

Enlargement will only succeed if the EU embraces more flexibility

Enlargement policy has been re-discovered as the most powerful tool to stabilize the EU's neighbourhood. Professor **Daniela Schwarzer** argues that enlargement will only be successful if the EU becomes more flexible in integrating new members and in its functioning, while enhancing legitimacy and protecting its basic principles more forcefully.

Russia's war on Ukraine has mounted the pressure on the European Commission and EU member states to advance with enlargement, which has reemerged as the key tool of stabilization in geopolitical competition. If the EU does not take a more active role in its eastern and southeastern neighbourhood, conflicts within the region may increase. There is also a growing risk of increased Russian and Chinese influence in the region. The EU thus needs to assist candidate countries in their transformation, anchor them in the West and enhance their security during the negotiation process, which needs to be handled flexibly.

With up to nine additional countries,¹ the EU would become a continental-scale entity which would have to adapt to its bigger size, its internal diversity and the fact that external and internal pressures will play out across borders. A larger EU would have to become more differentiated, while being more protective of its fundamental principles.

How can mutual trust be built, aiding both acceding countries' preparations and the likelihood of accession ratification in old member states?

Flexibility in the accession process

For most candidates and EU members, full membership remains the ultimate goal, necessitating full compliance with the *acquis* and ratification of the accession treaty by both EU members and the candidate. However, given geopolitical pressures, the EU needs to review its policies towards candidate countries with several questions in mind: What can be done to best support countries preparing for EU accession? Which policies, beyond enlargement negotiations, can best be used to further this goal? Which political fora foster an honest and respectful relationship conducive to candidates' transformation towards a stable democracy and a market economy, as well as success in negotiations? How can mutual trust be built, aiding both acceding countries' preparations and the likelihood of accession ratification in old member states?

In June 2022, the European Council stated that the EU should "further advance the gradual integration between the European Union and [the Western Balkans] already during the enlargement process itself in a reversible and merit-based manner."² Advancing a country's political association and economic integration with the EU as far as possible before its formal accession is the right approach, given geopolitical

¹ Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia, Georgia, Kosovo, Ukraine, Moldova.

² [European Council meeting \(23 and 24 June 2022\) – Conclusions](#). Brussels: European Council.

pressures and political uncertainties both within candidate countries and the EU. Moreover, regional integration should be supported where possible in anticipation of a future integration into the Single Market – and for the case that accession fails. Since there is no certainty of concluding negotiations, nor that accession treaties will ultimately be ratified, several proposals have been published on how to gradually shape policy access, financial support, participation in institutions and decision making.³

Gradual market integration

A gradual integration into the EU's internal market, including the application of regulatory measures, also among the candidate countries themselves, would be promising.⁴ The EU can build on experience from enhanced association agreements (AA/DCFTAs) with Ukraine, Moldova and Georgia, and from the (less ambitious) Stabilisation and Association Agreements signed by the six Western Balkan countries 20 years ago.

The Copenhagen criteria need to be rigorously applied in the accession process and ongoing compliance needs to be ensured.

But regardless of any new flexibility in the accession process, compliance with the political accession criteria and EU principles remains the precondition for EU and thus Single Market membership. The Copenhagen criteria need to be rigorously applied in the accession process and ongoing compliance needs to be ensured. Even any partial integration into the Single Market would require adherence to the rule of law and democratic principles. Staged participation in EU policies and institutions should be reversible if the EU's principles, values, and strategic orientation are no longer met. A candidate country that regresses on the participation criteria must feel the consequences, or else the reform process in all accession countries will lose momentum.

The November 2023 growth plan for the Western Balkans⁵ offers multiple opt-ins to candidates, including: (1) Free movement of goods following harmonisation with the EU's horizontal product standards and improved customs and tax cooperation; (2) Free movement of workers and services; (3) Access to the Single Euro Payments Area; (4) Facilitation of road transport; (5) Integration of electricity markets and cooperation on decarbonisation; (6) Digital Single Market including cyber security and roaming charges; and (7) Integration into sustainable raw materials value chains. These measures can potentially boost economic integration in the region and provide the first elements of enhanced security, building on achievements of the Common Regional Market initiative, the Open Balkans initiative and the Central European Free Trade Agreement (CEFTA).

