

# SWP Comment

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## EU Enlargement: Geopolitics Meets Integration Policy

The EU Is Set to Add Gradualist Elements to Its Enlargement Doctrine

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Now that the European Council has given the green light to opening EU accession negotiations with Ukraine and Moldova, it is clear that the Union is no longer simply showing symbolic solidarity with neighbours invaded or threatened by Russia. Rather, a new chapter of enlargement policy is beginning in the shadow of war. After Turkey and the six Western Balkan countries, the third enlargement area is formed by Ukraine, Moldova and Georgia in Eastern Europe. Ever since Russia's full-scale invasion of Ukraine, Brussels has understood enlargement to mean expansion into strategically important regions. Geopolitical demands for rapid accession are gnawing away at the existing enlargement doctrine, according to which there can be neither compromises on the Copenhagen criteria for EU membership nor shortcuts along the path to accession. What is more, accession issues could soon enter the perilous waters of war diplomacy when lasting security for post-war Ukraine is at stake. In a bid to overcome the dilemma between geopolitics and integration policy, the European Commission is currently developing ideas about how new members can be integrated step by step.

In November 2023, the Commission presented what it described as an historic enlargement package, comprising 10 reports on the state of play and progress of the accession candidates on the path to joining the EU. At the same time, it published its growth plan for the Western Balkans. The Commission and the Council see enlargement as a cornerstone of the new bloc formation that will pave the way to a Europe without grey areas. This logic dictates that the EU adopt a fast pace of enlargement while sending a signal to Russia. However, reforms in the accession countries are

lagging in terms of both speed and depth – and that applies more or less to all 10 applicants.

The Commission had to take various factors into account when making its recommendations:

- That, in light of the Copenhagen accession criteria, EU actors have an interest in the most objective description possible of the country-specific situation and progress made to date;
- That the political message to be sent to reform forces and civil society in the 10 countries is that their progress will be



acknowledged and is worthwhile but the EU will not be hoodwinked by governments painting too rosy a picture; and

- That even though some of the 27 EU member states serve as advocates for one or the other candidate or use their negotiating power to achieve other goals, the Council must unanimously approve every step in the enlargement process.

This complicated situation explains why there are discrepancies and inconsistencies between some empirical findings and the conclusions reached in Brussels. The fact of the matter is that the Commission has made significant compromises, while the Russian war of aggression has acted as a major accelerator. In June 2022, candidate status was rapidly awarded to Ukraine and Moldova, followed by a similar decision being taken for Bosnia-Herzegovina in December of that year. Accession negotiations with Kyiv, in particular, will begin amid great uncertainty and will likely drag on if only moderate preparations are made for their launch. Early accession would be an option that inevitably entailed a large number of long transitional arrangements. And permanent exemptions from the obligations and, if necessary, the rights of membership might even be possible. However, today's EU is thinking less about on which terms enlargement will end than about how to keep that process going.

### **The four main decisions of the European Council**

The Commission has recommended that four countries advance one step in the accession process: Moldova, Ukraine, Georgia and Bosnia-Herzegovina. According to the Commission, the 2022 reform requirements have acted as an incentive for all four. Ukraine is seen as having fulfilled four out of seven of the required steps and Moldova six out of nine. It is therefore the Commission's recommendation that accession negotiations with these two countries be opened without any preconditions. However, the Council should adopt the respec-

tive negotiating frameworks only after Kyiv and Chisinau have implemented the outstanding reforms, all of which are fundamental for democracy and the rule of law. The Commission will report to the Council in March 2024 on what progress has been made in this area. Thus, the first intergovernmental conferences with Moldova and Ukraine could take place as early as spring 2024, following the very rapid screening of the extent to which legislation is harmonised with the legal acquis.

The Commission has also recommended granting candidate status to Georgia if the country addresses all 12 of the key priorities it has been set. So far, only three have been fully addressed (see SWP-Aktuell 58/2023). As regards Bosnia-Herzegovina, the Commission advises opening accession negotiations when – in accordance with the very fundamental proviso – the accession criteria have been met to the necessary degree. So far, the country has taken only the first steps towards implementing the 14 key priorities set by the Council in December 2022. Nevertheless, the Commission is of the opinion that Bosnia-Herzegovina's candidate status has triggered a positive dynamic and that the entire country should not be held jointly responsible for the “secessionist and authoritarian measures” in Republika Srpska. The Commission is to provide an updated assessment in March 2024. The European Council followed the Commission's recommendations in December, but the decisions taken were unanimous only because the votes were cast in the absence of Hungary (after Prime Minister Orban had left the room).

