 a period of nine months was set aside for ratification procedures to be completed, whilst with the ten states that completed negotiations in December 2002 sixteen months was provided for.

The impact of enlargement on the nature of the EU

How has enlargement impacted on the EU? The most frequently asked question in this regard has been whether the widening of the EU, in the form of enlargement, has slowed its deepening,
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in the form of institutional and policy development. The evidence indicates that rather the two have gone hand in hand, with most enlargement rounds having been accompanied with institutional, policy process and policy content changes of an integrationist nature.

In so far as enlargement has resulted in the EU not only becoming bigger but also more diverse, it has fundamentally affected the operation of the EU in numerous ways. There are far too many of such ways to be all examined here, but they range from the compositional size of representational institutions to obliging governments to increasingly use majority voting in the Council.

Arguably, the single most important impact of enlargement has been on a key aspect of the EU’s very nature. With enlargements progressively increasing the number of internal differences – of needs, of capacities and of preferences – there has been no choice but for the EU to adjust so that some of the differences can be accommodated. In consequence, it has become a much more flexible organisation. As a result, there now exists a large number of policy processes and a wide variety of à la carte, multi-speed and semi-voluntary policy practices.

The current situation and the prospects for further enlargements

There are four categories of potential EU applicants/members:

*Non EU Western European states*: Switzerland, Norway and Iceland have all at different times either considered and/or applied for EU membership, but further applications are not currently anticipated. Iceland formally applied in 2009 in the wake of the global financial crisis, but after the worst of the crisis had been weathered and a Eurosceptic government was elected to office, it withdrew the application in 2015.

*Western states of the former Soviet Union*: Ukraine, Georgia and Moldova are all possible applicants, but not in the short-term given internal and external obstacles they display in varying combinations – including corruption, lack of democratic practices, and dependence on Russia. Furthermore, EU enlargement strategy papers have, for some time, explicitly stated that the current EU enlargement agenda is restricted to ‘the Balkans and Turkey’.

*Turkey*: As been noted in this chapter, the Turkish accession process continues, but only at a very slow pace because, largely, of low standards of internal democracy. Periodically the process has a spurt – usually when the EU needs Turkey to be helpful, as in 2016 when Turkish assistance with Syrian migrants was ‘traded’ for the EU agreeing to liberalise its visa arrangements with Turkey. But, there is no foreseeable prospect of Turkey becoming an EU member, and if it eventually does so it will be on terms that are highly protective of the existing member states.

*Western Balkan States*: The 2003 Thessaloniki European Council meeting supported ‘the European perspective of the Western Balkan countries, which will become an integral part of the EU, once they meet the established criteria’ (European Council, 2003, p. 12). Thus was formally set in motion what is now the major thrust of enlargement policy: enlargement to the Western Balkans.

However, as Table 20.1 shows, most of the Western Balkan states are still at relatively early stages of their EU accession processes.
The EU is currently in no rush to move enlargement processes along. Indeed, with other policy priorities pressing – including eurozone consolidation, the management of Brexit, and the migration crisis – enlargement has been placed firmly on the back burner. At the time of the installation of his College of Commissioners in late 2014, Jean-Claude Juncker made it clear that there would be no new accessions during the College’s (five-year) term of office. He further signalled the diminution of the prioritisation of enlargement policy by replacing the Commission’s existing DG Enlargement with a DG Neighbourhood and Enlargement Negotiations.

But, the issue will again become prominent when, in the 2020s, several of the Western Balkan states, and possibly Turkey also, will be loudly knocking at the door.

### Table 20.1 Western Balkan states and their progress to EU accession

<table>
<thead>
<tr>
<th>Country</th>
<th>Current status</th>
<th>Date of EU application</th>
<th>Pre-accession arrangements</th>
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<tr>
<td></td>
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<td></td>
<td>April 2009: SAA enters into force.</td>
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<tr>
<td>Bosnia and Herzegovina</td>
<td>February 2015</td>
<td></td>
<td>June 2008: SAA and Interim Agreement are signed.</td>
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<td>Kosovo</td>
<td></td>
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<td>April 2001: SAA is signed.</td>
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<td></td>
<td>April 2004: SAA enters into force.</td>
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<td></td>
<td>June 2012: accession negotiations open.</td>
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<td>July 2014: SAA is initialled by both sides.</td>
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<td>June 2006: Declares independence.</td>
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<td></td>
<td>October 2007: SAA is signed.</td>
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<td></td>
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<td>May 2010: SAA enters into force.</td>
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References


European Council (2002). Presidency Conclusions, Copenhagen, 12–13 December.


