EU Enlargement and Successful Integration: Is There a Way?

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Michal Petr



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Introduction: EU Enlargement and Successful Integration

Michal Petr

Abstract

This chapter introduces the book *EU Enlargement and Successful Integration*. It examines the evolving landscape of European Union (EU) enlargement and the conditions necessary to ensure the successful integration of future Member States. Against the backdrop of the European Commission's 2025 Enlargement Package and renewed political momentum for enlarging the EU, this chapter argues that enlargement cannot be assessed merely by the formal admission of new members; it must also be evaluated through the quality of post-accession integration. A multidimensional framework is proposed for evaluating integration – economic, legal and political – combining measurable indicators such as GDP convergence and infringement proceedings with qualitative assessments of public support and political alignment. The chapter outlines four core research questions guiding the book: the organisation of enlargement processes in past rounds; the effectiveness of the integration of earlier entrants; the preparedness and political dynamics of current candidate states; and the reforms needed within the EU to enable the next phase of enlargement, as well as possible alternatives. It explains the scope and methodology employed throughout the publication. In addition, the chapter highlights three cross-cutting issues that shape enlargement outcomes: fluctuating public support in both candidate states and the EU; the unresolved question of the EU's future constitutional architecture; and the potential need for alternative forms of association short of full membership. It concludes that enlargement and internal EU reform are interdependent processes, and that the long-term success of enlargement will depend on both the EU's willingness to adapt and the candidates' capacity to meet increasingly demanding criteria.

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1. Introduction

After almost 70 years of existence, the European Union (EU) has grown from the original six to its current 27 members. Nine more states currently hold the status of candidate country, and thus have the potential to become future Member States. From the very outset, the EU (then the European Economic Community, EEC) sought to admit other European countries,[1] and many states were indeed eager to join it. Despite being a founding member of the European Free Trade Association (EFTA) since 1960, the UK applied for EEC membership in 1961, followed shortly by two other EFTA members, Denmark and Norway, as well as Ireland. Even before that, Israel and Greece, as well as Türkiye, had expressed their interest in 1958 and 1959, respectively.[2] The first actual enlargement nonetheless took place only a decade later.

Surprisingly, it took more than 30 years (during which the number of Member States more than doubled) to adopt clear rules governing the enlargement procedure. These rules are currently undergoing a profound change. The concept of 'gradual integration' was introduced in 2020[3] and the process is being significantly expedited (in particular as compared to the last decade) due to geopolitical conditions.

In November 2025, the Commission adopted the latest Enlargement Package, its annual communication on enlargement policy ('Enlargement Package 2025').[4] According to Kaja Kallas, the Commission's High Representative for Foreign Affairs and Security Policy,

> The enlargement process is moving faster today than in the last 15 years. […] The window for enlargement is wide open and we have to seize the opportunity now. New countries joining the EU by 2030 is a realistic goal.[5]

Even though the enlargement process may have accelerated, actual enlargement still seems rather distant. This gives us time to think more about the process itself. Have the previous instances of enlargement been a success? And what can the EU do

1 The preamble to the original Treaty Establishing the European Economic Community has already declared that the signatories of the Treaty are 'calling upon the other peoples of Europe who share their ideal to join in their efforts'.
2 Urwin, 1994, p. 116.
3 European Commission, 2020.
4 European Commission, 2025.
5 European Commission, 2025a.

to make sure that future Member States are successfully integrated? These are the key questions this book will strive to answer.

2. Objectives and Methodology

Enlargement is not a goal in itself. In order to be successful, new members must be integrated with the existing Member States. The quality and success of enlargement is therefore not to be measured by whether the procedure led to membership of a new country (the purpose of enlargement *stricto sensu*), but whether the new county managed to integrate itself with the EU and its other members. This book therefore focuses not only on the enlargement as such, but also on the quality of subsequent integration.

This being said, what constitutes a successful integration? I argue that this issue needs to be addressed on three levels: economic, legal, and political. The economic level is arguably easiest to address, as it can be directly quantified and measured. In essence, has the gross domestic product (GDP) increased as a result of EU membership? Additionally, has the membership of a new country had a positive effect on the GDP of the others?

The political level is more complex, though some aspects of it may be directly measured as well. Key questions include whether the majority of the population of the new Member State happy with its membership? Do the populations of other Member States express support for membership of the new one? At the same time, the political level is more nuanced. For example, has EU membership enhanced the ability of a new Member State to secure its priorities in international relations?

Finally, concerning the legal level, this should, in theory, be easy as the candidate country must fully align its legislation with the whole of the EU *acquis* before its membership. In practical terms, however, full alignment is hard to achieve. It is also difficult to assess, without a detailed and technical comparative analysis of the respective legal orders. Still, a good proxy may be the number and success rate of infringement proceedings.

These three levels of integration correspond with the accession criteria as understood today. The criteria that the candidates need to comply with stem from Art. 49 of the Treaty on the Functioning of the European Union (TFEU). Essentially, there are two conditions: a geographical one (any European state) and a value-based one (a state that respects the values referred to in Art. 2, TFEU), i. e., respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, including the rights of persons belonging to minorities. These were specified in particular by the so called Copenhagen Criteria.[6] They include the (1) political criteria,

6 European Council, 1993, Point 7.

i.e., stable institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities; (2) economic criteria, i.e., a functioning market economy and the capacity to cope with competition and market forces in the EU (corresponding with economic alignment); and (3) *acquis*, i.e., the ability to take on the obligations of membership.[7]

To simplify, whether the integration of a particular new Member State has been successful may be assessed on the basis of four criteria: (1) how much is its economy aligned with the EU and the internal market (economic alignment); (2) how much is the legal order of a particular state aligned with EU legal order (legal alignment); (3) to what extent is EU membership endorsed by its population (internal acceptance); and (4) to what extent is this Member State 'accepted' by the other Member States (external acceptance).

2.1. Objectives

The ultimate goal of this publication is to identify the ingredients that contribute to the successful integration of a new Member State – namely, a situation in which its economy and legal order are aligned with those of the EU, its membership is supported by the population of the given state, and the state's membership is not questioned by the rest of the EU.

To do so, we will describe the previous rounds of enlargement and identify their distinctive features. We will then try to assess how effective the integration of those states was, on the basis of the aforementioned criteria. Finally, we will concentrate on some of the candidates, illustrating their experience with the enlargement process so far and then discussing the measures needed to achieve their successful integration, if and when accession occurs.

These objectives shall be attained by answering the following research questions:

(1) How was the enlargement process organised in the past? In order to answer this question, we will focus on the following features: (a) what requirements did the EU have for acceding countries; (b) what procedures and institutions were introduced for the purposes of the enlargement process, and how were the acceding countries integrated into the EU institutions; (c) what legal and economic support was provided to the acceding countries; and (d) what transitory periods and derogations from the EU law were included in the accession agreements, i.e., how specific the accession conditions were.

(2) How successful was the integration? To answer this, we will focus on (a) legal criteria, in particular the number and object of infringement procedures directed against the 'new' Member States; (b) economic data of the 'new' Member States, enabling assessment of their growth and alignment with the internal market; and (c) the evolution of the perception of EU membership in the 'new' Member States.

7 Kellerbauer, Klamert and Tomkin, 2020, p. 391.

(3) How do the current candidate countries prepare themselves for future membership? To answer this question, we will necessarily have to concentrate only on a few selected countries. We will first discuss the case of Serbia – specifically its own perception of the enlargement process and its vision of its future membership, including temporary provisions and derogations from the EU law. We will also examine post-Soviet countries, including the specific experience of Georgia.
(4) What specific features should be included in the current enlargement process to help achieve successful integration of future members? To answer this question, we will describe the current enlargement procedure of 'gradual integration' and discuss its possible alternatives. An inevitable part of the analysis will also be the identification of amendments that need to be made to the current framework of the European Union.

2.2. Methodology

To answer the first research question, concerning previous experience with the enlargement process, all the authors involved in this project answered a standardised questionnaire. Thus, for the purposes of this study as well as possible future research, we created a structured dataset covering the countries involved in the 2004 'Eastern' enlargement (Czech Republic; Hungary; Poland; Slovakia; Slovenia), followed by Romania (2007) and Croatia (2013), the last country to join the EU. These are accompanied by a questionnaire with Serbia as a case study from Western Balkans and Moldova as a case study from the post-Soviet region.

Four chapters are dedicated to answering the first research question. They are based on both the standardised questionnaire and standard methodology of doctrinal legal research. Although particular emphasis is placed on the latest rounds of enlargement (2004, 2007, and 2013), the research covers all the enlargement instances.

The means to answer the second research question, concerning the effectiveness of post-enlargement integration, are the most diverse. Both qualitative and quantitative legal research are used to assess the legal alignment of the 'new' Member States in the light of infringement procedures brought against them. Concerning the economic effects, vast quantities of economic and statistical data are analysed by an economist. Finally, the political and sociological implications of membership are analysed based on extensive quantitative research, performed by a political scientist. Given the depth of the research, this question is answered with regard to the four Visegrad countries (Czech Republic; Hungary; Poland; Slovakia), even though other countries are also taken into account.

Regarding the third research question, concerning the candidate countries, most attention is devoted to the Western Balkan countries, given their geographic proximity and relative closeness of the possible entry date. The state of their accession process and the perception of it by the population of the Western Balkans is analysed

by a political scientist. We decided to focus further on Serbia. It is not an 'easy' case, as Montenegro (and to some extent, Albania) has a realistic prospect of closing all the negotiation chapters in the near future. At the same time, it does not have very specific conditions and negotiations (not yet commenced) that are expected to take a long time, as would be the case with Bosnia and Herzegovina or Northern Macedonia. Standard legal doctrinal research is used *vis-à-vis* Serbian enlargement negotiations and the country's attempts to secure temporary exemptions and derogations from the *acquis*.

A similar approach is adopted with respect to the post-Soviet countries. A general description by a political scientist is followed by a case-study on Georgia, using standard legal research methodology.

Finally, for the fourth research question – the road ahead – diverse methodological approaches needed to be employed as well. We start with what needs to be done before the next enlargement ultimately occurs. This are answered by two lawyers, one from the 'original' group of founding members (Germany) and the other from among the relatively 'new' members (Slovenia). These analyses are accompanied by a study on the most fundamental principles of EU integration, which are to be imposed on the perspective new members. Standard qualitative legal methodology will be employed. Answering these partial questions will enable us to move to the enlargement process as it stands today. We first analyse the relatively recently adopted method of 'gradual integration', followed by an exploration of its possible future modifications and alternative approaches. Again, standard qualitative legal methodology is employed.

2.3. Structure of the Book

The structure of this book corresponds to the research questions. It is divided into four main parts, each dedicated to answering one of the four questions. Each part opens with a brief introductory chapter, explaining in more detail the question, its relevance, and the way in which it is to be answered, followed by a concluding section answering the question itself. Annexed at the end of the book are the standardised questionnaires, summarising the enlargement experience of the selected countries.

Part one covers the experience of EU enlargement so far. It opens with an analysis of the requirements for the candidates, written by Petar Bacic, Croatian professor of law. This is followed by a chapter on procedural and institutional arrangements for the purposes of the enlargement process, written by Eva Zorková, senior researcher from the Czech Republic; a chapter on legal and economic support for the candidates by Kateřina Frumarová, Czech professor of law; and a chapter on exemptions and derogations by Slovak professor Alena Krunková. Professors Bacic, Krunková, and Zorková have also authored the country reports on Croatia, Slovakia, and Czech Republic.

Part two explores the effectiveness of integration. A legal analysis of the infringement procedures addressed to the Visegrad countries is presented by Gregorz Pastuszko, Polish professor of law. Then, the economic consequences of EU membership for these countries are investigated by Cristina Procházková Ilinitchi, Czech senior researcher in the field of economics. János Simon, Hungarian professor of political science, discusses the political consequences of EU membership for the Visegrad countries. Finally, Professor Pastuszko has authored the Polish country report.

Part three is dedicated to the candidate countries. The overall political situation in the Western Balkans is detailed by Jakov Žižic, Croatian senior researcher and political scientist. The legal situation in Serbia is then closely analysed by Serbian professor of law Dalibor Đukić, who is also the author of the Serbian country report. With regard to the post-Soviet countries, an overall description of the political conditions is delivered by Czech senior researcher and political scientist Ondřej Filipec, followed by a chapter on the approximation of Georgian law by Professor Tamara Aleksidze and Assistant Professor Maka Nutsubidze.

Finally, part four looks into the future, starting with a chapter by German professor Alexander Grasser, discussing necessary changes in the architecture of EU law. This is followed by an essay on the issue of qualified majority voting by Slovenian professor Rado Bohinc, who is also the author of the Slovenian country report. Thereafter, Italian professor of law Mateo Gnes discusses the fundamental principles of EU law influencing the enlargement. This section closes with a detailed analysis of the concept of 'gradual integration' by Hungarian professor Sandor Lenard, as well as a discussion of possible alternatives to enlargement by Hungarian professor Gyorgy Marinkás (the author of the Hungarian country report).

2.4. Scope of the Research

The candidates for every round of enlargement so far have typically shared some characteristics. The first, 'Northern' enlargement in 1973, comprising of Denmark, Ireland, and the United Kingdom (Norway abandoned the process after a failed referendum), concerned the ex-EFTA members. This is excluding Ireland, which was nonetheless deeply economically integrated with the UK through the Anglo-Irish Free Trade Agreement. The second, 'Southern' enlargement, concerned post-dictatorial Greece (1981) as well as Spain and Portugal (1986). The next round took in most of the remaining EFTA countries, when Austria, Finland, and Sweden joined the EU in 1995; Norway failed to pass the referendum once again. The 'Eastern' enlargement of 2004 incorporated post-communist countries in Central and Eastern Europe (along with Cyprus and Malta), followed shortly by Bulgaria and Romania in 2007 and finally Croatia in 2013.

The current candidate countries are more diverse. Türkiye stands out, having gained candidate status in 1999. Though association negotiations started in 2005,

they were discontinued in 2018.[8] Even though the EU has expressed interest in developing 'a cooperative and mutually beneficial relationship with Türkiye',[9] the prospect of full membership does not seem to be achievable in the foreseeable future. Türkiye will therefore not be further discussed in this book.

The largest block of current candidate countries is connected by geography. They are commonly referred to as the Western Balkans countries. That being said, the differences among them are significant. The first group consists of Albania and Montenegro, with the latter being arguably the closest to becoming a Member State. It has opened all 33 negotiating chapters, with 12 provisionally closed. It hopes to close negotiations in 2026.[10] Similarly, all negotiation chapters have been opened by Albania, even though none have been closed yet. Albania still hopes to close negotiations in 2027.[11]

Serbia alone represents the second group of candidates from this block. It has opened many negotiating chapters (24) and even provisionally closed two of them. However, the pace of implementation of reforms required by the EU has significantly slowed down,[12] and popular support for them is decreasing.

Finally, we consider North Macedonia and Bosnia and Herzegovina. In North Macedonia, the negotiations phase has formally been reached but the first negotiating chapters will only be opened after specific constitutional changes concerning ethnic minorities are made.[13] In Bosnia and Herzegovina, the negotiations phase has not yet been reached.[14]

Meanwhile, Kosovo has also submitted an application for membership. Not all EU Member States recognise Kosovo as an independent state, and it has not yet been awarded the status of a candidate country.[15]

Similar disparities may be observed within the second bloc of candidate countries – the post-Soviet republics. There are currently three candidate countries within this bloc: Georgia, Moldova, and Ukraine. All of them applied for membership in early 2022. Ukraine reached the candidacy unprecedently fast, in June 2022, as did Moldova, followed by Georgia in December 2023. At present, both Moldova and Ukraine have reached the negotiation stage, with no chapters actually opened yet. Conversely, Georgia has suspended its application process till the end of 2028.[16]

It is not possible to discuss all current EU Members – with respect to their enlargement experience – or all candidates in extensive detail as the scope of the research would be overwhelming. We have therefore logically concentrated on Central

8 European Commission, 2025b.
9 European Commission, 2025, p. 5
10 European Commission, 2025, p. 2.
11 Ibid.
12 European Commission, 2025, p. 4.
13 Ibid.
14 European Commission, 2025, p. 5.
15 European Commission, 2025c.
16 European Commission, 2025, p. 3.

and Eastern Europe. Even though the first part – focused especially on recent experience – discusses all the rounds of EU enlargement, it emphasises the years 2004, 2007, and 2013. The same applies to part two, which is dedicated to the evaluation of the integration process. Here, there is special emphasis on the Visegrad countries. As explained already above, part three – which discusses candidate countries – focuses on Serbia and Georgia as case-studies. Finally, for the future-oriented part four, authors were selected from both the 'founding members', specifically Germany and Italy, and the 'newer' ones, specifically Hungary and Slovenia, in order to contrast different views on the future of the EU and the enlargement process.

3. Recurring Issues

Despite the clear structure of the book and the research questions aimed at fulfilling its objectives, there are three intertwined issues that tend to repeat themselves in various forms, which need to be addressed separately.

The first issue concerns support for enlargement, both in the candidate country and in the EU. Enlargement is not possible without it, and neither is the ensuing integration. It is a criterion that may only be observed, not imposed. However, without taking it into account, any deliberations on enlargement and integration are futile.

The second issue concerns the future. It has been observed in many forums that the EU itself needs to change before it will be ready to accept new members. But what will be the essence of these changes? How much are they going to change the basic architecture of the EU, as we know it today? The enlargement process will not be successful without knowing 'what' exactly the candidates will be joining. Their support is dependent on this knowledge as well.

Finally, is membership really what the candidates are looking for? Would some alternative form of cooperation with the EU not satisfy their needs and desires in a more appropriate way? And more broadly, what does membership actually mean?

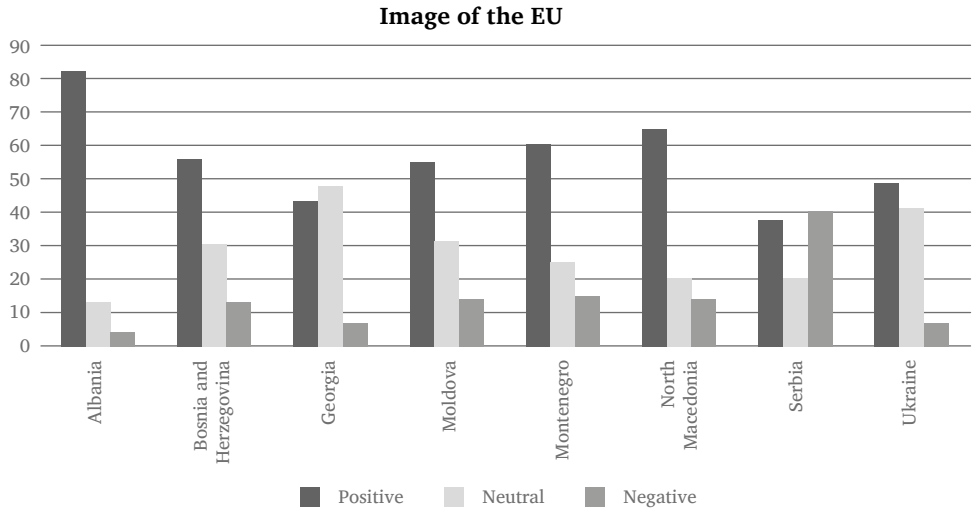
3.1. Support for Enlargement

It is evident that for enlargement to take place, there needs to be strong support, both in the EU and especially in the candidate country. In recent years, as reported in the Eurobarometer surveys,[17] support seems to be decreasing in the Wester Bal-

17 The numbers below were compiled on the basis of the special Eurobarometer survey from 2025 as well as special perception survey results on Western Balkans and Eastern Neighbourhood (European Commission, 2025d).

kans.[18] As described in the previous section, only Montenegro has a realistic chance of fulfilling all the accession criteria soon. Still, support for membership (i.e., voting 'yes' in a hypothetical referendum) dropped from 75% in 2022 to 64% in 2025. In Serbia, support dropped from 48% in 2022 to 33% in 2025; more strikingly, the percentage of those prepared to vote 'no' in a hypothetical referendum rose from 8% in 2022 to 25% in 2025. As the percentage of people with a positive perception of the EU (38%) was lower than that of people with a negative one (40%) in 2025, it may be questioned what meaning accession negotiations under current conditions actually have.

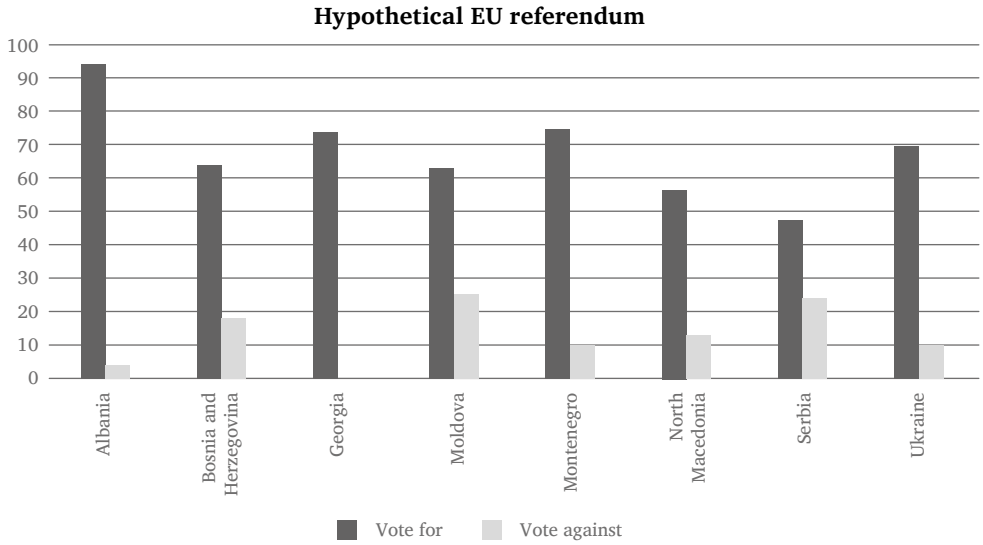
Among post-Soviet candidate countries, similar trends can be observed. In Ukraine, the proportion of respondents with a positive view of the EU decreased from 65% in 2022 (and even 72% in 2023) to 49% in 2025, even though support for membership remains high at 68%. In Moldova, the decline in the proportion of respondents with a positive image of the EU was smaller – from 60% to 55% – with support for membership at 63%. Only in Georgia has the proportion of respondents with a positive view of the EU fallen below 50% (43% in 2025), having decreased from 65% in 2022. These figures are summarised in Graphs No. 1 and No. 2 below.



Graph No. 1[19]

18 The only exception is Northern Macedonia, where the proportion of respondents in support of EU membership rose from 57% in 2022 to 70% in 2025, with a positive image of the EU reported by 65% of the population. Support also remains high in Albania, with a positive view of the EU reported by 82% of the population.

19 Eurobarometer.



Graph No. 2[20]

In the EU, support for enlargement is still relatively high, currently at 56% on average. Support levels nonetheless significantly differ across regions. It is highest in Sweden (79%) and lowest in France and the Czech Republic (43%). Among the Central and Eastern European (CEE) countries involved in this project, support is very high in Poland (70%), Slovenia (66%), and Hungary (64%), moderate in Croatia (61%) and Slovakia (57%), and very low in the Czech Republic (43%).

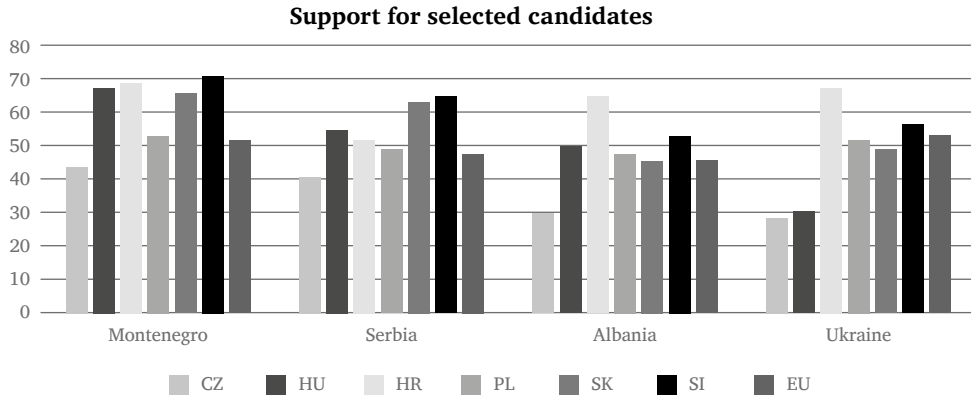
The situation becomes more complex when specific candidate countries are assessed. In the EU, only Ukraine (52%) and Montenegro (51%) have majority support. All other candidates have support below 50%, though the number of supporters exceeds the number of opponents (e.g., in Serbia, 47% are in favour and 43% oppose its membership). Only in Albania is support 43% and opposition 46%.[21]

The situation is even more diverse in the CEE region. Ukraine, the most 'popular' candidate in the EU, has the lowest support here, being strongly supported only in Croatia (66%) and Slovenia (56%), and to some extent in Poland (51%) and Slovakia (48%). It faces strong opposition in Hungary (30% support) and the Czech Republic (28% support). On the other hand, Albania, the least 'popular' candidate in the EU, is more or less supported (64% in Croatia, 47% in Poland) by all CEE countries except the Czech Republic (43%). Montenegro remains the most popular candidate in this region, with strong support in Slovenia (70%), Croatia (68%), Hungary (66%), and Slovakia (65%), as well as significant support in Poland (52%), with the only

20 Eurobarometer.

21 In case of Türkiye, the only candidate with the majority opposing its membership, internal support is at 37% while opposition is at 55%.

non-majority country being the Czech Republic (43%). In addition, Serbia enjoys strong support in Slovenia (64%) and Slovakia (62%) and moderate support in Hungary (54%), Croatia (51%) and Poland (48%), with the only non-majority country being (as before) the Czech Republic (40%). These numbers are summarised in Graph No. 3.



Graph No. 3[22]

What do these numbers imply? The only candidate country with a realistic prospect of fulfilling all the membership criteria is Montenegro. It is also the only one with strong (though decreasing) domestic support and acceptance both in the CEE countries and the EU as a whole. Another similar case is Albania. It has extremely high internal support but faces strong opposition in the EU and only moderate support in the CEE countries. Ukraine, by far the most consequential candidate, has average support in the EU, but faces strong opposition in many Member States, not least among the CEE countries. Finally, Serbia is a special case, supported by most of the CEE countries (but not the EU as a whole), while itself displaying only reluctant, if any, enthusiasm for membership.

There are still high expectations among candidate countries, but it should be noted that for most of them, accession negotiations have not yet started. When they do, the mood is likely to change, as the example of Serbia demonstrates. In such a situation, is membership, as it is understood today, the right way forward? Even more importantly, what will the EU actually look like once such countries are ready to accede?

22 Eurobarometer.

3.2. What Will the EU Look Like in the Future?

In order for enlargement to actually take place, it is not sufficient for the candidates to make approximation changes, i.e., to align themselves with the EU's criteria. The EU itself will need to change. As the Commission stated in 2024: 'While reforms were necessary before, with enlargement they become indispensable'.[23] But what reforms are expected, and what will the EU look like after they have been implemented? Answering these questions is essential for candidate countries, because the EU they will possibly be joining in the future will arguably differ from the one they are negotiating with today.

This ultimately depends on the purpose of the EU. 'The choice of adequate organisational arrangements depends entirely on what objective they are intended to support'.[24] Arguably, the EU's purpose is still not clear. Discussions stretch from federalisation and 'ever closer union' on the one side, to internal market (even with limited free movement of people) on the other. As aptly summarised by Hubert Legal,

> the EU is faced with the need to choose the right strategy to deal with this internal conflict: to diminish its original ambitions […], to reduce its membership […], to separate gently those who want more from those who have enough (by a special treaty topping the EU and designed for the federalists only), or by pushing ahead unheeded.[25]

Given all the debate concerning differentiation and flexibility within the EU,[26] the third option seems to be the logical choice, tested in practice (as the examples of Schengen or the Economic and monetary union would suggest). However, if there are no limits for the 'maximum' membership (up to the point of *de facto* federation), what is the minimum? Is it the *acquis* as it stands today? As argued above, some candidate countries might have problems with that, and indeed, some Member States do as well. Even if we agree that some of the rights and obligations currently shared by all the Member States should be optional, how far 'back' shall we go? Before Lisbon? Before Maastricht? There is no agreement on this, but many current Member States would arguably welcome such a possibility.

What consequences does this have for the enlargement process? We may ask, with Diane Fromage, whether 'the idea of a single united membership, as currently foreseen in the Treaty, is still fit to facilitate effective governance and accommodate

23 European Commission, 2024.
24 Legal, 2024, p. 26.
25 Legal, 2024, p. 32.
26 E.g. Leuffen, Rittberger and Schimmelfennig, 2013; Schmidt, 2019.

growing diversity'.[27] If greater differentiation is to be expected within the EU,[28] should we push candidates to accept the *acquis* without exemptions and derogations?

More differentiated integration would surely require a profound change of the Treaties, which is difficult to imagine today. But the fact that something is complicated does not mean that it is not necessary. The only realistic candidate for enlargement in the near future is Montenegro. Its population (still) supports enlargement, and the country's accession also has strong support in the EU. With less than 625,000 inhabitants, it would be the second smallest EU member state, in between Luxembourg and Malta. Its integration would be relatively easy. Conversely, integration of any other candidate would be much more difficult and would be, in any event, conditional upon future amendment of the Treaties.

Thus, when discussing enlargement, the discussion about the future of the EU must proceed simultaneously. Only when we know what the EU to which the candidates will be acceding will look like can we determine the most efficient enlargement process. Enlargement and EU reforms are two sides of the same coin. As stated by Professor Petrov in connection with the enlargement process concerning the Western Balkans:

> The EU must first 'look at itself in the mirror' and try to answer what it sees and what it wants to see – not in a year, but in half a century. Ad hoc pragmatic and cosmetic solutions, such as changes in the Western Balkans accession methodology, only cause greater mutual apathy and deepen uncertainty.[29]

3.3. Are There Alternatives to Full Membership?

More than 20 years ago – and admittedly in a very different geopolitical context – Romano Prodi, then President of the EU, famously proclaimed that '[a]ccession is not the only game in town'.[30] The question of what defines EU membership, and differentiates it from other forms of cooperation, still remains relevant.

The Court of Justice of the European Union (CJEU) opined on several occasions that what makes the relationship among the members special, and what differentiates it from relations with other countries, is mutual trust based on shared values. As the CJEU ruled in *Achmea*:

> EU law is thus based on the fundamental premiss that each Member State shares with all the other Member States, and recognises that they share with it, a set of common values on which the EU is founded, as stated in Art. 2 TEU. That premiss implies and

27 Fromage, 2024, p. 3.
28 As put forward by Schmidt, 2019, p. 21: 'The future of Europe will be one of differentiated integration'.
29 Petrov, 2025, p. 184.
30 European Commission, 2002.

> justifies the existence of mutual trust between the Member States that those values will be recognised, and therefore that the law of the EU that implements them will be respected.[31]

Conversely, the CJEU declared in its opinion 1/17 that the 'principle of mutual trust […] is not applicable in relations between the Union and a non-Member State'.[32]

'Trust' is a difficult and essentially non-legal concept. In the context of accession negotiations, it nonetheless translates into the requirement of full alignment with the *acquis* – if Member States are to *trust* that the candidates will respect EU law, they require that it is flawlessly implemented. The fact that these requirements are growing (and trust in potential members is weakening) may be observed in the length of the accession negotiations. In the first round of enlargement ('Northern'), Denmark, Ireland and the UK applied for membership in 1967 and became full members after six years in 1973. Similarly, in the third round, it took Austria 6 years (only 4 for Sweden and 3 for Finland) to become EU Member States.

Conversely, the 'Eastern' round in 2004 took 10 years for Hungary or Poland (and even 14 for Cyprus and Malta) and 12 years for Bulgaria and Romania, who joined the EU in 2007. Concerning the current candidates, Montenegro, which is arguably closest to joining the EU, applied for membership in 2008; after 18 years, negotiations (opened in 2012) are still ongoing. Even though Ukraine (and also Moldova) managed to get candidacy status and to formally open accession negotiations unprecedently fast, it remains to be seen how much time the actual negotiations take. Judging by past examples, many years are to be expected.

Is such a long process of negotiations and approximation feasible? As noted above, support for necessary changes to domestic law decreases over time.[33] The process of 'gradual integration',[34] devised with respect to the Western Balkans, is supposed to alleviate this problem by 'phasing-in of individual EU policies, the EU market and EU programmes',[35] thus 'validating the candidates' already achieved progress, offering tangible incentives, and potentially preventing the democratic backsliding'.[36] Despite this, some required changes may be simply unacceptable to some candidates, as the example of Serbia seems to suggest.[37]

Under such circumstances, faced with the prospect of very lengthy negotiations and potentially insurmountable conditions, should we not be looking for alternatives to full membership? Perhaps differentiated membership, if Member States were ever able to agree on it, could help the candidates. In the absence of such an arrangement,

31 CJEU, C-284/16, 6 March 2018, para. 34.
32 CJEU, opinion 1/17, 30 April 2019, para. 129.
33 This finding is supported by empirical studies, demonstrating that an overly long process of accession significantly decreases the willingness to implement necessary reforms. O'Brennan, 2014.
34 E.g. Bargiacchi, 2020; Emerson and Blockmans, 2022.
35 European Commission, 2020a.
36 Petrović, 2022, p. 308.
37 Petrov, 2025.

the possibilities of Art. 8 of the Treaty on European Union (TEU), asking the EU to 'develop a special relationship with neighbouring countries', shall perhaps be explored in more detail.[38]

4. Preliminary Observations

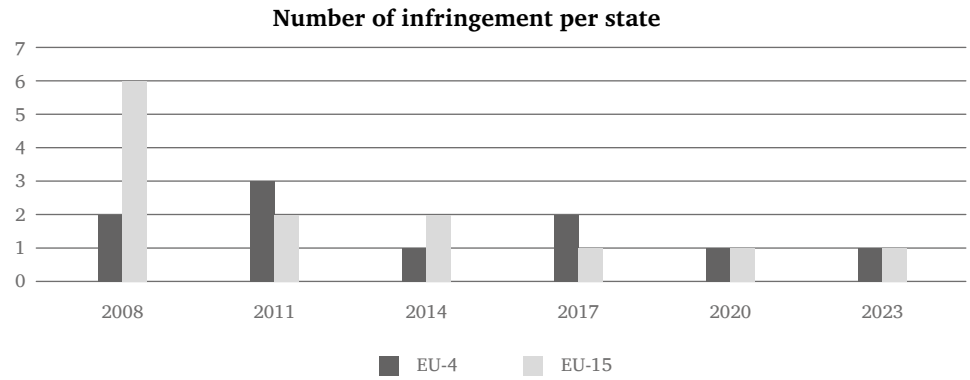
The four research questions will be answered in the conclusions of the four chapters of this book. At this stage, it is nonetheless possible to make a few preliminary observations.

Concerning the experience with enlargement so far, we may observe that the process is growing both in precision and complexity. The candidates are now well aware of what they need to accomplish in order to fulfil the conditions. The roadmap is clear, and thanks to the project of gradual integration, the assessment is more frequent and success can be 'rewarded' faster, as opposed to only when all the conditions have been met and a candidate can finally become a member. At the same time, the process is very demanding and the list of conditions growing, which leads some candidates to hesitate over whether they are able – or even willing – to meet them. Serbia may serve as an example in this regard. Nonetheless, before the issue concerning the future of the EU is settled by the current Member States, no change can be expected.

Concerning the quality of integration of the new members, we focus on the Visegrad countries. In the field of legal alignment, I have constructed a simple chart showing the number of infringement judgments directed against the Visegrad countries, on the one hand, and the 'old' Member States (EU-15), on the other; this is averaged per Member State (Graph No. 4). With some fluctuations, the numbers remain largely the same, showing that the 'new' members were sufficiently prepared as far as the law was concerned.[39] This, more broadly, suggests that no lowering of the pre-accession requirements is advisable.

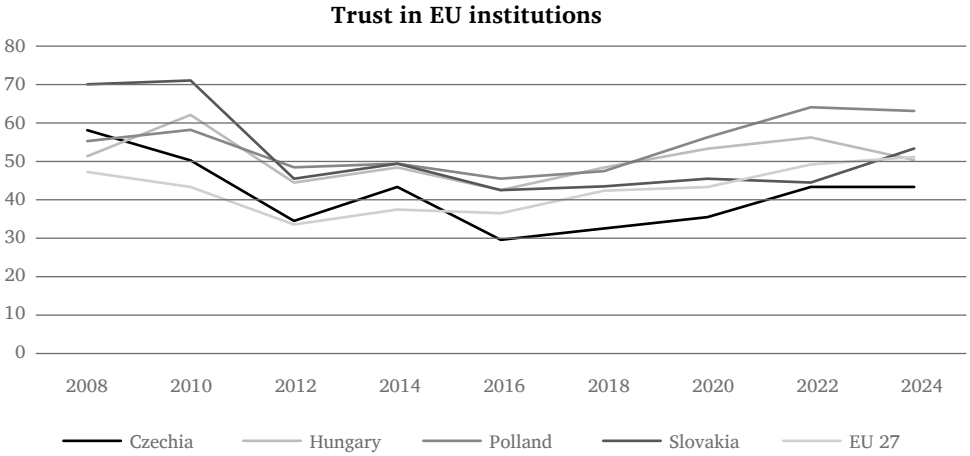
38 Cremona and Shuibhne, 2019.

39 The only exception is year 2008. Here, the average number of infringement proceedings with the 'old' Member States was significantly higher. This was arguably due to the fact that the overall number of infringement proceedings had been substantially decreasing and more of them were directed against the 'old' Member States.



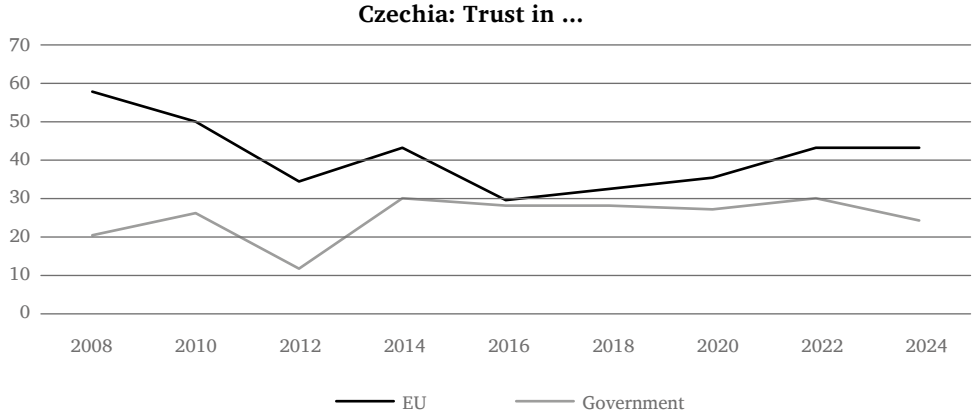
Graph No. 4[40]

Concerning 'political' integration, I have compared the statistics on trust in EU institutions by the Visegrad countries, published by Eurobarometer.[41] Even though it has decreased since the 2004 enlargement, it still remains relatively high, and – with the exception of the Czech Republic – above average in the EU (Graph No. 5). Interestingly, even in the Czech Republic, the most 'Eurosceptic' country by this measurement, trust in EU institutions has consistently been higher than trust in domestic institutions (Graph No. 6).



Graph No. 5[42]

40 Website of Curia.
41 All data were compiled from the Standard Eurobarometer surveys, published twice a year by the Commission.
42 Eurobarometer.



Graph No. 6[43]

Economic alignment will be discussed in detail in Chapter II.3. The conclusion, nonetheless, is that economic convergence of the Visegrad countries with the rest of the EU has been successful. Again, the importance of pre-accession alignment is evident, limiting the scope for any relaxation of the requirements *vis-à-vis* the candidates.

In the past, transitory periods and derogations from EU law were rather limited. Current candidates are presumably seeking more extensive exemptions. The hitherto enlargement process has nonetheless been construed as 'take it (all) or leave it'. Not all candidates are able and willing to do so. In my opinion, the ultimate success (and indeed the existence) of any future enlargement will be decided on this issue. Will the EU request full alignment in all areas of the *acquis*? If so, some other form of cooperation, distinct from membership as we understand it today, may be more appropriate for many candidates. Or will we alter the understanding of membership? That may be possible, but then the candidates of today would be acceding to a different EU than the one they are negotiating with.

This leads us to the final issue. Will 'gradual integration' lead to effective membership in the future, or will the candidates remain 'stuck' somewhere in between full membership and deep association? How will the EU, once it is ready to enlarge, look? Might some form of deep association be more appropriate for some candidates?

Without answering these questions, we cannot hope that any future enlargement will be successful. The authors who contributed chapters to this book hope that their contributions will help answer these questions.

43 Eurobarometer.

References

Bibliography

Bargiacchi, P. (2020) 'The Revised Enlargement Methodology for the Western Balkans', *Regional Law Review*, 2020/4, pp. 47–58 [Online]. Available at: https://doi.org/10.18485/iup_rlr.2020.ch4 (Accessed: 10 January 2026).

Cremona, M., Shuibhne, N.N. (2022) 'Integration, membership, and the EU Neighbourhood', *Common Market Law Review*, 2022/59, pp. 155–180 [Online]. Available at: https://cadmus.eui.eu/server/api/core/bitstreams/966c96d3-027f-54b4-89a4-987df331dfb7/content (Accessed: 10 January 2026).

Emerson, M., Blockmans, S. (2022) 'Next Steps for EU Enlargement – Forwards or Backwards?', *Stockholm Centre for Eastern European Studies* [Online]. Available at: https://www.ui.se/globalassets/ui.se-eng/publications/sceeus/next-steps-for-eu-enlargement-forwards-or-backwards.pdf (Accessed: 10 January 2026).

European Commission (2002) *Romano Prodi President of the European Commission. A Wider Europe – A Proximity Policy as the key to stability 'Peace, Security And Stability International Dialogue and the Role of the EU' Sixth ECSA-World Conference. Speech*. 6, December 2002 [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_02_619 (Accessed: 10 January 2026).