### **Obstacles to accession**

Russia's war of aggression has given new impetus to enlargement but does not remove the obstacles to accession, which remain largely the same as before February 2022. The Commission has carefully examined the state of democracy, the rule of law and external relations in the six Western Balkan countries (WB6) and in Ukraine,

Moldova and Georgia. The ranking that resulted from that assessment puts Ukraine at the top, ahead of Albania, and Serbia and Kosovo at the bottom. The Council took good note of the Commission's findings.

### **Cluster 1: 'Fundamentals'**

The common denominator of all the Commission reports is that there are serious deficits in fulfilling the EU requirements set out in Cluster 1. This cluster comprises "fundamentals" – the rule of law and democracy and thus the constitutional reality in the candidate countries. It contains five negotiation chapters, the two most important of which deal with the "Judiciary and Fundamental Rights" (Chapter 23) and "Justice, Freedom and Security" (Chapter 24). In terms of both principle and detail, they are closely related to the political and economic criteria of Copenhagen – in other words, democratic institutions, a functioning public administration and the rule of law are required, as well as a sound market economy that can withstand the competitive pressure of the European single market.

The reform steps and priorities that (potential) candidates are required to implement deal with these issues. For example, the 14 key priorities for Bosnia-Herzegovina concern, above all, the functioning of state institutions, the rule of law, the fight against corruption, media freedom and migration management. In the case of Georgia, the list is long: combating disinformation and foreign manipulation; ensuring free, fair and competitive elections in 2024 and passing the corresponding legislative reforms; reducing political polarisation and taking a more inclusive approach to drawing up legislation in the parliament; strengthening parliamentary control rights, including over security bodies; the independence of state institutions such as the central bank or the electoral authorities; the implementation of judicial reform, including the fight against corruption; the implementation of the de-oligarchisation action plan; improvements to the protection of human rights and media

freedom; and the inclusion of civil society in political processes.

The 2020 revised enlargement methodology directly addresses these neuralgic points. Accordingly, Cluster 1 will be opened first and closed last. The Commission breaks down Chapters 23 and 24 into interim benchmarks. After all, such far-reaching structural changes and the altered behaviour of individuals and institutions cannot be achieved in the short term but only over time. This requires broad-based support from political parties, a professional administration and an independent judiciary that enforces standards. In those countries that are, in effect, run by corrupt elites, there are significant problems with the separation of powers and the rule of law. Sharp internal political polarisation – such as that criticised by the Commission in the case of Georgia and Montenegro – not only stands in the way of efficient governance; it also reinforces the lack of respect among the population for the executive, the parliament and political parties.

The EU has been accused by civil society actors and pro-European opposition politicians in particular of releasing unduly positive assessments of autocratic governments and thus losing considerable credibility with the locals. Today, geopolitical considerations threaten to outweigh deficits in governance and the "fundamentals" or at least to push them into the background. It is only in the case of Turkey that the EU has clearly drawn consequences from an authoritarian turn; however, it has neither formally suspended nor cancelled the negotiations, opting only to freeze them. Nor has the EU upheld the idea of the reversibility of the negotiation process by imposing tangible sanctions – for example, the withholding of financial transfers – in any of those cases in which negative developments have been observed. Among others, this applies to Serbia, which Brussels expects to improve the overall pace of reform and adjustment in general – including with regard to the judicial system, the fight against corruption, organised crime and money laundering, respect for media free-

dom and the prosecution of war criminals. Because the government in Belgrade wants close relations with Moscow, it is not working in step with the EU when it comes to counteracting disinformation and the manipulation of information by Russia and China.

### **CFSP and bilateral conflicts**

The EU strives to act as a geopolitical player and present a united front in international politics. For this reason, it attaches considerable importance in the Common Foreign and Security Policy (CFSP) to candidate countries harmonising with the *acquis*. It expects both new and old member states to consult one another (Art. 32 TEU) and to support the EU's external and security policy actively and unreservedly in the spirit of loyalty and mutual solidarity (Art. 24 [3] TEU). The main harmonisation indicator is whether applicants support the relevant positions adopted by Brussels – i.e., the statements of the High Representative on behalf of the Union and the decisions of the Council, not least with regard to sanctions against Russia.