The plan also provides opportunities to improve governance and foster an alignment with EU standards. A first step has been made by including candidates in the annual

³ See, for example, Emerson, Michael, Milena Lazarević, Steven Blockmans & Strahinja Subotić, '[A Template for Staged Accession](#)', European Policy Centre / CEPS, October 2021; Schimmelfennig, Frank, '[Fit through Flexibility? Differentiated Integration and Geopolitical EU Enlargement](#)'. In: Fit for 35? Reforming the Politics and Institutions of the EU for an Enlarged Union, Göran von Sydow and Valentin Kreiling (eds), Swedish Institute for European Policy Studies (SIEPS) September 2023; Franco-German Working Group on EU Institutional Reform, '[Sailing on High Seas: Reforming and Enlarging the EU for the 21st Century](#)', September 2023.

⁴ Emerson, Michael, Milena Lazarević, Steven Blockmans & Strahinja Subotić, '[A Template for Staged Accession](#)'. European Policy Centre / CEPS, October 2021.

⁵ European Commission. [New growth plan for the Western Balkans](#), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Brussels, 8 November 2023.

Given the relative poverty and the low competitiveness of the candidates' economies, there needs to be a heightened focus on cohesion.

rule of law review. In order to support economic reforms, an additional €6bn (1/3 grants, 2/3 loans) support over a 4-year period is planned. In addition, candidates should be integrated into the European Semester, an EU process for joint reviews of reform agendas and national economic reform programmes. Pre-accession funds provided to candidates could better incentivize jointly identified targeted reforms, with increased technical assistance and secondment of national and EU experts to support domestic reforms and enhance administrative and absorption capacity. Financial support to encourage the most security-relevant reforms should meanwhile be increased.

Given the relative poverty and the low competitiveness of the candidates' economies, there needs to be a heightened focus on cohesion. Increased EU transfers will be needed to mitigate the effects of market opening, as well as a regulatory approach to manage a transition phase. During this phase, measures to prevent core industry and asset buyouts in candidate countries and incentives for skilled labour to remain in or return to candidate countries should be foreseen.

Trust building and geopolitical alignment

Early socialization and trust building with future members have been part of enlargement policy for 30 years and remain particularly important given geopolitical challenges. An important signal to applicants, in particular those that have been waiting for progress for a decade, is that the EU commits to being ready for enlargement by 2030, while candidates commit to meeting the accession criteria as soon as possible.⁶ This joint commitment could enhance trust in the accession process, which has been hindered by a lack of dedication and progress in recent years. The new EU political leadership should embrace this goal and the requisite reform process. A joint summit with the political leaders of all candidates should take place in early 2025, once the new EU leadership is fully in place, to provide new impetus and to kick off discussions about the future of the EU involving current members and candidates alike.

Secondly, geopolitical alignment should be fostered in the accession process, notably on sanctions policy, de-risking and, more fundamentally, the principles of the UN Charter. For this, a strategic dialogue on an equal footing among candidates and EU member states and institutions should be established. Also, the European Political Community (EPC) should be used every six months for related discussions.

Avoiding political blockages

Trust building and conflict resolution are also tasks for candidates among themselves, in particular if they risk blocking each other's accession. To address this risk, the European Commission should work with smaller groups of countries, notably those with bilateral conflicts, and move to a "regatta accession" backed by a merit-based approach. Moreover, accession treaties could contain clauses on a transitory period that takes away these countries' right to vote on future enlargements for a jointly agreed timeframe.

In addition, the EU's ability to take decisions on the negotiation chapters independently of national interests and conflicts needs to be strengthened. Qualified majority voting (QMV) should be used to approve new stages, preventing individual

⁶ The proposals are based on the Franco-German Working Group on EU Institutional Reform, '[Sailing on High Seas: Reforming and Enlarging the EU for the 21st Century](#)', September 2023.

member states from blocking progress. In the end, however, the final decision on the actual accession of a candidate must be taken with “double unanimity” of all member states in the European Council and national ratifications of the accession treaty, which is why measures to improve democratic legitimacy are needed.

Democratic legitimacy: parliaments' and citizens' participation

Democratic legitimacy throughout the accession process should be encouraged by close dialogue between the European Parliament and national parliaments of both member states and candidate countries, as well as peer-to-peer consultations between parliamentarians from the EU and candidate states.⁷ Parliamentarians in EU and candidate countries alike will have to play a key role in explaining and legitimizing the accession and reform processes under way.

