

A new approach to EU enlargement

SUMMARY

The Thessaloniki Summit (2003) opened the door to a European future for the Western Balkans. However, since then progress towards EU membership has been slow. The countries of the region have struggled to implement economic and political reforms, and the rule of law remains particularly problematic. The 2018 Enlargement Strategy for the Western Balkans gave new impetus to the enlargement policy, offering the six countries of the region a 'credible strategy' through enhanced EU engagement and indicating 2025 as a possible accession date. In June 2019, and again in October 2019, the Council postponed the decision to open negotiations with Albania and North Macedonia, despite the positive recommendation from the European Commission and the agreement of the European Parliament. By delaying this decision, the European Union was sending an ambiguous message to the region, reducing its credibility and potentially fuelling nationalistic rhetoric, whilst opening the door to the influence of third-country powers, in particular China and Russia. These problems have sparked a debate which has led to a fundamental re-think of the EU's enlargement policy. In February 2020, European Enlargement Commissioner, Olivér Várhelyi, announced a revised methodology.

The new approach aims to strengthen the process. It improves tools to push reforms forward, notably in the areas of the rule of law and the economy. It makes the accession negotiations more credible, more predictable, more dynamic and guided by a stronger political steer. The candidate countries need to deliver on the reforms they promised and the EU needs to deliver when they do so. The criteria will be made clearer and more concise on what is required. Dynamism also means that related issues will be negotiated together in clusters. This can speed up the process. However, if there is backtracking, the process can go backwards with chapters reopened and the level of negotiations scaled back. The Commission's new proposals also envisage further integration of Western Balkan countries into EU policies, programmes and markets, which would deliver some of the benefits of EU membership even before accession. These proposed changes, together with the updated report of the Commission on Albania and North Macedonia pave the way for a decision of the Council, on opening accession negotiations with these two countries, before the EU-Western Balkans summit, to be held in May 2020 in Zagreb, Croatia.



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The 'geopolitical Commission' and the Western Balkans

In June 2003, the EU-Western Balkans Summit in Thessaloniki opened the prospect of EU membership for Western Balkan countries. Since then, the enlargement process has stalled. According to the [Copenhagen criteria](#) established in 1993, candidate countries must have stable political institutions – guaranteeing democracy, the rule of law, and human rights – a functioning market economy, and the capacity to meet EU membership commitments. However, Western Balkan countries still fall far short of those standards. In 2019, concerns over democratic backsliding and corruption triggered [mass protests](#) in Serbia, Albania, and Montenegro. Serb nationalism threatened the unity of Bosnia and Herzegovina. While the resolution of the name dispute between Greece and North Macedonia in 2018 is a step forward, [Serbian-Kosovar relations](#) remain as intractable as ever.

The Copenhagen criteria also mention the EU's own capacity to absorb new members. Rule of law and respect for European values are looking increasingly questionable. Corruption is still rampant in several Member States. According to Transparency International's [Corruption Perception Index](#), Romania, Bulgaria and Croatia have made little or no progress in this area, and remain well behind the rest of Europe. 'Illiberal democracies' are dismantling media freedom and rule of law. Europe as a whole has been shaken by a series of crises, such as sovereign debt, migration, the rise of right-wing populism, and Brexit. All these developments stand in the way of EU enlargement.

The lack of credible accession prospects risks derailing Western Balkan reform efforts and eroding Europe's influence in the region. The European Commission has responded to this situation with a new [methodology for enlargement](#), announced on 5 February 2020 by European Enlargement Commissioner, Olivér Várhelyi. The announcement together with updated reports on the preparedness of Albania and North Macedonia is timed to prepare the possible opening of accession negotiations with these countries before the EU-Western Balkans Zagreb summit on 6-7 May 2020. Such efforts to give new momentum to enlargement and push back against [rival influences](#) from third countries tie in with the idea of a [geopolitical Commission](#) advocated by Ursula von der Leyen.

New and old approaches to enlargement

The new methodology can best be understood by comparing it to the approach applied to candidate countries in the 2004 and subsequent enlargements – most recently to Croatia in 2013. The 'classical method' of enlargement, as described by Christopher Preston, identified six principles, the most important of which was the full acceptance by applicants of the *acquis*. To become eligible for membership, candidate countries were required to undertake extensive reforms to transpose the *acquis*. However, despite legislative changes, European values and principles have not always become the norm in new Member States, as demonstrated by rampant corruption and 'illiberal democracy' regimes. As noted by [Pero Maldini](#), 'it remained questionable how (and how much) the accession process has influenced the consolidation of democracy' in these countries. As a result, the question arises as to whether candidate countries have the political will not only to adapt legal norms but also to align effectively and in an irreversible way with EU values and principles. Without genuine reforms, future accessions could risk widening even further the gap between countries that practise box-ticking legal compliance on the one hand – 'illiberal democracy' regimes – and those that are fully committed to European values and principles on the other – a development that contradicts the very foundations of European integration.

In addition to the Copenhagen criteria, two specific conditions were added for the Western Balkan countries: 'regional cooperation' and 'good neighbourly relations', as a basis for resolving many bilateral problems, including the Kosovo-Serbia dispute. To date the only positive element was the 'Prespa agreement' reached in 2018 between Greece and North Macedonia, under the United Nations' auspices, resolving a long-standing dispute over the latter's name. Sadly, although both countries are already EU Member States, the maritime border delimitation dispute between Slovenia and Croatia in the northernmost part of the Adriatic Sea, namely in the Piran Bay, is not yet solved.