According to the latest Commission reports, Montenegro, Albania, North Macedonia and Kosovo are all model pupils in this regard, having aligned themselves 100 per cent with the CFSP in 2022–23. Ukraine's alignment was 93 per cent, Bosnia-Herzegovina's 98 per cent and Moldova's 78 per cent, whereby the last-named was on an upward trajectory. By contrast, Serbia and Georgia's alignment with European positions is only about half complete (51 and 43 per cent, respectively) and Turkey has made very little headway (10 per cent) – Ankara continues to perpetuate the long-standing trend of alienation and political detachment from the EU. As for Georgia, its alignment rate reflects its balancing policy towards Russia, while Serbia has been cultivating intensive relations with Russia and China for years, sometimes in a provocative manner, at the same time as conducting accession negotiations. Under President Aleksandar Vucic, Belgrade's domestic and

foreign policy is neither comprehensively nor consistently geared towards EU membership. Moreover, Serbia is the only country in the Western Balkans that has not joined Brussels' sanctions against Russia.

From the EU's point of view, the emerging bloc formation in Europe further requires new members to help shape and promote the Common Security and Defence Policy (CSDP), as well the planned expansion and deepening of cooperation between the EU and NATO. As the case of Turkey shows, NATO members can adopt positions on strategic issues and crisis reactions that deviate from or even run counter to those of the EU. But, more than ever, the congruence of membership of the EU and NATO can make a bigger contribution to the security and defence capability of member states as well as to the security of those countries' external borders than the Union alone can do. Albania, Montenegro and North Macedonia are already members of the Atlantic alliance. In the case of the three Eastern European countries, Ukraine and Georgia have declared their desire to join NATO; and it is the alliance itself – and many of its European members – that is hesitating. Meanwhile, forms of cooperation with NATO are being more systematically addressed in the Commission's reports, despite possible reservations on the part of the non-aligned EU countries Ireland, Austria, Malta and Cyprus.

With regard to Ukraine, it may be as early as 2024 (and before the US presidential elections) that the G7 states specify when and how they will make bilateral or coordinated security commitments to the country. That could lead to the EU being subject to explicit expectations and demands with regard to Ukraine's accession, which would quickly put the Union in a tight spot. Through key members such as France, Germany, Poland and possibly Italy, the EU should use diplomacy to ensure that its voice, interests and security offers are heard. To this end, orientation talks should be held among the 27 in a timely manner, as heterogeneous positions are likely to emerge in the European Council.

The security situation in Ukraine may remain precarious for some time to come, given the contested territories occupied or already illegally annexed by Russia. Similarly, neither Georgia (the breakaway territories of Abkhazia and South Ossetia) nor Moldova (Transnistria) exercises control over the entire national territory with which they are aiming to join the EU. Citing the case of Cyprus – which was admitted despite the de facto division of the island (!) – fails to acknowledge just how explosive the security policy situation of the three Eastern European countries is.

In South-Eastern Europe, there are still many unresolved conflicts over external borders, territories and ethnic affiliations within and between (potential) candidate countries. The EU is notorious for bilateral disputes between its members and candidates blocking the enlargement process. Amid such frictions, which harbour the potential for violent escalations and incidents, the Western Balkans remains a region of instability and a fragile peace. The EU, along with NATO, the United States and the United Nations, will have to ensure over the long term that the situation continues to be under control – for this reason, there are the KFOR troops on the border between Kosovo and Serbia and EUFOR in Bosnia-Herzegovina.

For Serbia and Kosovo, the negotiations with Brussels and the prospect of accession are not yet sufficiently strong incentives to resolutely normalise their bilateral relations. Along with the other WB6 states, they speculate about the EU's recent geopolitical vigilance vis-à-vis its rivals in the Balkans – namely, China and Russia – and point out that the prospect of accession, which was first offered to them back in 2003, has not still been realised mainly because the EU lacks the political will. The Union, for its part, emphasises that the countries are not yet ready for accession; but it has responded to this somewhat fruitless debate by demonstrating a certain openness to new approaches in enlargement policy.

## New gradualism in the enlargement methodology

There is little evidence of reform momentum in most of the Western Balkan countries – unlike in Moldova and, even under conditions of war, in Ukraine. Not least for this reason, the EU continues to develop its enlargement process incrementally. In its communication, the Commission did not want to jeopardise its recommendations to the Council on the advancement of the four countries' accession processes by also suggesting how those negotiations could be accelerated (for example, by abolishing the unanimity requirement for the benchmarks). However, starting points for new approaches already exist. Pointing the way forward is the formula for a gradualist enlargement policy, as set out in the European Council conclusions of June 2022: "To 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."

Through such an approach, a new gradualism – one that directly rewarded progress – would be established. In essence, the aim is to advance a country's political association and economic integration as far as possible before its formal accession. The enhanced association agreements (AA/DCFTAs) with Ukraine, Moldova and Georgia provide the broadest basis for achieving this goal. Article 1(d) of the agreement with Ukraine, for example, mentions the goal of gradual integration into the EU internal market, as well as the various measures for adopting legislation, some of which are similar to the mechanisms of the European Economic Area (EEA).