European Commission (2020) *Communication from the Commission to the European parliament, the Council, The European Economic and Social Committee and the Committee of the Regions. Enhancing the accession process - A credible EU perspective for the Western Balkans*, COM(2020) 57 final [Online]. Available at: https://enlargement.ec.europa.eu/enhancing-accession-process-credible-eu-perspective-western-balkans_en (Accessed: 10 January 2026).

European Commission (2020a) *A more credible, dynamic, predictable and political EU accession process - Commission lays out its proposals. Press release,* 5 February 2020 [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_20_181 (Accessed: 10 January 2026).

European Commission (2024) *Communication from the Commission to the European parliament, the Council, The European Economic and Social Committee and the Committee of the Regions on pre-enlargement reforms and policy reviews*, COM(2024) 146 final [Online]. Available at: https://commission.europa.eu/publications/communication-pre-enlargement-reforms-and-policy-reviews_en (Accessed: 10 January 2026).

European Commission (2025) *Communication from the Commission to the European parliament, the Council, The European Economic and Social Committee and the Committee of the Regions. 2025 Communication on EU Enlargement Policy,* COM(2025) 690 final [Online]. Available at: https://enlargement.ec.europa.eu/2025-communication-eu-enlargement-policy_en (Accessed: 10 January 2026).

European Commission (2025a) *2025 Enlargement Package shows progress towards EU membership for key enlargement partners. News Article*, 4 November 2025 [Online]. Available at: https://enlargement.ec.europa.eu/news/2025-enlargement-package-shows-progress-towards-eu-membership-key-enlargement-partners-2025-11-04_en (Accessed: 10 January 2026).

European Commission (2025b) *Commission Staff Working Document. Türkiye 2025 Report*. SWD(2025) 756 final.

European Commission (2025c) *Commission Staff Working Document. Kosovo 2025 Report*. SWD(2025) 752 final.

European Commission (2025d) *Majority of EU citizens support further EU enlargement, new Eurobarometer survey shows, while perception surveys in candidate countries point to overall support for EU accession. News Article,* 2 September 2025 [Online]. Available at: https://enlargement.ec.europa.eu/news/special-eurobarometer-and-perception-surveys-2025-09-02_en (Accessed: 10 January 2026).

European Council (1993) *Presidency Conclusions of the Copenhagen European Council of 21/22 June 1993.*

Fromage, D. (2024) 'Introduction – (Re)defining Membership? Current and Future Perspectives for the EU Differentiated Integration' in Fromage, D. (ed.) *Redefining EU Membership. Differentiation in and outside the European Union*. Oxford: Oxford University Press, pp. 1–25; https://doi.org/10.1093/9780191948145.003.0001.

Kellernbauer, M., Klamert, M., Tomkin, J. (2020) *The EU Treaties and the Charter of Fundamental Rights. A Commentary.* Oxford: Oxford University Press; https://doi.org/10.1093/oso/9780198794561.001.0001.

Legal, H. (2024) 'A Prologue: The Peoples of Europe: Ways that Unite and Ways that Divide' in Fromage, D. (ed.) *Redefining EU Membership. Differentiation in and outside the European Union*. Oxford: Oxford University Press, pp. 25–38; https://doi.org/10.1093/9780191948145.002.0006.

Leuffen, D., Rittberger, B., Schimmelfennig, F. (2013) *Differentiated Integration: Explaining Variation in the European Union*. New York: Palgrave Macmillan.

O'Brennan, J. (2014) 'On the Slow Train to Nowhere? The European Union, 'Enlargement Fatigue' and the Western Balkans', *European Foreign Affairs Review*, 19(2), pp. 221–241 [Online]. Available at: https://doi.org/10.54648/EERR2014011 (Accessed: 10 January 2026).

Petrov, V. (2025) 'Serbia and the European Union: Evolution, Dissolution, or something third?', *Law, Identity and Values,* 5(2), pp. 167–190 [Online]. Available at: https://doi.org/10.55073/2025.2.167-189 (Accessed: 10 January 2026).

Petrović, M. (2022) 'Towards gradual integration of the Western Balkans Into the European Union: The case of Serbia', *Journal of Liberty and International Affairs*, 8(1), pp. 308–321 [Online]. Available at: https://doi.org/10.47305/JLIA2281308p (Accessed: 10 January 2026).

Schmidt, V.A. (2019) 'The Future of the Differentiated Integration: A 'Soft-Core' Multiple-Clustered Europe of Overlapping Policy Communities', *Comparative European Politics,* 2019/17, 294–315 [Online]. Available at: https://doi.org/10.1057/s41295-019-00164-7 (Accessed: 10 January 2026).

Urwin, W.D. (1994) *The Community of Europe. A History of European Integration Since 1945.* 2nd edn. Oxford: Routledge.

Legal sources

Court of Justice of the European Union, C-284/16, 6 March 2018

Court of Justice of the European Union, opinion 1/17 of the Court, 30 April 2019

Part I

EXPERIENCE WITH EU ENLARGEMENT SO FAR

Chapter I.1

Introduction



Michal Petr

The enlargement of the European Union (EU) stands as one of the most ambitious and far-reaching political, legal, and socio-economic projects undertaken in the modern history of European integration. From its origins in the post-war vision of peaceful cooperation, the EU has progressively evolved through successive rounds of accession, each of which has fundamentally reshaped not only the candidate countries but also the institutional, constitutional and material foundations of the EU itself. Enlargement today represents a comprehensive transformation – one that is simultaneously legal, institutional, economic, and normative in nature.

To be ready for successful EU enlargement in the future, we have to be cognisant of the past. In this chapter, the experience that was accumulated during the previous rounds of enlargement will be studied in order to answer the first research question of this book, i.e. the parameters of the enlargement process in the past. Its purpose is twofold: First, to contextualise the authors' contributions within the broader evolution of EU enlargement policy, demonstrating how contemporary enlargement architecture emerged through decades of practice, legal development, and political negotiation; and second, to integrate the findings of the four individual studies into a coherent and analytically unified account of the legal, institutional, and economic dimensions of enlargement.

Four substantial analytical chapters are contained in this Part of the book that converge into a multidimensional and holistic examination of enlargement as a uniquely complex process. The individual chapters explore the historical and conceptual evolution of accession requirements (Petar Bačić, Chapter I.2); the procedural and institutional mechanics of the accession process (Eva Zorková, Chapter I.3); the financial, legal, and administrative support framework provided by the EU to candidate countries (Kateřina Frumarová, Chapter I.4); and the detailed system of special rules, transitional periods and derogations applied during past enlargement rounds (Alena Krunková; Chapter I.5) The integration of these chapters provides

Michal Petr (2026) 'Introduction'. In: Michal Petr (ed.) *EU Enlargement and Successful Integration: Is There a Way?* Volume I., pp. 23–26. Miskolc–Budapest, Central European Academic Publishing.

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an unusually detailed and layered understanding of the dynamics, challenges, and structural logic underpinning enlargement.

The first substantive chapter explores the EU enlargement as a constitutional process. As the contribution of Bačić demonstrates, the evolution of accession requirements reflects the deeper constitutionalisation of the European project. Although the founding Treaties declared an openness to other European countries sharing the EU's ideals, early enlargements relied heavily on political discretion and pragmatic economic compatibility. The turning point came with the tectonic geopolitical shifts of the late 1980s and early 1990s, when the EU faced the historic prospect of integrating the post-socialist democracies of Central and Eastern Europe. In response, the EU formally articulated the so-called Copenhagen criteria – political, economic, and legislative requirements of candidate countries, and embedded them within the broader development of EU primary law and institutional reform. Bačić demonstrates that the development of accession conditionality, particularly after the Copenhagen European Council in 1993, reflects the EU's effort to define itself as a community of values grounded in democracy, human rights, and the rule of law, and to ensure that newly acceding states could integrate into the increasingly complex *acquis communautaire*. Historical analysis further traces how successive rounds of enlargement, from the accessions of Southern post-dictatorial states in 1980s to the monumental 'big bang' enlargement of 2004 and subsequent instances of Balkan enlargements, led to the steady expansion of accession conditions and the refinement of monitoring and evaluation mechanisms.

Through the detailed examination of these developments, Bačić highlights that enlargement has always evolved in tandem with changes within the EU itself, including institutional deepening, Treaty reforms and substantive policy expansion. Thus, enlargement functions to some extent as a mirror of the EU's internal evolution and as a catalyst for its constitutional maturation.

The contribution of Zorková complements this historical and conceptual understanding by offering a systematic account of the procedural and institutional framework that governs the accession process. Zorková shows that enlargement is not just a single event but rather an elaborate and multi-stage administrative and legal procedure, structured around screening processes, negotiation chapters, institutional partnerships and preparatory mechanisms, and above all, rigorous monitoring. Central to this process is the Commission, which conducts screening, evaluates readiness, issues annual progress reports and formulates negotiating positions, as well as the Council, the European Parliament, and a multitude of specialised working groups and committees. Zorková emphasises that enlargement involves deep pre-accession participation, whereby candidate countries are gradually integrated into the daily functioning of EU institutions, enabling them to internalise administrative norms, legislative standards, and policy practices even before formal membership. This participation extends across a wide spectrum of institutional structures, including Commission expert groups, Council working parties, and specialised agencies. Enlargement therefore operates not merely as a gateway into the

EU but as a phased process of embedding candidate states into the administrative and regulatory culture of the EU.

Furthermore, the analysis of Zorková highlights that the institutional framework of enlargement has itself grown more sophisticated as the EU has expanded. In particular, the 'big bang' enlargement of 2004 required the EU to develop far more structured screening, negotiation and monitoring mechanisms to ensure fairness and consistency across a heterogeneous group of candidates. The development of these mechanisms underscores that enlargement is not only a legal process but also a major exercise in administrative governance, requiring continuous coordination among EU institutions and national administrations.

Elaborating this theme, the chapter by Frumarová provides an in-depth examination of the extensive financial, technical, and legal support architecture that accompanies the accession process. Her analysis shows that pre-accession assistance is not a peripheral complement to conditionality but a structural pillar of enlargement. Beginning with the early programmes like PHARE (Poland and Hungary: Assistance for Restructuring their Economies), SAPARD (Special Accession Programme for Agriculture and Rural Development) and ISPA (Instrument for Structural Policies for Pre-Accession), and culminating in the creation of the unified Instrument for Pre-Accession Assistance (IPA) in 2007, now in its third iteration (IPA III), the EU developed a comprehensive system designed to support candidate states in meeting the political, economic, and legislative requirements of membership. The IPA III framework, as Frumarová demonstrates, integrates multi-annual financial planning, sector-specific strategies, thematic windows and performance-based conditionality. It is designed to strengthen the rule of law, public administration, judicial systems, market competitiveness, transport and environmental infrastructure, as well as alignment with the *acquis* across all negotiating clusters.

Frumarová also highlights the significance of TAIEX (Technical Assistance and Information Exchange) and Twinning instruments, which facilitate the transfer of administrative and legal expertise from Member State institutions to candidate states. These tools have indeed proven indispensable in fostering durable institutional capacity. Additionally, the analysis reveals the EU's adaptive approach to emerging geopolitical challenges. The establishment of the Ukraine Facility serves as an example of how the EU increasingly uses pre-accession financial instruments not only to support legal approximation but also to strengthen macroeconomic stability, resilience, reconstruction and security.

The contribution of Frumarová thus underscores that enlargement cannot succeed without a robust system of financial and technical support. Without adequate funding, administrative know-how, and legal uniformity mechanisms, the deep reforms required for accession would be unattainable. Enlargement is therefore supported by a multi-tiered architecture of partnership, cooperation, and capacity-building.

The final contribution by Krunková introduces a dimension that is often under-examined, yet fundamental to the architecture of enlargement: the granting of special rules, transitional periods, derogations and other exemptions concerning

the acceding states. Krunková systematically maps the logic, purpose, and evolution of transitional arrangements, demonstrating that these mechanisms emerge from the tension between the EU's need for uniform legal application and the practical constraints faced by candidate countries undergoing profound structural transformation. Krunková shows that exemptions perform a dual function: on the one hand, facilitating gradual integration by allowing newly acceding states time to adjust their regulatory systems, economic structures and administrative capacities to the demands of the *acquis*, and on the other, protecting existing Member States and the EU as a whole by preventing disruptions to labour markets, sensitive sectors (especially agriculture), environmental compliance regimes, financial systems, and public administration.

Her analysis spans all the rounds of enlargement since the 1970s to the accession of Croatia in 2013. Across these cases, Krunková identifies recurring patterns: transitional restrictions on the free movement of workers, staged introduction of agricultural subsidies, safeguards in environmental and sanitary regimes, delays in joining the Schengen and Euro areas and temporary limits on land acquisition by foreigners. Her contribution reveals that enlargement involves not only full adoption of the *acquis* but also a period of differentiated integration, during which the candidate state participates in some obligations but not others, and during which existing Member States may apply protective measures. These flexible arrangements, far from undermining the EU law, reflect the Union's capacity to manage diversity and to integrate states at different stages of economic development and administrative readiness. They also highlight that uniformity of effect, rather than uniformity of timing, is the guiding logic of enlargement.

Taken together, the four contributions reveal enlargement as a highly integrated, multidimensional process, structured around three foundational pillars. The first one concerns conditionality and constitutional principles. The evolving specification of accession criteria reflect the EU's normative commitments and constitutional values. Enlargement is a test of candidates' democratic resilience, rule-of-law structures and market readiness. The second one deals with institutionalisation and administrative governance. Enlargement is executed through a dense network of institutional mechanisms designed to standardise the process, promote fairness and ensure accountability. The final one addresses support, adaptation and flexibility. Financial assistance, legal approximation tools, administrative capacity-building, special rules and transitional arrangements allow both the EU and candidate states to mitigate integration shocks and maintain system stability.

These three pillars are not independent but mutually reinforcing. Conditionality provides the normative objectives; institutional procedures ensure transparent and rule-based implementation; and support instruments, together with transitional flexibility, operationalise the reforms necessary for sustained compliance. The synergy among these pillars constitutes the contemporary EU enlargement model.

Chapter I.2

Requirements for Candidate Countries

Petar Bačić

Abstract

The European Union (EU) that we know today has come a long way from three communities that were created in the 1950s. There were only six countries that firmly stood behind the integration project, both in 1951, when the European Coal and Steel Community was established by the Treaty of Paris, and in 1957, when the European Atomic Energy Community and European Economic Community (EEC) were created by the Treaties of Rome. However, it is important to point out that these initial Treaties already made it clear that its signatories did not intend to create a closed community. Moreover, already in the Preamble of the EEC Treaty, the six founding members were 'calling upon the other peoples of Europe who share their ideal to join in their efforts'. Starting from the first enlargement in 1973 until the last round in 2013, the EU has expanded its membership to 27 states, while the prospect of EU membership is currently open to 10 partner countries. Through a brief overview of each of the enlargement rounds, this study especially analyses the development of the requirements that candidate countries need to accomplish to become full members of the EU.

Keywords: European Union, enlargement process, accession negotiations, candidate countries, accession requirements

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1. An Introduction to the 'Ever Closer Union'

From the second half of the 17th century, more precisely after the conclusion of the Peace of Westphalia (1648) that ended the Thirty Years' War among several European countries and with which began the construction of the 'European state system', the process of forming and confronting different concepts of the state; its sovereignty; and in general, its position and relations with other states, commenced. Although the Peace of Westphalia presented the opportunity for creating a new community of states, it was, in fact, a prelude of the 'era of sovereign absolutist states which recognized no superior authority'.[1] Jealously guarding their sovereignty, absolutist states eventually reached a point where the idea of the international community became an empty phrase, and international law depended upon the will of states that were more concerned with the 'preservation and expansion of their power than with the establishment of the rule of law'.[2] In this long historical period, according to L. Gross, the liberty of states was actually incompatible with the concept of the international community and the idea of international law that is independent of their will. In such a framework, characterised by state voluntarism and a consistent attachment to the concepts of state sovereignty, there was hardly any place for the development of the idea of a united Europe.

The story of successful European integration actually begins after World War II, which had a crucial influence on the nature of the idea of European unity and the prospects for its realisation; however, starting from 1945, regarded indeed as 'Year Zero' based on so many different aspects,[3] the creation of the 'Community of Europe' had already laid solid foundations for the activities of numerous European politicians and activists in the interwar period.[4] Namely, awareness regarding the necessity of achieving unity among the states and peoples of Europe with the aim of preventing the outbreak of new wars was certainly present among many Europeans during and after World War I, and it manifested through numerous initiatives and proposals of various types. For example, in 1923, Count Richard von Coudenhove-Kalergi founded the Pan-European Union, which brought together many European intellectuals (Albert Einstein, Thomas Mann, Sigmund Freud, and Ortega y Gasset, among others), offering a vision of peaceful, democratic unity for Europe with no borders, with a common currency and a single passport.[5] Being among the first in attempting to realise the vision of the unification of European states, Coudenhove

1 Gross, 1948, p. 39.
2 Gross, 1948; Steiner and Alston, 1996, p. 150.
3 Buruma, 2013.
4 Urwin, 1995.
5 See Chatham House, 2021; Ziegerhofer, 2024. It is interesting to note that the book 'Pan–Europa' contained an invitation to readers to become members of the Pan-European Movement by filling out an attached form. Among the members of the Movement were numerous European intellectuals such as Albert Einstein, Thomas Mann, Sigmund Freud, Ortega y Gasset, and many others, and in 1927, the former French prime minister Aristide Briand was elected its honorary president.

Kalergi also published the book (i.e. manifesto) titled 'Pan-Europa' and presented a draft for a Pan-European Pact that would serve as the basis for the establishment of the 'European Confederation'. During the interwar period, different movements were forming in Italy, England, and France, assembled mainly around the idea of the creation of a federal Europe.[6]

The enlightened Europeans who initiated the movement towards the ideal of internationalism after 1918 and before 1939 were, above all, horrified by the hatred that had spread among the European nations during World War I. Among these intellectuals was Jose Ortega y Gasset, who condemned nationalist states because, despite the fact that they had over time 'become a miserable thing', had nevertheless managed, in their misery, to bring European civilisation almost to the point of collapse. A new impetus for the life of a divided continent ravaged by war could only be given through determination to create a great nation consisting of a group of continental nations. Such an impetus would be used by a new generation which would look beyond the narrow borders of the nation-state, and in such a way as to organise a different Europe in which the pluralism of collective customs and the necessary freedom and rights of the individual would be guaranteed. In this new political organisation, the positive lessons, whose negations peoples of Europe and their societies had been confronted with during World War I, should finally prevail.[7]

After World War II, the concept of the idealised political 'federal' Europe, as well as the project of creating a 'large economic area' in which the interest of economic integration would also lead to the release of creative potentials of European citizens, began to be realised in different ways. Over time, these two histories, two integration paths, have overlapped and merged.[8] However, the foundation of both paths lies in the effort to finally fully realise the establishment of Europe as a pacifist, prosperous and harmonious community in which all European states will refer to the same values – rule of law, human rights and democracy, and to the same rules of the market social economy. To be successful, such a European project had to be built on and supported by the common legal order. It had to be realised as the '*L'Europe Du Droit*'.[9]

The concrete expression of these political, economic, and legal commitments is now precisely set in the form of the accession requirements — that is, conditions for membership in the European Union (EU). However, substantive conditions of entry were missing until the mid-1980s and the adoption of the Single European Act, which foresaw the active position of the European Parliament in the enlargement process, and especially until the 1993 meeting of the European Council in Copenhagen when

6 The federal movement was probably the strongest in England. Numerous influential politicians and intellectuals (e.g. William Beveridge, who was the director of the London School of Economics and dean at Oxford University; Ivor Jennings, one of the most influential lawyers of the time, etc.) were active in the 'Federal Union'.

7 Ortega and Gasset, 1986, p. 883.

8 Keegan, 1997, pp. 85–90.

9 Badinter, 1993, pp. 15–23.

much clearer directions or 'obligations for membership' were set. Nevertheless, values of democracy, rule of law, and human rights, although they were not proclaimed in the founding treaties, have in fact always represented common standards shared by the member states. They were shared by the original six member states, while compliance with those standards could be inferred as a necessary condition for membership that in fact allowed successful enlargement of the Union up to a certain point. However, each new application for membership brought with it some new challenges. For example, Greece and Turkey in the early 1960s, as well as Spain and Portugal until the end of the 1970s, simply failed to satisfy the democratic criteria. Therefore, each enlargement cycle offered an occasion to elaborate on the requirements set before countries wishing to join the club.

Over time, the corpus of accession conditions increased, and their nature also changed in terms of determining more objective and measurable standards or benchmarks. The so-called Copenhagen criteria was set by the European Council at a time when it became certain that, due to the fundamental transformation in Central and Eastern Europe, the Union would expand by accepting new democracies (i.e. former socialist countries); it consolidated the previous practice and expanded the corpus of accession conditions. These criteria encompass political, economic, and legal standards: (1) stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and the protection of minorities; (2) the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union; and (3) the ability to take on the obligations of membership, including adherence to the aim of political, economic, and monetary union. After Copenhagen, the entire process was further institutionalised and subjected to more systematic and stricter control.[10]

Through a brief overview of each of the enlargement rounds, which is presented in the following chapters, we especially analyse the development of the requirements that candidate countries need to accomplish to become full members of the EU. This process through which the legal, political, and economic conditions are determined and set before the aspirant countries can be perceived as one of the forms of conditionality in the EU. Often assessed as its most successful application of conditionality,[11] it is in fact an *ex-ante* approach — that is, pre-accession conditionality is a process intended to ensure that candidate states are prepared to participate in the EU system once they enter the club.[12] In fact, conditions for aspirant countries are already imposed before the beginning of accession negotiations. Although this concept is usually associated with the enlargement processes beginning with the so-called eastward enlargement that started in the early 1990s, this article also covers

10 Hillion, 2004, pp. 2–3.

11 On different forms of conditionality and modes of their application in the EU context, see Becker, 2025, pp. 402–419.

12 According to Cremona and Shuibhne, pre-accession conditionality is 'intended to ensure that a new Member State is prepared (in the different sense of that word) to participate in the Union system'. Cremona and Shuibhne, 2022, p. 172.

earlier rounds of enlargement. Our focus is nevertheless on more recent rounds of enlargement, negotiations, and requirements placed before candidate countries after the adoption of the Copenhagen criteria. However, respecting the fact that the first four enlargements in that sense were much less strict, we would like to point out that the entire process of pre-accession conditionality is in fact an evolving concept that has developed in parallel with the growth of the acquis communautaire, always with the aim of increasing the level of preparedness of both candidate states and the EU.[13]

2. History of Enlargement – From Six to 27 Member States

The EU that we know today has come a long way from three communities that were created in the 1950s. Both in 1951, when the European Coal and Steel Community (ECSC) was established by the Treaty of Paris, and in 1957, when the European Atomic Energy Community (Euroatom) and European Economic Community (EEC) were created by the Treaties of Rome, there were only six countries that firmly stood behind the integration project – Belgium, France, Germany, Italy, Luxembourg, and the Netherlands. However, it is important to point out that the first Community − that is, ECSC − was meant to be only the first of several organisations integrating different economic sectors, while the Treaty establishing the EEC adopted six years later made it clear that its signatories did not create a closed community. Moreover, already in the Preamble of the EEC Treaty, the six founding members were 'calling upon the other peoples of Europe who share their ideal to join in their efforts'. In addition to the confirmation of the firm will and intention of establishing 'the foundations of an ever closer union among the European peoples' embedded in para. 1 of the EEC Treaty Preamble, a separate Article of the Treaty regulates the procedure for admitting new members. Namely, according to Art. 237, any European State may apply to become a member of the Community. The Council, to which such an application has to be addressed, shall decide upon it by means of a unanimous vote, after obtaining the opinion of the Commission. Finally, the conditions of admission, including the necessary amendments to the Treaty, are subject to an agreement between the member states and the applicant State. Any such agreement on accession of new member states has to be submitted to all existing member states for ratification in accordance with their respective constitutional rules.

The aim of creating an ever closer union has remained in the EU Treaties as well as on its political agenda ever since. In the 1983 Solemn Declaration on EU signed at the Stuttgart European Council, the then 10 heads of state and government confirmed 'their commitment to progress towards an ever closer union among the

13 Blockmans, 2009, pp. 205–206.

peoples and member states of the European Community'.[14] In accordance with the Solemn Declaration, representatives of member states adopted the 1986 Single European Act, which in its Preamble para. 1 expressed, 'the will… to transform relations as a whole among their States into a European Union'.[15] In the Preamble of the Treaty on European Union (TEU) signed in Maastricht in 1992, the then 12 member states retained the objective of achieving the ever closer union, confirming that they are 'resolved to continue the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen in accordance with the principle of subsidiarity'. Furthermore, this intention is stipulated and thus fortified in Art. 1: 'This Treaty marks a new stage in the process of creating an ever closer union in which decisions are taken as closely as possible to the citizen'.[16] The 1997 Amsterdam revision of TEU adds to the previous version a qualification that in such union, 'decisions are taken as openly as possible', and stipulation is retained in the 2001 Treaty of Nice. Finally, both references from previous Treaties are contained in the Lisbon Treaty: in the TEU, we can find them again in the Preamble and Art. 1, while the Treaty on the Functioning of the European Union (TFEU – renamed from the Treaty establishing the European Community (TEC)) in the Preamble also confirms the determination to 'lay the foundations of an ever closer union among the peoples of Europe'.[17]

2.1. Initial Interest for Cooperation and the First Round of Enlargement

It is quite clear that the six founding member states did not intend to create closed communities. Meanwhile, there has never been a lack of interest among countries to join the European integration process. The main factor that led countries to consider cooperation, *l'idée-force* behind the very idea of integration, always was and remains the same – securing a better future for the state and its society. As solely the economic cost of World War II was enormous, in the post-war period, economic rebuilding was among the top priorities of each state. In this sense, the successful cooperation of states at an international level in the direction of creating an economic union based on the integration of the economic sectors, common market, and customs union, among other domains, was attractive to many. It was also quite clear that the goals of those who created communities were never exclusively economic; they were much more ambitious and went in the direction of integrating politics. In the words of Paul-Henri Spaak: 'Those who drew up the Rome Treaty… did not think of it as essentially economic; they thought of it as a stage on the way to political union'.[18]

14 Solemn Declaration on European Union, European Council, Stuttgart, 19 June 1983.
15 Single European Act, Official Journal of the European Communities, L 169, Vol. 30, 29 June 1987.
16 Treaty on European Union, Official Journal C 191 of 29 July 1992.
17 Treaty on European Union, consolidated version OJ C 326 of 26 October 2012, p. 13; Treaty on the Functioning of the European Union, consolidated version OJ C 326 of 26 October 2012, p. 47.
18 See Urwin, 1995, p. 76.

In a very short period of time since the EEC Treaty came into force, it became evident that there is in fact a significant interest among other countries in joining the communities. Namely, initial approaches to the European Communities were made already in 1958 by Israel, as the first of several such unsuccessful attempts, followed by Greece and Turkey in 1959, with both countries eventually concluding an agreement with the European Communities on establishing associate status (Greece in 1961, Turkey in 1963), including the clause on a transitional period of 22 years to possible full membership. Furthermore, the first applications for accession and full membership were made just four years after the entry into force of the Treaties of Rome. It was Britain that lodged its first application to join the EEC on 10 August 1961, while Denmark and Ireland almost immediately followed suit, and Norway did the same the following year. Finally, until the end of 1962, one after another, Sweden, Austria, Switzerland, Portugal, and finally Spain and Malta, made requests for a special associate agreement with the EEC.[19] Although this first round of interest did not materialise, primarily because French President de Gaulle declared a veto on British entry into the EEC in 1963, which resulted in the suspension of negotiations and consequently led to the withdrawal of other countries that were interested in joining, negotiations on joining continued already in the second half of the 1960s. After another unsuccessful attempt by the same four countries mainly due to another French veto on British membership in 1967, following de Gaulle's resignation as president in 1969, the early 1970s brought a new initiative towards their accession that this time, would finally be successfully completed. Although Norway withdrew from the process after a surprising negative popular vote on a referendum held in September 1972, Denmark, Ireland, and the United Kingdom became full members of the European Communities in January 1973.[20]

All seven enlargements from 1973 until 2013 have witnessed the process of the so-called pre-accession conditionality, with the same aim to ensure that incoming countries are prepared to take on the rights and obligations of membership, but the first four enlargements were, in this sense, much easier.[21] The first, so-called Northern enlargement was realised after relatively short official accession negotiations that were opened in 1970 and came to an end in 1972. The six member states discussed the negotiations for enlargement in detail, starting from the Hague Summit held in July 1969, where the policy of deepening and widening was examined, including extension of the Community's powers and responsibilities and strengthening of its institutions, as well as economic and monetary issues concerning common agricultural policy and the customs union. For France in particular, it was important that deepening complements and precedes enlargement. Although different complicated issues had to be solved in the pre-accession period, everything was made much easier by the fact that besides all candidate countries undoubtedly satisfying

19 Ibid., pp. 116–126.
20 Ibid., pp. 139–145.
21 Inglis, 2009, pp. 139–140.

the democratic criteria, their economies were closely connected, especially under the European Free Trade Association (EFTA). As a precondition for membership, the applicant countries had to adopt the entire body of Community legislation, known as the '*acquis communautaire*'.[22]

2.2. Two Enlargements in the 1980s

The second and third rounds of enlargement, which brought about the admission of Greece to the European Community in 1981, and then Portugal and Spain in 1986, are commonly referred to as the Southern enlargement and are very often analysed as a whole. Unlike the previous round of enlargement in which the democratic criterion of applicant states was never questioned, the situation here was different. All three states had to undergo a transformation from autocracy and dictatorship to democracy, and the prospects for their accession in this sense emerged starting from the mid-1970s. Greece applied to join the Communities in 1975, while Portugal and Spain lodged their applications in 1977. All applicant countries shared certain common points: their level of economic development was significantly lower than that of the current member states; further, their accession to the Community was seen as a significant means to their country's international rehabilitation, political stabilisation, and economic modernisation. Indeed, at the Brussels European Council summit held in December 1978, 'the great political significance of enlarging the European Communities for the consolidation of democracy in Europe' was particularly stressed. If this enlargement is compared with the previous one from the Community's perspective, based on the policy of deepening and widening, one might conclude that the priorities have changed: while national political leaders had sought to consolidate the EC politically prior to the UK's accession, in the run-up to the Southern enlargement, they wanted to prepare the EC financially.[23] Finally, although certain problematic economic issues were highlighted in the negotiations, especially regarding the future financing of the common agricultural policy, reasons of a political-strategic nature prevailed in favour of further expansion.

2.3. Fourth Round of Enlargement

The enlargement in which Austria, Finland, and Sweden joined the European Community on 1 January 1995, was, on the whole, the least problematic of all. All three countries were long-term members of the EFTA, and relations between the Community and EFTA had been regulated by bilateral agreements on free trade already since 1972.[24] Therefore, economic relations have long been close, and all three candidate countries were well acquainted with the EU's existing policies and

22 Schramm, 2025, pp. 1–22.
23 Ibid., p. 9.
24 See Thirteenth Annual Report of the EFTA, Geneva, September 1973, pp. 7–8.

procedures. Numerous Community legislative acts, primarily the rules concerning the free market and especially so after the signing and entry into force of the Agreement on the European Economic Area, were respected in these countries even before their formal accession. In other words, many of the accession chapters, into which the negotiations were broken down, had thus already been covered.[25] In addition, all three countries had very high levels of economic development. At the same time, as one of the most important political issues, their neutral status, which was regarded as an obstacle for their accession during the Cold War, lost its significance after the disappearance of the division between the Eastern and Western Blocs. As these countries were actually ready for membership both politically and economically, negotiations went smoothly and could be quickly brought to an end. Accession negotiations officially started at the beginning of 1993, following a decision taken at the European Council meeting in Edinburgh in December 1992. For all the reasons previously mentioned, but especially because preparations for enlargement towards Central and Eastern Europe had already begun, political leaders of member states determined at the European Council summit held in Copenhagen in June 1993 that the fourth enlargement 'should become a reality by 1 January 1995'.

2.4. Essential Conditions – Eligibility Criteria

Since the entry into force of the TEU on 1 November 1993 until today, the accession of new members is governed by the same Art. 49 of the TEU (ex Art. O in the Maastricht Treaty, repealing provisions of Art. 98 of the ECSC Treaty, Art. 205 of the EAEC Treaty, and Art. 237 of the EEC Treaty already mentioned in the text). This also means that all the accessions to the EU, starting with the fourth round, were based on Art. 49 of the TEU. The Maastricht Treaty stipulated the following:

> (1) Any European State may apply to become a Member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. (2) The conditions of admission and the adjustments to the Treaties on which the Union is founded which such admission entails shall be the subject of an agreement between the member states and the applicant State. This agreement shall be submitted for ratification by all the Contracting States in accordance with their respective constitutional requirements.

The wording of the Art. was later changed in the Treaty of Amsterdam and the Treaty of Lisbon, which added that the applicant state must respect and commit to the principles (Amsterdam Treaty – liberty, democracy, respect for

25 Schramm, 2025.

human rights and fundamental freedoms, the rule of law),[26] that is, values that are outlined today in Art. 2 TEU (Lisbon), upon which the Union is founded: respect for human dignity; freedom; democracy; equality; the rule of law; and respect for human rights, including the rights of persons that belong to minorities. The aforementioned values, which are common to countries of the Union, form the basis of societies in which pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men prevail.[27]

Although it is true that the aforementioned requirement was introduced by the Treaty of Amsterdam in a precise form, we have already outlined that the values of democracy, rule of law, and human rights, in fact, always represented common standards shared by the member states and were deemed to be a fundamental requirement for accession. Thus, in 1978, the European Council concluded – following the 1977 Joint Declaration of the European Parliament, the Council, and the Commission that stressed the supreme importance of the protection of human rights – that 'respect for and maintenance of representative democracy and human rights in each Member State are essential elements of membership of the European Communities' (Annex D, Declaration on Democracy).[28]

However, Art. 49 also stipulates another eligibility criteria according to which membership in the Union is opened to 'any European State' that shares the common values. In other words, the 'European identity' of the state is a basic condition that a country that applies for membership must satisfy. However, what precisely is meant by 'European'? At first glance, one could start explaining the fact of European identity of the state based on the geographical criterion, but the notion of Europe encompasses various meanings; thus, interpretations of the Europeanness of a state could also be historical, cultural, as well as political. It is true that the interpretation of this condition has never been unequivocally defined, but EU institutions have presented various interpretations over the years. It is well known that in 1987, Morocco applied for membership in the European Communities, but the application was rejected because Morocco was not considered a European state.[29] At that occasion, the Council adhered to the geographical interpretation of Europe in which Morocco obviously

26 Treaty of Amsterdam, Art. 6(1) (ex Art. F): '1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the member states'. Consolidated version of the Treaty on European Union (97/C 340/02), Official Journal of the European Communities, C 340/145.

27 Treaty on European Union, Art. 2: 'The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons that belong to minorities. These values are common to member states in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail'. Treaty on European Union, consolidated version, OJ C 326 of 26 October 2012, p. 13.

28 Lenaerts and van Nuffel, 2005, pp. 358–359. See European Council, Conclusions of the Presidency, 7–8 April 1978 Copenhagen.

29 European Parliament, Legal Questions of Enlargement, Briefing no. 23, 19 May 1998; Mazur, 2024, pp. 105– 126.

does not fit.[30] Meanwhile, in the case of Turkey, which also lodged an application to accede on 14 April 1987, the interpretation of its 'European Identity' took into account other criteria besides the geographical one, according to which the country is obviously mainly located in Asia. Recalling that historically, Turkey formed part of the so-called European concert, the European Parliament, the Council and the Commission have confirmed Turkey's eligibility. Another example that shows that the term 'European State' need not be interpreted in a strictly geographical sense is the case of Cyprus, which applied for membership in 1990. Conclusions of the Commission regarding the 'European Identity' of Cyprus, such as reference to the 'European culture and civilisation' that exists on the island for two thousand years (para. 44), as well as a reminder that political settlement in Cyprus will strengthen its ties with Europe (para. 45), clearly demonstrate that it is a criterion also subject to political assessment.[31] The Commission also concluded that the 'European identity' is an open concept subject to review by each succeeding generation.

Besides these basic conditions that each state that applies for membership must satisfy, there is another set of criteria that relates to the applicant State's acceptance of the Community system, and its capacity to implement it. As the legal, economic, and political framework has developed over the years, the obligations of membership have become progressively more difficult to fulfil as they presuppose a functioning and competitive market economy, and an adequate legal and administrative framework in the public and private sectors. These requirements, recognised as the Copenhagen Criteria, including later additions, and the strict standards that were formulated respectively, were set as conditions before all countries that joined the Union in the third millennium.

3. Enlargements to Central and Eastern Europe and the Copenhagen Criteria

Although all four enlargement rounds described thus far took place under different conditions, their course and outcome were influenced by a special combination

30 W. Europe Bloc Bars Morocco as a Member, Los Angeles Times, 21 July 1987.

31 Commission, The challenge of enlargement: Commission opinion on the application by the Republic of Cyprus for membership, Bulletin of the European Communities, Supp. 5/93, Luxembourg, 1993, paras. 44 and 45: '44. Cyprus's geographical position, the deep-lying bonds which, for two thousand years, have located the island at the very fount of European culture and civilization, the intensity of the European influence apparent in the values shared by the people of Cyprus and in the conduct of the cultural, political, economic and social life of its citizens, the wealth of its contacts of every kind with the Community, all these confer on Cyprus, beyond all doubt, its European identity and character and confirm its vocation to belong to the Community. 45. A political settlement of the Cyprus question would serve only to reinforce this vocation and strengthen the ties which link Cyprus to Europe...'.

of factors, namely specific national interests and interests in individual sectors, but also considerations about the functioning of the Community after accepting new members. The process of enlargement was characterised by and inseparably linked with the simultaneous deepening and widening of the integration process. Successive enlargements required significant reforms and the continued evolution of the Union, including its institutional and legal framework and decision-making process. However, the collapse of socialism in Europe, the opening of the process of democratic transition in these countries, and their turning towards the EU with the prospect of admission to membership, required a new approach and change in accession conditionality.

3.1. Towards the Largest Enlargement

The report presented by the Commission to the Lisbon European Council held in June 1992 examines the implications of further enlargement, all on the basis of the Treaty of Maastricht, which was signed on 7 February of the same year and by which, of course, the EU was established. At that moment, seven countries applied for membership (Turkey, Cyprus, Malta, Austria, Sweden, Finland, and Switzerland), while many others announced their intention to apply. The Report highlights the existence of new, dramatically changed contexts, both within the Community (completion of the single market, creation of the EU, transition to a single currency, introduction of a common foreign and security policy, etc.) as well as externally (end of the Cold War, emergence of new democracies, etc.), in which future accessions will take place. Acknowledging that the accession of new members will increase diversity and heterogeneity of the Union, the Commission resolutely emphasised that 'widening must not be at the expense of deepening'.[32]

The Commission highlighted that membership implies the acceptance of the *acquis communautaire*, presenting conditions for new members in detail – that is, a set of criteria including acceptance of the Community system and capacity to implement it, relating in particular to a functioning and competitive market economy, and an adequate legal and administrative framework in the public and private sectors, as well as acceptance and implementation of evolving common foreign and security policy.[33] In other words, to become members, applicant states must accept the rights and obligations, actual and potential, of the community system and its institutional framework.

The obligation of accepting the *acquis communautaire* means that they have to accept the contents, principles, and political objectives of the Treaties; the legislation adopted in their implementation; and the jurisprudence of the European Court of Justice. They are also obliged to accept all the declarations and resolutions adopted

32 Europe and the challenge of enlargement, European Commission, 24 June 1992, Bulletin of the European Communities, Supplement 3/92, p. 10.

33 Ibid., pp. 10–13.

in the Community framework, all international agreements concluded by the Community, as well as the agreements between member states connected with the Community's activities.

Careful reflection on the expected impact of future enlargements regarding the Community's effectiveness and overall functioning points out that the critical points are the application of the principle of subsidiarity; the need for reforms regarding the institutional framework to reduce the democratic deficit; as well as the need to strengthen the European Parliament; improve the composition, functioning, and decision-making process in Community institutions; and make necessary adaptations due to the increase in the number of official languages. Furthermore, a significant difference in terms of accession between certain groups of countries is highlighted. At the same time, the conclusion of agreements that will be appropriate to their specific situation, and should provide political dialogue with the Community and facilitate the process of economic preparation, is foreseen for all new European democracies. It was evident that for states of Central and Eastern Europe, and especially for countries that were 'emerging from Yugoslavia', a long and winding road lay ahead.

3.2. Fifth Round of Enlargement

Largest in terms of people and countries, the so-called Eastern enlargement included 10, mainly Central and Eastern European countries: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia. Bulgaria and Romania were also included in talks, but were separated later in the process due to unsatisfactory progress of the negotiations. In the period from March 1994 to June 1996, all countries applied for accession (the only exception was Malta, which officially reactivated its application for accession in 1998).[34] The decision that Cyprus and Malta would join the 10 CEE countries in the next phase of enlargement was adopted by the 1994 European Council in Essen, which also set out a pre-accession strategy with the aim of preparing applicant countries for the progressive adoption of the acquis.[35] It was based on the conclusions adopted at the 1993 meeting of the European Council in Copenhagen, which gave special attention to further enlargement of the EU, and has established three accession criteria – political, economic, and legal – already mentioned above in the text.[36] There is also the fourth criterion, adopted at the 1995 European Council in Madrid – this is the

34 Malta had been associated with the EEC since December 1970, while it became an applicant country in July 1990 (its application was then frozen since 1996). Cyprus also concluded an association agreement with the EEC in the 1970s, and had applied for accession in 1990. The Fifth Enlargement, CVCE, 2016.

35 European Council in Essen, Conclusions of the Presidency, 9–10 December 1994, Bulletin of the European Communities no. 12/94, p. I.13.