Debate preceding the new methodology

[Pierre Mirel](#), former European Commission Director for Enlargement (2001-2013), was among those calling for a re-think of the Thessaloniki agenda in response to the region's 'worrying democratic setback'. Scepticism was also apparent at the European Council meeting in October 2019, where the leaders of Denmark, France, and the Netherlands objected to opening [accession](#) talks with Albania and North Macedonia. The French government followed up a month later with a six-page 'non-paper' on [Reforming the European Union accession process](#). The document suggested reforming enlargement policy, based on four principles, including gradual association, stringent conditions, tangible benefits, and reversibility. In addition, instead of opening [35 negotiation chapters](#), the proposal suggested a seven-step process, gaining access to selected EU programmes and funds along the way before arriving at full membership.

Already at his [hearing](#) in the European Parliament on 14 November 2019, Enlargement Commissioner-designate Oliver Várhelyi announced that he was 'willing and able, capable, to work with those Member States who had concerns, [and to] engage right away with those Member States to address them'. For him, a renewed enlargement methodology 'would need to be enhanced in a way that creates more dynamism, the possibility for more dynamism for those candidate countries who can and who wish to move faster. On the other hand, for those which are going slower, we will have to slow down also the enlargement process.'

New principles of the enlargement methodology

The new [methodology](#) includes four principles – credibility, predictability, dynamism, and a stronger political steer – and six thematic 'policy clusters' – (1) fundamentals, including rule of law, (2) internal market, (3) competitiveness and inclusive growth, (4) green agenda and sustainable connectivity, (5) resources, agriculture, and cohesion, and (6) external relations. The new methodology could speed up the negotiation process, if reforms were to be adopted before opening of the clusters. In that case, talks would only need to tackle implementation of the *acquis*. During his presentation to the European Parliament's Committee on Foreign Affairs (AFET) on 5 February, Várhelyi [estimated](#) that under this set-up, a policy cluster could be closed in around one year, compared to the six to eight years that it currently takes to close a chapter. Special attention will be paid to the rule of law, as this area was identified in the [June 2019 Council conclusions](#) as 'a fundamental value on which the EU is founded, ... [lying] at the heart of both the Enlargement Process and the Stabilisation and Association Process.' Combining accession negotiation [Chapter 23](#) – Judiciary and Fundamental rights – and Chapter 24 – Justice, Freedom and Security – the 'rule of law' cluster – also referred to as 'fundamentals' – will be at the heart of the accession negotiations. Under the new methodology, it will be opened as the first cluster and remain open during the whole negotiation process.

The new methodology aims to replace the transactional approach and ensure irreversible reforms. It will do this through a 'stronger political steer'. Whereas accession negotiations are now largely a technical process in which the Commission plays the dominant role, in future there could be more involvement and scrutiny from the Council and the Member States – although arrangements for this have yet to be defined. Western Balkan countries would also have more ownership of the process, for example through regular 'Western Balkans summits.' As opposed to the 15 years between the Thessaloniki and Sofia Summits, in 2003 and 2018 respectively, future summits will be held much more frequently, probably every other year.

Following this proposal, the Commission published an update of the reports of Albania and North Macedonia on 2 March that confirms the preparedness of these countries to open accession negotiations. The next step could be a decision of the Council to open accession negotiations with Albania and North Macedonia based on the revised methodology. The current candidate countries, Montenegro and Serbia would also have the option of applying the new approach to at least some parts of their ongoing talks; Belgrade has already [indicated](#) that it is willing to consider this for economic aspects, within the 'competitiveness and inclusive growth' cluster. The third step will be

the 6-7 May 2020 Zagreb summit. This is expected to discuss plans for subsequent EU-Western Balkans summits. Another topic on the agenda at Zagreb will be a new strategy for economic development and investment for the entire region, to be drawn up by the European Commission. Furthermore, to counter Western Balkan frustration at the slow pace of progress towards EU membership, Várhelyi envisages that closer EU-Western Balkan cooperation would build on the existing [Stabilisation and Association Process](#). Combined with the above-mentioned investment plan, this will help to provide 'clear and tangible incentives' even before accession.

Increased funding and investments – including through a performance-based and reform-oriented Instrument for Pre-accession (IPA) support – and closer cooperation with international financial institutions are part of the new proposal. The new methodology also opens doors for 'phasing-in' to individual EU policies, the EU market and EU programmes. Western Balkan researchers already participate in Horizon 2020 projects; according to [Commissioner Várhelyi](#), in future Western Balkan governments could be more closely involved in discussions on policy development: 'We would like to include [Western Balkans countries] at top-level, ministerial-level engagement, in all areas where these countries are participating fully. For example in Horizon 2020, when Ministers are discussing in the Council, the future of Horizon 2020 or the usefulness of Horizon 2020, these countries should also be invited to be part of the discussion so that they know and see what is required when you are a Member State.' The hope is that these changes will provide new impetus to the stalled enlargement process, overcoming scepticism and frustration on both the EU and Western Balkan sides. As European Parliament President David Sassoli put it at the [First Western Balkans Speakers' Summit](#), 'we urgently need to give new impetus to the enlargement process by delivering concrete results'. Closer cooperation should translate into a realistic political agenda leading towards irreversible reforms, a renewed engagement with the Western Balkan region, and ultimately to EU accession.

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