The Stabilisation and Association Agreements (SAAs) with the six Western Balkan countries, which date back to the 2000s, are narrower in scope than the AA/DCFTAs. Thus, the new growth plan for the Western Balkans with its four pillars is a welcome addition.

*Pillar 1:* The EU proposes that its internal market be opened for the WB6 in a selec-

tive and gradual manner. These countries would then apply the same regulations to one another. According to the Commission's proposal, the WB6 are to name their own preferences from among seven priority actions: (1) Free movement of goods manufactured in the Western Balkans following harmonisation with the EU's horizontal product standards and improved customs and tax cooperation; (2) Free movement of workers (initially involving only the recognition of professional qualifications) and services (tourism and e-commerce); (3) Access to the Single Euro Payments Area (SEPA); (4) Facilitation of road transport (integration of road transport in the region and access to information systems); (5) Integration of energy markets (electricity) and the decarbonisation strategy for the economy; (6) Digital single market (reduced roaming charges, cyber security cooperation); and (7) Integration into industrial supply chains, starting with sustainable raw materials value chains.

*Pillar 2:* Single-market integration is expected to give an additional boost to economic integration based on EU rules and standards for the Common Regional Market, which was agreed in 2020 as part of the Berlin Process. There is already an action plan in place and a governance mechanism – the Central European Free Trade Agreement (CEFTA) – that can be utilised.

*Pillar 3:* Governance and the rule of law should be improved, not least to create a more favourable environment for growth and economic reform.

*Pillar 4:* The EU intends to support economic reforms and national budgets with an additional €6 billion (non-repayable support accounting for one-third of that amount and loans two-thirds) disbursed over four years. Similar to the European Semester for EU members, the WB6 are to present their own reform agendas, whereby the national economic reform programmes (ERPs) and the Commission's progress reports could serve as the starting point. The Commission's aim is to interlock financial instruments and incentives to encourage more binding and targeted reforms. It intends to

allocate the funds on a country-by-country basis, on top of the thematic IPA III funds made available via the Instrument for Pre-accession Assistance. However, it is likely that the Council will want to be involved in the decision-making process. The money is to be disbursed at six-month intervals, provided that predetermined conditions are met. The German government should welcome the fact that the growth plan enables synergies to be created not only with the Berlin process, which it initiated, but also with the Germany-West Balkans climate partnership, which is being financed by Germany to the tune of €1.5 billion until 2030.

The size of the growth plan that the Commission wants to include in the current discussions on the EU budget up to 2027 is nowhere near as big as that of the cohesion funding for member states. However, the Balkan countries are already oriented towards the latter amount, which is why they are always dissatisfied with what they are offered. In the WB6, GDP per capita according to purchasing power parity is currently between 30 and 50 per cent of the EU average. Because of relative poverty and the low competitiveness of their economies, it is understandable that countries may not want to open their markets reciprocally to EU suppliers and have to depend on mitigating adjustments in the form of larger transfer payments from the EU. This, together with the challenging legal and technical problems involved in gradually opening up to the single market or even participating in it, means that integration will inevitably be limited if anything less than membership is achieved. Even an EEA-oriented alternative as an intermediate or final step would have to be supplemented by a strong cohesion component.

As regards political association, the EU has been testing forms of participation aimed at the early socialisation of future members since the 1990s, including structured dialogues and expanded (informal) Council meetings. It would be a much bigger step forward to institutionalise intermediate steps – as has been proposed with

the Partnership for Enlargement or European Political and Economic Area, both of which are modelled on the EEA. Such arrangements would also provide a safety net should accession negotiations come to a standstill or even fail.

Overall, the EU continues to rely on market access and transfers as levers to help improve the “fundamentals” and economic situation of applicants. The WB6 are competing with one another, as well as with Ukraine and Moldova, for attention, resources and political support; and this could spur more consistent reforms in some Western Balkan states.

## Negotiating framework and accession management

Entry points for “gradual integration” into the EU are also offered by the bilateral negotiation frameworks. This is where the Union determines how it wants to negotiate — for example, through the use of the benchmark system. Some would like to see that system abolished altogether, while others are in favour of no longer requiring unanimity for each benchmark so that processes can be expedited. Of particular interest, however, is whether the member states are eyeing transitional arrangements for a limited period only or whether they want to make them permanent and possibly exclude entire policy areas — such as the Common Agricultural Policy. After all, permanent exceptions are something rather different from varying speeds, such as when countries are joining Schengen or the euro zone. And they have already been mentioned as an option by the EU within the negotiating framework with Turkey. This would amount to partial membership through the back door.