36 European Council in Copenhagen, Conclusions of the Presidency, 21–22 June 1993, SN 180/1/93 REV 1, p. 7. A. iii, p. 13.

so-called administrative criterion, concerning the adjustment of appropriate administrative structures with the aim of ensuring conditions for gradual and harmonious integration (strengthening of administrative capacity, creation of an efficient state administration system with the aim of ensuring an effective process of adoption, and implementation of the acquis of the EU). The list of accession conditions was further extended when the 1999 Helsinki European Council added a 'good neighbourly relations' criterion, which should secure that no conflicts are imported into the Union.

These criteria represented an understanding that Central and Eastern European countries would be admitted to the EU once they had met certain conditions, while several benchmarks have been established for assessing their progress towards economic and political compatibility with the EU.

3.2.1. Application for Membership

The accession procedure begins with submitting a state's application to become a member of the Union. According to Art. 49, this request has to be addressed to the Council. The Council unanimously decides on such a request, but only after consulting the Commission and after receiving the consent of the European Parliament.

In 1997, the Commission presented a document called 'Agenda 2000 – for a stronger and wider Union', in which accession conditions were further elaborated, and an assessment on the basis of the Copenhagen accession criteria on each application for membership was made (although it also criticised the Copenhagen criteria because they are 'broad in political and economic terms and go beyond the *acquis communautaire*').[37] Based primarily on the questionnaire sent to each of the applicant countries, as well as on other sources including bilateral meetings, the Commission prepared individual opinions on each application for membership. The Commission's general report in 'Agenda 2000' covers three sectors: political conditions (democracy and the rule of law, human rights, respect for minorities), economic conditions (the existence of a functioning market economy, the capacity to withstand competitive pressure and market forces within the Union), and other obligations of membership (the aims of political, economic, and monetary union; adoption of the acquis; administrative and judicial capacity to apply the acquis).[38]

This document was prepared at the request of the European Council, which stated during its Luxembourg meeting held in December of the same year, among other points, that fulfilling the political criteria is a prerequisite for the opening of negotiations. The decision has been made to launch an accession process comprising all 10 Central and Eastern European applicant States and Cyprus. The accession process was based on the enhanced pre-accession strategy intended to enable all the applicant states of Central and Eastern Europe to align themselves as far as possible

37 Commission, Agenda 2000 for a stronger and wider Union, Brussels, 15 July 1997, COM(97) 2000 final, Vol. 1, p. 42.

38 Ibid., pp. 41–53.

with the Union acquis prior to accession, accompanied by an analytical study of the Union acquis for each applicant State conducted individually. The European Council also invited the Commission to present regular reports concerning the progress of each of the candidate countries towards accession.[39]

The Accession Process was launched at the ministerial meeting held on 30 March 1998 in Brussels, for all of the 10 CEE countries and Cyprus. Accession partnerships between the EU and each of the applicant countries were established, objectives to be achieved to satisfy the accession criteria were set in so-called road-maps, and the 'pre-accession' financial arrangements were agreed upon. Nevertheless, not all countries progressed at the same pace in fulfilling the criteria and respecting the commitments made.[40] Thus, in accordance with the Commission's recommendations, accession negotiations began in 'two waves': on 31 March 1998, negotiations opened with Cyprus, Hungary, Poland, Estonia, the Czech Republic, and Slovenia, while on 15 February 2000, formal negotiations were opened with six other applicants (Bulgaria, Latvia, Lithuania, Malta, Romania, and Slovakia).[41]

Although criteria that have been set before candidate countries on their way to full membership are obviously general in nature, several benchmarks for assessing their progress towards economic and political compatibility with the EU have later been set. It is also important to point out that the Copenhagen Conclusions specifically emphasised that 'the Union's capacity to absorb new members' has to be considered. Thus, the absorption or integration capacity also constitutes an important criterion in the accession process, though not formally added to the list.

3.2.2. Screening Process

The first stage in the accession process is screening, which is in fact an examination with the aims to compare national legislative and constitutional frameworks with the *acquis communautaire* and identify where national legislation will have to be changed (or transitional arrangements might be negotiated). Based on

39 European Council in Luxembourg, Conclusions of the Presidency, 12–13 December 1997, SN 180/1/93 REV 1, p. 7. A. III, p. 13.

40 Slovakia was the only country to fail the political criteria, while at that stage, Bulgaria, Latvia, Lithuania, and Romania did not meet economic criteria. As regards Malta, the Commission essentially updated its 1993 positive report and adopted a new one in February 1999. See European Commission, Report updating the Commission opinion on Malta's application for membership, EC Cons Doc 6247/99, 17 February 1999.

41 The 1999 Helsinki European Council also recognised Turkey as a candidate for accession. See European Council in Cardiff, Conclusions of the Presidency, 15–16 June 1998, SN 150/1/98 REV 1, p. 67., p. 24.; European Council in Helsinki, Conclusions of the Presidency, 10–11 December 1999.

a screening process through 31 chapters,[42] following multilateral meetings that include a detailed presentation of each chapter of the acquis to the applicant states and bilateral meetings at which the realisation of the relevant chapters is examined in detail, the Commission reports to member states on potential problematic issues that might arise in negotiations on particular chapters. Through the screening process, a better understanding of the acquis and the process of its gradual adoption should be achieved. The screening of the acquis with the 11 candidate countries was launched in April 1998, arranged in the two waves explained above.[43]

3.2.3. Negotiations

Following the positive decision of the Council, negotiations as part of the second stage of the accession process could commence. Focusing on the terms under which the applicant states adopt and implement the acquis, the accession negotiations are conducted in bilateral conferences – that is, individually with each candidate state. Representatives of all EU member states and negotiators for the applicant state participate in these meetings. Of course, the duration of the negotiations depends on the readiness of each individual candidate. The Luxembourg Council has also pointed out this fact, stating that conclusion of the negotiations and the 'subsequent accession of the different applicant States will depend on the extent to which each complies with the Copenhagen criteria and on the Union's ability to assimilate new members'.[44] The Commission proposes common negotiating positions for each chapter, while individual chapters are opened and closed for negotiations following the decision of the Council, acting as an intergovernmental conference. The most important criteria for closing the negotiations are full acceptance of the EU acquis, absence of requests for transitional periods, and satisfactory responses to the EU's questions.

(a) The pre-accession strategy, proposed in 'Agenda 2000' to improve the level and effectiveness of support for the candidate countries with the intention to help them align with the acquis as far as possible before accession, signif-

42 These chapters are as follows: (1) free movement of goods; (2) free movement for persons; (3) freedom to provide services; (4) free movement of capital; (5) company law; (6) competition policy; (7) agriculture; (8) fisheries; (9) transport policy; (10) taxation; (11) economic and monetary union; (12) statistics; (13) employment and social policy; energy; (15) industrial policy; (16) small and medium sized enterprises; (17) science and research; (18) education and training; (19) telecom and information technologies; (20) culture and audiovisual policy; (21) regional policy and co-ordination of structural elements; (22) environment; (23) consumers and health protection; (24) justice and home affairs; (25) customs union; (26) external relations; (27) common foreign and security policy; (28) financial control; (29) finance and budgetary provisions; (30) institutions; (31) other.

43 See Andrews C., EU Enlargement: from Luxembourg to Helsinki and beyond, House of Commons Library, Research Paper 00/62, 2000, pp. 1–39.

44 European Council in Luxembourg, Conclusions of the Presidency, 12–13 December 1997, SN 180/1/93 REV 1, para. 26.

icantly relied on Accession Partnerships as its main policy instrument. The Commission negotiated this document specifically with each member state so that it would reflect its real needs as closely as possible. The Accession Partnership set out the main short-term and medium-term priorities of the country, the financial assistance offered from the EU for implementing them, as well as the conditions for assistance. Different financial aid programmes were set up under the Accession Partnerships, out of which the PHARE programme was the main financial instrument of the pre-accession strategy. Participation in different programmes of the Union to familiarise the applicant states with EU policies and procedures was also envisaged as part of the strategy. Accession Partnerships with all 12 states were signed in the period between March 1998 and March 2000. The Commission uses annual reports to assess the progress made by the applicant state in meeting the priorities set. These reports follow the same methodology, securing objectivity in evaluating the progress of a state and comparability from year to year. They are based on the Copenhagen accession criteria, complemented with the Madrid criterion.

(b) The Helsinki European Council adopted important decisions and novelties in the accession strategy, such as granting Turkey candidate status, and this particularly refers to the introduction of the principle of differentiation, securing that each candidate State in the negotiations 'will be judged on its own merits'. This principle should apply both to the opening of various negotiating chapters and conduct of the negotiations. As it regards the countries included in the 'second wave', such an approach would make it possible for them to catch up within a reasonable period of time with those countries already in negotiations, under the condition that they have made sufficient progress in their preparations. It was emphasised that progress in negotiations must go hand in hand with progress in incorporating the acquis into legislation as well as with its implementation and enforcement.[45]

3.2.4. Closing of Negotiations and Signing of the Accession Treaty

After the 2000 Nice European Council decided to speed up accession negotiations based on a strategy that included timetables specifying the various chapters that should be addressed during next two years, the 2001 Goteborg European Council set the objective of concluding negotiations by the end of 2002. The latter deadline applied only to those countries that were ready. It turned out that 10 countries were considered by the Commission to be ready for accession, as stated in its 2001 Report, while only Bulgaria and Romania were left out as they did not make satisfactory progress.

The final outcome of the negotiation process for the first 10 successful candidate countries was the signing of the Accession Treaty in Athens on 16 April 2003, which,

45 European Council in Helsinki, Conclusions of the Presidency, 10–11 December 1999, para. 11.

according to Art. 49, contains the 'conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails'. The Accession Agreement was then submitted for ratification by all the contracting states in accordance with their constitutional requirements. Interestingly, referendums, all with successful outcomes as regards the accession, were held in nine of the applicant countries, while in Cyprus, it was ratified in the national parliament.[46] In a situation where more than one country accedes to the Union, a single Accession Treaty is signed, meaning that in the process of ratification by each of the member states, there is no possibility for approving the accession of only some of the candidate states. Finally, the 10 countries joined the EU on 1 May 2004.

3.3. Sixth Round of Enlargement

The Treaty concerning the accession of the Republic of Bulgaria and Romania to the EU was signed in Luxembourg on 25th April 2005.[47] Their accession to the EU was postponed due to difficulties concerning their economies, as already noted by the Commission in 2000.[48] However, the low level of economic development was not the only obstacle on their way to membership; in the case of Romania, negotiations were closed after a last-minute compromise on the chapters of Justice and Home Affairs, Competition, and Environment. That the accession of both countries was burdened with problems is also evidenced by the fact that the post-negotiation period, from signing the Accession Treaty until the earliest possible date of accession, was set to 18 months, which was longer than that for previous applicants. More importantly, the Accession Treaty incorporated an increased number of safeguard clauses in case of unforeseen developments during the first years of accession. The introduction of these clauses and enhanced monitoring for Bulgaria and Romania indicated greater concern on the EU side with their implementation capacity and overall progress.[49] Nevertheless, both countries joined the EU on 1 January 2007.

By setting the conditions for accession and through their later development, the European Council indeed supplemented and re-defined the EU constitutional enlargement framework. The roles of institutions have been redefined, particularly visible in the example of the Commission, which has been given a pivotal role in the screening process through which the assessment of progress of candidate countries in adopting the acquis is carried out. Further, based on its regular annual reports – in which, within the pre-accession framework, it acts as a supervisor based on the conditions previously established by the Accession Partnership – the Council is enabled to make decisions on the conduct of negotiations as objectively as possible. The final approval remains with the European Council. It is therefore an institutionalised

46 Lenaerts and van Nuffel, 2005, pp. 18–19.
47 Treaty concerning the Accession of the Republic of Bulgaria and Romania to the European Union.
48 European Commission, Composite Paper, EC Cons Doc 12053/99, 13 October 1999, p. 30.
49 Nikolova, 2006, pp. 393–412.

monitoring of the candidates' progress that should enable decisions to be made, relying on the most objective criteria possible.

3.4. Seventh Round of Enlargement

Croatia's path to the EU was, in fact, over 12 years long. It formally started on 29 October 2001 by signing the Stabilisation and Association Agreement (SAA).[50] Croatia was the second country to sign an SAA with the EU,[51] which represented the first formal contractual step in institutionalising its relationship with the EU. Besides the SAA, at the same time, the Interim Agreement was signed and the Joint Declaration of the Republic of Croatia and the EU on Political Dialogue was adopted.[52] Croatia applied for EU membership on 21 February 2003 in Athens, and subsequently, the Council of the EU asked the Commission to prepare an opinion on Croatia's application bid.

In July 2003, the European Commission handed its Questionnaire to the Republic of Croatia. The questionnaire contained 4,560 questions from various areas concerning the functioning of the state, institutions, economy, etc. Although answering the questionnaire was an extensive job, it was completed within the given deadline of three months; thus, the answers were submitted to the European Commission on 9 October 2003. In December 2003 and January 2004, the European Commission sent an additional 184 questions that the Government of the Republic of Croatia answered. Based on the answers in the questionnaire as well as information from other sources, on 20 April 2004, the Commission gave a positive Opinion (Avis) on Croatia's application for membership in the EU. Based on a positive opinion regarding potential membership, the European Council granted Croatia the status of a candidate country.

The SAA entered into force on 1 February 2005. The European Council set 17 March 2005 as starting date for negotiations, provided that full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) is achieved. However, a confirmation of full cooperation with the ICTY was missing, which is why the starting date for opening negotiations was postponed. However, the Negotiating Framework was already adopted, meaning that negotiations would start when full cooperation with the ICTY is achieved.

50 The Croatian Parliament ratified the Stabilisation and Association Agreement on 5 December 2001, and the European Parliament confirmed it on December 12 of the same year.

51 The first country that signed the Stabilisation and Association Agreement with the European Union (as well as the Interim Agreement on trade and trade-related matters), as the first country of the Region to have successfully concluded negotiations on, was Macedonia (then under the name Former Yugoslav Republic of Macedonia – FYROM) on 9 April 2001. See SAA Agreement between the EU and the FYROM.

52 Stabilisation and Association Agreement between the EU and the Republic of Croatia, Official Journal L 026, 28/01/2005 pp. 0001–0002.

3.4.1. Additional Conditions and New, Stricter Methodology

Namely, as a contracting state of the Stabilization and Association Process (SAP), the Republic of Croatia had to respect certain additional conditions. In fact, the EU established special political criteria for the countries of the SAP, determining that they must achieve the following: (a) full cooperation with the ICTY; (b) visible progress in the return of refugees and the protection of minorities and minority rights; (c) progress in judicial reform; (d) full freedom of the media; (e) readiness for regional cooperation and the development of good neighbourly relations.

Upon receiving a positive report from the then ICTY Chief Prosecutor, the Council concluded that conditions for starting negotiations had been met. Accession negotiations were officially launched on 3 October 2005. It is important to point out that the Negotiating Framework agreed for Croatia was significantly strengthened in comparison with the one used for the accession of Central and Eastern European countries. The very process of negotiations on accession had taken over seven years (2005–2011); therefore, it lasted longer than that of any of the countries that joined the EU in 2004 and 2007. Further, the Croatian negotiations proceeded on the basis of different and stricter methodology criteria than those used in previous enlargements.

The screening of the Croatian legal system passed through 35 chapters, instead of 31 chapters as for candidate countries in previous rounds of enlargement. Four new chapters were added, out of which the new Chapter 23 – Judiciary and Fundamental Rights — was by far the most important novelty. Although its content was partially covered in the previous enlargements by the chapter dealing with justice, freedom, and security (retained also in the Croatian negotiations), as a newly introduced chapter, it became very important for Croatian accession. Together with the previously existing and now renumbered Chapter 24 – Justice, Freedom, and Security — it significantly determined the final stages of negotiations.[53] A focus on the rule of law issues — in particular, reform of the judiciary and the fight against organised crime and corruption — was the result of the new enlargement approach

53 The negotiating chapters of the acquis for Croatia were as follows: (1) free movement of goods, (2) freedom of movement for workers, (3) right of establishment and freedom to provide services, (4) free movement of capital, (5) public procurement, (6) company law, (7) intellectual property law, (8) competition policy, (9) financial services, (10) information society and media, (11) agriculture and rural development, (12) food safety, veterinary and phytosanitary policy, (13) fisheries, (14) transport policy, (15) energy, (16) taxation, (17) economic and monetary policy, (18) statistics, (19) social policy and employment, (20) enterprise and industrial policy, (21) trans-European networks, (22) regional policy and coordination of structural instruments, (23) judiciary and fundamental rights, (24) justice, freedom and security, (25) science and research, (26) education and culture, (27) environment, (28) consumer and health protection, (29) customs union, (30) external relations, (31) foreign, security and defence policy, (32) financial control, (33) financial and budgetary provisions, (34) institutions, and (35) other issues.

agreed upon in 2006, after accession negotiations with Bulgaria and Romania revealed obvious shortcomings in these key areas.[54]

Further, a new instrument of opening and closing benchmarks (there were 127 in total), as one of the key elements in the new negotiations approach and methodology, was introduced. The extensive and more systematic use of benchmarks, providing concrete criteria for opening and closing individual chapters, represented significant novelties in the process. Benchmarks are in fact measurable targets, linked to key elements of the acquis chapter, which must be fulfilled by the candidate states. Closing benchmarks primarily concern legislative measures, administrative or judicial bodies, and a track record of implementation of the acquis, while for chapters in the economic field, they also include the criterion of being a functioning market economy.[55] Finally, it can be concluded that the increased number of chapters and stronger focus on the rule of law and political criteria in general than in previous negotiations, together with the suspension clause, safeguard clause, and more intensive use of benchmarks, turned Croatia's negotiations into more demanding process than it was in all previous cases.[56]

Covering and adopting the *acquis communautaire* as described in 35 chapters required comprehensive modifications to Croatian legislation. Annually, on the grounds of new chapters and insights, further changes to the recently accepted legislation were required and urgently passed through the national parliamentary procedure. As expected, the crucial problems had been concentrated around the reform of judiciary and fundamental rights, justice, freedom and security, and financial responsibility. The *acquis communautaire* itself was over a 100,000 pages. Therefore, one can easily agree with the conclusion that very little could have actually been a subject of negotiation.[57]

(a) Monitoring: Each stage of the negotiation process was verified and closely monitored by the European Commission. The progress in acceptance, transposition, implementation, and enforcement of the EU acquis was analysed and evaluated in periodic monitoring reports. Once the negotiation process was completed successfully, the European Parliament and the Council of the EU gave a green light for Croatia's EU accession and negotiations were closed on 30 June 2011. Closing the negotiations further allowed for the signature of the Accession Treaty on 9 December 2011.[58] Art. 36 of the Accession Treaty required the Commission to closely monitor all commitments undertaken by

54 See Nozar, 2012, pp. 1–4.

55 See Communication from the Commission to the European Parliament and the Council – Enlargement Strategy and Main Challenges 2006–2007, COM (2006) 649 final, para. 3.1.

56 Butković and Samardžija, 2014, pp. 91–108.

57 Croatia amended its Constitution in 2010, aligning its constitutional and legal framework with the requirements for the approaching EU membership. See more in Bačić, 2023, pp. 105–133.

58 Decision of the Council of the European Union of 5 December 2011 on the admission of the Republic of Croatia to the European Union; Treaty on Accession between the EU and the Republic of Croatia, Official Journal of the EU, L 112/6., 24.4.2012.

Croatia in the accession negotiations, focusing, in particular, on competition policy; judiciary and fundamental rights; as well as justice, freedom, and security. As an integral part of its regular monitoring, the Commission has been issuing six-monthly assessments on the implementation of Croatia's commitments in these areas.

The Commission adopted a Monitoring Report on Croatia's accession preparations in April 2012 and a Comprehensive Monitoring Report in October 2012, with Croatia adopting an action plan to follow up on their recommendations. In line with Art. 36, this final Monitoring Report assessed the progress made by Croatia in its preparations for accession in the period between 1 September 2012 and 28 February 2013. This assessment was based on information gathered and analysed by the Commission, including input provided by Croatia; peer assessment missions; as well as information shared by the member states and international and civil society organisations, in their regular correspondence with the Commission. The assessment was also based on the findings of the updated half-yearly Monitoring Tables — a working tool aimed at following up all commitments undertaken by Croatia in the accession negotiations in detail.

(b) Financial assistance: Prior to full EU membership, Croatia had at its disposal funding from the Instrument for Pre-Accession Assistance (IPA). IPA funding was used for financing projects for the harmonisation of national legislation with the *acquis communautaire*, the application of harmonised legislation, as well as preparations for the implementation of EU cohesion and agricultural policies. The IPA played a key role in the development of the management and control system for the use of EU funds. The EU pre-accession funds available to Croatia as an EU candidate country played an important role in its adjustment for membership. For instance, as a candidate country, Croatia used the Special Pre-Accession Program for Agriculture and Rural Development and the Instrument for Pre-Accession Assistance – Rural Development, one of the goals of which was to strengthen the competitiveness of businesses in the agriculture and food production sectors. IPA was a kind of continuation of the first generation of EU funds — CARDS, PHARE, ISPA, and SAPARD — and at the same time, a preparation for the implementation of ESI funds.

3.4.2. Entering the Union and Lessons Learnt

Before finally joining the EU, Croatia had to take one more step. Namely, a referendum on accession was held in January 2012, as the second state referendum after the 1991 independence referendum, and approximately 66% of voters decided in favour of Croatian accession to the EU. On 9 March, the Croatian Parliament unanimously ratified the Accession Treaty of the Republic of Croatia to the EU. Following the ratification procedure in each of the EU member states, as the first country of the so-called Western Balkans region and the second state from ex-Yugoslavia (after

Slovenia), Croatia joined the EU on 1 July 2013, remaining to this day, the last country to be accepted for membership in the Union.

Therefore, one might argue that Croatia has entered the EU prepared as no other country before it. Namely, no state before Croatia had the benchmarks for opening and closing chapters. Croatia's negotiations contained more chapters than any country had before. Croatia is also the first country to have a special chapter – the judiciary. It is important to highlight that in doing so, Croatia has created standards and benchmarks for countries to come in future enlargement rounds. Furthermore, it might be concluded that Croatia has created a basis for assessing the judicial situation of other member states, which can be seen as a major contribution to the functioning of the EU itself.

4. On the Road to the EU – What About Future Enlargements?

Croatia managed to enter the EU as the only nation from the group of Western Balkan countries, which is in fact a geopolitical term coined by the EU and US policymakers in the early 1990s.[59] The European Council introduced this term at the 1998 summit in Vienna,[60] while in 2001, the EU launched its policy towards the Western Balkans in the form of the SAP. The EU decided to reform and strengthen its Regional Approach, already established in 1996, prompted by the conflict in Kosovo, which revealed the potential political effects of instability on neighbouring states, with the risk of destabilisation of Macedonia, Albania, and Montenegro, and which also had economic effects on countries of the region, including Romania and Bulgaria, which almost started accession negotiations.[61] The European Commission therefore proposed the creation of a SAP for Albania, Bosnia and Herzegovina, Croatia, Macedonia, and the Federal Republic of Yugoslavia in May 1999, while in June of the same year, the Stability Pact was agreed upon – a political document whose strategic goal was stabilisation in South Eastern Europe by bringing the countries of the region closer to the Euro-Atlantic structures and strengthening mutual cooperation agreements and good neighbourly relations.[62]

(a) Stabilization and Association Process: The main goal of the whole process was therefore to stabilise the region with the prospect of future EU membership for candidate countries and potential candidates from the region, offering,

59 Bugajski, 2019; Dabrowski and Myachenkova, 2018.

60 See EU-Western Balkans Summit, The Future of the Western Balkans is in our Union, 14 December 2013.

61 Albania and Macedonia (FYROM) already had contractual relations with the EU in the form of Cooperation Agreements.

62 Stability Pact for South Eastern Europe, Cologne, 10 June 1999.

at the same time, certain flexibility in the approach of the EU towards each country. The SAP was conceived as a combination of further development of existing instruments of cooperation and new initiatives that place particular emphasis on the development of political dialogue, assistance for democratisation and civil society, regional cooperation in various fields – for example, the development of infrastructure and networks, along with the establishment of a free trade area and promotion of a market economy.[63]

Although the SAP sets out common political and economic goals, each country's progress is judged on its own merits. The most important instrument of the process was SAA – a new kind of contractual relation, differentiated to consider the individual situation of each country, with a perspective of EU membership on the basis of the Amsterdam Treaty and once the Copenhagen criteria have been met.

Partner countries in the SAP framework were Albania, Bosnia and Herzegovina, Croatia, Macedonia, as well as Montenegro and Serbia (at that moment, these two countries formed the Federal Republic of Yugoslavia). At the Thessaloniki European Council and the EU–Western Balkans Summit held in the period from 19 to 21 June 2003, it was decided that the countries of the so-called Western Balkans may become EU members once they fulfil the accession criteria (Copenhagen, strengthened with the Madrid criterion) and the conditions set for SAP.[64] Further, since the Thessaloniki Summit, Kosovo was included in the framework of the SAP.[65] The Thessaloniki Declaration highlights democracy, rule of law, respect for human rights, the market economy, the peaceful resolution of conflicts, and regional cooperation as the values shared by all parties, and confirms the EU's 'unequivocal support to the European perspective of the Western Balkan countries'. It therefore clearly promised the Western Balkan countries full membership of the EU upon fulfilment of the criteria, and it also marked a significant shift in the EU's approach towards the region from post-conflict stabilisation (security) to European integration (enlargement).[66]

Ten years after Thessaloniki, exactly when Croatia entered the EU, the remaining Western Balkan countries were divided in two categories: while Macedonia, Montenegro, and Serbia were officially granted candidate status, Albania, Bosnia and Herzegovina, and Kosovo were still considered potential candidates for membership. The next decade brought the opening of negotiations with almost all of these countries.

(b) Western Balkan countries in negotiations: Macedonia was the first country to start with negotiations on the SAA and the first country to conclude and sign the Agreement in April 2001. The Agreement came into force in April 2004, after ratification by all EU member states. In March 2004, Macedonia applied

63 The main financial instrument introduced to the region was the CARDS Programme (Community Assistance for Reconstruction, Development and Stabilisation), which identified several priority areas: institution building, home and justice affairs, cross-border cooperation, private sector development, and infrastructure development. See Schenker, 2008, pp. 1–19.

64 See Thessaloniki European Council, Presidency Conclusions, D/03/3, 19 and 20 June 2003.

65 See Baliqi, 2013, pp. 1–8.

66 Prifti, 2013, pp. 1–147.

for EU membership, following Croatia's example of not waiting for the SAA to come into force. After having completed and handed over the EU questionnaire in February 2005, Macedonia was granted candidate status at the European Council of December 2005. Accession negotiations with Macedonia were opened on 25 March 2020.

Accession negotiations for Albania were opened in the same occasion as for Macedonia. Albania applied for membership in April 2009, and in June 2014, it was granted candidate status.

Bosnia and Herzegovina applied for EU membership in February 2016. The European Council granted it candidate status in December 2022, and on 21 March 2024, it decided to open accession negotiations with the country.

As for Montenegro, the country applied for membership in December 2008; the SAA entered into force in May 2010; and in December of the same year, it was granted candidate status. The European Council decided to open negotiations with Montenegro in June 2012.

Serbia was granted candidate status in March 2012, while the SAA entered into force and accession negotiations were opened in 2013.

The SAA for Kosovo entered into force in April 2016, while its application for membership was submitted in December 2022. Kosovo still maintains the status of a potential candidate.

In addition to not all being in the same status in terms of candidacy, the countries of Western Balkans are not equally advanced in the negotiations. In this context, it is important to point out that after Croatia's negotiation process, the Commission began to favour an early start on the most difficult areas of reform, such as those in Chapter 23 on Judiciary and Fundamental Rights and Chapter 24 on Justice, Freedom, and Security. Namely, after the Bulgarian and Romanian negotiations, a new enlargement approach was adopted in 2006, and the focus was placed on rule of law issues — in particular, reform of the judiciary and the fight against organised crime and corruption. The Croatian experience has shown that Chapter 23 is by far the most important but also the most difficult novelty, where besides the 'hard acquis', Croatia also had to follow the best practice of the EU member states.[67]

In June 2012, Montenegro was the first country to have to open precisely these two chapters in the early stages of its EU accession talks and close them last. The negotiations are characterised by the method of enhanced conditionality and introduction of new mechanisms, such as opening, intermediary, equilibrium, and closing benchmarks, followed by safeguard clauses to extend monitoring and more routine procedures to suspend negotiations. Candidate countries are required to demonstrate a solid record in reforms, while the EU is more determined in trying to resolve certain pending issues prior to accession.

(c) Revision of the enlargement methodology and new candidate countries: Nevertheless, before opening negotiations with Albania, Bosnia and Herzegovina,

67 See Turkalj, 2022, pp. 55–81.

and Macedonia, as well as with two countries that applied for membership only in 2022 and received candidate status the same year – Moldova[68] and Ukraine[69] – the EU decided to revise the enlargement methodology. This also meant that the application of a revised methodology had to be agreed with two countries with which negotiations had already begun. Namely, the European Commission adopted a Communication reviewing the accession methodology in February 2020, which was then endorsed by the Council of the EU in the following month, while its application for Montenegro and Serbia was agreed by the Council of the EU on 6 May 2021. In this sense, it should be noted that three other countries have candidate status, but Turkey and Kosovo were recently joined by Georgia, which was granted candidate status by the European Council in December 2023 (though its accession process is currently *de facto* halted). The review of the enlargement methodology aims at the 'reinvigoration of the access process by making it more predictable, more credible, more dynamic and subject to stronger political steering'.[70]

Under the revised methodology, 33 negotiating chapters are divided into six thematic clusters: Cluster 1 – Fundamentals; Cluster 2 – Internal market;[71] Cluster 3 – Competitiveness and inclusive growth;[72] Cluster 4 – Green agenda and sustainable

68 In December 2023, the European Council decided to open accession negotiations with the Republic of Moldova. In June 2024, the Council adopted the negotiating framework, while the Commission started the bilateral phase of the screening process in July 2024. For details, see European Commission, Republic of Moldova 2024 Report, SWD(2024) 699 final, Brussels, 30.10.2024.

69 In December 2023, the European Council decided to open accession negotiations with Ukraine. In June 2024, the Council adopted the negotiating framework, while the Commission started the bilateral phase of the screening process in July 2024. For details, see European Commission, Ukraine 2024 Report, SWD(2024) 699 final, Brussels, 30.10.2024.

70 European Commission, Communication on EU enlargement policy, COM(2024) 690 final, Brussels, 30. 10. 2024.

71 Cluster 2 (Internal market) includes nine chapters: (1) free movement of goods, (2) free movement for workers, (3) right of establishment and freedom to provide services, (4) free movement of capital, (6) company law, (7) intellectual property law, (8) competition policy, (9) financial services, (28) consumer and health protection.

72 Cluster 3 (Competitiveness and inclusive growth) includes eight chapters: (10) digital transformation and media, (16) taxation, (17) economic and monetary policy, (19) social policy and employment, (20) enterprise and industrial policy, (25) science and research, (26) education and culture, (29) customs union.

connectivity;[73] Cluster 5 – Resources, agriculture, and cohesion;[74] Cluster 6 – External relations.[75] Negotiations on each cluster open as a whole.

As we have seen from the Croatian example, the rule of law issues are of special significance in the accession process. Further, accession negotiations with Montenegro already started with the opening of the 'rule of law chapters'. They are now placed at the very centre of the new methodology, inside Cluster 1 (Fundamentals) comprising five chapters, out of which Chapter 23 (Judiciary and Fundamental Rights) and Chapter 24 (Justice, Freedom, and Security) are of crucial importance. Negotiations on the Fundamentals cluster open first and close last.[76] As interim benchmarks for chapters 23 and 24 have been established, no chapter can be closed before these benchmarks have been met. Interestingly, four candidate countries (Albania, Montenegro, North Macedonia, and Serbia) are already covered by the 2024 Rule of Law Report together with member states. This Report includes national chapters, examining positive and negative developments in four key areas for the rule of law: the justice system, the anti-corruption framework, media pluralism and freedom, and other institutional issues related to checks and balances.[77]

It seems that the revision of the enlargement methodology had an important political background. Namely, according to Commissioner O. Várhelyi, the main principle EU 'wanted to re-establish was the credibility' of the whole enlargement process, credibility that was

> lost somewhat on the way by messages that there will be no enlargement, by not being able to decide on opening accession negotiations three times in a row, and also by not having a process that is capable ofdelivering progress in the enlargement.[78]

In the same occasion of presenting the 2024 Enlargement Package, Vice-President of the Commission J. Borrell concluded that 'a detailed assessment of the state of play in countries aspiring to be members of the EU' is based on their individual efforts and is 'merit-based with the rule of law at the core of it'.[79]

73 Cluster 4 (Green agenda and sustainable connectivity) includes four chapters: (14) transport policy, (15) energy, (21) Trans-European networks, (27) environment and climate change.

74 Cluster 5 (Resources, agriculture, and cohesion) includes five chapters: (11) agriculture and rural development, (12) food safety, veterinary and phytosanitary policy, (13) fisheries and aquaculture, (22) regional policy and coordination of structural instruments, (33) financial and budgetary provisions.

75 Cluster 6 (External relations) includes two chapters: (30) external relations, (31) foreign, security and defence policy.

76 Besides Chapters 23 and 24, Cluster 1 (Fundamentals) comprises Chapter 5 (Public procurement), Chapter 18 (Statistics), and Chapter 32 (Financial control).

77 European Commission, 2024 Rule of Law Report, COM(2024) 800 final, Brussels, 24. 7. 2024. The Rule of Law Reports are published since 2020.

78 See European Commission – Speech, Remarks by Commissioner Várhelyi at the press conference on the 2024 Enlargement Package, Brussels, 30 October 2024.

79 See European Commission – Speech, Remarks by High Representative/Vice-President Borrell at the press conference on the 2024 Enlargement Package, Brussels, 30 October 2024.

5. Concluding Remarks

In line with the revised enlargement methodology, the EU regularly monitors the progress of candidate states. The Commission assesses the overall progress in accession preparations and negotiations through annual country reports, as well as through annual enlargement reports covering the progress of all countries included in the enlargement process, and proposes the way ahead for each country. In the last such Report, it is emphasised that EU accession remains a key driver of long-term security, peace, stability, and prosperity in Europe. According to the Commission, the enlargement process, which is currently open to 10 countries, entered a new phase in 2024, exactly 20 years after the biggest enlargement in EU history by 10 states. Although one might easily agree with their conclusion that 'the enlargement process gained new momentum throughout 2023 and 2024',[80] especially taking into account the opening of negotiations with Bosnia and Herzegovina, Moldova, and Ukraine, the direction in which the process will take each of the aspirant countries and the dynamics at which it will develop are, at this point, quite uncertain.

Even progress of all candidate countries towards EU membership seems to be the least likely, and in fact, impossible scenario. In addition, accession negotiations are currently underway with countries that became candidates more than 20 years ago, as well as with those that have only recently achieved this status, not to mention the status of Turkey. Therefore, it is important to remember that in 'Agenda 2000', the European Commission already concluded that each country should be evaluated based on its own progress; that the European Council repeatedly concluded that countries that have advanced in reforms do not have to wait for those who are slower in this process; and that progress towards the EU for each country depends on its own merit in meeting accession requirements and taking into consideration the EU's capacity to absorb new members.[81] Finally, no matter how strict and precise the entire accession process has become, with an increasing number of requirements placed before the candidate countries, determining more objective and measurable standards or benchmarks, it should be noted that enlargement decisions have always been very much motivated by political reasons.

80 European Commission, Communication on EU enlargement policy, COM(2024) 690 final, Brussels, 30 October 2024.

81 European Council, Presidency Conclusions, Brussels, 23-24 June 2022, para. 14. See Mazur, 2024, p. 124.

References

Bibliography

Andrews, C. (2000) 'EU Enlargement: from Luxembourg to Helsinki and beyond', *House of Commons Library, Research Paper*, 00/62, pp. 1–39.

Bačić, P. (2023) 'On Croatian Constitutional Identity and European Integration' in Varga Zs., A, Berkes, L. (eds.) *Common Values and Constitutional Identities – Can Separate Gears Be Synchronised?*. Miskolc–Budapest: Central European Academic Publishing, pp. 105–133; https://doi.org/10.54237/profnet.2023.avlbcvci_4.

Badinter, R. (1993) 'L'Europe du droit', *European Journal of International Law*, 4(1), pp. 15–23 [Online]. Available at: https://doi.org/10.1093/oxfordjournals.ejil.a035822 (Accessed: 15 February 2025).

Baliqi, B. (2013) 'Kosovo and the Stabilization Association Agreement: Perspectives and Challenges in the Integration Process', *Konrad Adenauer Stiftung*, pp. 1–8. [Online]. Available at: https://doi.org/10.2139/ssrn.2614901 (Accessed: 15 February 2025).

Becker, P. (2025) 'Conditionality as an Instrument of European governance', *Journal of Common Market Studies*, 63(2), pp. 402–419.

Blockmans, S. (2009) 'Raising the Threshold for Further EU Enlargement' in Ott, A., Vos, E. (eds.) *Fifty Years of European Integration: Foundations and Perspectives*. The Hague: TMC Asser Press, pp. 203–220.

Butković, H., Samardžija, V. (2014) 'Challenges of continued EU enlargement to the Western Balkans – Croatia's experience', *Poznan University of Economics Review*, 14(4), pp. 91–108 [Online]. Available at: https://doi.org/10.18559/ebr.2014.4.840 (Accessed: 15 February 2025).

Chatham House (2021) 'The EU's Forgotten Grandfather: Richard Coudenhove-Kalergi' [Online]. Available at: https://www.chathamhouse.org/events/all/members-event/eus-forgotten-grandfather-richard-coudenhove-kalergi (Accessed: 15 February 2025).

Cremona, M., Shuibhne, N.N. (2022) 'Integration, Membership and the EU Neighbourhood', *Common Market Law Review*, 2022/59, pp. 155–180. [Online]. Available at: https://doi.org/10.54648/COLA2022149 (Accessed: 15 February 2025).

Gross, L. (1948) 'The Peace of Westphalia 1648–1948', *American Journal of International Law*, 42(1), pp. 20–41. [Online]. Available at: https://doi.org/10.2307/2193560 (Accessed: 15 February 2025).

Hillion, C. (2004) 'The Copenhagen Criteria and their Progeny' in Hillion, C. (ed.) *EU Enlargement – A Legal Approach*. Portland, Oregon: Hart Publishing, pp. 1–23.

Inglis, K. (2009) 'Accession Treaties: Differentiation versus Conditionality?' in Ott, A., Vos, E. (ed.) *Fifty Years of European Integration: Foundations and Perspectives*. The Hague: TMC Asser Press, pp. 139–156; https://doi.org/10.1007/978-90-6704-631-2_9.

Keegan, J. (1997) 'From Albert Speer to Jacques Delors' in Gowan, P., Anderson, P. (ed.) *The Question of Europe*. London–New York: Verso, pp. 85–90.

Lenaerts, K., van Nuffel, P. (2005) *Constitutional Law of the European Union.* 2nd edn. London: Thomson, Sweet & Maxwell.

Mazur, S.K. (2024) 'On the Verge of the Next EU Enlargement, Accession Legal Framework: Conceptual Overview', *Croatian Yearbook of European Law & Policy*, 2024/20, pp. 105–126 [Online]. Available at: https://doi.org/10.3935/cyelp.20.2024.599 (Accessed: 15 February 2025).

Nikolova, P. (2006) 'Negotiating for EU Membership? The case of Bulgaria and Romania', *Croatian Yearbook of European Law & Policy*, 2006/2, pp. 393–412.

Nozar, W. (2012) 'The 100% Union: The rise of Chapters 23 and 24' [Online]. Available at: https://www.clingendael.org/sites/default/files/pdfs/The%20100%25%20Union.%20The%20rise%20of%20Chapters%2023%20and%2024.pdf (Accessed: 15 February 2025).

Prifti, E. (ed.) (2013) *The European Future of the Western Balkans*. Paris: The European Union Institute for Security Studies.

Schenker, H. (2008) 'The Stabilization and Association Process: An Engine of European Integration in Need of Tuning', *Journal on Ethnopolitics and Minority Issues in Europe*, 7(1), pp. 1–19.

Schramm, L. (2025) 'Navigating widening and deepening: the European council, geopolitical motives, and Union enlargement', *Journal of European Integration* [Online]. Available at: https://doi.org/10.1080/07036337.2025.2457007 (Accessed: 15 February 2025).

Steiner, H.J., Alston, P. (1996) *International Human Rights in Context: Law, Politics, Morals*. Oxford: Clarendon Press.

Turkalj, K. (2022) 'Poglavlje 23 'Reforma pravosuđa i temeljna prava' – utjecaj pristupnih pregovora na jačanje vladavine prava u Hrvatskoj' in Šimonović, I. (ed.) *Poznavanje i vrijednosno prihvaćanje europskog i međunarodnog prava u Republici Hrvatskoj*. Zagreb: Pravni fakultet, Zagreb, pp. 55–81.

Urwin, W.D. (1995) *The Community of Europe – A History of European Integration Since 1945*. 2nd edn. London and New York: Longman.

Ziegerhofer, A. (2024) 'Richard Nikolaus Coudenhove-Kalergi and the Draft for a Pan-European Pact, British Association of Comparative Law', 10 October 2024 [Online]. Available at: https://british-association-comparative-law.org/2024/10/18/richard-nikolaus-coudenhove-kalergi-and-the-draft-for-a-pan-european-pact-by-anita-ziegerhofer/ (Accessed: 15 February 2025).

Legal sources

Commission, The challenge of enlargement: Commission opinion on the application by the Republic of Cyprus for membership, Bulletin of the European Communities, Supp. 5/93, Luxembourg, 1993.

Commission, Agenda 2000 for a stronger and wider Union, Brussels, 15 July 1997, COM(97) 2000 final.

Communication from the Commission to the European Parliament and the Council – Enlargement Strategy and Main Challenges 2006 – 2007., COM (2006) 649 final.

Copenhagen European Council, Conclusions of the Presidency, 7–8 April 1978.