The accession of up to 65 million citizens, adding diversity in culture, languages, economic models, and education and media systems, will only fully succeed if acceptance is deep both within the EU and the accession countries. The EU should thus develop its participatory mechanisms by linking them more closely to EU decision making and by using digital tools more decidedly. Citizens' panels should be institutionalized, enjoy high visibility and significantly support important decisions such as the realignment of existing policies, treaty reform or enlargement. The European Commission needs to consider the results of European Citizens' Initiatives more transparently and should assess and support new civil society led participatory initiatives where they foster the EU's goals (e.g. in the field of sustainability). Bringing together citizens, parliamentarians, and representatives from civil society, youth movements, and unions from candidate countries with their EU counterparts, would ensure that diverse voices are heard, encourage mutual understanding and establish a sense of ownership prior to formal EU accession.

Decision-making authority and cost sharing should align with participation in deeper integration formats.

A more flexible EU and the non-negotiable principles

With possibly over 35 member states, the EU needs to change in order to retain its capacity to act. The Union already has an impressive toolbox for differentiation, such as transition clauses after new member states' accession, temporary derogations, enhanced cooperation, permanent structured cooperation (PESCO) or conditional participation and treaty-based opt-outs. Despite the need for more flexibility, differentiation should remain within the EU framework, to preserve institutional integrity and ensure that participation is open to all member states. Decision-making authority and cost sharing should align with participation in deeper integration formats. The development of fiscal capacities, in the form of new own resources, budgets based on member states' contributions and/or borrowing capacities, should become possible. In the absence of unanimity on treaty change, a supplementary treaty could be signed among member states willing to seek deeper integration.

In order to ensure that the willing can move ahead, pioneer groups should be able to protect their goals and principles: if a member state hinders the group's progress and diverges from its objectives, there should be a possibility to suspend its core group membership, while its EU membership remains in place. In a more diverse EU, there are also likely going to be more opt-outs, e.g. if a treaty revision deepens integration, either by adding new competences or extending QMV.

Yet, exemptions from the existing *acquis* or EU core values should not be possible. Internal differentiation indeed has limits, particularly concerning disagreements over

⁷ Ibid.

... enlargement is back as the most effective tool to secure geopolitical stability on the European continent.

the primacy of EU law or rule of law issues. The principles and values enshrined in Article 2 TEU are non-negotiable for EU membership and should underpin staged accession as early as possible. For countries unwilling to comply with the norms laid out in Article 2 TEU, a new partnership status with the EU should be designed.

New approaches in enlargement policy

In the new geopolitical reality after Russia's full-scale invasion of Ukraine and a rebalancing of global power relationships, enlargement is back as the most effective tool to secure geopolitical stability on the European continent. However, the EU needs to reconsider its current approach to the accession process. On a practical level, successful enlargement requires stronger pre-enlargement policies, aiding candidate countries' transformation and stabilization with sufficient financial backing and credible incentives. In this logic, the European Council Conclusions of June 2022 refer to gradual integration and the recently published new growth plan offers Single Market access to the Western Balkans. More offers on gradual integration should be developed to ensure practical progress with important stabilizing effects.

Besides increased flexibility in the accession process – to fit the new reality in a larger EU – the EU as a whole needs to embrace flexibility: in the event of deadlock, member states seeking closer cooperation should advance in smaller groups based on the framework provided by the EU Treaty and embedded in the institutional framework of the EU. Irrespective of any new flexibility in the accession process or in the EU's functioning, compliance with the EU's fundamental principles and values and the *acquis* should remain indispensable for EU membership.



Daniela Schwarzer is a member of the Executive Board of the Bertelsmann Stiftung and honorary professor of political science at Freie Universität Berlin. She was co-rapporteur of the working group on EU reform and enlargement, convened by the French and German governments, which submitted its report in September 2023.

Fit for 35 Forum aims at contributing to the discussion on enlargement and reform of the EU. The Forum is set up by SIEPS, initiated and managed by Göran von Sydow (Director) and Valentin Kreiling (Senior Researcher in Political Science) and edited by Patricia Wadensjö (Editor).