Admission to the EU is based on a treaty under international law between the EU member states and the individual candidate country. The negotiations are not conducted multilaterally for good reason. However, when there has been a large number of applications in the past, the EU has ad-

mitted several countries at the same time, not least because this makes it easier to adapt the treaties in accordance with Article 49 TEU and to carry out the national ratification processes. However, the EU can provide incentives at the same time — as is now the case with the growth plan — so that candidate countries achieve a level of cooperation and integration between themselves that not only benefits them but also reduces the risk of their bilateral disputes burdening the EU after accession. In the case of the Western Balkans, such an approach would argue in favour of postponing the accession of those candidate countries that have met all the criteria until all six are ready. It would also increase pressure on the EU to adapt — at least as far as the reform of its institutions is concerned.

But those member states unwilling to support internal reforms of the EU are seeking to prevent such a “big bang” scenario. They would prefer to admit smaller countries one at a time over a longer period, so that the need to adapt the European treaties would be minimised. The WB6 have a combined population of just some 17 million. Thus, it is the admission of Ukraine — on which the 27 have managed to reach a fragile consensus at best — that is the key issue in every respect and would make the “big bang” really big. Ukrainian membership of the EU by 2030 would be tantamount to an accession being rushed through for geopolitical reasons and riding roughshod over the Copenhagen criteria and their integration-policy logic. In such an event, more radical changes than those currently being proposed by a Franco-German group of experts would be required.

## Wider Europe and the limits of enlargement policy

In Wider Europe, Ukraine is already de facto part of the Western security order. In other words, it is no longer a buffer state. While there are still some grey zones — such as the South Caucasus (Armenia and Georgia, despite Tbilisi’s relations with

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NATO), the Black Sea region and Serbia – they are shrinking. Europe is on the way to becoming a constellation in which a Euro-Atlantic bloc in the “West” and a Russian-Belarusian bloc in the East face each other. At the political, economic and security-policy level, the EU is striving for almost complete decoupling from Russia in order to isolate that country and contain its influence.

Under the bloc formation scenario, NATO and the US play a key role as the primary – and, in fact, the only – guarantors of hard security. The EU must pursue the closest strategic coordination with both if it wants to participate in order-building in its eastern neighbourhood. It cannot rely on the enlargement process alone to contribute to security, prosperity and democratisation. The Union must now utilise all its foreign and security policy options and develop them further under pressure from new external threats and demands. Only in this way will it be able to ensure that the diplomatic and military support it is currently providing to Kyiv continues in the long term. It is not enough to increase national defence budgets. Just as the 1999 Kosovo war served as the impetus for the European Security and Defence Policy (ESDP), so the CSDP needs to be expanded today – in areas such as defence industry cooperation, joint procurement, deterrence capabilities and interoperability.

At the Vilnius Summit in July 2023, NATO established the NATO-Ukraine Council as a strategic format because there is no quick and direct route to membership of the Alliance either. With the AA/DCFTA, the EU has created a backbone for Ukraine's economic and political integration. It can use the institutional structure of the agreement to conduct a security-policy and strategic dialogue of substance with Kyiv. Owing to the complex and unpredictable security situation, there is something to be said in favour of regarding Ukraine as a special case while integrating it fully into the enlargement process at the same time.

Large-scale reconstruction aid as well as long-term weapons aid and military cooperation are to supplement that process.

Turkey is the second, albeit rather different special case, as is evident from the Commission and High Representative's state-of-play report of 29 November 2023 on bilateral relations. Ankara's actions are now too autonomous and sovereigntist for it to want to submit to the asymmetrical rules of accession negotiations in the foreseeable future and become a member of a union based on shared sovereignty. In particular, Turkey is resisting pressure to converge on foreign and security policy issues – including the 50-year-old Cyprus conflict.

Meanwhile, it is the Western Balkan countries that are benefiting from the increased attention the EU is now paying to enlargement because of current geopolitical exigencies. The new gradualism gives both sides more flexibility and prioritises effective progress in integration over rapid membership for geopolitical reasons.

The German government should play an active role in shaping the gradual integration of the WB6. However, enlargement policy must not be weighed down by tasks and expectations. It is no substitute for foreign and security policy, especially not in the case of the three Eastern European candidate countries. The CFSP/CSDP must be geared towards a very long confrontation with Russia. The driving force should be the large member states, and the way forward is through the Permanent Structured Cooperation (PESCO). In addition, Germany should intensify cooperation within the European Quad – i.e., with France, Poland and the UK.

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