Decision of the Council of the European Union of 5 December 2011 on the admission of the Republic of Croatia to the European Union; Treaty on Accession between the EU and the Republic of Croatia, Official Journal of the EU, L 112/6., 24.4.2012.

Europe and the challenge of enlargement, European Commission, 24 June 1992, Bulletin of the European Communities, Supplement 3/92.

European Commission, Composite Paper, EC Cons Doc 12053/99, 13 October 1999.

European Commission, Report updating the Commission opinion on Malta's application for membership, EC Cons Doc 6247/99, 17 February 1999.

European Commission, Communication on EU enlargement policy, COM(2024) 690 final, Brussels, 30. 10. 2024.

European Commission, 2024 Rule of Law Report, COM(2024) 800 final, Brussels, 24. 7. 2024.

European Commission, Ukraine 2024 Report, SWD(2024) 699 final, Brussels, 30.10.2024.

European Commission, Republic of Moldova 2024 Report, SWD(2024) 699 final, Brussels, 30.10.2024.
European Council in Essen, Conclusions of the Presidency, 9-10 December 1994, Bulletin of the European Communities no. 12/94.
European Council in Copenhagen, Conclusions of the Presidency, 21–22 June 1993, SN 180/1/93 REV 1.
European Council in Cardiff, Conclusions of the Presidency, 15–16 June 1998, SN 150/1/98 REV 1.
European Council in Helsinki, Conclusions of the Presidency, 10–11 December 1999.
European Council in Thessaloniki, Presidency Conclusions, D/03/3, 19 and 20 June 2003.
Single European Act, Official Journal of the European Communities, L 169, Vol. 30, 29 June 1987.
Solemn Declaration on European Union, European Council, Stuttgart, 19 June 1983.
Stability Pact for South Eastern Europe, Cologne, 10 June 1999.
Stabilisation and Association Agreement between the EU and the Republic of Croatia, *Official Journal L 026, 28/01/2005 p. 0001–0002.*
Treaty on European Union, consolidated version OJ C 326 of 26 October 2012.
Treaty on the Functioning of the European Union, consolidated version OJ C 326 of 26 October 2012.

Chapter I.3

The Procedure and Institutions of Enlargement



Eva Zorková

Abstract

The procedural and institutional framework of accession to the European Union (EU) is a key aspect for understanding the processes of EU integration. The main aim of this study is to describe and evaluate the development of institutions established by the EU for the purposes of enlargement during different enlargement 'waves' and the extent to which prospective states were involved in the functioning of EU institutions before they officially joined the EU. To examine the details of the procedure and institutions of accession, it is crucial to understand each enlargement 'wave' and its consequences. In this study, the procedure and institutions of accession are analysed, with a specific focus on different stages of accession, mainly on the 'big/eastern enlargement'. It addresses the following research questions: What trends can be observed regarding the EU accession process? What institutions were set up for the purposes of enlargement at the EU level? What procedures at the EU level were in place to monitor the fulfilment of the accession criteria? Further, to what extent were selected states involved in the work of EU institutions before they officially joined the EU?

Keywords: European Union accession procedure, European Union enlargement, European Union Member States, association agreements, Copenhagen Criteria development, European Union institutions, European Union enlargement 'wave', negotiations on accession, commission reports, Directorate-General for Neighbourhood and Enlargement Negotiations, Directorate-General for Enlargement

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1. Introduction

The procedural and institutional framework of accession to the European Union (EU) is a key aspect for understanding the processes of EU integration. This chapter presents a description and an evaluation of the development of the institutions established by the EU for the purposes of enlargement in different enlargement 'waves' and the extent to which prospective member states were involved in the functioning of EU institutions before they officially joined the EU.

To examine the details of the procedure and institutions of accession, it is crucial to understand each enlargement 'wave' and its consequences. Accordingly, the first subchapter provides a brief general overview of all enlargement procedures; outlines the general trends and problematic aspects of accession negotiations; and explores how historical, cultural, economic, and social peculiarities specific to each acceding state have to be taken into account.

The second subchapter provides an overview on what institutions were set up for the purposes of enlargement at the EU level, with a specific focus on the 'big/eastern enlargement'. The chapter demonstrates why the monitoring process of EU related to enlargement is of crucial importance and what the response of member states usually is for monitoring fulfilment of the accession criteria.

Last but not the least, the third subchapter also explores the extent to which prospective member states were involved in the work of EU institutions before they officially joined the EU, such as participation in the Commission's or Council's working groups and meetings.

Owing to the fact that this study is part of a larger research project, it is necessary to evaluate the procedure and institutions of accession within the framework of general tendencies and trends rather than providing detailed examples of individual (member) states. It is hoped that this methodological approach would provide a general overview of procedural and institutional development since the beginning of EU integration (but with a special focus on 'big/eastern enlargement'), which is the main goal of the present work.

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2. Accession Procedure: Observable Trends

As mentioned above; to explore the details of the procedure and institutions of accession, it is crucial to understand each enlargement 'wave' and its historical and political assumptions and consequences. Accordingly, this subchapter outlines the general trends and problematic aspects of accession negotiations and how historical, cultural, economic, and social peculiarities specific to each acceding state have to be taken into account. From a historical perspective, we can perceive accession processes in certain stages. After the initial moderate enlargement, when a small number of

states were joining the then European Communities, such as Denmark, Ireland, and the United Kingdom in 1973, the European Economic Community underwent several major changes in the 1980s. Having been composed solely of the industrialised countries of Northern Europe for many years, it opened its doors to the emerging democracies of Southern Europe with the accession of Greece in 1981 and Spain and Portugal in 1986. Until the early 1970s, the European Economic Community was dominated by European Atlantic, Protestant, and Catholic elements. However, the accession of Greece, Spain, and Portugal changed the face of the Community by strengthening its Mediterranean character and adding Balkan and Orthodox elements. If we focus on the 1990s, there was an enlargement by three states − Austria, Finland, and Sweden − in 1995, even before the revision of the Amsterdam Treaty, which was a preparation for the so-called big/eastern enlargement.[1]

Following the collapse of the Communist regimes in Eastern Europe in the late 1980s, the countries of Central and Eastern Europe expressed a wish to accede to the European Communities in the early 1990s. To help them progress towards political democracy and a free market economy, the EU concluded association agreements (hereinafter referred to as 'AA' or 'AAs') with each of these states with a view to future accession. Finally, in 2004, the EU was enlarged by 10 new states; Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovakia, and Slovenia.[2]

The next 'wave' of enlargement was the accession of Bulgaria and Romania in 2007. The accession negotiations were finally concluded during 2004 and 2005, a little later than with other Central and Eastern European countries. The last acceding country thus far has been Croatia, which already started its journey towards EU membership in 2001 but applied for EU membership in 2003. A year later, Croatia was confirmed as a candidate country by the European Council and had participated in the negotiation process from 2005 until 2011; finally, Croatia became an EU member state in 2013.[3]

After a brief overview of the individual accession countries in time frames, we focus on the specifics of accession negotiations and why some of them seem to be more like 'an entrance exam' and less like negotiations between equal partners.

2.1. AAs as a Preliminary Step to Membership

In my opinion, the most important type of external EU agreements related to EU membership are the so-called AAs. These agreements can undoubtedly be considered a preliminary step to membership, and in this subchapter, I attempt to explain why this is so.

1 Enlargement to the south, 2025.
2 The enlargements of the European Union, 2025.
3 DEA, 2024b.

AAs are concluded on the basis of Art. 217 of the Treaty on the Functioning of the European Union (TFEU) between the EU and an external state, group of states, or international organisation, which establish mutual rights, obligations, and common and special procedures. They are concluded as mixed agreements with a third country – that is, as international agreements where the EU and its member states are on one side and a partner country (outside the EU) is on the other side. However, the conditions of Art. 217, TFEU are formulated very generally; thus, we can state that most external EU agreements, not only those establishing an association, meet the criteria of Art. 217, TFEU.

Thanks to association, mutual rights and obligations arise on both sides of the agreement. These are areas of economic and political cooperation, and there is an opportunity to participate in many EU programmes and activities as well.

AAs are divided into two types of agreements: namely, AAs that carry the promise of future membership in the EU; these are limited by Art. 49 of the Treaty on European Union (TEU), which states that only a European state can become a member of the EU. This excludes international organisations and states outside Europe. The second type are AAs that do not envisage joining the EU. These AAs are mostly agreements whose main objective is to regulate relations with third countries with the aim of economic and social development. We can say that they fall more under cooperation agreements and can be concluded with any state or international organisation. According to the content, these agreements typically include creating a free trade zone area for industrial goods, a customs union, or the introduction of freedoms for the movement of persons and/or workers and the provision of services. There are several key features of AAs. First of all, AAs enhance dialogue on human rights, democracy, and governance. They serve as a tool for economic integration because they often include free trade areas. AAs help partner countries align with EU law and standards in general. Finally, AAs offer certain financial assistance as they provide EU funding to support reforms and development.[4]

2.2. Countries Involved

AAs are divided into several groups.[5] The EU has signed AAs with several countries under its European Neighbourhood Policy, focusing on Eastern Europe and the Southern Mediterranean. For the Eastern European countries,[6] AAs mainly focus on a deep and comprehensive free trade area, fostering closer political association, economic integration, promoting trade, reforms, and aligning national laws with EU standards.

4 EU Monitor, 2025.
5 European Commission, 2025.
6 Ukraine, Moldova, and Georgia, all signed in 2014.

For the Southern Mediterranean,[7] AAs were signed decades ago and still focus on trade liberalisation and cooperation in areas such as security, migration, political dialogue, and social partnership. They also promote political, economic, and cultural cooperation. Possibly the oldest of the AAs was signed with Turkey in 1963, known as the Ankara Agreement.

The next large group of AAs include the Stabilisation and Association Agreements (SAAs) that are part of the EU's engagement with the Western Balkans,[8] supporting their potential accession to the EU. The main aim of these AAs lies in several areas, such as preparing the country for EU membership, establishing a framework for political dialogue and economic integration, focusing on economic reforms and alignment with EU standards, supporting reforms and EU-orientated policies, or promoting trade and political cooperation.

The so called Euro-Mediterranean Association Agreements[9] were signed as part of the Barcelona Process and the Union for the Mediterranean. These AAs aim to foster cooperation between the EU and Mediterranean countries; strengthen trade and cooperation; enhance economic cooperation and development; support political dialogue, trade, and cultural exchange; and promote trade and reforms in general. Further, AAs with the Palestine Liberation Organization were signed in 1997, which constitute a provisional agreement.

There are also AAs that address specific relationships with non-European countries, or the so-called Overseas Agreements,[10] which cover trade liberalisation and cooperation mechanisms and strengthening economic ties and political cooperation.

Lastly, one can also mention a rather non-traditional AA, the EU-UK Trade and Cooperation Agreement signed in 2020, which governs relations after the United Kingdom's exit from the EU, covering trade, security, and other areas of cooperation.

2.3. Comparison

In the following chapter, individual AA groups are compared – specifically, the AA related to Central European countries (European Association Agreement (EAA)), which became EU member states in 2004, with the AA with Eastern European countries (Eastern Partnership Association Agreement (EP AA) and subsequently between Eastern European countries (EP AA) and Western Balkan countries (SAA).

7 Tunisia signed in 1995, Morocco signed in 1996, and Egypt signed in 2004.

8 Albania signed in 2009, Bosnia and Herzegovina signed in 2015, Kosovo signed in 2016, Montenegro signed in 2010, North Macedonia signed in 2004, and Serbia signed in 2013.

9 Algeria signed in 2005, Israel signed in 2000, Jordan signed in 2002, and Lebanon signed in 2006.

10 Mexico signed in 2000; Chile signed in 2002; South Africa signed in 1999; and Costa Rica, El Salador, Guatemala, Honduras, Nicaragua, and Panama signed in 2012. Members of the Organisation of African, Caribbean and Pacific States (OACPS) signed a new Partnership Agreement between the EU and OACPS (the so-called Samoa Agreement) in 2023; this agreement has replaced the previous Cotonou Agreement.

What common features can be observed, and in what ways do the individual AA groups (completely) differ?

2.3.1. EAAs vs. EP AAs

EAAs are a good example of privileged external relations, which primarily involve a dynamic association that carries the prospect of future membership within the EU, that is, accession to the EU. When assessing the European AAs with the Central and Eastern European states, we can conclude that they were a kind of preliminary step to accession to the EU. They function as a means on the way to full membership in the EU. The so-called dynamic AAs with the prospect of membership are perceived as a certain institute of a transitional state, within which active preparations are underway for de facto accession – that is, the fulfilment of political, economic, and financial conditions and, above all, the adoption of the *acquis communautaire*.[11]

The AAs with the so-called Eastern Partnership countries should be compared with the EAAs because the former have certain specificities. First of all, the term 'Europe Agreement' was first used in a 1990 European Commission communication in connection with the AAs concluded with Hungary, Poland, and Czechoslovakia. The agreement is called 'European' because it belongs to the so-called third generation agreements, qualitatively higher than similar AAs that the European Commission has negotiated, for example, with Turkey, Malta, or Cyprus.[12] 'Europe agreements' are considered a separate category among AAs; I therefore considered it appropriate to explicitly mention and explain this term.

In terms of content, EAAs brought a new level of integration, reflecting the given culture and geographical location and also introducing the obligation to ensure the compatibility of national law with EU law. By contrast, the AAs for the Eastern Partnership countries should, according to the European Commission, be built on the basis of completely new agreements, which should be precisely constructed specifically for the given country, referred to as 'tailor-made' agreements.[13] Within the framework of the agreements with the Eastern Partnership countries, one can also observe several 'borrowed' provisions from the founding Treaties, referred to as so-called mirror legislation – that is, the case when the regulation of EU law gradually penetrates the texts of the AAs and therefore also the national law of the associated state.[14]

All EAAs have a large number of provisions that are of a commercial nature; that is, the main goal was to initially establish a free trade zone, but after the European Council meeting in Copenhagen in 1993, these agreements gained in strength and

11 Šišková, 1998.
12 DEA, 2024a.
13 Šišková, 2014.
14 See, for example, Art. 30, AA EU-Ukraine and Art. 30, TFEU.

importance as an important tool for approximating the law of the associated countries with Community law.

After the European Council meeting in Copenhagen in June 1993, the 'suspension clause', as a distinguishing feature of AAs, was introduced. It is a legal provision that allows the EU to suspend all or part of the agreement in response to serious violations by the partner country. The clause serves as a leverage and enforcement tool to ensure that the partner country respects the core values enshrined in the agreement, such as democracy, human rights, rule of law, and fundamental freedoms.[15]

Important provisions on human rights, which were not part of the content of the EAAs until 1993, became a necessity of every such agreement after 1993, which we refer to as second generation AAs. Provisions of a human rights nature are even more underlined and emphasised in the AAs with the Eastern Partnership countries.[16]

The AA with Ukraine did not contain any formal provisions establishing future membership per se, but according to the wording of the agreement, there was no obstacle to the future direction towards full membership within the EU.[17] In the case of the Central European states, no clause was formally established in the AA that would clearly declare future membership. It is generally believed that accession to the EU is primarily conditioned by the Copenhagen criteria.[18] High demands were placed on the countries of the Eastern Partnership compared with Central European countries; the AAs were more specific, as the acquis communautaire itself was more complex. Thanks to the Lisbon Treaty, the acquis communautaire has expanded compared with the EAAs, which were concluded before the entry into force of the Amsterdam Treaty. For the high demands placed on the Eastern Partnership countries, the EU has a certain counter-obligation in the form of training, technical equipment, etc. The principle of 'more for more' is applied – that is, the more progress a country makes, the more it can profit and gain from the EU. Compared with previous AAs, the AAs with the Eastern Partnership countries go into greater depth and try to create strong social structures and progress.[19]

As for the guidelines in the process (soft law), the so-called White Paper, which carried out the European AAs and was supposed to prepare the countries of Central and Eastern Europe for integration into the EU internal market, contained recommended procedures and methods for carrying out approximation to the EU. According to the White Paper, each accession state developed its own national programme separately, on the basis of which it implemented accession steps. It was a non-binding text. When comparing the AA with Ukraine, we do not find the existence of any similar document or manual as the White Paper, but the established procedures are incorporated directly into the AA text or into the annexes, which are an integral part

15 Tomašek et al., 2021, p. 44.
16 Šišková, 2014.
17 Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part. See AA EU-Ukraine, 2014, pp. 3–2137.
18 DEA, 2024a.
19 Šišková, 2014.

of the agreement. Thus, the process of approximation and fulfilment of conditions was clearly set out in advance in a binding manner. Such a new dimension of agreements was called 'tailor-made agreements'. Perhaps we can also observe a certain superior approach of the EU towards Eastern European countries.[20]

The circumstances of the signing of the agreements were also different. When signing, the European states did not face such problems as the Eastern Partnership states, which was certainly influenced by Russia's geopolitical interests and the greater dependence and interconnectedness of the structures of the Eastern Partnership states with Russia. The dependence on Russia made the AA negotiation process itself more difficult for the Eastern enlargement states. To summarise, the AAs with Central European countries were narrowly focused on preparing for EU membership and included broad legislative harmonisation and large financial assistance. By contrast, the agreements with Eastern Partnership countries focused on political and economic integration without an explicit promise of membership, with the key instrument being the free trade area, which promotes economic integration through free trade and harmonisation of selected standards. However, both agreements share the objective of improving stability, democracy, and economic development in the regions neighbouring the EU.

2.3.2. SAAs vs. EP AAs

Both SAAs and EP AAs aim to promote EU values and foster stability, but their scope and outcomes differ due to the EU's varying strategic priorities in the Western Balkans and Eastern Europe. SAAs provide a clear pathway to EU membership, while EP AAs focus on strengthening ties and supporting reforms without a promise of accession. Both AAs share similarities as tools for deepening relations between the EU and non-EU states; however, they have distinct goals, scopes, and contexts shaped by their geopolitical and regional focuses.

Geopolitical context is an important element to understand; this is because SAAs are geared towards integrating a post-conflict region in Western Balkan countries into the EU framework to ensure peace, stability, and prosperity. Meanwhile, EP AAs address geopolitical challenges, including the Russian influence and conflicts in Eastern Europe, by promoting European integration as a counterbalance.[21]

As mentioned above, I see the largest difference in the fact that SAAs were designed to facilitate full EU membership for Western Balkan countries. The EU explicitly recognises these states as potential candidates, while EP AAs focus on fostering closer ties without offering membership prospects, which reflect the EU's

20 Šišková, 2014.

21 The meaning of 'association' under EU law: A study on the law and practice of EU association agreements.

intent to stabilise its eastern neighbourhood without over-extending its enlargement process.[22]

As for economic integration, SAAs promote gradual trade liberalisation and economic alignment to EU standards. These agreements are part of the accession process, meaning that deeper integration is contingent on meeting EU standards; meanwhile, EP AAs incorporate free trade areas, offering near-complete economic integration without full EU membership. These agreements aim to strengthen trade links and modernise partner economies. SAAs demand alignment with the entire body of EU law (*acquis communautaire*) as a precondition for membership, while EP AAs encourage selective alignment, focusing on trade-related and governance areas, but without full acquis adoption. The type of financial assistance differs as well. SAAs are supported through the Instrument for Pre-Accession Assistance (IPA), aimed at preparing countries for EU membership, and EP AAs are supported through the European Neighbourhood Instrument and other regional funds, focusing on reforms and capacity building.[23]

2.4. A Very Different Time Scope of Each Accession 'Wave'

If we evaluate the individual accession 'waves', it can be observed that in some cases, the process of accession from the beginning to the conclusion of negotiations and further to the actual date of accession is extremely lengthy, and the time between the individual phases of membership varies considerably as well. In other cases, however, the overall entry process is very quick and relatively smooth.

Essentially, an extreme case is Ukraine, which applied for EU membership on 28 February 2022, a few days after the violent Russian invasion of the country. Already in June of the same year, the European Commission issued an opinion on the application for EU membership, and a few days later, the European Council granted Ukraine the status of candidate country. The same applies to Moldova. In March 2022, following Russian's invasion of Moldova's neighbour, Ukraine, Moldova applied for membership in the EU. Subsequently, in June of that year, Moldova was granted candidate status by the European Council. In December 2023, the European Council announced its decision to open accession negotiations with Moldova. The speed of the overall process can be understood due to an ongoing war and the EU's efforts to support Ukraine; however, from the perspective of the other candidate countries, it is rather unfair. For example, Serbia applied for EU membership in December 2009 and was granted EU candidate status in March 2012. Accession negotiations between the EU and Serbia were launched in January 2014 and are still ongoing. Montenegro is in a similar situation, having applied for EU membership in December 2008 and

22 Delcour, 2021.
23 Delcour, 2021.

granted EU candidate status in December 2010. Accession negotiations between the EU and Montenegro began in June 2012 and are still ongoing.[24]

If we focus on the enlargement 'waves' from a historical perspective, the very different time scope is not exceptional. For example, as regards the accession negotiations with Austria, Finland, and Sweden, the negotiations with these countries took place in a relatively short period of time (from February 1993 to March 1994), which can probably be explained by the fact that these countries had previously concluded the Agreement on the European Economic Area. A thorough analysis of each country's relevant national legislation was already carried out during the European Economic Area negotiations, and, after the negotiations, these countries were kept informed of any developments relating to the internal market and any new measures.[25]

Nevertheless, 14 months can never be compared with 12 years, as was the case of Romania and Bulgaria. Romania and Bulgaria signed AAs in early 1993, which established the legal framework for their gradual integration, in particular for the gradual establishment of a free trade area; the maintenance of regular political dialogue; the approximation of legislation; and economic, financial, and cultural cooperation. In 1994, Romania and Bulgaria submitted applications for accession to the EU. However, both countries experienced major difficulties in implementing the reforms needed to meet the Copenhagen criteria. The economic reforms implemented were not sufficient to create a competitive market economy, and the existing administrative structures did not allow for the adoption of the acquis. In July 1997, the European Commission issued its first negative opinion on the applications for accession. The Commission considered the reforms implemented to be insufficient and stated that both countries were facing serious problems in implementing the Community acquis into national law. In 1996, political changes in Romania and Bulgaria led to a gradual improvement in the situation. In its monitoring report published in October 1999, the Commission finally recommended the opening of accession negotiations with Bulgaria and Romania. The Helsinki European Council in December accepted this recommendation and decided to hold a bilateral intergovernmental conference in February 2000 with the aim of opening negotiations with each candidate country on the conditions for their accession to the EU. However, the accession negotiations with Bulgaria and Romania did not progress at the same pace as those with the other accession countries (Latvia, Lithuania, Malta, and Slovakia). The target for Romania and Bulgaria was to welcome them as EU Member States only in 2007. The accession negotiations with Bulgaria were finally concluded in June 2004, while those with Romania ended six months later. In February 2005, the European Commission issued a favourable opinion on the applications of Bulgaria and Romania to join the EU. This opinion was supported in April by the European Parliament, and the Council of the EU adopted the applications for accession of both countries; on the same day,

24 European Commission, 2025.
25 Nicolaides and Raja Boean, 1998.

the representatives of Bulgaria and Romania signed the Treaty of Accession to the EU.[26]

2.4.1. Different Success Outcomes Within Accession Negotiations

Even within the framework of the 'big/eastern enlargement', the differences between the skills of the negotiating teams became apparent. For example, in the case of Czechia, on 28 January 1998, Deputy Minister of Foreign Affairs Pavel Telička was appointed to head the Czech negotiation team.[27] He commented on the complex and often very demanding negotiations with the following words:

> The negotiations were unprecedented in terms of complexity, substantive scope, technical difficulty, and also political importance. It is hard to compare them with anything in our history so far. The fact that on some issues the European Union has significantly narrowed our negotiating space and defined the conditions to a large extent does not change anything.

During the negotiation process, the EU had significantly narrowed the Czech negotiation space and defined the conditions to a large extent; thus, it was difficult to change anything and negotiate permanent exemptions. As Pavel Telička mentioned some time ago, Czech politicians did not take accession to the EU seriously enough.[28] Although it is almost forgotten nowadays, the indecisiveness or, on the contrary, the intransigence of the Czech political representatives could have significantly hindered Czechia in the initial negotiations. Further, this is perhaps why only a negligible amount of permanent exemption has been negotiated — for example, one permanent exemption deals with the reduced rate of value-added tax (VAT) on products from alcohol made by burning for small-scale growers. It is a service in which the grower's distillery burns fruit distillate from the fruit of small-scale growers. The distillate produced in this way is then favoured by the fact that a preferential consumption tax is imposed on it compared with other types of alcohol. However, the amount of brandy that the grower can burn in the distillery is limited to 60 litres of 50% brandy per household and distillery year.[29] I leave the question of the usefulness of such an exception unanswered. Essentially, the failure of Czech negotiations can be observed, especially if we see the negotiation results of much smaller countries negotiating at the same time, such as Slovenia, which could negotiate 18 transition periods and two derogations. For Slovenia, the greatest obstacle in the negotiations on the financial package was the EU's horizontal approach to candidate countries, which did

26 The sixth enlargement, 2025.
27 Zenkner, 2024.
28 Telička, 2024.
29 European Union Information Centre, 2018.

not sufficiently take into account the specificity of the country as the most developed among the candidates from Central and Eastern Europe.[30]

In my opinion, speaking about the big enlargement group of states, Poland was the most successful in negotiating permanent exemptions. During the accession negotiations, Poland obtained exemptions in some areas of EU law. This concerned, for example, the area of freedom to provide services. In this respect, it was negotiated that the provisions of the so-called First Banking Directive would not apply to certain Polish institutions. It is also worth mentioning that the Polish government attached Declaration No. 39 to the Accession Treaty, in which it declared that

> nothing in the provisions of the TEU, the Treaties establishing the European Communities, or in the provisions of treaties amending or supplementing these treaties constitutes an obstacle for the Polish State to regulate matters of moral importance, as well as matters relating to the protection of human life.

Another area in which permanent exclusions from the operation of community law were negotiated was fishing. Despite joining the EU fishing policy, which is a Community responsibility, Poland retained its previous catch quotas resulting from previously concluded bilateral agreements with third countries.[31]

It is worth mentioning that in the case of Norway, during the accession negotiations period, it became clear that the most sensitive issue to be resolved was fishing as well. Fishing was a truly vital economic sector for Norway, which has over 2000 km of coastline and exports a significant part of its fish production. As such, fishing is also one of the reasons why Norway never became a full member of the Union. Another reason was related to Norwegian agriculture, which was based high in the mountains, not particularly competitive, and largely subsidised by the government and local authorities. However, this direct financial aid was contrary to the principles of the common agricultural policy. The 1960s in Norway was also marked by industrialisation and urbanisation, which had caused an exodus of local populations and the abandonment of many family farms. The prospect of joining the European Economic Community gave rise to fears of a new rural exodus. The Norwegian Government wanted to maintain agricultural activity in the polar and sub-polar regions despite extremely difficult natural conditions.[32]

2.5. Importance of Political and Public Will: 'If There's a Will, There's a Way'

Just as the approach and requirements of the EU change over the years, changes in approach naturally occur at the level of the member states. For example, during

30 Mencinger, 2004.
31 Report of the Council of Ministers on the results of Poland's membership negotiations in the European Union.
32 Norway's refusal, 2025.

the first accession negotiations in 1961, the British government set several conditions because it wanted to maintain Britain's privileged economic and monetary relations with the Commonwealth countries, but by the late 1960s, ties between Great Britain and the Commonwealth had weakened considerably. Thus, British negotiators took a more flexible line and laid down fewer conditions to be met by their future European partners. In 1970, after the accession talks with Great Britain resumed, parallel diplomatic talks were held with Denmark and Ireland, whose economies remained closely linked to Great Britain, particularly within the framework of the European Free Trade Association. However, it must be noted that since the 1960s, the Community had consolidated its position, mainly through the establishment of the common market, which had entered its final phase at that time. Thus, the entire body of Community legislation that had to be adopted by the candidate countries was much more extensive than at the beginning of the 1960s. Finally, the United Kingdom joined the European Economic Community on 1 January 1973 after a period of approximately 13 years.[33]

Meanwhile, Greece officially submitted its application to the European Economic Community in 1975. In doing so, the country also hoped to strengthen its reborn democracy and its links with Western Europe, but the Commission's response to the Council's request for an opinion on Greece's application for accession showed some restraint. The Commission presented its detailed opinion in a report to the Council. The Commission was aware of the political importance of this enlargement and stressed the backwardness of the Greek economy and agriculture compared with the other more industrialised states that then formed the European Economic Community. Convinced that a long transitional period would be necessary for the Greek economy to adapt successfully and be integrated into the Community, the Commission proposed that a pre-accession period should be introduced. It also warned the member states against the danger of the Community becoming indirectly involved in the dispute between Greece and Turkey. Several objections raised in the Commission's opinion provoked a strong reaction in Greece. The Greek government expressed its readiness to accept the entire body of Community legislation. Considerable economic obstacles had to be overcome. Greece indeed had a much lower gross domestic product and a higher unemployment rate than its future European partners. The accession negotiations were officially opened in July 1976 and concluded three years later, when the Greek Parliament also ratified the Act of Accession. In general, Greece had highly favourable conditions for accession. The desire to strengthen the democratic regime was a sufficiently strong argument to overcome the Commission's rather negative economic assessment of Greece's accession.[34]

Similar to Greece, Spain and Portugal were two Mediterranean countries that were emerging from dictatorship and seeking to consolidate their newly restored democracies. Having long been marginalised in Europe both economically and

33 Negotiations with the United Kingdom, 2025.
34 Enlargement to the south, 2025.

politically, Spain and Portugal also suffered from outdated industrial and agricultural sectors compared with the member states of the European Economic Community. In 1986, Spain and Portugal joined the European Economic Community. In general, the southern enlargement was surely a factor of political stability and economic development in Europe's Mediterranean region. However, enlargement also led to increased regional imbalances among the existing member states, which increased the need for a common regional policy. Considerable economic and social obstacles impeded the integration of these mainly agricultural countries into the highly industrialised community. Protracted negotiations and lengthy transitional periods were necessary for the successful integration of the Mediterranean member states; for instance, the accession process for Portugal and Spain was lengthier and more difficult than for Greece because of the considerable economic interests involved and the weight of the Spanish economy.[35]

Both Finland and Sweden are interesting examples of how a country may not be inclined to join the EU due to domestic political disagreements. As for Nordic countries, based on referendum results, the cities and southern regions had the highest proportion of pro-Europeans, whereas most of the Eurosceptics were in the rural areas, fishing communities, and northern regions. Norway had a very high voter turnout, but the result of the referendum in 1972 was surprising. While opinion polls had predicted a relatively close outcome with a slight advantage for supporters of membership in the European Community, the 'no' vote won with over 53.5% of the votes cast. As such, the negative referendum result led to the rejection of Norwegian membership in the European Economic Community. In parliament, the required three-quarters majority for ratification of the Treaty of Accession, which was signed in Brussels on 22 January 1972, was not achieved. This decision led to the resignation of the government but was followed by a free trade agreement between Norway and the European Communities in May 1973, by which the customs duty on diverse industrial products was progressively lifted.[36]

3. Institutions Set Up for the Purposes of Enlargement and Their Roles

This subchapter provides an overview of the institutions that were set up for the purposes of enlargement at the EU level, with a special focus on the 'big/eastern enlargement'. At the same time, I try to demonstrate why the monitoring process of the EU related to enlargement is of crucial importance and what may be the response of member states for monitoring the fulfilment of the accession criteria.

35 Ibid.
36 Norway's refusal, 2025.

The enlargement policy applies to countries currently aspiring to join the EU and potential candidates. The prospect of membership is a powerful stimulus for democratic and economic reforms in countries that seek to become EU members. The main objectives of EU enlargement are to foster peace and stability in regions close to the EU borders; help improve the quality of people's lives through integration and cooperation across borders; increase prosperity and opportunities for European businesses and citizens; and guide, support, and monitor changes in countries wishing to join the EU in line with EU values, laws, and standards.

3.1. Role of the Council and the European Parliament

Although everyone is familiar with the fact that neither the Council nor the Parliament are institutions that were directly set up for the purpose of EU enlargement, these two bodies still play an important role. Therefore, at least briefly, we outline their role within this subchapter.

The Council (under the General Affairs Council configuration) establishes and supervises the EU enlargement process and the accession negotiations. On matters related to the enlargement policy, the Council generally operates by way of unanimous agreement between all the EU member states. Every year, the Council approves conclusions on enlargement that take stock of progress made by each of the EU candidates and partners on their European path. The latest conclusions on enlargement were adopted on 17 December 2024. Within the last conclusions, the Council reaffirmed its commitment to enlargement in line with the renewed consensus on enlargement approved by the European Council in December 2006, subsequent Council and European Council conclusions, and the EU strategic agenda for the period 2024–2029.[37]

The European Parliament debates and votes on annual progress reports for each country, which is an opportunity to identify areas of concern. The Parliament's approval is also required before each country can join the EU. In general, the European Parliament has remained supportive of the enlargement process. The current President Roberta Metsola called it the EU's strongest geopolitical tool in a speech to the European Council in October 2023: 'That is why the European Parliament had called for Ukraine and Moldova to receive EU candidate status', she stated.

> This status gives a clear European perspective to these nations and serves as a powerful impetus for advancing democratic reforms. A quick look back at the last 20 years can illustrate the transformative power of enlargement. That is why we want to go the next step by the end of the year if those countries are ready.

The Parliament continues to support the accession of the Western Balkan countries to the EU. In a resolution adopted in June 2020, the Parliament called on the EU

37 European Council, 2024.

to do more to make the enlargement process for these countries a success. In a resolution adopted in December 2023, the Parliament called on the EU to open accession talks with Moldova and Ukraine, as well as with Bosnia and Herzegovina, provided the country takes certain steps towards reform. The Parliament also called for a clear timetable to conclude negotiations by the end of this decade and for Georgia to be recognised as a candidate country.[38]

Finally, we should also mention the European Court of Auditors, which monitors the effectiveness and transparency of the use of financial support provided to candidate countries. It audits the use of funds from IPA III and other pre-accession funds and instruments. It makes recommendations to improve efficiency and prevent the misuse of funds.

3.2. Role of the European Commission

During the enlargement process, the Commission helps countries wishing to join the EU meet the necessary criteria for membership and supports them in implementing the related economic and democratic reforms. The results of reforms must be solid, sustainable, and irreversible. The European Commission therefore plays a significant role within the enlargement process. Specifically, the area of enlargement is the mandate of one of the Commission's Directorates-General (DGs): the Directorate-General for Neighbourhood and Enlargement Negotiations (hereafter 'DG NEAR').

3.3. DG NEAR

The mission of the DG NEAR is to take forward the EU's Neighbourhood and Enlargement policies. The DG NEAR works closely with the European External Action Service and the line DGs in charge of thematic priorities. By implementing assistance actions in Europe's eastern and southern neighbourhoods, the DG NEAR supports reform and democratic consolidation and strengthens the prosperity, stability, and security around Europe. The DG NEAR helps promote EU values, policies, and interests in this region and contributes to developing the special relationship of the EU with its neighbouring countries. In the enlargement area, the DG NEAR assists those countries with a perspective to join the EU in meeting the criteria defined by the TEU and the European Council. The DG NEAR closely monitors the progress of enlargement countries towards the EU and supports accession negotiations as required by the Council. The DG manages the bilateral relations of the Union with candidate and potential candidate countries on their path to the EU, frontloading reforms on the rule of law, economic governance, and public administration. Concerning the Western Balkans, the DG develops and implements the stabilisation and association policy of the EU as defined by the European Council. The DG NEAR manages the

38 EU Monitor, 2025.

bulk of the Union's financial and technical assistance to the neighbourhood and enlargement countries. The DG NEAR is based in Brussels and has approximately 1,650 staff members in Brussels and in the EU Delegations in partner countries, working under the political authority of Commissioner Marta Kos and Commissioner Dubravka Šuica and managed by Director-General Gert Jan Koopman.[39]

3.3.1. Historical Perspective

From a historical perspective, the predecessor of DG NEAR is the Directorate-General for Enlargement (DG Enlargement). The DG Enlargement was a department of the European Commission responsible for overseeing and managing the process of EU enlargement. Its primary role was to work with countries aspiring to join the EU, ensuring they met the necessary political, economic, and legal criteria for membership. The DG Enlargement existed until 2014, when it was merged into the DG NEAR as part of a reorganisation of the European Commission. The idea of special Union institutions related to enlargement dates back to the 1970s with the first expansions, including the accession of the United Kingdom, Ireland, and Denmark in 1973. The EU needed to develop structures to manage negotiations and provide assistance to candidate countries. In the first half of the 1990s, for the enlargement of Austria, Sweden, and Finland, the Commission created a special working group for enlargement under the acronym GISELA (in French: *Groupe Interservice Elargissement*). This was a network of experts from all the Commission's DGs and the Secretariat-General, the Legal Service, the Statistical Office, the Cellule Prospective, the JHA Task Force, the IGC Task Force, and Euratom. Further, the Council set up an ad hoc working group on enlargement, assisted by the Council Secretariat.[40]

The DG Enlargement was established as a standalone DG in 1999 to handle the significant 'wave' of accessions from Central and Eastern Europe following the end of the Cold War. Its most important role was to support countries in meeting the Copenhagen Criteria for EU membership. In 2015, the DG Enlargement was merged with parts of the Directorate-General for Development and Cooperation to form the DG NEAR. The reorganisation aimed to streamline EU policies towards neighbouring countries and enlargement candidates and strengthen the coherence between the EU's neighbourhood and enlargement policies. The DG NEAR continues the work of its predecessor DG Enlargement, with an expanded focus on both enlargement and relationships with neighbouring countries, because it is merging responsibilities previously divided between the DG Enlargement (responsible for EU enlargement negotiations) and the Directorate-General for Development and Cooperation (managing the European Neighbourhood Policy for neighbouring countries).[41]

39 European Commission, 2024.
40 Nicolaides and Raja Boean, 1998.
41 European Commission, 2024.

3.4. Enlargement Strategy of the European Commission

Each year, the Commission adopts its 'Enlargement Package' — a set of documents explaining its policy on EU enlargement. The core of this package is a communication on enlargement, which takes stock of the developments over the last year. It examines the progress made by the candidate countries and potential candidates, the challenges encountered, and reforms to be addressed, and sets out proposals for the way forward. In addition to the main communication, the package contains the reports in which the Commission services present their detailed annual assessment of the state of play of reform progress in each candidate country and potential candidate country over the last year. These assessments are accompanied by recommendations and guidance on reform priorities. As for the latest published enlargement package, on 30 October 2024, the European Commission adopted its 2024 Enlargement Package, providing a detailed assessment of the state of play and progress made by the Western Balkans, Turkey, Ukraine, Moldova, and Georgia on their respective paths towards the EU, with a particular focus on implementing fundamental reforms, as well as clear guidance on the reform priorities ahead.[42]

3.4.1. European Commission's Monitoring Reports Since the 'Big/Eastern Enlargement'

The European Commission evaluated the Central European candidate countries before their accession to the EU through regular reports. These reports provided a detailed overview of the progress made by individual countries in meeting the criteria for EU membership, known as the Copenhagen Criteria. The Commission annually issued regular reports on the progress of candidate countries in preparations for EU membership since 1998 until 2004. The European Commission's monitoring reports played a crucial role in preparing the Central European countries for EU membership. They helped identify weaknesses, provided recommendations, and acted as pressure mechanisms for implementing reforms. Overall, the Central European countries achieved significant progress and transformation before joining the EU, although some issues (e.g. corruption and judicial reform) persist even after their accession. As the 'big/eastern enlargement' was by far the largest enlargement of the Union, it is clear that this was a long-term and demanding task for the European Commission within the monitoring process.[43]

Regarding the Czech Republic, the Commission's first evaluation report from 1998 was highly critical of Czechia, especially in the areas of state administration and the judiciary; thus, the government tried to speed up the legislative process of adopting EU law.[44] The Commission's second report from 1999 positively marked the adoption of the government document 'Economic Strategy for Accession to the

42 European Commission, 2024a.
43 European Commission, 2024b.
44 European Commission, 1998.

EU', a joint assessment of economic policy priorities that represented a significant shift in the liberalisation of capital movements, and the adoption of basic rules for promoting regional policy.[45] Nevertheless, the overall result of the implementation of the Accession Partnership was marked as unsatisfactory. Among other things, the situation of the Roma people in Czechia was very critically assessed. The Commission's 2000 report was rated much better than the two previous ones, especially in terms of accelerated adoption of legislation.[46] In 2002, the issue of the so-called Beneš Decrees was addressed. Based on several legal analyses, the Commission issued a report that the decrees do not represent any obstacle to the accession of Czechia from the point of view of the *acquis*.[47] The Commission issued its last evaluation report in November 2003, called the Summary Monitoring Report on Czechia's Preparations for Membership. In its assessments, the Commission proposed expanding the Union by 10 new countries, including Czechia.[48] Further, a special report of the Commission on each applicant country focusing on its ability to meet the Copenhagen criteria was issued during the second half of the 1990s,[49] which confirmed that Poland displays the characteristics of a democracy with stable institutions guaranteeing the rule of law, respect for human rights, and respect for and the protection of minorities. The Commission indicated that in the medium term, full participation by Poland in the internal market will be possible, provided that extra efforts are made to meet the criteria of the acquis in the areas of agriculture, the environment, and transport. Poland was assessed as a strong democracy with stable political institutions. The Commission repeatedly criticised shortcomings in the rule of law and minority protection (especially concerning the Roma community). Poland was assessed as having high economic potential, but challenges included slow privatisation and public administration reforms. Considerable progress, particularly in trade and market alignment, was also mentioned, but issues remained in environmental protection and agriculture.[50]

It was a similar case with Slovenia. In October 1999, within the Helsinki European Council, it was assessed that Slovenia had the democratic structures to safeguard the rule of law. As far as the economic criteria were concerned, a market economy did exist, and Slovenia had maintained its macroeconomic stability. However, this was not enough; areas were still highlighted where further effort was required; for example, the legislative process was considered to be too slow to ensure the transposition of all of the *acquis communautaire*. Overall, Slovenia was regarded as one of the most successful economies in the region, with low inflation and strong

45 European Commission, 1999.
46 European Commission, 2000.
47 European Commission, 2002.
48 European Commission, 2003.
49 European Commission, 1999.
50 European Commission, 2003.

competitiveness. Stable democracy and efficient public administration were consistently praised.[51]

Hungary was assessed as a country with stable democratic institutions, and adherence to human rights was regularly praised. Mentioning the economic criteria, Hungary was assessed as one of the most successful in transitioning to a market economy. The commission's criticism focused on high public debt and the need for structural reforms. However, Hungary was commended for quickly adopting EU legislation, but gaps remained in state aid and environmental policy.[52]

In the 1990s, Slovakia faced criticism for authoritarian practices under Vladimír Mečiar's government,[53] but after 1998, there was significant improvement in democratic institutions and the political climate. Following a government change, Slovakia quickly became a reform leader in the region. However, the Commission noted regional inequalities and high unemployment. Regarding the adoption of the *acquis communaire*, according to the Commission's report, substantial progress was made, but areas such as the judiciary and public administration remained weak.[54]

If we were to summarise the common features of the commission reports related to the 'big/eastern enlargement', then a common shortfall across all candidate countries was judicial reform and anti-corruption; issues with integrating and protecting the Roma population were shared by most countries as well. Environmental protection and agriculture were identified as the most problematic areas due to the high costs of implementing the acquis, and for all respective states, strengthening public administration to effectively implement EU legislation was necessary. Economic transformation has been successful, particularly in the Czech Republic, Hungary, and Slovenia. These countries have implemented extensive privatisation programmes, stabilised their currencies, and gradually liberalised their markets. Poland was praised for its rapid economic growth. The Commission was critical of structural problems such as high unemployment, inefficient agriculture, and unfinished privatisation processes, which were frequently reported in countries such as Poland and Slovakia. Inadequate infrastructure and low labour productivity were also identified as obstacles to full economic integration.[55]

As for the last joining state, by signing the SAA on 9 December 2011, Croatia accepted to be closely monitored by the European Commission, which would then issue six-monthly assessments of all the commitments undertaken. Croatia was assessed as a country with functioning democratic institutions and a stable political structure. The Commission acknowledged progress in strengthening the rule of law and reforming public administration. Criticism focused on the need for greater judicial independence, more efficient court proceedings, and improved anti-corruption

51 European Commission, 1999.
52 European Commission, 2003.
53 European Commission, 1999.
54 European Commission, 2003.
55 European Commission, 2004.

measures. Reports highlighted the need for better protection of national minorities, particularly Serbs, who were often marginalised after the Yugoslav Wars. The adoption of anti-discrimination legislation and improved conditions for Roma communities were praised as well. Croatia was required to demonstrate cooperation with the International Criminal Tribunal for the former Yugoslavia, and the European Commission monitored progress in prosecuting war crimes and facilitating the return of war refugees. Despite some progress, issues with implementation occasionally arose. Regarding the economic criteria, Croatia was evaluated as a country with an advanced transition to a market economy. The Commission acknowledged the privatisation of state-owned enterprises, improved economic stability, and reforms in the financial sector. Reports identified structural problems, particularly in public administration and agriculture, which limited Croatia's competitiveness. Criticism focused on the inefficiency of the public sector and high rates of unemployment, especially among young people. Croatia gradually aligned its laws with the EU acquis across all 35 chapters of accession negotiations. Progress was noted in areas such as environmental protection, transport, and energy, but the Commission highlighted the need for improvements in justice, home affairs, and competition policy. The Commission consistently emphasised the need for a more robust fight against corruption, which was identified as one of Croatia's most significant challenges. Progress included adopting new laws and strengthening anti-corruption institutions, but implementation remained a challenge as well. Judicial reform was a priority throughout the accession process. Conditions for fair trials improved, but reports highlighted ongoing deficiencies in the length of court proceedings and transparency.[56] The Commission adopted a Monitoring Report on Croatia's accession preparations in April 2012 and a Comprehensive Monitoring Report in October 2012, with Croatia adopting an action plan to follow up on their recommendations.

