

# Ready, set, go? How to prepare EU democracy for enlargement

Can the EU accommodate an increased political and cultural diversity after a next round of enlargement? In this contribution, **Saskia Hollander** (Senior Research Fellow at Clingendael) assesses the impact of EU enlargement on the EU's capacity to uphold democracy and the rule of law and project core values within its borders.

The enlargement of the European Union (EU) with the Western Balkan and Eastern candidates will further increase the Union's political and cultural diversity. These candidates bring to the Union not only a diversity of cultures and languages, but also palettes of political-social values that are not fully in line with the liberal-democratic values that have long underpinned European integration. Article 2 of the Treaty on European Union (TEU) assumes that all Member States subscribe to the EU's core values – respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights – and that their societies are characterised by pluralism, non-discrimination, tolerance, justice, solidarity and gender equality. These values are [already under pressure](#) in several EU Member States. With the accession of current candidate countries, the group of Member States and citizens in the Union who do not fully subscribe to these core EU values will likely increase (even) further.<sup>1</sup>

Will the EU retain both external and internal credibility as a community of values?

Although this enlargement may be [inevitable](#) from a geopolitical perspective, it raises fundamental questions about how much fragmentation of values the EU can accommodate. Reaching consensus on normative positions – such as condemning third countries' human rights violations – is already difficult in a Union of 27, let alone in a Union of 35 Member States. Moreover, it raises questions about how much diversity the populations of the Member States are willing to let into the EU in times of political polarisation and rising anti-pluralist forces. It points to the need for the EU's political leaders to stimulate more political and public debate on enlargement and include positions of EU citizens in the decision-making.

Whether Europe is ready for enlargement depends on the extent to which the acceding countries endorse the EU's fundamental values, but certainly also on how political leaders in current Member States deal with EU enlargement at home. This contribution first assesses the state of the so-called *fundamentals* in the candidate countries. Thereafter it focuses on enlargement-readiness of the EU. First, by evaluating the EU's toolbox to uphold the rule of law and democracy after enlargement, and second, by assessing the embeddedness (or lack of it) of enlargement among the European public.

<sup>1</sup> The author would like to thank Louise van Schaik, Camille van Hees and Saskia Legein for their valuable input. The argument in this piece is based on an analysis conducted by Clingendael on the basis of data from the European Values Study (wave 2017–2021). See for the (Dutch) report: Saskia Hollander (forthcoming) 'In waarden verenigd of verdeeld? De impact van EU-uitbreiding op de democratie en rechtsstaat in de Unie en haar lidstaten', Clingendael Institute.

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### Fundamental values in candidate countries

Because of the importance of upholding the Union's fundamental values for the integrity of the internal market and the Union's capacity to act as community of values, the conditions for joining the EU – the so-called Copenhagen criteria – are strict. Moreover, the new enlargement methodology places a greater emphasis on adhering to these criteria than before. With the democratic backsliding in Hungary (and until recently Poland) fresh in mind, adherence to the fundamentals has become a central element of the EU-accession process. This includes, among others, that candidate countries need to adopt (and uphold) well-functioning democratic institutions, adhere to the principle of judicial independence, implement solid anti-corruption policies, and guarantee the protection of fundamental rights.

According to the Commission's latest [Enlargement Package](#) most candidates have made progress on the accession criteria but still have a long way to go. Montenegro is furthest in the process. It received a positive assessment on the interim benchmarks for the rule of law chapters, paving the way for the closing of some negotiation chapters and for joining the Union in foreseeable time. In addition, both Ukraine and Moldova have been able to maintain their reform enthusiasm, despite the tremendously difficult context. Also Albania and North Macedonia booked progress, notably with the adoption of roadmaps to the rule of law and public administration reform. At the same time, in North Macedonia, the adoption of the roadmap on the protection of minorities is still pending.

Serbia has officially fulfilled the benchmarks to open the negotiation chapters related to competitiveness and economic growth but is far from progressing on the fundamentals. This has to do with its warm relationship with Russia. These concerns about close ties with Russia also apply to Bosnia and Herzegovina, where progress on the fundamentals is equally limited. Moreover, Georgia has backslid on the fundamentals, leading to a *de facto* freezing of its integration progress. Also, based on value-research conducted by the [European Values Study](#) (EVS), it can be concluded that core EU values like gender equality, non-discrimination and tolerance towards LGBTQ are not fully undescribed by (part of) the citizenries of candidate countries.

This underlines that democratic reform and consolidation are delicate processes, which requires vigilance and time to ensure that the reforms are truly embedded rather than being merely box-ticking exercises. At the same time, the current geopolitical context may not allow for this time, and there is a need to make them members of the EU family rather quickly to avoid the region falling into the grip of Russian or Chinese influence.

### Applying the EU instruments to protect the rule of law

Since the EU is about to enlarge to countries where the rule of law and democracy are vulnerable, it is even more important that the EU effectively applies its toolbox to protect democracy and the rule of law once countries have joined the Union. Until recently, the EU only had the treaties to address such vulnerabilities, namely *Article 7 TEU* – by which certain rights of a Member State can be suspended – and the *infringement procedure* – by which the Commission can refer a violation of the Treaties to the EU Court of Justice. Both instruments have been insufficient to address structural rule of law violations. Article 7 has never been fully triggered because this essentially requires unanimity of Member States (minus the country in question), which was never feasible. In addition, although infringement procedures have been triggered to address rule of law violations in Hungary and Poland, both countries have

in the past simply refused to abide by the Court's rulings – leading to high financial penalties.