On the basis of Agenda 2000, the Commission presented multiple series of regular country reports, starting in 1998 and continuing until 2006. In the case of Romania and Bulgaria in particular, the Commission's monitoring reports were of crucial importance. Both Romania and Bulgaria faced significant challenges that prolonged their accession process, and although both countries eventually met the basic criteria for membership, some areas remained unresolved even after joining the EU. Particular attention was paid to the fight against corruption, ensuring the independence of the judiciary, the fight against organised crime, respect for human rights and the protection of minorities, and food safety. The fight against corruption and ensuring the independence of the judiciary were the main obstacles in the accession process for both countries. Bulgaria also faced particularly serious problems with organised crime, which threatened the stability of the legal system. The integration and protection of the rights of the Roma minority were assessed as insufficient in both countries. Public administration reform and increasing its efficiency were essential conditions for ensuring the proper functioning of institutions after

56 European Commission, 2013.

EU accession.[57] In September 2006, the Commission published its final monitoring report on the state of readiness for accession in Bulgaria and Romania. Although the Commission identified several areas that remained problematic, it concluded that Bulgaria and Romania were capable of assuming the rights and obligations of their accession by January 2007. The Commission therefore allowed both countries to continue with the reforms required within the EU, thereby avoiding the risk of uncertainty that could arise from further postponement of their accession. The European Commission set up a so-called Cooperation and Verification Mechanism for these two states, which was intended to ensure continued reforms in the domains of the judiciary and the fight against corruption and organised crime.[58]

3.5. State Response to the Commission's Evaluation – A Brief Example of the Czech Republic

Most of the states wishing to join the EU responded to the Commission's evaluation reports and, at the same time, followed their own national monitoring procedure and published national monitoring reports as a response to them. For example, the Czech Republic regularly published the National Program of Acceptance Acquis, which was in connection with the assessment of the Accession Partnership and screening results. The first version was completed in connection with the evaluation of Czechia within Agenda 2000. Subsequently, the National Program of Acceptance Acquis was updated every year. The National Program contained a preamble and 26 chapters, which covered the issue of the *acquis communautaire*; at the same time, they corresponded to the chapters of the Commission's opinion on the Czech application for EU membership. To summarise, it can be said that it was a kind of 'mirror' document of the Accession Partnership.[59]

3.6. Association Committees and Councils

Association committees and councils play a key role in the process of a country's accession to the EU. They form part of the framework for relations between the EU and countries that have the status of candidate or potential candidate for membership. As described in Chapter 1, relations between the EU and candidate countries are often governed by AAs, which set out the rules for cooperation in various domains, including politics, economics, and the legal framework. However, two important institutions are created within the framework of these agreements. The first is the so-called association council, which is the highest body that manages relations between the EU and the candidate country. It consists of members of the Council of the Union and the European Commission on the one hand and representatives of the candidate country on

57 The sixth enlargement, 2025.
58 European Commission, 2006.
59 Zenkner, 2024.

the other. The association council decides on key issues for the implementation of the AA and may also adopt recommendations and conclusions on further steps in the accession process. The second key body is the so-called association committee, which is an auxiliary body that supports the work of the association council by ensuring technical and administrative coordination between the Union and the candidate country. It prepares documents and proposals for the association council's decisions. It is often divided into specialised subcommittees according to policy areas (e.g. economic cooperation, justice and home affairs, and trade).[60]

3.6.1. Role of the Association Council in the EU Accession Process

The association council plays an important role during accession negotiations, as it monitors the candidate country's progress in adapting to EU rules, provides technical and financial assistance for reforms in key areas, helps align the candidate country's legislation with EU law, and identifies obstacles and problems that need to be resolved before accession. Association councils between the EU and partner countries usually meet in Brussels, but some meetings may also be held in the partner country's capital, especially if the EU is trying to support reform processes on the ground. On behalf of the Union, the association council meetings are most often attended by ministers of the member states, representatives of the European Commission, and the EU High Representative for Foreign Affairs and Security Policy. On behalf of the partner country, the Prime Minister or Foreign Minister and ministers responsible for key reforms (e.g. justice, economy) attend. Association councils usually meet once a year, but in the event of crises or key negotiations, they may also hold extraordinary meetings.

The outcome of the association council is usually formalised in a final document, which summarises the main points of the negotiations, conclusions adopted, and recommendations for further steps. This document can take different forms depending on the negotiations and the specific association council. The most common output, which summarises the main topics of the negotiations, is the so-called joint statement, which contains political positions and an expression of support for reforms and strategic priorities. It is not legally binding but has strong political significance. A more detailed document than the joint statement is the Conclusions of the association council, which assesses progress in the implementation of the AA and the accession process. It may contain specific recommendations and a timetable for further steps. If specific reforms are being discussed, recommendations for the partner country may be adopted, relating, for example, to the rule of law, economic reforms, or the fight against corruption. Some association councils adopt a detailed Action Plan/Reform Roadmap with a timetable for reforms. After the meeting, a press release is issued, and a joint press conference is held between the EU and the partner country. The outcomes of the association council are usually not legally binding but rather

60 European Council, 2024.

political commitments and recommendations. However, if the negotiations involve changes to the AA or financial assistance, the outcome may be legally binding. If the outcome of the association council is legally binding (e.g. changes to the AA or conditions for financial assistance), enforcement takes place in several ways: First, the European Commission has the main responsibility for monitoring compliance with the commitments and can propose the suspension of financial assistance or trade benefits if the country fails to meet its commitments.

The association council itself also has the power to resolve disputes between the EU and the partner country; in particular, if a problem arises, it can call upon the partner country's government to remedy it. There are also subcommittees and working groups that monitor specific areas. However, if a country fails to comply with the legally binding parts of the AA, the Union can initiate arbitration proceedings or, in the case of trade agreements, file a complaint with the World Trade Organization. If a country systematically breaches its obligations, the EU can suspend financial assistance (e.g. pre-accession funds), withdraw preferential trade arrangements, or refuse to make progress in accession negotiations. After accession, the Association Councils are replaced by the normal EU cooperation structures. However, mechanisms for monitoring the rule of law and the economy still exist.[61]

3.6.2. Role of the Association Committee in the EU Accession Process

The association committee is a working body set up as part of the association process between the Union and a country participating in an SAA or AA. It is intended to implement specific agreed political, economic, and legal reforms and help implement the commitments set out in the agreement. The main purpose of the association committee is to monitor and assess progress in the implementation of the AAs and to hold regular discussions between the EU and the associated country. The association committee focuses on specific areas of cooperation and provides recommendations or opinions on the next steps.

The association committee monitors how well the associated country is fulfilling its commitments under the agreement and ensures that reforms are in line with EU conditions. It also prepares progress reports on the implementation of the agreed measures and presents them at regular meetings. The committee also serves as a platform for dialogue between the Union and the associated countries, addressing both political and technical issues. Based on the assessment of progress, the committees may make recommendations on further steps to be taken to achieve the objectives of the agreements. The association committee is attended by representatives of the government of the associated country (ministers or experts on European affairs), representatives of the European Commission, or other experts, depending on the issue discussed.

61 European Council, 2024.

Association committees usually meet on an annual basis, but may meet more frequently if urgent discussions or decisions are needed. Committees may meet at the technical or political level.

To summarise, the association council and committee are two different bodies within the framework of AAs between the Union and third countries. Both serve to achieve similar objectives, that is, improving relations and implementing the agreements, but differ in their function, level, and typical tasks. The association council is a higher political body that decides on strategic issues and monitors overall progress in relations between the EU and the associated country. The association committee is a technical body that focuses on the practical implementation of the agreements and monitors concrete progress in specific areas of cooperation, meeting more frequently and focusing on detailed issues.[62]

3.7. Historical Overview by States

As for the member states that joined the Union before 2004, for example, Great Britain did not have a classic AA with the EC, and the association council did not function in the same traditional way as in the countries mentioned above. However, after the conclusion of the AA in 1972, a mechanism was created for a transitional period during which British legislation and the economy adapted to the rules of the EC. The association council monitored the implementation of the accession conditions, especially in areas such as agricultural policy, customs and trade, and the free movement of persons and capital. Until 1975, adjustments and harmonisation of the rules were carried out under the supervision of the association council.[63] By contrast, before joining the Union, Greece had an AA with the EC, which was signed in 1961. This agreement provided for gradual economic integration and prepared Greece for future full membership. This agreement included an association committee, which supervised the implementation of the agreed reforms, coordinated economic cooperation between Greece and the EC, and assessed Greece's readiness for further steps towards membership. After the military coup in 1967, the AA was effectively suspended, and relations between Greece and the Community cooled. After the fall of the dictatorship in 1974, the integration process was resumed. Finally, Greece was admitted as the 10th member of the EC on 1 January 1981. After accession, the association committee was transformed into standard mechanisms for cooperation between a Member State and the EC institutions.[64]

Spain and Portugal had traditional AAs that prepared their economies and political systems for accession. The association council played an important role in monitoring adjustments and reforms. By contrast, Austria did not have a classic AA but was part of the European Economic Area, which facilitated its accession to the

62 European Council, 2024.
63 Negotiations with the United Kingdom, 2025.
64 Enlargement to the south, 2025.

EU without the essential role of the association council.[65] Finland and Sweden also did not have a classic AAs; thus, the association council did not play the same role as in the cases of Greece or Spain. However, the association council within the EEA supervised the harmonisation of these countries' legislation with EU law even before they applied to join the EU. After the application for membership was submitted in 1991 for Sweden and 1992 for Finland, the negotiations moved under standard EU accession negotiations, where specific accession conditions were agreed. In general, the association council within the EEA monitored the alignment of Swedish and Finnish legislation with the rules of the EU single market. The accession negotiations proceeded smoothly, and the transitional periods were minimal.[66]

3.8. Central European Countries

In Central European countries, before joining the EU in 2004, the association committees and councils played an important role in harmonising their legal systems with EU legislation. Central European countries (the Czech Republic, Poland, Slovakia, and Hungary) went through a period of association cooperation, which was managed through the EAA and the corresponding association councils.

The association councils in Central European countries performed several essential tasks, such as monitoring the implementation of EAA commitments, when the association councils monitored the adaptation of EU countries' legislation to norms and standards and assessed progress in democratic reforms, economic changes, and the protection of human rights.

As regards the coordination of economic transformation, the association councils transformed economies from centrally planned ones to a market economy. Furthermore, the councils participated in solving problems associated with privatisation and industrial restructuring; helped negotiate individual chapters of the accession negotiations; and addressed problematic areas such as agricultural policy, border protection, or the judiciary.

Association committees for Central European countries met regularly from the 1990s until their accession in 2004 (some also after accession, as part of the follow-up to the implementation of commitments). Key participants in the committees were the country's foreign minister, representatives of the European Commission (e.g. Stefan Füle, Günter Verheugen), and other experts and officials from both sides.[67]

3.9. Western Balkan Countries

The countries of the West Balkan Peninsula have varying degrees of cooperation and progress in the accession process with the Union. Association councils are also

65 Ibid.
66 Nicolaides and Raja Boean, 1998.
67 DEA, 2024a.

a key instrument of this cooperation and help guide the implementation of the SAA between the EU and individual countries in the region.

Each Western Balkan country that has concluded an SAA with the EU has established an association council. These councils play a crucial role in monitoring and managing the process of approximation with the EU. The association councils monitor whether the country is complying with the commitments made under the SAA – particularly in the areas of democratic reforms, human rights, and the rule of law – and assess reforms in the fields of public administration, the legal system, economic policy, and other key areas. If obstacles arise (e.g. slow adoption of legislation, violations of democratic principles), the association councils identify them and propose solutions. The association councils also adopt recommendations that are important for candidate countries in further negotiations on EU accession. Each West Balkan country has a specific level of relations with the EU, and its association council addresses different challenges. For Albania and North Macedonia, the association council monitors reforms in the areas of the rule of law, the fight against corruption, and the independence of the judiciary. Both countries launched accession negotiations in 2022. Montenegro is one of the most advanced candidate countries in the region and has opened all negotiation chapters. The association council regularly assesses progress in judicial reform and the fight against organised crime. For Serbia, the accession process is complicated by the issue of normalising relations with Kosovo. The association council oversees the implementation of reform commitments and the negotiating framework. Bosnia and Herzegovina obtained candidate status in 2022 but still needs to implement several reforms. The association council monitors political stability and the implementation of constitutional changes. Kosovo has signed the SAA but has not yet obtained candidate status. The association council mainly addresses the rule of law, economic stability, and relations with Serbia.[68]

3.10. Eastern European Countries

The association councils for Ukraine, Moldova, and Georgia play a key role in their *approchement* with the EU. In 2014, these three countries signed AAs with the EU, which created a solid legal basis for their political and economic integration. In 2022, Ukraine and Moldova were granted EU candidate status, while Georgia was granted the prospect of membership with the possibility of obtaining candidate status after meeting certain conditions. The association councils between the EU and these countries have similar tasks to those of the Central European states before their accession to the EU. They focus on assessing progress in reforms of the judiciary, democracy, the rule of law, and the fight against corruption, and monitor the harmonisation of legislation with EU law. They help implement the Deep and Comprehensive Free Trade Area with the EU. They coordinate pre-accession assistance from EU funds, such as the IPA. They also address obstacles to access to the European market

68 European Commission, 2025.

and support economic stability. The main challenge is to fight Russian influence and achieve energy independence. Ukraine and Moldova face Russian aggression and hybrid threats; hence, the association council also focuses on security cooperation with the EU. Georgia is dealing with the problems of the Russian-backed separatist regions of Abkhazia and South Ossetia. Ukraine is the fastest-moving candidate country and has launched reforms at a record pace even during the war with Russia. The association council held its last meeting in February 2024 and has focused on the fight against corruption, judicial reform, and de-oligarchisation. Georgia does not yet have candidate status, but the EU has offered it on the condition that reforms are fulfilled. Problems include political polarisation and the deterioration of democratic standards. The association council is pushing for the strengthening of the rule of law and democratic institutions.[69]

3.11. External Institutions Involved in EU Enlargement and Support for Candidate Countries

The enlargement process is not just a matter for EU institutions. On the contrary, it is broadly supported by other European or international organisations focusing on various key areas related to EU accession (e.g. human rights, the rule of law, as well as economic reforms and sustainable development or security). The form of their involvement can vary from providing expert assistance, financial, or technical assistance, to monitoring the reforms undertaken and assessing progress in various areas. There are many such organisations and institutions, differing in their focus; in the means by which they pursue their objectives and promote their values; but also, for example, in the extent of their territorial coverage. Below, I highlight a few of the most important ones.

The position of the Council of Europe, an independent intergovernmental organisation dedicated to the protection of human rights, democracy, and the rule of law, is very strong in this respect. The candidate countries must be members of the Council of Europe and accept the jurisdiction of the European Court of Human Rights. Compliance with the obligations under the European Convention on Human Rights is also one of the key requirements on the road to EU membership. The so-called Venice Commission (officially, the European Commission for Democracy through Law) plays an important role in the whole process. This is an advisory body of the Council of Europe, established in 1990 to promote democracy, the rule of law, and the protection of human rights. It carries out its tasks mainly through opinions, studies, and recommendations. The EU and the Venice Commission work closely together on issues relating to EU enlargement. The EU uses the expertise of the Venice Commission in assessing legislation and legal reforms in candidate countries. The European Commission and other EU institutions often refer to the Venice Commission's opinions when assessing the situation of candidate countries on issues relating

69 Wolczuk, 2023.

to the rule of law, constitutional reforms (e.g. electoral law), the functioning of the judicial system, etc. Among other organisations, the Organization for Security and Co-operation in Europe (OSCE) should be mentioned. Its activities are also aimed primarily at supporting democratisation, political reform, and the rule of law, as well as ensuring stability and peace processes, including in candidate countries. For example, the OSCE monitors the conduct of elections and supports the transparency of electoral processes, contributing to the strengthening of democracy and the rule of law. The OSCE is also making a significant contribution to the stabilisation of conflict-affected regions, which is currently the case in several candidate countries. The United Nations (UN) also supports reform and development in candidate countries through its specialised agencies and programmes. One example is the United Nations Development Programme (UNDP), under which the UN supports projects aimed at strengthening democratic institutions, fighting corruption, or promoting sustainable development. Other organisations and institutions, such as the International Monetary Fund, the World Bank, and the Organisation for Economic Co-operation and Development, provide support to candidate countries for economic, financial, or administrative reforms. Implementing economic reforms and ensuring financial stability is a key requirement for meeting the economic criteria for EU accession. These institutions provide expert but also financial or technical assistance to candidate countries.

4. State Involvement in the Work of EU Institutions Before Accession

The involvement of countries in the work of EU institutions before their official accession takes place in several stages. This involvement serves to prepare candidate countries for full membership and at the same time to ensure that they are able to fully participate in decision-making processes and fulfil their obligations after accession. Candidate countries are involved in the work of the EU through several key mechanisms – namely, accession negotiations, which take place in individual chapters covering areas such as competition, agriculture, the environment, justice, and home affairs. In addition, there is involvement through observer status and close cooperation with the European Commission, which monitors the preparations of candidate countries and issues regular progress reports assessing their readiness. Candidate countries actively cooperate with the Commission to implement reforms that are key to accession. As such, before joining the EU, countries are involved in the work of EU institutions primarily as observers, negotiators, and partners. This involvement is limited in scope, as candidate countries do not have voting rights.

However, through accession negotiations, monitoring, and financial programmes, states gain practical experience and prepare for full integration into EU decision-making structures.[70]

The involvement of candidate countries in EU expert groups and working committees provides them with invaluable experience and enables their gradual integration into European structures. Specific examples include areas such as food safety, environmental policy, agriculture, border management, and the management of European funds. This cooperation supports the smooth adoption of EU rules and processes and facilitates the transition to full membership. For example, Poland's involvement in the European Environment Agency and other EU institutions has allowed it to gain valuable experience, adapt its policies and infrastructure to EU standards, and prepare for full membership. Croatia's involvement in the work of FRONTEX and participation in specific programmes has contributed to its preparation for membership. Cooperation has enabled the harmonisation of key policies and infrastructure with EU standards and helped Croatia manage the transition to full membership in 2013.

Furthermore, Slovenia used the PHARE programme to modernise public administration, support regional development, and improve environmental protection. Moreover, cross-border cooperation projects strengthened Slovenian integration into the EU single market. Hungary focused on security cooperation with Europol and modernising border management in preparation for protecting the EU's external borders. Certain twinning projects enabled Hungary to improve governance and implement reforms as well. Romania has been most significantly involved in the rule of law and anti-corruption reforms through the Cooperation and Verification Mechanism, while Bulgaria has used ISPA to modernise transport and environmental infrastructure, strengthening its preparations for full EU membership. As for the Baltic States, Lithuania, Latvia, and Estonia have used PHARE and twinning to modernise their public administration, judiciary, and customs policy. Lithuania has focused on nuclear safety, Latvia on border modernisation, and Estonia on the digitalisation of public administration. Malta and Cyprus have been closely involved in EU programmes and projects during the accession process, which have enabled them to modernise their infrastructure, strengthen their economies, and prepare their public administrations for membership. While Malta has focused on environmental and infrastructure projects, Cyprus has had to deal with political challenges that have affected its integration, particularly the division of the island into Turkish and Greek zones.[71]

Last but not the least, the Czech Republic and Slovakia used PHARE, SAPARD, and ISPA to finance reforms and infrastructure projects. The Czech Republic and

70 Stehlík, Hamuľák and Petr, 2017.
71 Radulova, Spendzharova and Breuer, 2021.

Slovakia cooperated with Poland and Hungary as part of the Visegrád Group (V4) to strengthen regional cooperation in the accession process.[72]

Observer status is granted to candidate countries during the transitional period, after signing the accession treaty and before formal accession to the EU. In the past, this applied to the countries of Central and Eastern Europe, Bulgaria, Romania, and Croatia. Current candidates, such as North Macedonia or Serbia, do not yet have this status because they have not yet completed accession negotiations. Observer status serves primarily to gain practical experience with the functioning of EU institutions and prepare for full membership. Observer status confers certain rights on the country; for example, ministers from the candidate country can be invited as observers to meetings of the Council of the EU. They do not have the right to vote, but they can take part in discussions. Candidate countries can also send their observers to the European Parliament. These observers can attend meetings, but again, they do not have the right to vote. Although candidate countries are not represented in the Commission before full membership, their representatives can be involved in working groups and technical discussions. In addition, observers can participate in advisory bodies and committees dealing with specific EU policies to gain experience and information.[73]

5. Final Conclusion

The process of accession to the EU is constantly evolving in response to political, economic, and social changes within the EU and worldwide. The EU is placing increasing emphasis on strengthening the rule of law, the independence of the judiciary, and the protection of fundamental rights. Some member states, such as France or the Netherlands, are sceptical about the rapid enlargement of the EU, mainly due to concerns about integration and the efficiency of decision-making within the Union. It can be said that after the financial crisis, Brexit, and the COVID-19 pandemic, the EU has focused more on internal consolidation than on enlargement to new member states. At the same time, the Union sees the geopolitical importance of enlargement, especially in the Western Balkans and Eastern Europe. Weakening the influence of Russia and China in these regions is a key strategic objective of the Union. The Russian invasion of Ukraine in February 2022 increased pressure on the EU to strengthen its policy towards Eastern Europe. Ukraine, Moldova, and Georgia have been granted candidate status, which demonstrates the geopolitical importance of enlargement.

72 DEA, 2024c.
73 EMI, 2024.

The concept of 'gradual membership' or 'phased membership' is emerging, where candidate countries gain access to some of the EU's benefits (e.g. the single market) before full membership. Each country advances at its own pace, according to its own progress in accession negotiations; nonetheless, political and public will are crucial to speed up and facilitate the process of accession to the Union. For example, Montenegro and Serbia are further along in the negotiations than Albania and North Macedonia.

Of course, the Union still requires candidate countries to demonstrate their ability to function within the single market and meet the Copenhagen criteria, but accession countries must adopt and implement measures for decarbonisation and sustainability as well. At the same time, the Union places emphasis on involving civil society and raising public awareness of the benefits of membership; thus, candidate countries must ensure support for membership among their citizens to avoid political or social conflicts later on. It can be expected that further enlargement of the Union to include new member states will require the reform of decision-making mechanisms, such as qualified majority voting, to prevent blocking decisions.

Trends in the accession process show that enlargement is still relevant and there is interest in joining the EU, but the accession process is accompanied by ever-increasing demands on candidate states. With the exception of the accession of the former European Free Trade Association countries, experience suggests that accession negotiations are a protracted affair. The more the exceptions and reservations to the *acquis communautaire* requested by the applicant countries, the more difficult and lengthy the negotiations are likely to be. However, exceptions and qualifications have been granted in the past and are therefore likely to be granted in the future.

Candidate countries must exercise judgement and restraint if they seek rapid accession to the EU. It is also logical that the more members the Union gains, the more difficult and time-consuming the process of negotiating the terms of accession and ratifying those terms becomes for each new member state. In my opinion, the future EU will continue to face the dilemma of whether to ratify accession agreements with only a handful of candidate countries or postpone the accession process until more countries are ready so that they can all participate as a group – for example, the Balkan countries as one group or Ukraine, Moldova, and Georgia as another group.

References

Bibliography

Commission of the European Communities (2003) 'Comprehensive Monitoring Report on Hungary's Preparations for Membership' [Online]. Available at: https://aei.pitt.edu/44535/1/Hungary_SEC_(2003)_1205.pdf (Accessed: 18 January 2025).

DEA (2024a) 'Asociační dohoda', Department of Communication on European Affairs of the Office of the Government of the Czech Republic [Online]. Available at: https://tvorimevropu.cz/evropska-unie/cr-a-eu/vstup-cr-do-eu/asociacni-dohoda/ (Accessed: 18 January 2025).

DEA (2024b) 'Členské státy', Department of Communication on European Affairs of the Office of the Government of the Czech Republic [Online]. Available at: https://tvorimevropu.cz/evropska-unie/cr-a-eu/vstup-cr-do-eu/asociacni-dohoda/ (Accessed: 18 January 2025).

DEA (2024c) 'Předvstupní pomoc', Department of Communication on European Affairs of the Office of the Government of the Czech Republic [Online]. Available at: https://tvorimevropu.cz/evropska-unie/cr-a-eu/vstup-cr-do-eu/predvstupni-pomoc/ (Accessed: 18 January 2025).

Delcour, L. (2021) *The EU and the Eastern Partnership: Security, Political and Economic Challenges*. London: Routledge.

Dinan, D. (2004) *Europe Recast: A History of European Union*. 2nd edn. Colorado: Lynne Rienner Publishers.

EMI (2024) 'A Resilient Europe: Enhancing EU Enlargement for a Stronger and Safer Union' [Online]. Available at: https://europeanmovement.eu/policy/enhancing-eu-enlargement-for-a-stronger-and-safer union (Accessed: 18 January 2025).

Enlargement to the south (2025) 'Historical events in the European integration process (1945–2009)' [Online]. Available at: https://www.cvce.eu/en/recherche/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/3fac8928-b0a0-4f17-9e99-f55abb594239 (Accessed: 18 January 2025).

European Commission (1998) 'Czechia Progress Report 1998', European Commission, DG for Neirbourhood and Enlargement Negotiations *[Online]*. Available at: https://neighbourhood-enlargement.ec.europa.eu/czech-republic-progress-report-1998_en (Accessed: 18 January 2025).

European Commission (1999a) 'Czechia Progress Report 1999', European Commission, DG for Neirbourhood and Enlargement Negotiations *[Online]*. Available at: https://neighbourhood-enlargement.ec.europa.eu/czech-republic-progress-report-1999_en (Accessed: 18 January 2025).

European Commission (1999b) 'Regular Report on Poland's Progress towards Accession' [Online]. Available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2016-12/poland_en.pdf (Accessed: 18 January 2025).

European Commission (1999c) 'Regular Report on Slovenia's Progress towards Accession' *[Online]*. Available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2016-12/slovenia_en.pdf (Accessed: 18 January 2025).

European Commission (2000) 'Czechia Regular Report 2000', European Commission, DG for Neirbourhood and Enlargement Negotiations *[Online]*. Available at: https://neighbourhood-enlargement.ec.europa.eu/czech-republic-regular-report-2000_en (Accessed: 18 January 2025).

European Commission (2002) 'The Czechoslovak Presidential Decrees in the Light of the Acquis Communaire: Summary Findings of the Commission Services', European Commission [Online]. Available at: https://mzv.gov.cz/file/14078/evropska_komise_findings-final_eng.pdf (Accessed: 18 January 2025).

European Commission (2003) 'Comprehensive monitoring report on Czechia's preparations for membership', European Commission, DG for Neirbourhood and Enlargement Negotiations *[Online]*. Available at: https://neighbourhood-enlargement.ec.europa.eu/czech-republic-monitoring-report-2003_en (Accessed: 18 January 2025).

European Commission (2003) 'Comprehensive Monitoring Report on Poland's Preparations for Membership' [Online]. Available at: https://neighbourhood-enlargement.ec.europa.eu/document/download/fe2e05b3-5c87-477b-aece-2adf2ea44222_da (Accessed: 22 January 2024).

European Commission (2004) 'Comprehensive Monitoring Reports on the 2004 EU Enlargement' *[Online*]. Available at: https://www.europarl.europa.eu/doceo/document/TA-5-2004-0180_EN.html (Accessed: 18 January 2025).

European Commission (2006) 'Monitoring report on the state of preparedness for EU membership for Bulgaria and Romania' [Online]. Available at: https://eurlex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A52006SC0598 (Accessed: 18 January 2025).

European Commission (2013) 'Comprehensive Monitoring Report on Croatia's Accession' *[Online]*. Available at: https://www.europarl.europa.eu/doceo/document/TA-7-2013-0183_EN.html (Accessed: 18 January 2025).

European Commission (2021) 'Enlargement: new enlargement methodology will be applied to Montenegro and Serbia', 11 May 2021 [Online]. Available at: https://neighbourhood-enlargement.ec.europa.eu/news/enlargement-new-enlargement-methodology-will-be-applied-montenegro-and-serbia-2021-05-11_en (Accessed: 18 January 2025).

European Commission (2024a) 'European Neighbourhood and Enlargement Negotiations' [Online]. Available at: https://commission.europa.eu/about/departments-and-executive-agencies/european-neighbourhood-and-enlargement-negotiations_en (Accessed: 18 January 2025).

European Commission (2024b) 'Strategy and Reports', European Commission, DG for Neirbourhood and Enlargement *Negotiations. [Online]*. Available at: https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/strategy-and-reports_en (Accessed: 18 January 2025).

European Commission (2025a) 'Negotiations and agreements', EU trade relationships by country/region [Online]. Available at: https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/negotiations-and-agreements_en (Accessed: 18 January 2025).

European Commission (2025b) 'Western Balcans: EU relations with Western Balkan partners' [Online]. Available at: https://www.consilium.europa.eu/cs/topics/western-balkans/ (Accessed: 18 January 2025).

European Commission (2025c) 'EU Enlargement', European Commission Strategy and Policy [Online]. Available at: https://commission.europa.eu/strategy-and-policy/policies/eu-enlargement_en (Accessed: 18 January 2025).

European Parliament (2023) 'Enlargement policy: Reforms and challenges ahead' [Online]. Available at: https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/757575/EPRS_BRI(2023)757575_EN.pdf (Accessed: 18 January 2025).

EU Monitor (2025a) 'Association agreement' [Online]. Available at: https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vh7dosdm4dzj (Accessed: 18 January 2025).

EU Monitor (2025b) 'Enlargement: how do countries join the EU?' [Online]. Available at: https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vlnzng3cfbz9?ctx=vhsh-nf7snxu9&start_tab1=35 (Accessed: 18 January 2025).

European Council (2024) 'How EU enlargement works' [Online]. Available at: https://www.consilium.europa.eu/en/policies/enlargement/#Role (Accessed: 18 January 2025).

European Union Information Centre (2018) 'Smlouva o přistoupení k EU', Informační centrum Evropské Unie. [Online]. Available at: http://www.knihovna.latran.cz/DOC/1565_Smlouva_pristoupeni_ICEU.pdf (Accessed: 18 January 2025).

Mencinger, J. (2004) 'Transition to a National and Market Economy: A Gradualist Approach' in Mrak, M., Rojec, M., Silva-Jauregui, C. (eds.) *Slovenia – From Yugoslavia to the EU*. Washington, D.C.: The World Bank [Online]. Available at: https://documents1.worldbank.org/curated/ru/197621468776951986/pdf/Slovenia-from-Yugoslavia-to-the-European-Union.pdf (Accessed: 18 January 2025).

Negotiations with the United Kingdom (2025) 'Historical events in the European integration process (1945_2009)' [Online]. Available at: https://www.cvce.eu/en/recherche/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/3fac8928-b0a0-4f17-9e99-f55abb594239 (Accessed: 18 January 2025).

Nicolaides, P., Raja Boean, S. (1998) 'The Process of Enlargement of the European Union' [Online]. Available at: https://aei.pitt.edu/776/1/2.htm (Accessed: 18 January 2025).

Norway's refusal (2025) 'Historical events in the European integration process (1945–2009)' [Online]. Available at: https://www.cvce.eu/en/recherche/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/3fac8928-b0a0-4f17-9e99-f55abb594239 (Accessed: 18 January 2025).

Radulova, E., Spendzharova, A., Breuer, J. (2021) 'The European Commission's Expert Groups: Adapting to the Contestation of Expertise' in Abazi, V., Adriaensen, J., Christiansen, T. (eds.) *The Contestation of Expertise in the European Union*. London: Palgrave Macmillan, pp. 91–121); https://doi.org/10.1007/978-3-030-54367-9_5.

Stehlík, V., Hamuľák, O., Petr, M. (2017) *Právo evropské unie: Ústavní základy a vnitřní trh*. 1st edn. Olomouc: Leges.

Šišková, N. (1998) *Základní otázky sbližování českého práva s právem ES*. 1st edn. Prague: Codex Bohemia.

Šišková, N. (2014) *From Eastern Partnership to the Association A Legal and Political Analysis*. Cambridge: Cambridge Scholars Publishing.

Telička (2024) 'Vlády braly vstup do EU na lehkou váhu, doma se jednalo hůř než v Bruselu. Skoro jsme na to doplatili', *Reflex*, 25 April [Online]. Available at: www.reflex.cz/clanek/prostor-x/124231/telicka-vlady-braly-vstup-do-eu-na-lehkou-vahu-doma-se-jednalo-hur-nez-v-bruselu-skoro-jsme-na-to-doplatili.html (Accessed: 18 January 2025).

The Enlargements of the European Union (2025) 'Historical events in the European integration process (1945_2009)' [Online]. Available at: https://www.cvce.eu/en/recherche/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/3fac8928-b0a0-4f17-9e99-f55abb594239 (Accessed: 18 January 2025).

The Sixth Enlargement (2025) 'Historical events in the European integration process (1945–2009)' [Online]. Available at: https://www.cvce.eu/en/recherche/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/3782dae5-807d-4383-b055-ac0e98818bae (Accessed: 18 January 2025).

Tomašek, M., Týč, V., Petrlík, D., Malenovský, J., Pelikanová, I., Petrlík, D., Křepelka, Pítrová, L., Šmejkal, V., Kunertová, T., Sehnálek, D., Smolek, M., Svobodová, M. (2021) *Právo Evropské unie*. 3rd edn. Praha: Leges.

Urwin, D. (1995) *The Community of Europe: A History of European Integration Since 1945*. London: Routledge.

Wolczuk, K. (2023) 'Overcoming EU Accession Challenges in Eastern Europe: Avoiding Purgatory' [Online]. Available at: https://carnegieendowment.org/research/2023/06/overcoming-eu-accession-challenges-in-eastern-europe-avoiding-purgatory?lang=en&center=europe (Accessed: 18 January 2025).

Zenkner, P. (2024) 'Vstup ČR do EU', Department of Communication on European Affairs of the Office of the Government of the Czech Republic [Online]. Available at: https://tvorimevropu.cz/evropska-unie/cr-a-eu/vstup-cr-do-eu/vstup-cr-do-eu/ (Accessed: 18 January 2025).

Legal sources

Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part (AA EU-Ukraine). OJ L 161, 29.5.2014.

Report of the Council of Ministers on the results of Poland's membership negotiations in the European Union, 17 December 2002.

Report on the Commission's 2023 Rule of Law report. 2023/2113(INI).

The meaning of 'association' under EU law: A study on the law and practice of EU association agreements.

Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts.

Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007.

Chapter I.4

Legal and Economic Support for Candidate Countries

Kateřina Frumarová

Abstract

The European Union (EU) enlargement process is highly demanding, requiring candidate countries to meet a range of conditions. Accordingly, it is necessary to implement fundamental reforms, particularly in the rule of law, the functioning of democratic institutions and public administration and the market economy, as well as to align national legal frameworks with EU law. In this regard, the EU and Member States are striving to support candidate countries through various instruments and mechanisms of so-called pre-accession assistance. These may differ in nature – legal, financial or technical. Although the main instrument of support is currently the Instrument for Pre-Accession Assistance (IPA) III, this chapter will also examine other key instruments in all areas of pre-accession assistance. It will also highlight specific support instruments for Ukraine or Western Balkan countries, and delve into the institutional arrangements of this assistance. Other major European or international organisations supporting EU enlargement, such as the Council of Europe, the UN and others, will also be discussed. It can be concluded that establishing a truly functional and effective system of support for candidate countries is not only complex, but also 'sensitive', as it involves the integration of various values, interests, needs and challenges as well as specific circumstances of individual Member States, candidate countries and the EU as a whole.

Keywords: EU, candidate country, EU enlargement, pre-accession assistance, Instrument for Pre-Accession Assistance III (IPA III)

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1. Introduction

The process of new countries' accession to the European Union (EU) is a complex and long-term process, involving various political, economic and legal conditions. It is 'covered' by the Treaty on European Union (TEU), specifically Art. 49, which provides for the right of a European state to apply for membership if it respects and commits to upholding the common values of EU Member States. These values are enshrined in Art. 2 of the TEU[1] and represent fundamental pillars that all Member States and candidate countries must fulfil.[2] The so-called Copenhagen Criteria constitute the fundamental set of conditions that candidate countries must meet in order to join the EU,[3] including political, economic and legislative requirements. The political criteria mandate candidate countries to have stable democratic institutions, including free elections and a pluralistic political system, and to respect and protect human rights and fundamental freedom, including the rights of minorities. The candidate country must also embody the principles of the 'rule of law'. The economic criteria places particular emphasis on the existence of a functioning market economy. Finally, the country must be able to assume the obligations of EU membership, which, in the legislative sphere, entails the ability to implement and apply the *acquis communautaire*.[4] Subsequently, the so-called Madrid criteria further underscored the need for a functioning and effective public administration capable of implementing EU law.

During the accession process, the candidate country must demonstrate that it meets the accession criteria and is capable of assuming the rights and obligations of EU membership.[5] Depending on the situation, a candidate country must implement profound reforms reflecting EU law (the *acquis)* in its legal system and practice.[6] In order for candidate countries to meet the conditions for membership, a strong emphasis is required on fundamental reforms[7] in the rule of law, the functioning of democratic institutions and public administration, market economy, and reforming and aligning the national legal order with EU law. This entails major institutional

1 According to Art. 2 TEU 'The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail'.

2 De Munter, 2024.

3 Veebel, 2011, p. 3.

4 Becker and Lippert, 2024.

5 Wakelin, 2013.

6 Grabbe, 2002, pp. 249–268.

7 Very interesting reflections on the extent to which reforms in candidate countries would have taken place without the prospect of EU membership – see Börzel, 2016, pp. 78–80.

and legislative changes,[8] which are demanding in terms of time, finance and personnel, professional and technical resources, and their support within the candidate country itself (political representation and citizens themselves). Therefore, in order to be successful and to lead in real terms to the country's accession to the EU, these steps also require 'external' assistance and support during the accession process.