The Union's rule of law toolbox has recently been expanded, most notably with instruments to uphold EU funding in case fundamental values are undermined. In 2020, the Rule of Law Conditionality Regulation was introduced ([Regulation EU 2020/2092](#)). Based on this regulation, funds can be withdrawn *ex post* if a country commits rule of law violations that affect the financial interests of the Union (such as corruption). Second, with the Common Provisions Regulation (CPR) ([Regulation EU 2021/1060](#)) of the current Multiannual Financial Framework (2021–2027), the reception of Structural Funds is made *ex ante* conditional on the adherence to the *EU Charter of Fundamental Rights*. Also the emergency funds under the Recovery and Resilience Facility (RRF) that were introduced during the COVID-19 pandemic and the energy crisis, are based on this type of *ex ante* conditionality, meaning that to obtain them, countries must adhere to the rule of law and respect for European fundamental rights.

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With these, the Commission certainly has more sticks to use to keep countries in line, including the potential new Member States. Yet, there are still [quite a few issues](#) when it comes to the effectiveness of rule of law conditionality. Notably, the instruments have become politicised, thereby sacrificing long-term effectiveness. Under the CPR, funds have been withheld for both Hungary and Poland. Yet, for Poland, the funds have been fully released following Donald Tusk's election win in October 2023, despite rule of law vulnerabilities not being completely solved. In Hungary, part of the frozen funds were released after the country promised to implement a [reform bill](#), by which it would sufficiently comply with the condition regarding the independence of the judiciary. Nevertheless, this bill only partially addresses the long-standing issues that the country has with the rule of law and fundamental rights. Both [experts](#) and the [European Parliament](#) argue that the decision to unblock funds was politically motivated after Viktor Orbán's threat to veto the start of EU accession talks with Ukraine.

In addition, the distinction between the various budgetary instruments is ambiguous and they have not always been clearly applied. The Conditionality Regulation has only been used against Hungary, thereby freezing roughly 6.5 billion euro of three Cohesion Funds programmes. [Accordingly](#), the Commission has not made clear why only these three programmes were affected by the risk of corruption and why this would add up to freezing this specific amount of money.

Such lack of clarity and transparency makes the EU's rule of law toolbox susceptible to political manoeuvre, thereby affecting its long-term effectiveness. Especially in the wake of EU enlargement, it is important to improve the application of the rule of law instruments and follow up on the [recommendations](#) of the European Court of Auditors in this respect. These recommendations include, among others, to provide more clarity, to base proposals to lift budgetary measures on solid evidence (rather than political motivations) and to systematically assess how rule of law violations affect the financial interests of the EU. Having a strong toolbox that is applied consequently and in a non-political matter is crucial to accommodate enlargement risks related to possible backsliding on the fundamentals.

### Embedding EU enlargement in Europe's public sphere(s)

In order to guarantee democratic stability in the post-enlarged EU, it is also crucial that Member States have an eye on how the accession of new countries affects their

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democratic polities at home. EU enlargement stretches the boundaries of the European community at a time when many European citizens yearn for a clearer demarcation of their community – as demonstrated by increased support for nationalistic and Eurosceptic political parties. With the European public [not being overwhelmingly enthusiastic](#) about EU enlargement, there is a risk that the issue will become a source of discontent, erode support for the EU as such and further fuel support for nationalist radical-right parties.

In this respect, it will be crucial for EU leaders to invest in their democracies *at home*. This implies, firstly, that citizens are not presented with a *fait accompli* and that their legitimate concerns and perspectives about this enlargement are addressed in the political debate and decision-making. To enhance citizens' influence on the future of EU enlargement, it is important that national parliaments in the EU are actively involved and able to influence EU-accession processes. National parliaments have that influence formally by being able to hold government leaders accountable regarding decisions in the European Council. Yet, in practice this proves difficult due to a lack of timely information about important decisions or the prioritisation of other (geo)political interests.

Secondly, embedding enlargement in national democracies starts with properly informing the EU citizenries about the steps in the enlargement process, and by facilitating cultural exchange between them and the citizens of future Member States. For a functioning democracy, such a well-informed *demos* is essential. Citizens who are not well informed on political issues are more susceptible to disinformation and framing. This risk is especially present in the context of EU enlargement, which is a process complex by nature, and which, moreover, confronts the public with an expansion of their community to new and largely unknown communities. Although having information available is by no means a sufficient guarantee for a well-informed and qualitative debate on enlargement (let alone for obtaining public support for it), a lack of it harms the democratic process and the credibility of the Union as such.

### Communicating enlargement trade-offs and risks

In addition to facilitating knowledge and cultural exchange, political leaders in Europe – both those who are sceptic about enlargement and those who are vivid proponents of it – could also be more honest about inevitable trade-offs and risks that are associated with enlargement. For example the trade-off between geopolitical interests and the Copenhagen criteria, and the risk of compromising on either. Only when such trade-offs are communicated and weighted in an open political debate can there be a proper discussion on the necessary tools to mitigate possible negative impacts. It is, for example, important to address legitimate concerns about further enlarging the EU to countries and citizens who do not subscribe to core EU values, even if this enlargement is necessary for Europe's security. This furthermore necessitates debates on strengthening the tools that the EU has to interfere when countries violate the rule of law, also when this includes inference in current Member States.

Including the European publics in EU enlargement, and the future of the EU in general, might be electorally sensitive in the short term, especially given the major electoral shift towards the radical and far right in several countries. Stirring up public debate in already Eurosceptic Member States could thereby weaken the negotiating room of governments at EU level. Yet, not including citizens could as well further

erode support for EU (enlargement) policy and the Union as such. Such long-term political costs of not preparing our national democracies for enlargement are, arguably, much higher, not only for a Union that aims to uphold its democratic values, but also for a Union that aims to have geopolitical clout.



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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).