EU provides this support to the candidate countries, and a distinction can be made among legal, financial and technical support. The EU employs various instruments to provide this assistance and support,[9] which will be discussed in more detail below. This support is important not only for candidate countries but also for the EU, as it is in the EU's interest that new Member States uphold the values on which the EU is founded and can fully participate in its functioning. Since support to candidate countries represents significant financial expenditure by the EU and Member States, as well as the commitment of additional resources – such as personnel, expertise and technology – it is crucial that this support is truly effective. This, in turn, raises several challenges and questions: how should support be distributed among candidate countries? This includes, for example, questions of how to establish a 'fair' basis for distributing support among all candidate countries, as well as how to account for new candidate countries that are about to start receiving support. It also raises the issue of which support instruments are most effective and in what forms should the EU provide them. Closely linked to this question is the identification of where to focus support, given the individual countries have different political, economic and legal situations. Another very important aspect is establishing mechanisms to control the use of support and to monitor and evaluate progress. In this respect, it is therefore important to properly establish the institutional framework for implementing various forms of support, both at the EU level and within candidate countries. It is therefore fairly obvious that this is a very complex and difficult issue, requiring not only an efficient, but also 'sensitive and precise' system, which considers various general criteria but also justified specificities concerning individual candidate countries.

8 Schimmelfennig and Sedelmeier define enlargement as 'a process of gradual and formal horizontal institutionalization of organizational rules and norms'. See Schimmelfennig and Sedelmeier, 2002, pp. 503–505.

9 Aćić and Grujić, 2023.

2. History and Present Support to Candidate Countries

2.1. Historical Development of Pre-Accession Assistance to Candidate Countries

EU expansion is not a one-off process, but has been ongoing for several decades, taking place in successive waves. It is therefore evident that, at any given time, there have always been candidate countries aspiring to join the EU.[10] Accordingly, it is necessary to begin with a brief overview of the historical development of pre-accession assistance. In general, the evolution of the EU's pre-accession assistance instruments has aimed to reflect not only the changing needs of candidate countries, but also the ongoing refinement of accession processes, changes and developments in the entry criteria, and the adaptation of assistance to different geopolitical and economic conditions.

Looking back to the 1970s and 1980s, during the early stages of EU enlargement, candidate countries – such as Greece, Spain, Portugal – did not have any comprehensive pre-accession assistance instruments.[11] Support was mainly provided through bilateral trade and economic cooperation agreements. The aim was to facilitate the economic transformation of these countries and to support their democratisation. Therefore, during this period it was more of an *ad hoc* assistance rather than a systematic assistance in the form of a comprehensive and one-size-fits-all assistance instrument.

The situation began to change in the 1990s, when the EU was preparing for its largest enlargement to date in the form of Central and Eastern European countries. During this period, pre-accession assistance gradually evolved and, above all, becoming institutionalised. Twinning programmes also began to emerge. Increasingly, support focused on key areas of reform for candidate countries to meet the entry criteria.

One of the key instruments of pre-accession assistance during this period was the PHARE programme (Poland and Hungary Aid for Restructuring of the Economy).[12] Established in 1989, this instrument was originally designed to support economic transformation in Poland and Hungary.[13] However, it was subsequently extended to other Central and Eastern European countries. It played a crucial role in helping eight of the ten Member States that joined in 2004 – Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia – and the countries that joined in 2007 – Bulgaria and Romania – meet accession conditions. Until 2000, the Western Balkan countries – Albania, Macedonia and Bosnia and Herzegovina – were also

10 For a detailed analysis of the EU enlargement process – see e.g. Schimmelfennig and Sedelmeier, 2002, pp. 500–528.
11 Pinto, 2016, p. 11.
12 Ibid., pp. 19–21.
13 Bailey and De Propris, 2004, pp. 77–78.

PHARE beneficiaries.[14] However, since 2001, another instrument, the CARDS (Community Assistance for Reconstruction, Development and Stability in the Balkans) programme, began providing pre-accession financial assistance to these countries.[15] Both these programmes supported, for example, public administration reforms, infrastructure or institution building in the candidate countries.

Other major instruments of pre-accession assistance, which were established at the turn of the millennium, include the Special Accession Programme for Agriculture and Rural Development (SAPARD) and the Instrument for Structural Policies for Pre-Accession (ISPA).[16] SAPARD[17] assisted candidate countries address specific challenges related to the Common Agricultural Policy, structural changes in individual agricultural sectors and rural development.[18] The ISPA financial instrument focused on financing infrastructure projects in the environment and transport sectors. It was designed to promote sustainable development in the acceding countries.[19]

However, the biggest reform of pre-accession assistance occurred in 2007, with the introduction of the Instrument for Pre-Accession Assistance (2007–2013; IPA I). It unified and consolidated assistance to candidate countries under one key instrument of pre-accession assistance (merging various previous instruments).

IPA (2007–2013) was established under Council Regulation (EC) No 1085/2006, which consolidates five components reflecting different areas of support, namely Institution Building and Cross-Border Cooperation, Regional Development, Human Resource Development, Rural Development and Readiness for EU Policies (in particular Structural Funds and Cohesion).[20] Croatia, Turkey and the Western Balkan countries have benefited from this instrument. Compared to previous instruments, IPA I has a more flexible and, above all, better coordinated approach to preparation for EU accession.

The IPA II Regulation came into force on 16 March 2014,[21] and was applied retroactively from 1 January 2014. The IPA II Regulation was complemented by the Common Implementing Regulation (CIR), which provides a set of simplified and harmonised rules and procedures for all external action instruments, as well as by the IPA II Implementing Regulation adopted by the Commission on 2 May 2014.[22]

IPA II's novelty lies in its strategic focus.[23] Indicative Strategy Papers encompass specific strategic planning documents made for individual beneficiaries for the seven-year period. It provides for a stronger ownership by the beneficiaries by integrating

14 European Commission, no date b.
15 On the developments in the Balkans; for more detail, refer to the study by Mirel, 2018, pp. 1–14.
16 European Commission, 2001.
17 Georgieva et al., 2005, pp. 1–225.
18 Gorton, Hubbard and Hubbard, 2009, pp. 10–11.
19 European Commission, 2001.
20 European Parliament, 2004.
21 Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II).
22 European Commission, no date c.
23 European Union, no date a.

their own reform and development agendas. A Multi-Country Strategy Paper outlined priorities for regional cooperation or territorial cooperation. IPA II targeted reforms within the framework of pre-defined sectors, focusing on areas closely aligned with the enlargement strategy, such as democracy and governance, rule of law, and growth and competitiveness. This sectoral approach promoted structural reforms that helped enhance the standards of specific sectors to EU levels. It also facilitated a shift towards a more targeted assistance, ensuring greater efficiency, sustainability and focus on results.[24]

IPA II also enables a more systematic use of sector budget support and emphasises performance measurement. The performance reward was a mechanism set up in the IPA II 231/2014 (Art. 14). It provided a financial incentive for individual IPA II beneficiaries that met the membership criteria and/or implemented IPA efficiently. The Regulation twice foresaw the use of the performance reward scheme in the period 2014–2020 (current Multi-annual Financial Framework). The reward, totalling €78 million, was first allocated in 2017 to Albania, Kosovo, North Macedonia, Montenegro and Serbia. The amount allocated in 2020 was also comparable. The Commission proposed to reward the two countries, which had undertaken the most significant steps to advance EU reforms: Albania and North Macedonia.[25]

In summary, IPA II replaced the strict five-component structure with a thematic approach.[26] It also introduced a results-based approach in which funding was linked to measurable outcomes. Sectoral support was also new: instead of allocating funding by category, funds were diverted to priority sectors. This instrument strengthened the ownership of reforms by candidate countries and enhanced the focus on the effectiveness and impact of the programmes. It also aimed at simplifying the financial management of aid and reducing administrative burden.[27]

Currently, assistance to candidate countries is provided through IPA III. This instrument is presented in detail in the following subchapter.

2.2. The Present: IPA III – A Key Instrument for Pre-Accession Assistance

he EU currently offers financial and technical assistance to candidate countries through a key mechanism – the Instrument for Pre-Accession Assistance III (IPA III),[28] introduced in 2007 and updated several times, and is now in its third generation. IPA III[29] was adopted by a Regulation of the European Parliament and of the

24 European Commission, no date c.
25 Ibid.
26 Koeth, 2016, p. 4.
27 Romańczyk, 2012, pp. 2–7.
28 European Commission, no date c.
29 Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance (IPA III).

Council on 15 September 2021.[30] It applies retroactively from 1 January 2021 until 2027. It is a key financial instrument of the EU and its Member States to support third countries at different stages of the EU accession process. It primarily supports beneficiaries in implementing the political, institutional, legal, administrative, social and economic reforms necessary to align with EU rules, standards, policies and practices with a view to future membership. Compared to previous programming periods, the structure of this instrument has been significantly changed and its budget increased.[31] The current IPA III has a budget of more than €14 billion for the period 2021–2027 (for comparison, see Table 1).

Tool	Periods	Amount (Euros)
IPA	2007–2013	€11.5 billion
IPA II	2013–2020	€12.8 billion
IPA III	2021–2027	€14.162 billion

Table No. 1
Comparison of IPA instruments in terms of budget[32]

IPA III re-establishes a strategic approach, replacing geographic focus, and defines thematic programmes based on key priorities across five thematic windows. Therefore, funding is allocated according to these windows rather than by country. Furthermore, the instrument combines a performance based approach and fair-share and, unlike IPA II, sets only an indicative amount annually for each beneficiary. Actual support depends on the scale and quality of projects proposed by the beneficiaries within each of the five windows. Projects are assessed based on their political relevance, technical maturity and the extent to which potential beneficiaries are implementing reforms under the enlargement process. Simultaneously, the specific needs and capacities of beneficiaries are considered to prevent imbalances in the level of assistance. The scope and intensity of support may be adjusted in the event

30 The IPA III Regulation was adopted on 15 September 2021, came into force on 20 September 2021 and is applicable retroactively from 1 January 2021. It is complemented by the Commission Delegated Regulation, which was adopted on 1 October 2021 and came into force on 3 December 2021. It sets out specific objectives and thematic priorities for IPA III assistance. The IPA III Implementing Regulation was adopted by the Commission on 15 December 2021 and entered into force on 16 December 2021. Furthermore, the NDICI-GE Regulation (Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe), which was adopted on 9 June 2021, entered into force on 14 June 2021, and applies retroactively from 1 January 2021, sets out certain horizontal provisions, which are also applicable for IPA III assistance. The Commission adopted a model for a Financial Framework Partnership Agreement (FFPA) between the Commission and the governments of the IPA III beneficiaries on 31 March 2022.

31 MZV ČR, 2022, pp. 7–8.

32 MZV ČR, 2022, p. 7.

of a major regression or persistent lack of progress by the beneficiary in fundamental areas, such as strengthening the rule of law, respecting fundamental rights and values, strengthening democratic institutions, reforming public administration, promoting economic growth or enhancing competitiveness.[33]

2.3. IPA III Programming Framework

Window 1	Window 2	Window 3	Window 4	Window 5
Rule of law, fundamental rights and democracy	Good governance, acquis alignment, good neighbourly relations and strategic communication	Green agenda and sustainable connectivity	Competitiveness and inclusive growth	Territorial and cross-border cooperation

Table No. 2
Instrument for Pre-accession Assistance (IPA III)[34]

The five thematic windows (see Table No. 2), which replace the previous geographical distribution of funding, are as follows: (1) Rule of Law, Fundamental Rights and Democracy; (2) Good governance, convergence with EU law, good neighbourly relations and strategic communication; (3) Green agenda and sustainable connectivity; (4) Competitiveness and inclusive growth; and (5) Territorial and cross-border cooperation.[35] These windows correspond to the clusters of negotiating chapters. Table 2 illustrates the indicative allocation of IPA III funding for the period 2021–2027 to each window:

33 Ibid.
34 According to European Commission, no date j.
35 Margaras and Széchy, 2023, pp. 163–165.

Thematic windows:	%	2021	2022	2023	2024	2025	2026	2027	Total
Window 1: Rule of law, fundamental rights and democracy	15,13	281	287	292	298	304	310	317	2 089
Window 2: Good governance, alignment with the EU acquis, good neighbourly relations and strategic communication	16,59	308	314	321	327	333	340	347	2 291
Window 3: Green agenda and sustainable connectivity	42,25	788	804	820	837	853	870	888	5 860
Window 4: Competitiveness and inclusive growth	22,31	414	422	431	440	448	457	467	3 080
Window 5: Territorial and cross-border cooperation	3,51	65	66	68	69	71	72	73	485
Total budget	100,	1 855	1 894	1 932	1 971	2 010	2 051	2 093	13 804
Administrative items		49	49	50	51	52	53	54	357
Total	100,	1 904	1 943	1 982	2 022	2 062	2 104	2 147	14 162

Table No. 3
Indicative allocation of IPA III funds by thematic window (million)[36]

It can be observed that IPA III can finance a wide range of projects in line with the thematic priorities outlined in the strategic documents (mainly multi-annual and annual action plans) approved for each partner country. Beyond the five thematic windows, the instrument also places significant emphasis on horizontal themes, such as environmental protection, combating climate change, supporting administrative reforms and tackling corruption, supporting rule of law, and promoting civil society and gender equality.[37] Funding is managed by the European Commission in collaboration with Member States, IPA III beneficiary countries and other implementing partners. Given the scale of this assistance instrument, it is essential to have a functional institutional set-up.[38] Therefore, multiple actors are involved in its design, financing and implementation, as well as in the evaluation of its effectiveness, including EU institutions and bodies, national authorities of candidate countries and independent bodies.

The process of drafting strategic and programming documents, as well as the actual implementation of specific projects, occurs at multiple levels and involves a

36 European Commission, no date c.
37 MZV ČR, 2022, pp. 7–8.
38 Európska Komisia, 2024.

larger number of actors. It is therefore not the sole responsibility of the European Commission, although it plays a crucial role in project preparation and implementation. The European Commission holds key competences in the areas of strategic planning (it produces the IPA III strategy paper, which identifies the main priority areas and objectives of assistance), budget management (it oversees budget allocations), and programme approval (it approves individual national and regional programmes financed by IPA II).[39]

For the implementation of the instrument, a comitology-based IPA III Committee was established. This committee ensures that the allocation of funds and the implementation of measures under the programme align with the EU's strategic objectives and priorities. It also has the authority to decide on changes to the thematic priorities. Within the European Commission, the responsible service for IPA III is the Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR). The European External Action Service (EEAS) also plays a crucial role, working with the European Commission to define policy priorities and ensure that IPA III assistance aligns with overall EU foreign policy objectives. Other EU institutions and bodies, such as the European Parliament (e.g. for budget approval), the Council of the EU, EU Delegations in partner countries, also play a contributing role. In addition, candidate countries and their national institutions play a key role in overseeing the implementation process (from project preparation and submission to effective execution).[40]

Like IPA II, IPA III includes, in addition to monitoring financial implementation, a comprehensive monitoring mechanism for reviewing overall performance and progress towards results at the strategic, sectoral and action levels (i.e. performance by results). Under IPA III, performance measurement is based on indicators defined in the IPA III programming framework and in the annual and multiannual programmes, whereas in IPA II it relied on indicators established in the indicative strategy papers and programmes. Again, the European Commission, through DG NEAR, plays a central role. It conducts regular assessments of the progress of IPA III funded projects and is responsible for preparing annual reports on the programme's implementation and its impact on the candidate countries. In addition, the European Court of Auditors, which audits the effectiveness and transparency of IPA III fund usage, and the European Parliament, which examines implementation reports and monitors value for money, are involved in the evaluation process.[41]

2.4. Other EU Instruments Providing Financial and Technical Assistance to Candidate Countries

In addition to the IPA III programme, candidate countries can access financial support from other funds and EU instruments to finance specific areas of development

39 Margaras and Széchy, 2023, pp. 163–165.
40 MZV ČR, 2022, p. 9.
41 Ibid.

or cooperation. Many of these instruments benefit both Member States and candidate countries, rather than being exclusively targeted at candidate countries. Each of these instruments applies to support in a distinct area and operates under different conditions. Nevertheless, it can be stated that a fundamental condition applies to all of these instruments without distinction, namely the supported activity must align with the values and principles on which the EU is built. Essentially, all funded projects, activities or reforms must reflect EU priorities, including democracy, the rule of law, human rights protection or sustainability. In addition, it is also essential that the candidate country possesses sufficient administrative capacity to manage projects and disbursement of funds, ensuring transparency and compliance with the principles of responsible financing.

The first instrument to highlight is undoubtedly the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI).[42] The NDICI – Global Europe instrument integrates several former EU external financing instruments,[43] and serves as the EU's main tool for contributing to eradicating poverty and promoting sustainable development, prosperity, peace and stability.[44] The total allocation for NDICI – Global Europe is divided into four pillars: the first pillar of €60.38 billion is allocated for geographic programmes, including at least €19.32 billion for the Neighbourhood, with the remainder allocated to Sub-Saharan Africa, Asia and the Pacific, and the Americas and the Caribbean. The second pillar, totalling €6.358 billion, supports thematic programmes, including the Human Rights and Democracy; Civil Society Organisations; Peace, Stability and Conflict Prevention; and Global Challenges.[45] The smallest amount of €3.182 billion is allocated to 'a rapid response mechanism' that enables the EU to respond swiftly to crises, contribute to peace, stability and conflict prevention. Finally, €9.53 billion is reserved as a 'cushion' of unallocated funds, which can be used to supplement any of the above-mentioned programmes or the rapid response mechanism in the event of unforeseen circumstances, emerging challenges or new priorities.[46] During the first three years of the 2021–2027 long-term budget, approximately 80% of the cushion had been utilized – a substantial portion of which was earmarked for supporting Ukraine.[47] For example, Western Balkan countries used this support to finance cross-border cooperation, public administration reform projects, institution building and

42 Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009.

43 Development Cooperation Instrument (DCI); European Neighbourhood Instrument (ENI); Partnership Instrument; European Instrument for Democracy and Human Rights (EIDHR); European Fund for Sustainable Development (EFSD); Instrument contributing to Stability and Peace (IcSP).

44 Margaras and Széchy, 2023, pp. 167–169.

45 European Commission, no date a.

46 Ibid.

47 Hauck, Sabourin and Jones, 2024, p. 1.

economic and infrastructure development. Ukraine and Moldova are also benefiting from NDICI, in particular to support stabilisation, the rehabilitation of damaged infrastructure and the development of democratic institutions.[48]

The EU Humanitarian Aid Instrument is the EU's instrument for providing humanitarian aid during crises such as natural disasters, armed conflicts or humanitarian emergencies.[49] Under the Multiannual Financial Framework, €11.6 billion has been allocated to the EU Humanitarian Aid Instrument for the period 2021–2027. While part of this funding comes from Member States, a significant share is provided by the EU budget.[50] Within the European Commission, the Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO) is responsible for managing humanitarian aid and civil protection. EU humanitarian aid primarily focuses on food and nutrition, shelter, healthcare, water and sanitation, and education in emergencies. Most of the EU's humanitarian aid budget is used indirectly, as ECHO does not directly implement humanitarian aid programmes. Rather, it funds operations implemented by its partners – namely non-governmental organisations, UN agencies and international organisations such as the International Red Cross and Red Crescent.[51] ECHO's main tasks include providing funding, verifying the sound management of funds and ensuring that its partners' goods and services reach the affected population efficiently and expeditiously to respond to real needs.[52] This instrument is also used by candidate countries, especially during humanitarian crisis. For example, Turkey has used the support in the context of the migration crisis and Syrian refugees,[53] while Serbia and North Macedonia relied on it during the 2015–2016 migration crisis and refugee influx. Ukraine is currently a major beneficiary,[54] in response to the Russian aggression since 2022.[55]

Another long-standing EU support mechanism for managing various crises and disasters is the EU Civil Protection Mechanism and rescEU.[56]Established by the European Commission in October 2001, the Mechanism aims to strengthen cooperation between EU countries and 10 participating states in civil protection, enhancing prevention, preparedness and response to disasters. In addition to EU countries, the Mechanism currently includes 10 participating States – Albania, Bosnia and Herzegovina, Iceland, Moldova, Montenegro, North Macedonia, Norway, Serbia, Turkey

48 Mureșan, 2025, pp. 245–257.
49 The legal basis for this instrument is Council Regulation (EC) No 1257/96 of 20 June 1996 on Humanitarian Aid.
50 Hergaden, 2024.
51 European Union, 2016.
52 Margaras and Széchy, 2023, pp. 169–170.
53 In 2016, a special mechanism, the Facility for Refugees in Turkey (FRIT), was established to provide funding for humanitarian and development assistance. It funds projects providing education, health care and basic support for refugees.
54 Hergaden, 2024.
55 The emergency assistance to Ukraine is the largest operation coordinated by the EU Civil Protection Mechanism to date.
56 European Commission, no date d.

and Ukraine.[57] Since its establishment in 2001, the EU Civil Protection Mechanism has responded to more than 700 requests for assistance within and outside the EU, managed by the Emergency Response Coordination Centre (ERCC). The ERCC monitors events worldwide 24/7 and ensures rapid deployment of emergency support through direct liaison with national civil protection authorities.[58] In 2019, the EU modernised the EU Civil Protection Mechanism and established rescEU, aimed at protecting citizens from disasters and managing emerging risks. It is fully funded by the EU and strengthens European disaster preparedness and reinforces the ability to respond to crises across Europe – such as fires, medical emergencies, chemical, biological, radiological and nuclear accidents, shelter needs, emergency transport and electricity supply. For example, in 2023, the Mechanism was activated in 66 cases, with major actions including assistance to Ukraine amid the ongoing war, responding to forest fires within Europe and support following the earthquake in Turkey. The coordination of assistance to Ukraine represented one of the largest activations of the Mechanism to date.[59]

Finally, the Solidarity and Emergency Aid Reserve (SEAR) warrant special mention.[60] SEAR covers what were previously two separate instruments: the European Union Solidarity Fund (EUSF) and the Emergency Aid Reserve. It can be used to help combat emergency situations triggered by major natural disasters or public health crises in Member States and accession countries. Moreover, the Mechanism can also assist non-EU countries facing emerging needs stemming from conflicts, the global refugee crisis or worsening natural disasters due to climate change. Aid from this instrument is managed by the recipient country and is intended to rebuild basic infrastructure, support emergency services, temporary accommodation or clean-up operations, and address immediate health risks.

In the fields of science, research and education, candidate countries can benefit from support through several key EU instruments and funds. These programmes support education reforms, research mobility, exchange initiatives and international cooperation, enhancing their readiness for future EU membership. Foremost among these is Horizon Europe, the EU's flagship programme for research and innovation funding (for the period 2021–2027).[61] The indicative funding for Horizon Europe for the period is €93.5 billion.[62] Through the programme, the European Commission provides grants, prizes and procurement to outstanding researchers to promote their scholarly activities. It also provides funding to initiatives aimed at developing research infrastructure and fostering mobility within the EU. Additionally, it supports partnerships among Member States, industry and other stakeholders to collaborate on

57 European Commission, no date e.
58 Specialised teams and equipment such as firefighting aircraft, search and rescue and medical teams can be mobilised at short notice for deployment in Europe and beyond.
59 EU Funding Overview, 2024.
60 Margaras and Széchy, 2023, p. 91.
61 European Commission, no date g.
62 European Union, 2021.

research and innovation. Candidate countries can attain Associated Country status, enabling them to participate in the programme at the same level as EU Member States, subject to the conclusion of an Association Agreement with the EU. For example, Türkiye became a fully associated member of Horizon Europe in January 2021, although it has participated in EU research and innovation programmes since 2003. Türkiye launched the Turkish Research Area in 2004, modelled on the European Research Area (ERA). In 2019, Türkiye introduced a series of measures leading to the establishment of an Action Plan to boost national research and innovation capacity as well as cooperation with and alignment to the ERA. This Action Plan has had a tangible and positive impact on Türkiye's participation in Horizon 2020. Türkiye has made steady progress in Horizon 2020, achieving particular success in the European Research Council, in Marie Skłodowska-Curie Actions, and energy research.[63] Other candidate countries are similarly involved in these programmes.[64]

The Erasmus+ programme, which supports education, training, youth and sport, is also widely recognised.[65] The 2021 – 2027 programme places a strong emphasis on social inclusion, the green and digital transitions, and promoting young people's participation in democratic life. The programme further supports priorities and activities outlined in the European Education Area, Digital Education action plan and the European skills agenda. The programme also supports the European Pillar of Social Rights, implements the EU youth strategy 2019–2027 and develops the European dimension in sport. In addition to offering grants, Erasmus+ also supports teaching, research and networking.[66] The main objective of Erasmus+ is to promote learning mobility for individuals and groups, along with fostering cooperation, creativity and innovation.[67] Candidate countries participate in the programme as either partner or programme countries, allowing their institutions to engage in exchange programmes, cooperation projects and mobility.[68] Programme countries[69] have full participation through formal agreements with the EU.[70]

Under EU policy, candidate countries can also benefit from various cross-border cooperation instruments that promote regional integration, improve relations between neighbouring countries and strengthen economic and social development. The main instruments available to candidate countries include the Interreg programme, an EU initiative aimed at promoting cross-border, interregional and transnational cooperation.[71] This instrument support the exchange of good practices and

63 European Commission, no date f.
64 European Commission, no date g.
65 European Commission, no date i.
66 Wilson, 2011, pp. 4–7.
67 Papakosta and Mouratoglou, 2024, pp. 81–83.
68 On the importance of Erasmus for higher education and science in Albania, see Pinari, 2024, pp. 66–71.
69 Northern Macedonia, Serbia, Iceland, Liechtenstein, Norway, Turkey.
70 European Commission, no date i.
71 Margaras and Széchy, 2023, p. 34.

policy learning among European regions in 36 countries – the EU27 Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Norway, Serbia, Switzerland and Ukraine, meaning that most candidate countries are involved.[72] In addition, candidate countries can also use the NDICI programme, mentioned above, for similar purposes. They can also participate in macro-regional strategies, which facilitate cross-border cooperation on a broader geographical scale. These include the EU Strategy for the Danube Region, which involves14 countries and is the largest and most diverse macro-regional strategy: nine EU Member States – Austria, Bulgaria, Croatia, Czechia, parts of Germany, Hungary, Romania, Slovakia, Slovenia – three Accession Countries – Bosnia and Herzegovina, Montenegro, Serbia – and Ukraine and Moldova.[73] Adopted by the European Council on 29 September 2014, the EU Strategy for the Adriatic and Ionian Region (EUSAIR) serves as a tool to foster social, economic and territorial cohesion, aiming to reduce disparities in the Adriatic-Ionian macro-region through enhanced cooperation. The strategy involves ten countries: four EU Member States – Greece, Croatia, parts of Italy, Slovenia – five candidate countries – Albania, Bosnia and Herzegovina, Montenegro, Serbia and North Macedonia – and San Marino.[74] Cooperation within EUSAIR is particularly beneficial for candidate (IPA countries). While the enlargement process follows a bilateral, hierarchical process, EUSAIR is one of the few regional cooperation instruments in the region, where EU Member States and IPA countries cooperate on equal footing across different sectors and EU initiatives. The rotating EUSAIR chairmanship provides an opportunity for IPA countries to steer the priorities of the region for twelve months and highlight specific challenges for the Western Balkans and the macro-region on European level. By extending EU rules and regulations to IPA countries, it also supports their enlargement process across various chapters.[75]

EU candidate countries also have access to several EU instruments designed to protect the environment. These instruments support efforts in the areas of environmental sustainability, emissions reduction, natural resource conservation and climate change adaptation. One such example is the LIFE Programme,[76] an EU financial instrument aimed at environmental protection and climate action. The objectives of this programme include protecting biodiversity and ecosystems, pollution control and resource efficiency, and supporting climate change adaptation and mitigation.[77] Candidate countries can access funding by signing a LIFE cooperation agreement. Environmental support can also be obtained from IPA III or the Interreg programme.

Candidate countries also have access to selected instruments and programmes (beyond the IPA III flagship programme) that support reforms in the areas of

72 Interreg Europe, no date.
73 European Commission, no date k.
74 European Parliament, no date l.
75 Ibid.
76 Margaras and Széchy, 2023, p. 149.
77 European Commission, no date m.

governance, democracy, rule of law and the judiciary. These instruments assist candidate countries in harmonising their legal and institutional frameworks with European standards and strengthening their democratic institutions. The Justice Programme is an EU financial instrument aimed at strengthening the European judicial area.[78] It is also accessible to candidate countries that have signed cooperation agreements, subject to certain conditions. Areas of support include ensuring the efficiency and independence of the judiciary, strengthening the training of lawyers and judges, promoting legal cooperation in civil and criminal matters and generally improving access to law and legal protection. Other examples include the aforementioned NDICI, which incorporates the European Instrument for Democracy and Human Rights (EIDHR), and the Horizon Europe programme, particularly its civil security and governance strand. Candidate countries can receive support, for example, for projects addressing security challenges such as the rule of law or crime prevention, as well as initiatives supporting the digital transformation of public administration and justice. In addition, there are the Twinning and TAIEX (Technical Assistance and Information Exchange) instruments, which focus on the transfer of expertise and best practices from EU Member States to candidate countries (see below for more details).

3. Legal Assistance to Candidate Countries

The EU also provides comprehensive legal assistance to candidate countries to prepare them for EU membership. This assistance is primarily aimed at harmonising candidate countries' legislation with the EU *acquis communautaire*, strengthening the rule of law, ensuring the independence of the judiciary and other areas necessary for EU accession. This assistance is crucial for preparing countries for full EU membership, as it facilitates the alignment of national legislation with EU standards and supports the implementation of reforms in key areas. This support is delivered through various instruments and programmes, the most relevant of which are discussed below.

One of the most important tools in this area is TAIEX (Technical Assistance and Information Exchange), which is a technical and legal assistance instrument provided to candidate countries to facilitate the transfer of knowledge and harmonisation of national legislation with EU law.[79] TAIEX supports public authorities in approximating, applying and enforcing European legislation, as well as in sharing and transferring 'EU best practices'. It is an assistance and cooperation instrument managed by DG NEAR. By its nature, it provides short-term, non-financial, legal and technical assistance delivered by experts from Member States (not only) to candidate

78 European Commission, no date n.
79 European Commission, no date o.

countries.[80] TAIEX assistance is available to civil servants, principally in central public administrations; judiciary and law enforcement authorities; civil servants working in Parliaments and Legislative Councils; representatives of social partners, trade unions and employers' associations. Support and assistance seeks to precisely target specific issues. The candidate country is therefore expected to highlight specific needs for legal and technical assistance. It is a cooperation of experts and as such occurs at the expert level. Beneficiaries can indicate their country of preference as a trainer.

This support assumes several typical forms.[81] First, professional workshops, seminars and training sessions are held, where experts from Member States present specific areas of EU law (e.g. competition, public procurement, environmental protection) to selected groups such as civil servants, judges, etc. Study visits and missions are also held to enable civil servants and experts from candidate countries to visit EU Member States (and their institutions) to gain experience in the implementation of EU law. Finally, expert from EU Member States are deployed in candidate countries and their institutions to provide in-depth advice on the transposition, implementation or enforcement of specific EU legislation.[82] The primary objective is to provide legal advice – assisting in the preparation and implementation of legislation corresponding to EU legislation – and to conduct legal analysis (assessing the existing legislation of candidate countries and its compliance with EU law and identifying areas requiring amendments). This may also include administrative checks on draft legislation ('desk reviews').

Two concrete examples of TAIEX assistance to candidate countries[83] include a workshop on designing entry exams for judges, prosecutors and legal advisors in Albania (March 2023). Through this workshop, experts from Belgium and Italy provided practical guidance on tools and methodologies in preparation for the School of Magistrates' review of its entry exams. TAIEX events on agriculture, organic certification and rural development in Moldova (Beneficiary: Ministry of Agriculture and Food Industry, May–October 2023) also deserve mention. TAIEX experts from Czechia, Germany and Poland collaborated with Moldovan peers to support the harmonisation of national legislation with EU law. This TAIEX cooperation also contributed to strengthening the capacity of Moldova's organic certification system.

Twinning is another key support instrument, designed to support institutional capacity building in candidate countries through partnerships with EU Member States' institutions.[84] It supports targeted and long-term cooperation between institutions, typically involving the exchange of experts, where legal experts from Member States work alongside candidate country institutions on the preparation

80 MF ČR, 2023.
81 European Commission, no date o.
82 MF ČR, 2023.
83 TAIEX and Twinning Highlights, 2023.
84 European Commission, no date p.

and implementation of legal reforms. Twinning also involves the transfer of best practices and know-how, providing practical experience and recommendations for the drafting and application of legislation. It includes training for those responsible for implementing the law (officials, judges, prosecutors and others). Support is also provided to long-term projects focused on institutional reforms such as judiciary reform, programmes aimed at strengthening human rights protection or those aimed at fighting corruption.[85]

Twinning is implemented exclusively through long-term projects lasting approximately two years, although shorter medium-term projects of six to eight months are occasionally undertaken. Standard projects require the presence of a permanent advisor in the beneficiary country.[86] Funding for these projects is provided by IPA III or other EU instruments. Twinning projects are based on the cooperation between a beneficiary institution (with sufficient absorption capacity and qualified staff) and an institution from a member country with a similar agenda. The beneficiary must be able to mobilise its staff, demonstrate a sustained commitment to the agenda and implement proposed changes or adopt the transferred best practices. Twinning is based on the principles of 'learning by doing' and the 'sharing of best practices'.

The use of this tool can again be demonstrated with a few examples.[87] One notable case is EU support for capacity building and gradual alignment with EU *acquis* in the phytosanitary sector in Bosnia and Herzegovina (2020–2023). This project, implemented by Italy and Poland, contributed to boosting rural economy and modernising the agri-food sector in Bosnia and Herzegovina. It played a crucial role in aligning national legislation with the EU *acquis* by facilitating the implementation of new phytosanitary standards. Another important project was 'Strengthening the institutional and regulatory capacity of the National Bank of Ukraine (2020–2023)'. Implemented jointly by Poland and Lithuania, it aimed to enhance the National Bank of Ukraine's capacity to engage with international financial institutions. Finally, the Strengthening Cybersecurity Capacities in Georgia (2020–2023) The project is also worthy of mention. Implemented by Austria and Lithuania, this Twinning project strengthened Georgia's cyber threat preparedness and resilience. By creating cybersecurity networks aligning with EU standards, and developing frameworks to protect critical information infrastructure and operators of essential services, the project strengthened the capacity of relevant national authorities to respond to cyber threats.

85 Ibid.
86 MF ČR, 2023.
87 TAIEX and Twinning Highlights, 2023.

TAIEX	TWINNING
Peer-to-peer institution building instrument	Peer-to-peer institution building instrument
Mobilising public sector expertise from EU Member States	Mobilising public sector expertise from EU Member States
EU-funded & results-oriented	EU-funded & results-oriented
Short activities	Medium to long-term projects (up to 3 years)
Available to public administrations around the world, also in EU Member States	Available to public administrations in countries and territories covered by the EU's neighbourhood and enlargement policies (NEAR) as well as the international partnership and development policy (INTPA)
All activities are organised by European Commission headquarters	Individual projects are jointly managed by EU Member States & partner countries

Table No. 4

TAIEX and TWINNING Comparison[88]

Another important form of legal support is the gradual integration of candidate countries into European legal mechanisms such as Eurojust, the EU's Agency for Judicial Cooperation in Criminal Matters, which aims to improve cooperation between EU Member States in the investigation and prosecution of serious cross-border crime.[89] Eurojust plays a key role in addressing cross-border cases involving organised crime, human trafficking, terrorism, cybercrime, money laundering and other offences. Candidate countries can participate in Eurojust's activities through cooperation agreements or formal involvement in specific programmes. This cooperation typically focused on the exchange of information on criminal activities, education and training in European law and judicial cooperation, and participation in joint investigation teams in cross-border cases. For example, Eurojust and Montenegro signed a Cooperation Agreement in May 2016, and the first Liaison Prosecutor assumed duties in December 2017. In 2023, the Montenegrin Liaison prosecutor was involved in 31 new cases, participated in 5 coordination meetings and contributed to one coordination centre.[90]

EU candidate countries can also participate to some extent in Europol (the European Police Office) and Frontex (the European Union Border and Coast Guard Agency), even though they are not full EU members. In general, Europol cooperates with states and other entities outside the EU through operational agreements, strategic agreements and working arrangements. Europol may also cooperate with these partners based on an adequacy decision by the European Commission and/or EU

88 Ibid.
89 European Union, 2002.
90 European Union Agency for Criminal Justice Cooperation, no date.

Agreement(s) on exchange of personal data by Europol concluded under Art. 218 TFEU.[91] Under the previous legal regime, governed by the Council decision of 6 April 2009, Europol concluded both strategic[92] and operational agreements. The main difference between the two is that operational agreements allow for the exchange of information including personal data but strategic agreements enable the exchange of information excluding personal data, such as the exchange of general intelligence, strategic and technical information. For example, Serbia, Montenegro, Northern Macedonia, Moldova, Ukraine, Bosnia and Herzegovina or Albania have signed operational cooperation agreements with Europol.[93] Since 1 May 2017, Europol no longer concludes any agreements, which provide legal basis for the exchange of personal data. However, it is permitted to establish working arrangements[94] which, similar to strategic agreements, govern the practical aspects of exchanging non-personal data and regulate the practical aspects of the cooperation.

Frontex is responsible for protecting the EU's external borders and supporting Member States in matters of border security.[95] Candidate countries may conclude status agreements, which allow Frontex to deploy border management teams from the European Border and Coast Guard standing corps to Albania, Moldova, Montenegro, North Macedonia as well as along Serbia's borders with the EU, where team members are authorised to exercise executive powers such as conducting border checks or registration of persons.[96]

Candidate countries can also benefit from training and exchange programmes under the European Judicial Training Network, which aim to enhance the skills of judges and prosecutors.[97] This form of legal assistance typically includes specialised training (focusing on the application of EU law, the protection of human rights and cross-border cooperation) or exchange programmes that enable judges and prosecutors from candidate countries to participate in work placements within EU Member States. Candidate countries hold the status of 'observers'.[98] The programmes are usually funded through IPA III. Cooperation in the field of criminal justice is facilitated by the European Justice Cooperation Network (EJN).[99] It enables effective legal cooperation between Member States and candidate countries, including preparing the candidate country to make full use of essential cooperation instruments such as the European Arrest Warrant.[100] Participation in programmes

91 European Police Office, 2025.
92 For example Turkey has this kind of agreement.
93 See European Police Office, 2025.
94 For example Kosovo has this agreement.
95 Frontex, European Border and Coast Guard Agency, no date.
96 For more details about these agreements see European Union: Frontex Status Agreements with non-EU Countries.
97 European Judicial Training Network, no date a.
98 European Judicial Training Network, no date b.
99 European Judicial Network, no date a.
100 European Judicial Network, no date b.

implemented by the European Anti-Corruption Network (EPAC) network is also of significant importance.[101]

Legal support is also provided through the aforementioned instruments such as NDICI and IPA III. These instruments assist candidate countries in advancing legal reforms, strengthening democratic institutions, protecting human rights and promoting the active involvement of civil society as much as possible in the process of building the rule of law.

4. Ukraine and EU Support

Ukraine, unlike other candidate countries, faces a far more challenging situation as it has been under military attack by Russia since February 2022. Almost eight years after the onset of the conflict in eastern Ukraine and the illegal annexation of Crimea, Russia launched a large-scale military invasion on 24 February 2022. Millions of Ukrainians have fled to neighbouring countries, while millions more have been internally displaced. Ukraine is courageously fighting to defend its democracy and national sovereignty. The EU's assistance to Ukraine is therefore unique, extending beyond support for the country's preparation for EU accession to include aid in resisting the ongoing war of aggression. The assistance is therefore diverse in nature, encompassing not only financial and legal support, as mentioned previously, but also military and humanitarian aid.

On 20 June 2023, the Commission proposed a new Ukraine Facility to support Ukraine's recovery, reconstruction and modernisation as well as to foster Ukraine's EU accession path. The Facility entered into force on 1 March 2024[102] and will provide up to €50 billion in grants and loans for the period 2024–2027, to support Ukraine's efforts to sustain macro-financial stability, promote short-term recovery as well as to rebuild and modernise the country, whilst implementing key reforms aligned with its EU accession process. It will support the transition towards a green, digital and inclusive economy that is progressively aligned with EU rules and standards. At the core of the Ukraine Facility is the Ukraine Plan, developed by the Government of Ukraine and positively assessed by the Council in May 2024. The document outlines the reforms and investments needed to boost sustainable economic growth and attract further investments. As part of the Ukraine Facility, a Ukraine Investment Framework has been established to attract public and private investments, providing €7.8 billion in loan guarantees and €1.51 billion in blended finance grants. It is expected to mobilise up to €40 billion in public and private investments over the next few years. The Facility is equipped with a robust audit and control framework, to

101 European Partners against Corruption, no date.
102 Regulation (EU) 2024/792.

safeguard EU's financial interests, while supporting the continued strengthening of Ukraine's internal controls system.[103]

Pillar 1	Pillar 2	Pillar 3
Ukraine Plan	**Ukraine Investment Framework**	**Assistance programmes**
Support to Ukraine through the Ukraine Plan (grants and loans) Support to reforms needed for the EU accession, for recovery, **reconstruction and modernisation**, also supporting urgent financial needs	**De-risking mechanism** available to investors through International Financial Institutions to scale up investments and crowd in new investors **Support to the Ukrainian private sector**	**Technical Assistance to the Government** (EU acquis, structural reforms) Capacity building of the authorities at national, regional and local level **Support to civil society**

Table No. 5
Structure of the New Ukraine Facility[104]

The Ukraine Facility encompasses three pillars, as illustrated in Table No. 5. The first pillar comprises support through the Ukraine Plan, providing financial assistance to Ukraine, totalling €38.27 billion. This include both grants (€5.27 billion) and loans (€33 billion) and is designed to address the Ukrainian State's financial needs, maintain macro-financial stability and support reforms and investments for the country's recovery, reconstruction and modernisation. The support is conditional upon meeting the requirements related to macro-financial stability, budget oversight, and public financial management as well as implementing sectoral and structural reforms and investments (necessary for EU accession). A precondition for support to Ukraine under the Facility is that the country continues to uphold and respect effective democratic mechanisms, including a multi-party parliamentary system and the rule of law, guaranteeing human rights, including the rights of minority groups.[105] Pillar II consists of the 'Ukraine investment framework', designed to attract and mobilise public and private investments to support Ukraine's recovery and reconstruction, and facilitate the implementation of the Ukraine Plan.

In terms of Ukraine's preparation for EU accession, Pillar III plays a central role: Union accession assistance and related support measures. With investments totalling €4.76 billion, this pillar focuses on providing technical assistance and support to facilitate Ukraine's alignment with EU laws and regulations. It includes capacity-building initiatives, including social partners, civil society organisations as well as

103 European Commission, no date q.
104 Ibid.
105 Ihor Dir, 2024, pp. 32–36.

local and regional authorities, or support the implementation of reforms necessary for EU accession and ensuring the effective utilisation of financial assistance.[106]

With this special instrument, the EU now has a single legal instrument to ensure a consistent, transparent and coherent policy response to the situation in Ukraine. The instrument will replace existing support through the MFA+ programme and the Neighbourhood, Development and International Cooperation Instrument (NDICI).[107]

5. Balkan Countries and Pre-Accession Aid

The EU has also long aimed to provide special support programmes exclusively for candidate countries in the Balkans.[108] These countries also have access to additional EU instruments specifically designed to support their preparations for EU accession.[109] These instruments focus on key reform areas, fostering economic development, strengthening the rule of law, and promoting mutual reconciliation and regional cooperation. Given the limited space for interpretation, this analysis will focus on the most recent key EU support for Balkan candidate countries: the Growth Plan for the Western Balkans and the Reform and Growth Facility for the Western Balkans.

The Reform and Growth Facility for the Western Balkans[110] is the financial instrument underpinning the Growth Plan for the Western Balkans, adopted in November 2023. The Growth Plan is a new initiative aimed at accelerating the Western Balkans' preparations for EU membership by delivering certain benefits ahead of accession, with direct impact for citizens and businesses. This, in turn, is expected to significantly accelerate both the enlargement process and economic growth. The Reform and Growth Facility for the Western Balkans complements existing EU assistance provided through the Instrument for Pre-accession Assistance (IPA III). The facility has a financial envelope of €6 billion, including €2 billion in grants and €4 billion in highly concessional loans. At least half of the total amount, including grants and loans, will be allocated to investments through the Western Balkans

106 EU Monitor, 2023.
107 Peters, 2024.
108 Stojarová, 2011.
109 Mirel, 2018.
110 European Commission, no date r.

Investment Framework (WBIF).[111] The remainder will be allocated on the basis of socio-economic reforms.

The Growth Plan for the Western Balkans was adopted by the Commission on 8 November 2023. It aims to (1) integrate the Western Balkan partners into the EU single market, (2) deepen regional economic cooperation, (3) advance EU-related reforms and (4) increase pre-accession funding to accelerate the socio-economic convergence of the Western Balkans towards the EU.[112] Economic convergence is an essential factor in bringing the Western Balkan countries closer to EU membership. Indeed, the lack of convergence is a major challenge in the Western Balkans, where economic performance currently stands at around 35% of the EU average.[113] The Growth Plan has the potential to double the size of Western Balkan economies over the next decade. To support this process, the Reform and Growth Facility for the Western Balkans, mentioned above, was adopted for the period 2024–2027,[114] with its regulation entering into force on 25 May 2024.

The Plan is based on four pillars. The first pillar focuses on enhancing economic integration with the EU's single market. Integration with the EU's single market has been the main economic growth driver for all countries that joined the EU. The offer to the Western Balkans included seven priority actions to facilitate integration into the EU's single market (Free movement of goods; Free movement of services and workers; Access to the Single Euro Payments Area; Facilitation of Road transport; Integration and de-carbonisation of Energy markets; participation in the digital Single Market; and Integration into industrial supply chain).[115] Th second pillar focuses on boosting economic integration within the Western Balkans through the Common Regional Market (CRM), based on EU rules and standards. The CRM is essential to overcome small, fragmented markets, enhancing businesses competitiveness, attracting investors and retaining workers. The third pillar aims to accelerate fundamental reforms, supporting the Western Balkans' path towards EU membership, promote sustainable economic growth, including by attracting foreign investments,

111 The WBIF is a joint financing platform launched 15 years ago that brings together the European Commission, financial organisations, EU Member States and Norway to strengthen cooperation on public–private investment. It supports the socio-economic development of the region and contributes to the European integration of the Western Balkans. In addition to being the main financial instrument for the implementation of the EU's Economic and Investment Plan, the WBIF also plays an important role in the implementation of the new €6 billion Reform and Growth Facility for the Western Balkans, which has the dual objective of strengthening socio-economic convergence with the EU and accelerating the accession process. The WBIF will provide grants and loans totalling €3 billion under the facility to support priority investments in transport, energy, digital and human capital.

112 Armakolas et al., 2024.

113 Detailed analyse – see Polo, 2023, pp. 2–25.

114 Jovanović, 2024.

115 Mihajlovic and Macek, 2024.

and strengthen regional stability. The fourth and final pillar centres on supporting convergence through increased financial assistance.[116]

In October 2024, the Commission approved the reform programmes of Albania, Kosovo, Montenegro, North Macedonia and Serbia, following a positive assessment of EU Member States. In their reform programmes, the five Western Balkan governments have committed to implementing socio-economic and fundamental reforms aimed at accelerating growth and convergence with the EU within the 2024–2027 framework. The reform programmes focus on priority areas including the rule of law and other fundamentals, governance, digital and green transformation, human capital development and improvements to the business environment. In addition, each beneficiary has proposed a list of indicative investments to be financed under the Facility, a necessary step to enable disbursements. Payments will be made twice a year until 2027, based on requests submitted by the Western Balkan partners and following verification that the conditions set by the Commission have been met. These conditions include, for example, the promotion of democratic mechanisms, the rule of law and respect for human rights. A specific condition applies to Serbia and Kosovo, which must engage constructively in the normalisation of their relations, including the implementation of all dialogue agreements. Other general conditions cover macro-financial stability, sound public financial management, among others. Bosnia and Herzegovina is still expected to submit a reform programme in order to become eligible for the programme.[117]

6. Conclusion

In conclusion, pre-accession assistance is an almost indispensable element for candidate countries' successful accession to the EU. Major reforms areas across various sectors of a candidate country's society and governance often require not only internal political and civil support, but also external help, including financial resources, legal guidance and the provision of professional expertise or technical infrastructure. Since its creation, the EU has undergone several enlargement phases, giving pre-accession assistance a distinct history and development. Its importance and relevance continue to evolve.

EU pre-accession assistance has evolved significantly, from informal instruments to sophisticated and complex mechanisms. This development reflects not only the changing requirements of candidate countries, but also the EU's growing ambitions and objectives in supporting integration. The changes concern firstly the institutionalisation of assistance (from informal instruments towards comprehensive and

116 Jovanović, 2024.
117 European Commission, no date r.

structured systematic pre-accession assistance programmes). Secondly, the scope and volume of funding have evolved, with both the budget and the number of supported areas gradually and steadily increasing as the number of candidate countries and their demands have grown. In addition, there is an increasing emphasis on efficiency, marked by a shift from simple project funding towards funding based on the assessment of results achieved and the impact of implemented reforms. Finally, there has been a strategic shift in thematic priorities, with a gradual shift from basic infrastructure projects to more advanced themes such as the rule of law, environmental protection and digitalisation.

The current system of financial and legal assistance relies primarily on the existence of a key instrument, IPA III. However, this instrument has also evolved and is now in its third generation. The main differences between IPA I, II and III lie in the financing modalities, the approach to planning and the focus on key priorities. While IPA I emphasised specific sectors and infrastructure, IPA II and III brought more flexibility and a strategic focus on reforms and results. In addition, IPA III reflects new challenges, such as climate change or geopolitical instability, while supporting the integration of candidate countries into wider EU policies. The current IPA III system provides greater flexibility, efficiency and responsiveness to new challenges. In addition to IPA III, pre-accession assistance is implemented through other instruments and programmes that complement it and focus more on sub-areas of support (agriculture, migration, education and science, environment, etc.). While this targeted assistance is undoubtedly effective and directed towards the development of specific areas within candidate countries, such 'fragmentation' renders the pre-accession assistance system relatively complex and at times opaque.

It is also important to highlight that pre-accession assistance aims to respond quickly and effectively to the specific needs of individual candidate countries, whether these are long-term challenges or unexpected and sudden events. These include, for example, support in the context of natural disasters, migration waves, or 'reconciliation' efforts in the event of territorial conflicts within the territory or between candidate countries. Specific (not only) pre-accession assistance has been directed towards the Western Balkans and, since 2022, also towards Ukraine, in response to the Russian invasion.

Meanwhile, it is important to acknowledge the problematic aspects of enlargement policy and the provision of pre-accession assistance. The EU should, first and foremost, make more effective use of conditionality – both by appropriately 'rewarding' the progress made by candidate countries and responding adequately to insufficient reforms. Although instruments exist to penalise stagnation in reform efforts, they are rarely applied. As Tzifakis argues, interim rewards could include measures such as a gradual integration into the single market and other policy areas, eligibility for assistance from EU structural and investment funds, and regular participation as observers at Council meetings, particularly when discussing issues

where these countries have made significant progress or have concluded accession negotiations.[118]

Hillion proposes a gradual integration of each candidate country into EU governance structures prior to full membership.[119] In his view, this gradual institutional integration would help consolidate the candidate country's preparations by training its institutions to operate as if it were already a member state, while giving the population a tangible sense of integration, ultimately fostering mutual trust. This approach could assume at least two forms. First, the candidate country should be included in discussions on EU governance and policy based on its actual progress in fulfilling its membership commitments. Gradual integration should occur on a policy-by-policy basis. Therefore, once an accession chapter has been concluded, demonstrating that the conditions have been met, the candidate country should be able to participate in shaping EU policy related to that chapter. Therefore, its representatives would be included in the relevant expert/working groups within the Commission, Council and Parliament committees as observers, earlier than is currently the practice. Second, candidate countries should be involved in discussions on further EU (institutional) reforms. EU enlargement versus reforms should not occur 'in parallel'; rather, both processes should be intertwined, allowing candidates to participate in shaping the future structure of the Union.[120]

In addition, the EU should operationalise the reversibility of the accession process. Democratic regression, long-term stagnation in reform implementation and failure to adapt to EU foreign policy decisions and measures should no longer be without consequences (i.e. the EU should use means such as suspension of accession negotiations, reopening of closed chapters or revision of financial assistance and benefits provided to candidate countries). Responding to non-compliance would restore the credibility of enlargement policy as a merit-based policy.[121]

Concurrently, the methodology and scope of pre-accession assistance, especially the financial assistance that is at its core, will need to be emphasised further in the future. For example, in the case of Balkan countries, pre-accession financial assistance has not yet led to economic convergence between the EU-27 and the Western Balkans. The assistance has been insufficient in scale and has not aligned with the methodology and logic of the EU's Structural and Investment Funds.[122] At the current growth rate, the Western Balkan countries would need around 70 years to fully catch up with the EU-27.[123] The EU must also respond to the growing demand for financial support, especially in the context of Ukraine's post-war reconstruction. The EU should also assist candidate countries to strengthen their capacity to manage EU

118 Tzifakis, 2024.
119 Hillion, 2025.
120 Ibid.
121 Tzifakis, 2024.
122 Ibid.
123 European Bank for Reconstruction and Development, 2024.

funds. To this end, it would be helpful for the EU to introduce a methodology for the provision of pre-accession assistance.[124]

It can therefore be concluded that, although the pre-accession assistance to candidate countries continues to be refined and expanded, further efforts are needed to continue to enhance its effectiveness and ensure its accuracy. It is also imperative to strengthen the mechanisms of enforcing the conditions for its use and monitoring progress. Both positive incentives and support measures for candidate countries should be properly designed, alongside sanctions in cases of non-compliance.

124 Tzifakis, 2024.

References

Armakolas, I., Dimitrov, N., Ioannides, I., Nechev, Z., Popescu-Zamfir, O., Zeneli, V. (2004) 'EU Enlargement to the Western Balkans: Where there is a will, there is a way' [Online]. Available at: https://www.iwm.at/europes-futures/publication/eu-enlargement-to-the-western-balkans-where-there-is-a-will-there-is-a (Accessed: 15 February 2025).

Bailey, D., De Propris, L. (2004) 'A Bridge Too Phare? EU Pre–Accession Aid and Capacity–Building in the Candidate Countries', *Journal of Common Market Studies*, 42(1), pp. 77–98 [Online]. Available at: https://doi.org/10.1111/j.0021-9886.2004.00477.x (Accessed: 15 February 2025).

Becker, P., Lippert, B. (2024) 'Acceding Countries' Gradual Integration into the EU Single Market', SWP Comment, Stiftung Wissenschaft und Politik, *German Institute for International and Security Affairs*, 2024/42, pp. 1–8. [Online]. Available at: https://www.swp–berlin.org/publikation/acceding–countries–gradual–integration–into–the–eu–single–market (Accessed: 15 February 2025).

Börzel, T.A. (2016) 'Building Member States: How the EU Promotes Political Change in Its New Members, Accession Candidates, and Eastern Neighbors', *Geopolitics, History, and International Relations*, 8(1), pp. 76–112.

De Munter, A. (2024) 'Rozšiřování Unie' [Online]. Available at: https://www.europarl.europa.eu/factsheets/cs/sheet/167/rozsirovani–unie (Accessed: 15 February 2025).

Dir, I. (2024) 'Policy of the European Union in relation to Ukraine', *Visegrad Journal on Human Rights* [Online]. Available at: https://www.researchgate.net/publication/382373724_Policy_of_the_European_Union_in_relation_to_Ukraine (Accessed: 15 February 2025).

European Judicial Network (no date a) 'EJN Tools for Judicial Cooperation' [Online]. Available at: https://www.ejn–crimjust.europa.eu/ejn2021/Home/EN (Accessed: 15 February 2025).

European Judicial Network (no date b) 'Cooperation with Partners, Judicial Networks and non–EU countries' [Online]. Available at: https://www.ejn–crimjust.europa.eu/ejn2021/SupportedNetworks/EN (Accessed: 15 February 2025).

European Partners against Corruption (no date) 'Members' [Online]. Available at: https://www.epac–eacn.org/members (Accessed: 15 February 2025).

European Judicial Training Network (no date a) 'About us' [Online]. Available at: https://ejtn.eu/about–us/ (Accessed: 15 February 2025).

European Judicial Training Network (no date b) 'Observers' [Online]. Available at: https://ejtn.eu/observers/ (Accessed: 15 February 2025).

European Union Agency for Criminal Justice Cooperation (no date) 'Montenegro' [Online]. Available at: https://www.eurojust.europa.eu/states–and–partners/third–countries/liaison–prosecutors/montenegro (Accessed: 15 February 2025).

European Bank for Reconstruction and Development (2024) 'Can the Western Balkans Converge Towards EU Living Standards?' [Online]. Available at: https://www.ebrd.com/home/news-and-events/publications/can-the-western-balkans-converge-towards-eu-living-standards.html (Accessed: 15 February 2025).

European Commission (2021) 'Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe' [Online]. Avalable at: https://international–partnerships.ec.europa.eu/document/download/0996d6c5–01b6–4fc4–a237–84f2d9fb9fb1_en?filename=factsheet–global–europe–ndici–june–2021_en.pdf (Accessed: 15 February 2025).

European Commission (no date a) 'Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI – Global Europe)' [Online]. Available: https://enlargement.ec.europa.eu/funding–and–technical–assistance/neighbourhood–development–and–international–cooperation–instrument–global–europe–ndici–global–europe_en (Accessed: 15 February 2025).

European Commission (no date b) 'PHARE' [Online]. Available at: https://nuclear–safety–cooperation.ec.europa.eu/phare_en (Accessed: 15 February 2025).

European Commission (no date c) 'Overview – Instrument for Pre–accession Assistance' [Online]. Available at: https://neighbourhood–enlargement.ec.europa.eu/enlargement–policy/overview–instrument–pre–accession–assistance_en (Accessed: 15 February 2025).

European Commission (no date d) 'EU Civil Protection Mechanism' [Online]. Available at: https://civil–protection–humanitarian–aid.ec.europa.eu/what/civil–protection/eu–civil–protection–mechanism_en (Accessed: 15 February 2025).

European Commission (no date e) 'Civil Protection' [Online]. Available at: https://civil–protection–humanitarian–aid.ec.europa.eu/what/civil–protection_en (Accessed: 15 February 2025).

European Commission (no date f) 'Association to Horizon Europe: Türkiye' [Online]. Available at: https://research–and–innovation.ec.europa.eu/strategy/strategy–research–and–innovation/europe–world/international–cooperation/association–horizon–europe/turkiye_en (Accessed: 15 February 2025).

European Commission (no date g) 'Association to Horizon Europe' [Online]. Available at: https://research–and–innovation.ec.europa.eu/strategy/strategy–research–and–innovation/europe–world/international–cooperation/association–horizon–europe_en (Accessed: 15 February 2025).

European Commission (no date h) 'Horizon Europe' [Online]. Available at: https://research–and–innovation.ec.europa.eu/funding/funding–opportunities/funding–programmes–and–open–calls/horizon–europe_en (Accessed: 15 February 2025).

European Commission (no date i) 'Erasmus + Programme Guide' [Online]. Available at: https://erasmus–plus.ec.europa.eu/programme–guide/part–a/eligible–countries (Accessed: 15 February 2025).

European Commission (no date j) 'Instrument for Pre–accession Assistance (IPA) III – Performance' [Online]. Available at: https://commission.europa.eu/strategy–and–policy/eu–budget/performance–and–reporting/programme–performance–statements/instrument–pre–accession–assistance–ipa–iii–performance_en (Accessed: 15 February 2025).

European Commission (no date k) 'EU Strategy for the Danube Region' [Online]. Available at: https://ec.europa.eu/regional_policy/policy/cooperation/macro–regional–strategies/danube_en (Accessed: 15 February 2025).

European Commission (no date l) 'EU Strategy for the Adriatic and Ionian Region' [Online]. Available at: https://ec.europa.eu/regional_policy/policy/cooperation/macro–regional–strategies/adriatic–ionian_en (Accessed: 15 February 2025).

European Commission (no date m) 'LIFE Programme' [Online]. Available at: https://cinea.ec.europa.eu/programmes/life_en (Accessed: 15 February 2025).

European Commission (no date n) 'Justice Programme (JUST)' [Online]. Available at: https://ec.europa.eu/info/funding–tenders/opportunities/portal/screen/programmes/just2027 (Accessed: 15 February 2025).

European Commission (no date o) 'TAIEX' [Online]. Available at: https://enlargement.ec.europa.eu/funding–and–technical–assistance/taiex_en (Accessed: 15 February 2025).

European Commission (no date p) 'Twinning' [Online]. Available at: https://international–partnerships.ec.europa.eu/funding–and–technical–assistance/technical–assistance/twinning_en (Accessed: 15 February 2025).

European Commission (no date q) 'Ukraine Facility' [Online]. Available at: https://neighbourhood–enlargement.ec.europa.eu/european–neighbourhood–policy/countries–region/ukraine/ukraine–facility_en (Accessed: 15 February 2025).

European Commission (no date r) 'Growth Plan for the Western Balkans' [Online]. Available at: https://neighbourhood–enlargement.ec.europa.eu/enlargement–policy/growth–plan–western–balkans_en (Accessed: 15 February 2025).

European Commission (2001) 'The Enlargement Process and the Three Pre–Accession Instruments: PHARE, ISPA, SAPARD' [Online]. Available: https://aei.pitt.edu/38750/1/A3711.pdf (Accessed: 15 February 2025).

Európska Komisia (2024) 'Správa Komisie Európskému Parlamentu a Rade o hodnotení nástrojov Európskej únie na financovanie vonkajšej činnosti pre viacročné finančné rámce na obdobie 2014–2020 a 2021–2027' [Online]. Available at: https://eur–lex.europa.eu/legal–content/SK/TXT/HTML/?uri=CELEX%3A52024DC0208 (Accessed: 15 February 2025).

European Parliament (2004) 'Legislative Observatory: Instrument for Pre–Accession Assistance (IPA) 2007–2013' [Online]. Available at: https://oeil.secure.europarl.europa.eu/oeil/en/document–summary?id=947460 (Accessed: 15 February 2025).

European Parliament (2022) 'The EU Strategy for the Adriatic and Ionian region (EUSAIR)' [Online]. Available at: https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733584/EPRS_BRI(2022)733584_EN.pdf (Accessed: 15 February 2025).

European Union (no date a) 'IPA II: the EU's Instrument for Pre–accession Assistance 2014–2020' [Online]. Available: https://eur–lex.europa.eu/EN/legal–content/summary/ipa–ii–the–eu–s–instrument–for–pre–accession–assistance–2014–2020.html?fromSummary=25#:~:text=WHAT%20IS%20THE%20AIM%20OF,with%20EU%20standards%20and%20practices (Accessed: 15 February 2025).

European Union (no date b) 'Frontex Status Agreements with non–EU Countries' [Online]. Available at: https://eur–lex.europa.eu/legal–content/EN/TXT/?uri=legissum:4464642 (Accessed: 15 February 2025).

European Union (2002) 'European Union Agency for Criminal Justice Cooperation' [Online]. Available: https://european–union.europa.eu/institutions–law–budget/institutions–and–bodies/search–all–eu–institutions–and–bodies/eurojust_cs (Accessed: 15 February 2025).

European Union (2016) 'EU humanitarian aid instrument' [Online]. Available at: https://eur–lex.europa.eu/EN/legal–content/summary/eu–humanitarian–aid–instrument.html?fromSummary=04 (Accessed: 15 February 2025).

European Union (2021) 'Horizon Europe, budget' [Online]. Available at: https://op.europa.eu/en/publication–detail/–/publication/1f107d76–acbe–11eb–9767–01aa75ed71a1 (Accessed: 15 February 2025).

EU Funding Overview (2024) EU Civil Protection Mechanism. [Online]. Available at: https://eufundingoverview.be/funding/eu–civil–protection–mechanism–ucpm (Accessed: 15 February 2025).

EU Monitor (2023) 'A new Ukraine Facility' [Online]. Avalable at: https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vm43jwzp69vs?ctx=vkeohoe1odb2 (Accessed: 15 February 2025).

European Police Office (2025) 'Partners and Collaboration' [Online]. Available at: https://www.europol.europa.eu/partners–collaboration (Accessed: 15 February 2025).

Frontex, European Border and Coast Guard Agency (no date) 'Who we are' [Online]. Available at: https://www.frontex.europa.eu/about–frontex/who–we–are/tasks–mission/ (Accessed: 15 February 2025).

Georgieva, M., Černá, P., Matteus, D., Kovacs, K., Hazners, J., Grosse, T., Stoian, M. (2025) 'Comparative Review of SAPARD Pre–Accession Assistance Impact on National Agriculture and Rural Development in 5 New EU Member States (Czech Republic, Poland, Estonia, Latvia, Hungary) and 2 future EU member states (Bulgaria, Romania). CEU Center for Policy Studies' [Online]. Available at: https://cps.ceu.edu/sites/cps.ceu.edu/files/cps–joint–publication–sapard–review–2005.pdf (Accessed: 15 February 2025).

Gorton, M., Hubbard, C., Hubbard, L. (2009) 'The Folly of European Union Policy Transfer: Why the Common Agricultural Policy (CAP) Does Not Fit Central and Eastern Europe', *Regional Studies*, 43(10), pp. 1305–1317. [Online]. Available at: https://doi.org/10.1080/00343400802508802 (Accessed: 15 February 2025).

Grabbe, H. (2002) 'European Union Conditionality and the 'Acquis Communautaire'', *International Political Science Review*, 23(3), pp. 249–268 [Online]. Available at: https://doi.org/10.1177/0192512102023003003 (Accessed: 15 February 2025).

Grujić, M., Aćić, M. (2023) 'The role of pre–accession assistance in the process of joining the European Union', *Acta Politica Polonica*, 56(2), pp. 25–37 [Online]. Available at: https://doi.org/10.18276/ap.2023.56-02 (Accessed: 15 February 2025).

Hargaden, M.F. (2024) 'Humanitarian Aid' [Online]. Available at: https://www.europarl.europa.eu/factsheets/en/sheet/164/humanitarian–aid (Accessed: 15 February 2025).

Hauck, V., Sabourin, A., Jones, A. (2024) 'The mid–term evaluation of NDICI–Global Europe: Is the instrument fit for purpose?', *ECDPM (European Centre for Development Policy Management)* [Online]. Available at: https://ecdpm.org/work/mid–term–evaluation–ndici–global–europe–instrument–fit–purpose (Accessed: 15 February 2025).

Hillion, Ch. (2025) 'Making a success of EU enlargement: three proposals', *Swedish Institute for European Policy Studies*, pp. 1–5 [Online]. Available at: https://www.researchgate.net/publication/388242973_Making_a_success_of_EU_enlargement (Accessed: 15 February 2025).

Interreg Europe (no date) 'What is Interreg Europe?' [Online]. Available at: https://www.interregeurope.eu/what–is–interreg–europe (Accessed: 15 February 2025).

Jovanović, B. (2024) 'The EU's new Growth Plan for the Westersn Balkans: solid foundations but shaky details', *The Vienna Institute for International Economic Studies* [Online]. Available at: https://wiiw.ac.at/the–eu–s–new–growth–plan–for–the–western–balkans–solid–foundations–but–shaky–details–n–622.html (Accessed: 15 February 2025).

Koeth, W. (2016) 'The New Instrument for Pre–Accession Assistance (IPA II): Less Accession, More Assistance?', *EIPA Working Paper*, 2016/01, pp. 1–15. [Online]. Available at: https://www.eipa.eu/wp–content/uploads/2022/01/20160318134447_WorkingPaper_2014_W_01.pdf (Accessed: 15 February 2025).

Margaras, V., Széchy, B. (2023) 'Guide to EU Founding', *EPRS* [Online]. Available at: https://www.europarl.europa.eu/RegData/etudes/STUD/2023/747110/EPRS_STU(2023)747110_EN.pdf (Accessed: 15 February 2025).

Mihajlovic, M., Macek, L. (2024) 'New Growth Plan for the Western Balkans. European policy Centre' [Online]. Available at: https://institutdelors.eu/wp–content/uploads/2024/03/PB_240318_New_Growth_Plan_Macek_EN.pdf (Accessed: 15 February 2025).

MF ČR (2023) 'TAEX a Twinning' [Online]. Available at: https://www.mfcr.cz/cs/zahranici–a–eu/podpora–ze–zahranici/twinning–a–taiex (Accessed: 15 February 2025).

MZV ČR (2022) 'Implementační manuál IPA III' [Online]. Available at: https://mzv.gov.cz/public/f/65/f1/4705628_2881865_Implementacni_manual_IPA_III_cerven_2022.pdf (Accessed: 15 February 2025).

Mirel, P. (2018) 'The Western Balkans: between Stabilisation and Integration in the European Union', *Policy Paper*, 2018/459, pp. 1–14. [Online]. Available at: https://server.www.robert–schuman.eu/storage/en/doc/questions–d–europe/qe–459–en.pdf (Accessed: 15 February 2025).

Mureșan, P. (2025) *'The EU'S financial support for the civil society in the Western Balkans vs. the Republic of Moldova', Civil Szemle*, 22(1), pp. 245–257. [Online]. Available at: https://doi.org/10.62560/csz.2025.01.15 (Accessed: 15 February 2025).

Papakosta, K., Mouratoglou, N. (2024) 'The perceived impact of Erasmus+ learning mobility: European university students' views concerning their competences and employability', *Academia*, 2024/34, pp. 76–105 [Online]. Available at: https://doi.org/10.26220/aca.4654 (Accessed: 15 February 2025).

Peters, T. (2024) 'Ukraine Facility: State of play', *EPRS* [Online]. Available at: https://epthinktank.eu/2024/07/17/ukraine–facility–state–of–play/ (Accessed: 15 February 2025).

Pinari, A. (2024) 'The role of Erasmus+ mobility program on higher education in Albania: The case of the University of Tirana', *Academic Journal of Business Administration Law and Social Sciences*, 10(1), pp. 66–72. [Online]. Available at: https://doi.org/10.2478/ajbals-2024-0007 (Accessed: 15 February 2025).

Pinto, H. (2016) 'The role of European Union accession in democratisation processes', *Democratic Progress Institute*, United Kingdom [Online]. Available at: https://www.democraticprogress.org/wp-content/uploads/2016/06/The-role-of-European-Union-accession-in-democratisation-processes-PROOF1.pdf (Accessed: 15 February 2025).

Polo, E. (2023) 'From vague economic criteria to real economic transformation: evidence-based assessment for the Western Balkan candidate countries', *CEID*, pp. 1–25. [Online]. Available at: https://think.visegradfund.org/wp–content/uploads/From–vague–economic–criteria–to–real–economic–transformation.–Evidence–based–assessment–for–the–Western–Balkan–candidate–countries–Elena–Polo.pdf (Accessed: 15 February 2025).

Romańczyk, A. (2012) 'The Instrument for Pre–Accession Assistance (IPA) 2014–2020. Analysis of the proposals for 2014–2020', *ECAS*, pp. 1–8. [Online]. Available at: https://www.ecas.org/wp–content/uploads/2014/09/IPA–analysis_August2012.pdf (Accessed: 15 February 2025).

Schimmelfennig, F., Sedelmeier, U. (2002) 'Theorizing EU enlargement: research focus, hypotheses, and the state of research', *Journal of European Public Policy*, 2002/4, pp. 3–30. Available at: https://www.researchgate.net/publication/241756687_Theorizing_EU_enlargement_Research_focus_hypotheses_and_the_state_of_research (Accessed: 15 February 2025).

Stojarová, V. (2011) 'Západní Balkán na cestě do Evropské Unie', *Mezinárodní Politika*, 2011/5, pp. 4–7.

TAIEX and Twinning Highlights (2023) 'Annual activity report 2023' [Online]. Available at: https://neighbourhood–enlargement.ec.europa.eu/document/download/9da2f60a–8938–45d5–9101–e9da379b3bd2_en?filename=TAIEX–Twinning–AAR–2023_EN.pdf (Accessed: 15 February 2025).

Tzifakis, N. (2024) 'EU Enlargement Policy' [Online]. Available at: https://www.academia.edu/127296686/EU_Enlargement_Policy (Accessed: 15 February 2025).

Veebel, V. (2011) 'Relevance of Copenhagen Criteria in Actual Accession: Principles, Methods and Shortcomings of EU Pre–accession Evaluation', *Studies of Transition States and Societies*, 2011/3, pp. 3–23.

Wakelin, E. (2013) 'EU Conditionality: An Effective Means for Policy Reform?' [Online]. Available at: https://www.e–ir.info/2013/11/01/eu–conditionality–an–effective–means–for–policy–reform/ (Accessed: 15 February 2025).

Wilson, I. (2011) 'What Should we Expect of 'Erasmus Generations'?', *Journal of Common Market Studies*, 49(5), pp. 1113–1140. [Online]. Available at: https://doi.org/10.1111/j.1468-5965.2010.02158.x (Accessed: 15 February 2025).

Chapter I.5

Exemptions and Derogations From EU Law

Alena Krunková

Abstract

This part of the book addresses special rules for acceding countries and subsequent transitional periods, or derogations given to individual EU Member States in the process of EU enlargement. The accession process itself is typical for each acceding country and is of a specific nature. At the same time, it is a complicated process, the consequences of which survive the accession itself and into the country's functioning as a Member State. Although in the accession process states are expected to meet the same basic conditions within the framework of political and economic criteria (the so-called Copenhagen criteria), the EU takes into account the historical, cultural, economic and social peculiarities of each acceding state. From an historical point of view, accession processes may be perceived as occurring in certain stages or waves. After the initial slight enlargement, when one, two or three countries joined the then European Communities (1973 – Denmark, Ireland and the UK, 1981 – Greece, 1986 – Portugal and Spain), the enlargement that followed was one of the EU itself. Its first enlargement in 1995 (Finland, Austria and Sweden), even before the revision of the Amsterdam Treaty, was a harbinger of the so-called Major Enlargement of 2004 (Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovakia and Slovenia). The next wave of enlargement was the accession of Bulgaria and Romania (2007), the last accession country, in 2013, was Croatia. In this part of the book, the specific particulars of special conditions and transitional periods, especially after 1995, will be analysed. The countries from the so-called Major Enlargement of 2004 will carry the main focus, but at a basic level, other countries will also be analysed.

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Keywords: acceding countries, transitory periods, political and economic criteria, special accession exceptions, common derogations, transitional periods

1. Introduction

The so-called 'European integration project', as originally set up by the six founding states[1] in 1950, gradually developed and gained popularity in other, at the time, non-member states. It was only a matter of time before the number of Member States would increase and the area of the European Communities would naturally expand.[2] Development of the economies of individual Member States predetermined the interest of other European countries to integrate into prosperous structures. At that time, the European Communities were at the beginning of their expansion. That is why they also approached the expansion of their membership base more cautiously. In the preamble, the founding treaties indirectly called on 'the other nations of Europe, who share the same ideals, to join their efforts'.[3] Therefore, when after unsuccessful applications for enlargement in 1962 and 1964, the Treaty of Accession of Denmark, Ireland and the United Kingdom[4] was finally signed on 27 March 1972, the metaphor of a positive Pandora's box was opened, bringing new challenges to the expansion of European integration.

On the one hand, the expansion process was inevitable, but on the other hand, it can be assessed that sometimes its course was intuitive. In their provisions, which began to represent a closer integration of countries,[5] the Treaties of Rome as such made it possible to submit applications for accession to the Community.

> Any European state may apply for membership in the Community. Requests shall be addressed to the Council, which shall act unanimously after receiving the Commission's opinion. The conditions of admission and the related necessary adjustments to the Treaties shall be the subject of an agreement between the Member States and

1 France, Germany, Italy, Belgium, the Netherlands and Luxembourg.

2 Hereinafter, we shall use the term to refer to the three Communities – the European Coal and Steel ommunity (ECSC), the European Economic Community (EEC) and the European Atomic Energy Community (EURATOM).

3 Treaty establishing the European Economic Community of 17 April 1957.

4 Treaty between the Kingdom of Belgium, the Federal Republic of German, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, Member States of the European Communities, the Kingdom of Denmark, Ireland, the Kingdom of Norway, and the United Kingdom of Great Britain and Northern Ireland concerning the accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the EEC and to the European Atomic Energy Community.

5 In its introductory provisions, the Treaty immediately declares 'Determined to lay the foundations for an ever-closer unification of the peoples of Europe...'.

> the State requesting admission. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements. The Community may conclude agreements establishing an association with one or more States or international organisations, involving reciprocal rights and obligations, common action and special procedures. These agreements shall be concluded by the Council by unanimous decision after consultation with the Assembly. If such agreements are to entail an amendment to this Treaty, they shall first be adopted in accordance with the procedure laid down in Art. 236.[6]

At the same time, the original founding treaties give the impression that the original Member States respected each other's peculiarities and allowed for derogations from general obligations. Thus, for example, even though it was explicitly stated in the Treaty that 'any European state may apply for membership in the Community',[7] it is also directly state directly that 'Member States agree to associate with the Community non-European countries and territories which have special relations with Belgium, France, Italy and the Netherlands'.[8] Under the Treaty, the purpose of such association is

> to promote the economic and social development of the countries and territories and to establish close economic relations between them and the Community as a whole. In accordance with the principles set out in the preamble to this Treaty, association shall serve primarily to further the interests and prosperity of the inhabitants of these countries and territories in order to lead them to the economic, social and cultural development to which they aspire.[9]

These provisions make perceptible the legal basis for derogations from the established rules and the willingness of the Communities to treat each Member State individually, including the acceding countries. At the same time, the above-mentioned Arts declare the peculiarity of interest in the economic, social and cultural development of states, which exists to such an extent that it entitles the state to certain derogations in relation to the Community.

In connection with the above, it is also appropriate to perceive provision no. 136 of the Treaty establishing the European Economic Community (EEC), according to which

6 Art. 236 and 237 of the Treaty establishing the European Economic Community.
7 Art. 236 of the Treaty establishing the European Economic Community.
8 Art. 131 of the Treaty establishing the European Economic Community.
9 Thus, for example, pursuant to Art. 227, Algeria and the French overseas departments are subject o the general and specific provisions of the Treaty relating to the free movement of goods, agriculture, with the exception of Art. 40 para. 4, liberalisation of services, competition rules, safeguard measures as defined in Arts. 108, 109 and 226, and authorities.

> The details of the association of countries and territories with the Community and its procedure shall be laid down in an initial period of five years after the entry into force of this Treaty by the implementing convention annexed to this Treaty.[10]

This provision may be considered the legal basis for the so-called transitional periods, within which the Community allows a special legal regime for the so-called settlement of differences and gradual balancing of the stages of integration.

2. Special Rules or Derogations?

The linguistic meaning of the word 'derogation' or the phrase 'special rules', comes with a connotation of dissatisfaction, specific status, better position or privilege. Therefore, the question naturally arises as to what (or for whom) the derogations are good for and what their significance is. It is also worth posing the question as to whether it even makes sense to grant them.

As mentioned above, the European Communities cared about possible enlargement. The issue of broader European integration seemed to be interesting for both the acceding, but also for the existing member countries. Naturally, this required negotiations, which resulted in conditions favourable to both parties. At this stage of enlargement, derogations were not discussed. It was rather the specific particulars for the acceding countries that the Community would provide them with, in order to more successfully harmonise their legal systems with the so-called *acquis communautaire* of the European Communities. Thus, upon the first enlargement of the European Communities in 1973, the new Member States were not granted such derogations that would be comparable to those of the enlargement of the European Union (especially the so-called 'Major Enlargement of 2004'). On the other hand, it should be noted that certain specificities were also necessary in order to protect the European Communities, particularly within the context of the subsequent opening of the internal market or in the context of trade policy. With later enlargements, accession negotiations were already more detailed and could also include transitional periods or specific arrangements for the new Member States. However, upon the first enlargement in 1973, such derogations were not an important part of the accession process. Therefore, if a certain derogation is mentioned in connection with the first

10 In this sense, the Convention amending the Treaty establishing the European Economic Community was adopted in order to enable the application of the special system of association provided for in Part IV of the Treaty to the Netherlands Antilles and the Protocol on imports into the European Economic Community of petroleum products refined in the Netherlands Antilles (64/534/EEC) of 13.11.1962 - in accordance with this Protocol, Member States undertake to grant tariff advantages to petroleum products refined in the Netherlands Antilles resulting from the accession of the Netherlands Antilles to the Community (Art. 2).

enlargement of the European Communities, it means only specificities in relation to a particular acceding country.

The special rules for acceding countries and possible derogations from the law are, therefore, relevant for both parties – for the European Communities and for the acceding country. They take into account various specific aspects, and that is why they cannot be unified. They have certain common features, that is, based on all stages of enlargement, we can perceive certain policies in which the acceding countries are interested in specific conditions (e.g., the common agricultural policy). At the same time, sectors are also apparent where the European Communities, or the European Union, is interested in certain transitional periods in order to protect itself or existing Member States (e.g., free movement of workers on the internal market). Special rules and derogations have gradually taken various factors into account, including economic, geographical, social, demographic, political, historical, sociological, territorial, legal environment, or the level of self-government. These factors were assessed from both the position of the acceding countries and the *acquis communautaire*, as well as from the position of existing individual Member States.

Based on their respective development, we can divide them into: (a) Special rules for acceding countries before 1992; (b) Special rules and derogations for acceding countries after 1992; (c) Transitional periods.

Based on duration, we can identify: (a) Temporary special rules and derogations – these are usually all limited by a transitional period or a transitional phase of the country's integration into the common market. (b) Permanent special rules and derogations – e.g., exceptions in connection with the non-application of the EURO currency, or on the basis of pre-negotiated protocols.[11]

Before the creation of the EU, the European Community had expanded three times.[12] The enlargement process took place on the basis of association agreements and certain emerging principles.[13] In simple terms, we can say that the acceding countries undertook to align their legal system with the *acquis communautaire* but, at the same time, they were provided with special rules reflecting the specificities

11 Protocol No. 16 – on certain provisions relating to Denmark. The High Contracting Parties, considering that the Danish Constitution contains provisions according to which, before Denmark renounces the exception, it may require a referendum, in view of the fact that on 3 November 1993 the Government of Denmark notified the Council of its intention not to participate in the third stage of Economic and Monetary Union, have agreed on the following provisions, which are annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union: in view of the notification made by the Government of Denmark to the Council on 3 November 1993, Denmark is covered by derogation. As a result of the derogation, all Arts and provisions of the Treaties and the Statute of the ESCB and the ECB containing derogations apply to Denmark. The derogation may be abrogated in accordance with the procedure laid down in Art. 140 of the Treaty on the Functioning of the European Union, which may only be invoked at the initiative of Denmark.

12 1973 – United Kingdom, Ireland, Denmark; 1981 – Greece; 1986 – Spain, Portugal.

13 For example, countries wishing to join the European Communities must have a democratic state ystem, a functioning market economy, be able to participate in the customs union and the emerging internal market and adhere to common objectives.

of the country in question.[14] Based on a certain generalisation, we can recognise the following general conditions that were required from countries in the process of accession to the European Communities at the beginning of enlargement: (1) Political and economic stability – Countries had to demonstrate political stability and the ability to implement EEC rules concerning the free movement of goods, persons, services and capital, as well as the harmonisation of economic policies and legal standards. (2) Improvement of economic relations – Each of these countries had to prove that their economy was sufficiently compatible with the EEC common market. This meant that their trade and economic policies had to adapt to EEC rules and standards. (3) Commitment to integration – Countries had to commit to further integrate and implement common EEC policies such as agricultural subsidies, trade policy and practices of economic competition. (4) Lowering trade barriers – Joining the EEC meant lowering trade barriers and tariffs between Member States, which required an adjustment of the trade policies of the countries that wanted to join. (5) Level playing field for free movement of people and goods – Countries had to adopt the principles of free movement of goods, services, capital and labour, which meant facilitating migration and trade between Member States.

As part of the aforementioned requirements regarding the economy, legislation and political commitments, the countries subsequently negotiated a temporary special status, specific to the conditions of the country, which are listed in the second part of this chapter.

A slightly different situation occurred after the creation of the EU, when the number of Member States was already twice that of the founding states. The prospect of development was favourable for further enlargements, so in an effort to simplify the rather complex processes that were emerging, in June 1993 in Copenhagen, the European Council adopted the so-called Copenhagen criteria, setting out the basic rules of the accession process. These criteria are also perceived as a practical indicator of whether the state is based on solid democratic foundations and intends to respect the values of the Union. During the membership negotiations, by harmonising its law, the candidate country not only prepared for the implementation of EU law and standards, but also set forth its own requirements in the negotiations, which were reflected in the derogations granted.[15]

The Copenhagen criteria are still perceived as the so-called basic convergence criteria (political and economic), the fulfilment of which is a prerequisite for the accession of associated countries to the EU. Associated countries must respect democratic principles, must meet the requirements of the *acquis communautaire*, must have a functioning market economy, must accept the objectives of economic, monetary and political union in the EU, and must be competitive. At the same time, it is

14 European Commission, no date.

15 During the negotiations, the Commission shall monitor the progress of the candidate country and inform the Council and the European Parliament thereof through regular reports and communications.

in the interest of the EU to accept a new member without jeopardising its integration dynamics. The Copenhagen criteria go beyond the *acquis communautaire*. However, even meeting these criteria does not mean automatic entry into the EU.

The Copenhagen criteria were created before the accession of the countries of Central and Eastern Europe. European leaders of that time responded to the difficult and specific circumstances of the late 1980s. The face of Europe was radically changing, and a number of states appeared that wanted to move away from the East and integrate into European structures. The European Union faced its greatest enlargement and a very difficult period where it needed to support the former socialist countries in their liberalisation and transformation into democratic countries.[16] This process can be divided into three areas. Political criteria require the stability of institutions that guarantee democracy, the rule of law, human rights and the protection of minorities. Economic ones, in turn, include a functioning market economy in the state and resistance to competitive pressure within the EU. The third area consists of criteria related to the country's ability to implement the *acquis communautaire*, i.e., European legislation and its correct application.

Regarding specific rules and derogations, the EU is in favour of granting temporary derogations and transitional periods for the gradual but smooth integration of the acceding country. It is reluctant to grant permanent derogations (opt-outs), and it has granted only a few of these. Denmark and Ireland benefit from participation in the Schengen area; Poland from the full application of the EU Charter of Fundamental Rights; Denmark from participation in measures in the area of freedom, security and justice, which until 2022 also had an exemption from participation in EU decisions and actions with implications on defence.[17] Permanent derogations were also typical for the United Kingdom, but they became irrelevant after its official withdrawal from the EU. In this context, it is also important to note that in 2019, the European Parliament expressed its opposition to permanent derogations from EU law and proposed their termination at the next revision of the Treaties and primary law, indicating possible future changes in the approach to derogations within the EU[18] as well.

16 However, European leaders knew that they had to complete the internal reform of the Community first. This was represented by the Maastricht Treaty, which was signed in 1991 and which clarified the issues of deepening cooperation. Thus, the Union could consider further enlargement.

17 On 1 June 2022, Denmark decided in a referendum to abolish the derogation according to which they did not have to participate in EU defence policies. As many as 67 percent of Danes who participated in the referendum were in favour of joining the common defence of the bloc. This decision is perceived as a consequence of the outbreak of war in Ukraine. EURACTIV.sk, 2022.

18 EU Monitor, 2019.

3. Specific Rules for Accession Processes Before Creation of the European Union (up to 1992)

3.1. United Kingdom, Ireland and Denmark

As already mentioned, the will of certain countries to join the European Communities were apparent relatively early on in its existence, but the first enlargement only took place in 1973, when Denmark, Ireland and the United Kingdom became new Member States.[19] It was natural that the acceding countries had to fulfil the general conditions for joining the European Communities and adapt their legal system to the existing legal system of the Communities, especially since the original member countries were not equally inclined to the enlargement of the Communities, and the process of the first enlargement was accompanied by an initial rejection of attitudes. In 1962, the United Kingdom, Ireland, Norway and Denmark formally requested the EEC to open accession negotiations. At that time, the four countries were part of their own association, called the European Free Trade Association (EFTA), which formed as a competitive community without the intention of deeper integration. The initiator of the accession negotiations was the United Kingdom, seeing the success and further potential of the larger emerging common market. France, through its then-president Charles de Gaulle, vetoed accession in January 1963, among other things, for the fear that the United Kingdom would become the so-called 'Trojan horse' of the USA, against which de Gaulle tried to position Europe and France in a reserved manner. Out of solidarity with the United Kingdom, Norway, Denmark and Ireland also withdrew their respective accession applications. Things ran a similar course, when in 1967,[20] the first enlargement finally took place without Norway, which to this day is still not part of the European Union. Thus, as part of this first enlargement, the states had to fulfil general (common) conditions, which for all three countries included a commitment to adopt the rules of the EEC, the opening of markets and the adaptation of the common trade policy. It was during this period that the special specificities of the acceding countries were formed and the idea that the European Communities would accept certain derogations from the implementation of the so-called Community law for the newly acceding countries was admitted.

19 Yet the accession of the United Kingdom was vetoed twice by France. Paradoxically, the determination of the United Kingdom and its efforts to try to enter up to three times was clearly negated in the first attempt to leave the European Union. The impetus was a referendum on withdrawal (the so-called Brexit referendum), the positive outcome of which was expected by only a few.

20 The negative attitude of France changed only after Charles De Gaulle left the presidential office.

3.1.1. Common Specific Provisions in the Framework of Accession

The accession of Denmark, Ireland and the United Kingdom to the European Communities (the predecessor of the European Union) in 1973 was a significant event not only in terms of the enlargement of the Communities, but also globally. By enlarging the number of their members, the European Community demonstrated its openness to other countries of Europe. The long-awaited building of a united Europe began with this step. Entry conditions naturally varied for those four countries depending on their specific circumstances and requirements, but there were also some common factors that influenced their entry. Each country was granted certain specificities in the area of the common agricultural policy and trade relations, which concerned their own economic interests. Thus, the United Kingdom, Denmark and Ireland negotiated a number of specificities and specific conditions relating to various sectors, in particular agriculture, trade and fisheries. This was important to ensure the smooth integration of these countries into the European Communities, taking into account their national interests and specific economic and political conditions. All three countries (the United Kingdom especially), already having trade ties or specific trade blocs with their former colonies, received certain exemptions and specific adjustments in the area of customs policy. This allowed them to trade more flexibly with some of the country's non-EEC trading partners (e.g., British traders with former colonies). In addition, each country had its own circumstances within the framework of accession, which were reflected in the peculiarities specific to that country alone.

3.1.2. Special Accession Exceptions

3.1.2.1. The United Kingdom

As part of its accession, and also as a result of repeated negotiations during unsuccessful attempts at accession, the United Kingdom achieved substantial derogations for itself, especially in the field of agriculture and colonial trade relations. It gained some flexibility in agricultural policy and could retain part of its historical trade relations, especially with former colonies, which are often of a sensitive nature in British politics.

3.1.2.2. Denmark

This country also joined the negotiations for accession to the EEC in the mid-1960s, but its approach was more restrained until political and economic conditions were clarified. Denmark was willing to accept EEC conditions, but with some adjustments to allow for its specific national interests. It was interested in protecting its agricultural policy and obtained derogations in this area, as well as in the field of fisheries. It also retained the possibility of signing cooperation agreements with

other countries, which needed to allow for some form of flexibility in trade relations. The aforementioned Protocol No. 16 on certain provisions relating to Denmark, according to which Denmark retains its own currency, currently applies to the currency and the ECB.

3.1.2.3. Ireland

Ireland's position was slightly different, as it was heavily dependent on trade with Great Britain. Therefore, it was also interested in improving economic relations with other EEC Member States. For Ireland, accession to the EEC common market meant the opening of the market for products and services, which improved trade relations, especially in the field of agriculture and production. Ireland was granted fewer derogations than Denmark and Britain, but on the other hand, it was allowed some flexibility in the implementation of the common agricultural policy and secured some benefits under agricultural subsidies.

3.2. Greece

Another acceding country was Greece (1st January 1981). Following the example of the accession of the previous countries, Greece, too, was granted a number of specific derogations and transitional periods to allow it to quicker adapt to European standards and policies. These consisted of exceptions, especially in the field of agriculture, economic policy and the free movement of workers. As far as the common agricultural policy is concerned, Greece obtained derogations for its implementation. The transitional period in this area lasted four years (until 1985). During this period, Greece had access to agricultural subsidies, but with some deviations in order to adapt its agricultural production and implement European standards. Greece had a very strong agricultural sector, which represented a significant part of its economy. At the beginning of EEC membership, Greece was one of the countries that negotiated special conditions in the field of the Common Agricultural Policy (CAP). These conditions allowed it to obtain higher agricultural subsidies compared to other Member States in order to help close the large differences in agricultural productivity between Greece and the older EEC members. Greece received financial assistance to modernise its agricultural industry, which at the time suffered from low productivity and was lagging behind other Western European countries from a technological point of view. This programme was implemented to help increase the competitiveness of Greek agriculture. Greece also had specific trade advantages when it came to trade with the Mediterranean, which was advantageous for its export products (e.g., olive oil).

It also had certain derogations from complying with the prescribed budgetary rules and standards in the area of economic and monetary policy, particularly with regards to budget deficits and public finances. This meant that Greece had some time

(five years) to improve its fiscal discipline and adapt to public spending and deficit requirements.

Another area in which Greece applied the transitional period was with the labour market of other EU Member States. Other Member States could thus impose restrictions on the access of Greek workers to their labour markets for several years. This transitional period lasted five years, during which the restrictions for individual categories of workers were gradually relaxed.

The longest transitional period (12 years) was granted to Greece in the area of customs and trade policy. At the beginning of its EEC membership, the competitiveness of Greece was weaker in many sectors which required time to adjust its prices and products in order to meet EEC standards. These measures were intended to help the country adapt to EEC rules and improve the competitiveness of its economy. All these exceptions led to a gradual adaptation of the Greek economy to the rules of the common market and enabled it to ensure stability to aid its integration into the common market, as well as European political and economic structures. Thus, Greece gained significant advantages and support at the beginning of its EEC membership, which was intended to help the country overcome the economic and development disparities that existed between Greece and the Western European countries.

3.3. Portugal and Spain

3.3.1. Portugal

During the next phase of enlargement, Portugal joined the European Communities together with Spain (1st January 1986). As a result, the number of Member States before the EU was established stood at 12. Similarly to the accession case of Greece, Portugal had a number of specificities and transitional periods, which concerned in particular the common agricultural policy, the free movement of workers, as well as customs and economic policy. In addition, it obtained a specific position in the areas of fisheries and agricultural quotas. In the area of the Common Agricultural Policy (CAP), the transitional period lasted five years. As part of the gradual transition to the common market, the main objective was to support the modernisation of Portuguese agriculture. During the CAP transition period, the access of Portuguese citizens to the labour markets of other Member States was restricted, and it was not until 1991 that full freedom of movement for workers was achieved in this respect. The longest transitional period concerned customs and trade policy (12 years), as well as exceptions in the field of fisheries and agricultural quotas, which lasted until 1996 (10 years).

3.3.2. Spain

Spain and Portugal faced similar conditions when entering the European Communities; both countries had recently come out of long periods of dictatorship and needed some time to harmonise their legal systems. Compared to Portugal, Spain had slightly more special conditions and transitional periods in various sectors. An area where all acceding countries demanded a specific position, i.e., the Common Agricultural Policy (CAP), was more challenging for Spain. Its agricultural sector was stronger and more dependent on domestic subventions, so Spain needed more derogations and a longer transitional period (until 1999). In the area of trade policy, both countries had transitional periods to eliminate customs duties and unify the trade system, but Spain had more sectoral exemptions (for example in the area of fisheries and agricultural products) than Portugal. The transitional period for the full trade liberalisation and tariff elimination lasted until 1992. During this period, tariffs and duties were gradually reduced on Spanish products and products imported from the EEC states. Similarly, the transitional periods in the field of VAT harmonisation and tax policies lasted until 1992, when Spain adapted its tax legislation to the rules of Community law. In terms of restrictions on the free movement of workers between Spain and some European Community Area (EEA) countries, and subsequently the EU, the transitional period lasted until 1994, when the labour market was opened fully. These exceptions and transitional periods were part of a broader integration process that allowed states to gradually integrate into the common European system, while gradually reducing the gap between themselves and other Member States as well.

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4. Particular Features of Accession Processes After 1992 – After the Creation of the European Union

The Maastricht Treaty was a significant revision treaty under primary law, which, among other essential legal facts, prepared the European Union for further enlargement. It set a clearer framework for assessing candidate countries' readiness for EU membership.[21] It stressed the need for candidate countries to fulfil not only the economic but also the political conditions and laid the basis for a gradual process of accession negotiations and evaluation of the progress of candidate countries. It laid the foundations for a more consistent and comprehensive approach to EU enlargement, which was further developed and refined in the following years, *inter alia*, it introduced the requirement that each current Member State and the European Parliament must unanimously agree to any enlargement of the EU. All the conditions previously

21 Gabel, 2025.

established for each country applying for membership in the European Communities continued to apply to the process of integration. In addition, the Treaty of the European Union laid down basic conditions (Art. 49) and principles (Art. 6, para. 1), which must be fulfilled by all countries that want to become the EU members.[22] The basic criteria constituting the essential conditions for the candidate countries were: (a) the creation of stable institutions that would guarantee democracy, the rule of law, human rights and respect for and the protection of minorities; (b) a functioning market economy and the ability to cope with competitive pressure and market forces within the EU; (c) the ability to assume the obligations of membership, including the ability to effectively implement the rules, standards and policies that make up the body of EU law; (d) compliance with the objectives of political, economic and monetary union; and (e) having a stable public administration, with the ability to adopt and implement EU legislation.[23]

As early as December 1994, at the European Council meeting in Essen, these conditions became part of a broader material, known as the 'Pre-Accession Strategy', which combined the European Agreements and the PHARE Programme into a single whole, as a specific policy towards the candidate countries. At the following European Council meeting in December 1995, the so-called White Paper on the Single Market, which specified 'compliance with the objectives of political, economic and monetary union' and added the stability of the candidates' economic and monetary environment to the entry conditions, was accepted. The EU conceived the White Paper as a document to be adopted by candidates as a guideline (as well as a condition for full membership) for economic reforms and their sequence. Such clarification was made 'in connection with the creation of conditions for the gradual and harmonious integration of candidate countries'.[24] In practice, this meant that candidate countries would have to gradually adopt EU legislative standards, which mainly focused on the liberalisation of external economic relations and regulated trade in goods and services on the internal market. The White Paper and the Structured Dialogue also became part of the pre-accession strategy as instruments to accelerate the acceptance of EU conditions. After clarifying and adding further criteria for entry, the monitoring process became even more extensive and affected new areas, in particular the reform of state and public administration, the legal system and also the rights of ethnic minorities. Thus, the conditions for accession to the Union kept changing and were not stable, rendering the general view of the whole process

22 First of all, geographically it is a European state that respects and promotes the fundamental values of the EU, such as respect for human dignity, freedom, democracy, equality, the rule of law, human rights, including the rights of persons belonging to minorities. At the same time, the state has a functioning market economy, achieves the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; and demonstrates the ability to take over the law of the Union, including commitment to the goals of political, economic and monetary union.

23 European Union, no date.

24 Figel' and Adamiš, 2004, p. 12.

uncertain and unpredictable by the candidate countries, as several enlargement options were discussed, but none was officially adopted. Individual governments had to prepare their own national plans for the adoption of the acquis. The political criteria were gradually tightened and made more precise in individual negotiations, with the structured dialogue serving as the main tool for the implementation and mediation of conditionality. This was also indicated by the first reports (avis) prepared and published by the Commission. The Commission focused on evaluating the candidate countries under the Copenhagen criteria and assessed the readiness of countries to join the Union accordingly.

4.1. Finland, Austria and Sweden – 1995

Finland, Austria and Sweden joined the European Union on 1st January 1995, but each of these countries had their own transitional periods in different areas following accession, which varied according to the needs and specificities of these states. This expansion followed the period of neutrality of these countries during the Cold War and was mainly motivated by the economic challenges of the 1980s and access to the EU single market.[25] Also in this respect, some common transitional periods and adjustments were agreed, e.g., all three countries had a transitional period for the full implementation of the EU *acquis communautaire*, as well as for the implementation of the common agricultural policy with the gradual introduction of compensatory payments. There was also a transitional period for the full implementation of free movement of workers for the new Member States.[26] Preparations for joining the eurozone were postponed to a later date, and Sweden is not a member of the eurozone to this day. All three countries negotiated certain derogations from their contributions to the EU budget when they joined the EU. Temporarily reduced contributions helped them cover the high costs of accession.

4.1.1. Finland

In addition to these common derogations and transitional periods in the areas of the common agricultural policy and the internal market, Finland had specific conditions in relation to its national regime. Thus, for example, it retained the possibility of adopting derogations from the Constitution through ordinary laws, which are adopted by the same procedure as constitutional amendments. Finland also negotiated partial derogations from the EU law for the Åland Islands.[27] In terms of direct

25 We consider it important to note that before accession, referendums were held in these countries, with varying results – clear support in Finland and Austria, moderate in Sweden. At that time, there was also a referendum on EU accession in Norway, but again with a negative result.

26 cvce.eu, no date.

27 EUROIURIS, no date.

derogations, Finland agreed on certain concessions regarding the EU budgetary contribution in order to have time to adapt to the new costs of membership.

4.1.2. Austria

Despite initial concerns about the compatibility of Austrian neutrality with EU membership, Austria has successfully integrated into the Union without the need for significant derogations. Thus, Austria retained its permanent neutrality, which was initially considered potentially problematic for EU membership. However, it had to adopt and implement the *acquis communautaire* in full, although it had a transitional period for such full implementation.[28] Like Finland, Austria also had a transitional period in the sector of agriculture, particularly with regards to market access conditions. At the same time, it had to consolidate its budget and implement austerity measures to meet the convergence criteria for joining the European Monetary Union, of which it is a member to this day. It did thus obtain some derogations in the area of taxation, particularly in relation to VAT. In terms of direct derogations, it was given the opportunity to set restrictions on the transit of heavy vehicles through its territory.

4.1.3. Sweden

As with Austria and Finland, Sweden, too, had a transitional period for the full implementation of EU legislation. It maintained its policy of neutrality, although it was not a formal derogation from the EU rules. On the other hand, Sweden committed to adopting the Euro, but it is still not a member of the Eurozone, as Swedish citizens rejected the adoption of the Euro in a referendum in 2003. However, this is not an official derogation but rather a consequence of non-compliance with the convergence criteria.[29] In terms of direct derogations, Sweden has maintained stricter environmental standards, certain adjustments to fishing opportunities and certain restrictions on alcohol and tobacco monopolies in some areas.[30]

4.2. Major Enlargement of the European Union – 1st May 2004

For this enlargement, the European Union had been preparing for arguably the longest time and with the most comprehensively effort in the entire history of its enlargement, by revising the founding treaties, starting with the Maastricht, Amsterdam and Nice Treaties. Interest in accession was quite high immediately after the collapse of the so-called Socialist Bloc. The Copenhagen criteria, which the EU was able to rely on to start closer negotiations with a relatively large number of countries,

28 Treaty of Accession of Austria, Finland and Sweden, 1994.
29 Government Offices of Sweden, 2025.
30 Treaty of Accession of Austria, Finland and Sweden, 1994.

were decisive in the accession process. The whole process was quite demanding and took more than ten years.

Individual countries began the process of applying for membership and meeting the criteria in the 1990s. Malta and Cyprus were the first to apply for EU accession (in 1990), followed by Hungary and Poland (in 1994), Slovakia, Latvia, Estonia, Romania and Bulgaria (in 1995), the Czech Republic and Slovenia (in 1996). Lithuania was the last to apply for EU accession in 2000. Accession negotiations commenced in two stages. Negotiations with the first group of six countries (Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia) were initiated in Phase I on 31st March 1998. On 15th February 2000 Phase II was started, involving negotiations with a second group of six countries (Bulgaria, Latvia, Lithuania, Malta, Romania and Slovakia). The negotiations were based on the principle of 'differentiation', which meant that each country proceeded at its own pace according to the level of its readiness for entry. Therefore, the length of negotiations varied depending on the progress of individual countries. Following the adoption of the pre-accession strategy, the European Commission began to monitor, check and evaluate the fulfilment of all the Copenhagen criteria in an intensive and organised manner. In July 1997, the Commission published an assessment of progress of each candidate country for the first time. On this basis, it recommended that accession negotiations be opened with only six countries: the Czech Republic, Estonia, Hungary, Poland, Slovenia and Cyprus. The countries of Bulgaria, Lithuania, Latvia and Romania did not meet the economic conditions that Slovakia was able to comply with, but in the Commission's opinion, the latter was the only country that did not meet the political criteria for the start of negotiations. The summit of the European Council in Luxembourg thus divided the candidate countries into two groups; only a later meeting of the Council in Helsinki in 1999 changed this model.

In preparation for the accession of the new Member States in 1997, the Commission drew up a specific document called Agenda 2000. It merged all the requirements and assistance provided from the EU into one framework, called the Accession Partnership. The European Commission played a key role in the negotiation process, both preparing documents and negotiating positions for the Council of the EU, while strongly supervising the candidates' readiness as well as the general development of their economy and societies. Negotiations were concluded at the end of 2002; the Accession Treaty was signed in Athens on 16th April 2003 and ten countries (except for Bulgaria and Romania) became members of the EU on 1st May 2004.

A deeper analysis of the accession processes is the subject of national reports as part of the project, so in this section the basic scope of derogations and their characteristics will be focussed on.

4.2.1. Common Derogations and Transitional Periods

Each of the countries that joined the EU in 2004 had its own way of fulfilling the demands of accession negotiations, as well as its own way of negotiating and

obtaining derogations or transitional periods.[31] As part of the screening and negotiating positions, there were different developments, both in terms of time and content. Nevertheless, it can be stated that Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovakia and Slovenia had certain common derogations and transitional periods. Most of the original EU Member States introduced a transitional period for the free movement of workers from the newly acceding Member States (with the exception of Cyprus and Malta).[32] This transitional period lasted until 1st May 2011, when the completely free movement of workers was introduced throughout the EU, but it was divided into three phases: (1) a basic two-year period until 30 April 2006; (2) the option of a three year extension until 30th April 2009; (3) and in exceptional cases, the option of another two year extension until 30th April 2011.

A common derogation was the fact that the acceding states did not become part of the Schengen area as soon as they joined, but needed a longer timeframe to complete and modernise the rules for external borders. The same was true for the Euro area, which some of these Member States are not a part of to this day.

Transitional periods for certain areas such as agriculture and the coordination of social security systems were equally common. All new Member States except Slovenia had a transitional period concerning agriculture. Some countries had transitional periods for the acquisition of agricultural land and forests by foreign nationals (e.g., Czech Republic, Slovakia, Hungary, Poland). Transitional periods were also granted for the implementation of certain EU environmental standards. Some countries had transitional periods regarding tax regulations, especially in the area of VAT, or transitional measures in the sector of road transport. These transitional periods were temporary and served to facilitate the adaptation of EU rules by the new Member States.

All these countries had to adopt the *acquis communautaire* in full, although they had transitional periods concerning different areas. However, some of these countries are still not part of certain sectors of EU cooperation. Cyprus is still not a member of the Schengen zone. The Czech Republic, Hungary and Poland are still not members of the Euro zone. However, the above facts are not permanent derogations, but rather a consequence of failures to meet the necessary criteria or of political decisions. These countries may join these areas of cooperation in the future if they meet the necessary conditions and decide to do so.

31 See e.g., Commission Regulation (EC) no. 886/2004 of 4 March 2004 adapting certain regulations and decisions in the area of free movement of goods, competition policy, agriculture, the environment and external relations by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

32 Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (2003).

4.2.2. Cyprus

Cyprus had a number of specific derogations and transitional measures when it joined the European Union in 2004. Pursuant to Protocol No. 10 on Cyprus, the application of the *acquis* is deferred in those parts of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective administration (i.e., the Eastern Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland).[33] In order to address the unique situation of the divided island and support its gradual unification within the EU, certain measures were proposed, e.g., special conditions for trade with areas not effectively controlled by the Cypriot government in July 2004, or a financial support instrument to support the economic development of the Turkish Cypriot community.[34] At the same time, it should be noted that Cyprus did not immediately become part of either the Schengen or the Euro area.[35] However, it is currently finalising its preparations to join the Schengen area, as the accession of Cyprus to the Schengen area has long been hampered by the Cypriot conflict and the division of the island.[36]

4.2.3. Czech Republic

Drawing on the National Report on the Accession Process, it can be stated that the country had several derogations. The first was a seven-year limitation for the acquisition of agricultural land and forests by those who do not have permanent residence in the Czech Republic. This rule was open to revision three years after joining the EU. At the same time, the acquisition of real estate intended for secondary housing for foreigners (EU citizens) was also limited for up to five years of the Czech Republic's accession to the EU.

In the area of agriculture, the Czech Republic negotiated a transitional period until the end of 2006 to achieve full harmonisation of sanitary parameters with the

33 Pursuant to this Protocol, the Council, acting unanimously on a proposal from the Commission, shall determine the conditions under which the provisions of European Union law shall apply to the boundary between the two territories referred to in Art. 1 and the areas in which the Government of the Republic of Cyprus exercises effective control. The boundary between the Eastern Sovereign Base Areas and the areas referred to in Art. 1 shall, for the duration of the deferral of application of the acquis for the purposes of Part IV of the Annex to the Protocol on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus, be considered as forming part of the external border of the Sovereign Base Areas. Nothing in this Protocol shall prejudice measures taken to promote the economic development of those areas. Such measures shall not affect the application of the acquis under the conditions defined in the Accession Treaty to the rest of the Republic of Cyprus. In the event of a solution to the Cyprus problem, the Council, acting unanimously on a proposal from the Commission, shall decide on the adaptation of the conditions of accession of Cyprus to the European Union with regard to the Turkish Cypriot population.

34 Sotiropoulou, 2024.

35 Cyprus joined the euro zone on 1 January 2008.

36 In July 2023, Cyprus joined the Schengen Information System (SIS) and plans to resolve all technical requirements for entry to the Schengen area by the end of 2025.

conditions applicable in the EU for 52 processing enterprises, as well as a transitional period until the end of 2009 for non-adapted cage systems for egg-laying hens that had already been in use and that did not meet the technical requirements of secondary EU law.

Another large group of special provisions concerned taxation. Until the end of 2007, the Czech Republic would be able to maintain a reduced rate of VAT on the supply of thermal energy, as well as to maintain a transitional period for construction works for residential purposes. Its transitional period of lower excise duty rates on cigarettes and tobacco products lasted until the end of 2006. The exemption for people with a turnover below EUR 35,000 from registering as a VAT payers was also significant, as was the special arrangement of the exemption of excise duty on alcohol for small distilleries in order to maintain the traditional domestic production of fruit spirits.

In the area of power engineering, a transitional period was agreed for the creation of full mandatory emergency stocks of crude oil and petroleum products by the end of 2005 and a transitional period until the end of 2004 related to the liberalisation of the gas market. In the field of the environment, a transitional period was agreed until the end of 2005 for the area of waste management, as well as a transitional period to achieve the target values for the recycling and reuse of packaging, or a transitional period until 2010 for water quality in connection with urban water treatment and the practical implementation of the requirement for the construction of wastewater treatment plants in municipalities from 2,000 to 10,000 inhabitants. Until the end of 2007, there was also a transitional period for the implementation of a restrictive directive on emissions of pollutants into the air from large combustion plants (or for meeting the set emission limits).

As far as the free movement of persons is concerned, the Czech Republic had a 7-year transitional period to limit the free movement of workers, while during the validity of the above-mentioned regulation, the old Member States and the new Member States could sign bilateral agreements if they agreed to liberalise the movement of labour. The Netherlands, Ireland, Sweden, Denmark and the United Kingdom immediately declared that they were waiving the transitional period, which meant that Czech citizens could exercise their right to move and work freely in these countries immediately upon joining the EU.

In relation to national road transport, a transitional period of up to five years was set. At the same time, carriers from old and new Member States could sign bilateral agreements if they agreed to fully liberalise the market during the transitional period. As far as agriculture is concerned, the transitional period for the gradual onset of direct payments was applied in the following two phases. In the first phase, new Member States' direct payments were introduced at a level of 25% in 2004, and until 2007 direct payments were increased annually by 5%, i.e., 30% in

2005 and 35% in 2006. Phase two, starting in 2007, saw a gradual increase of 10% in direct payments until 2013, when direct payments should reach 100%.[37]

4.2.4. Estonia

Estonia was the first former Soviet state to join the EU, undergoing a difficult process of harmonising its economic, legal and political system with the EU legal framework.[38] Despite initial scepticism, most Estonians supported EU membership.[39] When it joined the European Union in 2004, it did not negotiate any permanent derogations, but received several transitional periods to facilitate adaptation to EU rules. Estonia had a transitional period for the full implementation of the *acquis communitaire* and for certain areas of agriculture. It also had a restriction on the acquisition of agricultural land and forests by foreigners until 2011.

Most of the original EU Member States introduced a transitional period for the free movement of Estonian workers lasting up to seven years, which was divided into three phases – initially two years, followed by the option of extending it by three years, and in exceptional cases by another two years.

There were exceptions from the Schengen and the Euro areas. In 2007, Estonia became part of the Schengen area. It joined the European Exchange Rate Mechanism II (ERM II) in May 2004 and adopted the Euro as its currency in 2011, becoming the 17th member of the Euro zone.

4.2.5. Lithuania

The integration of Lithuania, being another of the Baltic countries, into the European Union, was a long-term process of the country's transformation. Like Estonia, Lithuania had to implement extensive economic and legal reforms, take over the *acquis communautaire*, strengthen the fight against corruption and reform the

37 However, the EU also provided the Czech Republic with the opportunity to request direct payments (so-called surcharges) using rural development funds, or from national resources, up to 55% in 2004, 60% in 2005 and 65% in 2006. For more information, see the National Report on the Accession Process of the Czech Republic.

38 Estonia has gone through a remarkable journey from independence through EU accession to the EU Presidency in the second half of 2017, demonstrating its successful integration into European structures. This required overcoming scepticism about joining the new Union after the experience of the Soviet Union and coping with low support for EU entry among the population, especially in the period 1997–2001.

39 Before Estonia's accession to the European Union, a referendum was held on 14 September 2003. According to the final results, 66.9% of voters voted for the entry and 33.1% voted against it. The turnout in the referendum reached 63% of the 850,000 eligible voters. Although the result of the referendum was not legally binding on the Estonian parliament, it provided significant support for the pro-European policy of the then ruling conservative coalition. Novinky, 2003.

judiciary.[40] Within the acceding Baltic countries, the exceptions and transitional periods were comparable. Lithuania did not negotiate any permanent exemptions from the EU law. Most of the transitional periods were designed to facilitate adaptation to EU rules and ended in 2011 at the latest. These transitional periods concerned certain areas of agriculture and restrictions on the acquisition of agricultural land and forests by foreigners. Lithuania also received a transitional period until 1st January 2007 for the renewal of certain regulations concerning the free movement of goods, e.g., concerning the renewal of authorisations for certain pharmaceutical products to be launched onto the market.

From the position of EU Member States, a transitional period for the free movement of workers was established for Lithuania, divided into three phases – a basic two-year period until 30th April 2006, the option of extending it by another three years until 30th April 2009 and, in exceptional cases, the option of extending it by another two years until 30th April 2011.[41]

4.2.6. Latvia

Latvia has much in common with its Baltic neighbours, Lithuania and Estonia.[42] As part of its EU membership, it has made progress in recent years, and together with Lithuania and Estonia, is one of the EU countries showing the highest economic growth.[43] Accession to the EU has brought Latvia, among other things, significant economic benefits, including an increase in trade and investment, as well as the option of free movement of citizens within the EU. At the same time, it strengthened the country's security and its position on the international scene.

Latvia, like Lithuania and Estonia, did not have any permanent derogations from the EU law. Transitional periods were designed to facilitate adaptation to EU rules and most of them ended in 2011 at the latest. In order to protect its agricultural land, Latvia negotiated a transitional period of seven years to limit the acquisition of agricultural land by foreigners. In 2011, it requested an extension of this transitional period by another three years, i.e., until 30 April 2014.

With regards to the free movement of workers, most of the original EU Member States introduced a transitional period for the free movement of workers from Latvia, which could last a maximum of seven years.

40 On 10 and 11 May 2003, a referendum on accession to the EU was held, with the participation of 63.4%, while 91.1% of citizens voted in favour of accession to the European Union. Lithuania continues to maintain this optimistic view of the EU. See slovensko.stvr.sk, 2024.

41 Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (2003).

42 It was incorporated into the Soviet Union in 1940 and gained independence only in 1991. However, Latvia is overcoming the remains of the Soviet past much more painfully due to the fact that up to a third of its population are Russian-speaking citizens and it still has tense relations with Moscow.

43 bbc.co.uk, no date.

The initial exception from the integration of Latvia into the Schengen area ended in December 2007, when Latvia joined the Schengen area. In January 2014, the Euro currency began to be used in Latvia, making it the 18th member of the eurozone.

4.2.7. Malta

Malta did not gain independence from Britain until 1964. It started to seek its membership of the European structures relatively early, but the whole accession process was lengthy.[44] On the other hand, Malta sought to use its position as a small country to justify special requests from the EU. Therefore, it was granted several derogations and transitional periods in order to facilitate the process of transformation of its law.

Malta requested special adaptations in about twelve chapters of the *acquis communautaire*. Thus, for example, it obtained a transitional period for the implementation of obligations under Directive 68/414/EEC on the maintenance of minimum crude oil stocks until 31st December 2006.[45] Also, until 31st December 2006, a transitional period for the renewal of authorisations for launching pharmaceutical products onto the market. For a period of seven years, it was able to introduce restrictions on the acquisition of real estate by foreigners. It was allowed to introduce safeguard measures for the agricultural and fisheries sectors, as well as transitional periods in the areas of environment and competition. It also received a seven-year transitional period during which it could apply safeguards for the rights of EU citizens who wished to seek employment in Malta.

In order to prevent the unrestricted acquisition of real estate by foreigners and a disproportionate increase in the prices of local real estate, Malta has been granted a permanent derogation. Citizens of EU Member States who have not lived in Malta for at least five years can only buy one secondary residence (known as a holiday home) with the permission of the competent authorities (AIP). Citizens of EU Member States who have lived in Malta continuously for 5 years or more can buy another property without the need for a permit. Malta joined the Schengen area in 2007 and adopted the Euro in 2008, thereby becoming part of the Euro zone.[46] At the same time, it is important to note that Cyprus and Malta had different conditions in some areas than the other new Member States. For example, Cyprus and Malta were not subject to a transitional period for the free movement of workers that would be enforced by other Member States.

44 Malta signed the Association Agreement with the EEC on 5 December 1970, but it did not submit an official application for EU membership until 16 July 1990. In October 1996, the new Labour government suspended the application for membership and in September 1998, the new nationalist government reactivated the application for membership. The official opening of accession negotiations started on 15 February 2000.

45 EU Monitor, 2001.

46 Pace, 2003.

4.2.8. Hungary

As with the examples of other countries, Hungary negotiated several exemptions and transitional periods when it joined the European Union in 2004. The National Report can once again be referred to here, which is elaborated in detail and which is relied upon as source material. Attention will be drawn here to some aspects.

Hungary based its negotiations on the identification of the so-called national interest. In the negotiations, it called for specific adjustments in seven of the 31 chapters (free movement of persons; free movement of capital; agricultural subsidies; structural and cohesion policy; competition; and implementation of the 'Schengen *acquis*').

Finally, it was granted the option of derogations in nine areas - free movement of persons; freedom to provide services; free movement of capital (restriction on the acquisition of agricultural land); competition policy; agriculture; transport policy; taxation; environment and customs union. From the above exceptions, I will select the following.

The free movement of workers was a sensitive issue, Hungary demanded the freedom of movement of workers without restrictions in this area. Finally, a seven-year transitional period was enforced, as for the other Member States under this enlargement, implemented in a compromise arrangement of (2+3+2). Existing Member States were allowed to maintain the restrictions for two years, and then extend them for a further three years if they so wished, and in the event of a serious disruption of the labour market (or a real threat thereof) for a further two years. Member States gradually opened their labour markets, complete restrictions, i.e., throughout the full seven years, only applied in Germany and Austria (until 2011).

The free movement of capital – ie: acquisition of agricultural land by nationals of other EU Member States or legal entities established in EU Member States - was another sensitive issue in the negotiations. Hungary was granted a transitional period to limit the acquisition of agricultural land and forests by foreigners for seven years, with the option of extending this period for another 3 years if there was a risk of serious disruption of the agricultural land market.

Hungary also received shorter transitional periods,[47] for example regarding the full implementation of access to the Trans-European Rail Freight Network, which was valid until 31st December 2006. One of the essential issues was also the issue of the Schengen area and the precise determination of Hungary's external and internal borders, as it was interested in joining the Schengen area together with neighbouring countries. Hungary became part of the Schengen area together with Slovakia and Slovenia on 21st December 2007 and, at the same time, adopted a new visa system based on common EU standards and regulations (the so-called Schengen *acquis*).

As for the Eurozone and Hungary's specificity in relation to the euro – Hungary originally planned to adopt the euro in 2007 or 2008, but like the Czech Republic

47 International Monetary Fund, 2004.

and some other EU countries, it still retains its own currency and remains positioned outside of the Eurozone.

4.2.9. Slovakia

Like other acceding countries, Slovakia did not achieve any permanent derogations from the implementation of the *acquis communautaire* when it joined the European Union in 2004. However, it negotiated several transitional periods in various areas in order to allow Slovakia to gradually adapt to EU rules and improve the performance of the Slovak economy. (a) Free movement of persons – seven years; (b) freedom to provide services – three years; (c) free movement of capital – seven years; (d) power engineering – five years; (e) the environment – three years; (f) taxation – between one to five years, depending on the type of goods; (g) transport – two years; (h) agriculture – from three years (for the production of certain foodstuffs) to ten years (direct payments to the agricultural sector); (i) competition – from five to six years.

In the case of the free movement of capital, Slovakia negotiated a seven-year transitional period for the acquisition of agricultural and forest land by foreign nationals. In the area of free movement of services, it was able to enforce the requirement of a three-year transitional period for investor compensation schemes. In the Energy chapter, Slovakia achieved a five-year transitional period to ensure the mandatory emergency 90-day stockpiles of crude oil and petroleum products. In the chapter concerning taxes, Slovakia requested several transitional periods and exemptions for VAT and excise duties. At the conclusion of this chapter, Slovakia obtained in total seven transitional periods. Some other hard-earned exemptions from VAT (tax reduction in the area of gas, thermal energy, basic foodstuffs, construction and construction works) did not come into force after all, as the government changed the tax system as of January 1st 2004. Slovakia also received a permanent derogation for the fruit distillation by the growers, where a reduced excise duty was applied.

The transitional periods on the part of the EU mainly concerned the free movement of workers in order to protect the labour market of the original Member States. Thus, Slovakia initially did not have the opportunity to fully exercise the freedom of movement of workers within the EU. However, this did not apply equally to all Member States - the United Kingdom, Sweden and Ireland did not apply the transitional period and made their labour markets available immediately upon enlargement. Two years after Slovakia's joining, at the end of April 2006, Spain, Finland, Portugal and Greece also waived the transitional period. In July 2006, Italy also opened its labour market without restrictions. Belgium partially restricted access to its labour market until 2009. It gradually expanded the list of sectors in which it facilitated the employment the new Member States' citizens. The Netherlands, Luxembourg, France and Denmark proceeded in a similar fashion. They first partially opened their market and only completely ended the application of the transitional period as of May 2009. Germany and Austria (in May 2011) opened their respective

labour markets as the last ones. Slovakia became part of the Schengen area on 21st December 2007, but it already acceded to the Schengen Convention by signing the Treaty in Athens in April 2003. Two years later, Slovakia also managed to meet the conditions for joining the eurozone and started using the common currency, the Euro, on 1st January 2009.

4.2.10. Poland

At the time of its status of an acceding country, Poland also tried to achieve such derogations and transitional periods that would allow it to gradually adapt to EU standards but at the same time protect its national interests in sensitive areas.

As a result, it had received several temporary transitional periods and derogations. An important derogation (although already for Poland as a Member State) was the Charter of Fundamental Rights of the European Union. In 2007, together with the United Kingdom, Poland signed the so-called 'British Protocol' which limited the application of the EU Charter of Fundamental Rights in these countries.[48] This derogation modifies the application of the EU Charter of Fundamental Rights in Poland and excludes the possibility for the Charter to confer rights beyond those enshrined in the Polish domestic order. At the same time, the Protocol limits the jurisdiction of the Court of Justice of the EU and the Polish courts in relation to the Charter, thus preventing the direct application of its provisions in Polish law. The Accession Treaty also contained a number of transitional provisions designed to protect the interests of Poland and, in some cases, the interests of the countries of the European Union.

The transitional period in relation to agriculture was considered one of the priorities, as the sector was quite extensive in the country. Poland considered it important that direct subsidies to agriculture should be increased gradually, as the full and immediate application of all the provisions of the Common Agricultural Policy would not be advantageous.[49]

As far as real estate rights are concerned, Poland was also concerned with the limitation of the right to purchase real estate by foreigners, and it obtained a five-year transitional period for the purchase in relation to second homes – with the exception of those purchased for business purposes. In relation to agriculture and forestry, this ban had a twelve-year transitional period.

Others were exemptions for the pharmaceutical industry, where Poland negotiated a five-year transitional period for the marketing authorisation of certain pharmaceutical products and a two-year period in relation to certificates issued by the

48 Despite the fact that, after the 2007 elections, the new Polish government considered abolishing this derogation, it finally decided to keep it. The reason was the effort to comply with the agreements negotiated by the previous government and the need of support from the opposition in ratifying the Lisbon Treaty. Formal renunciation of the derogation would require a treaty change that would have to be ratified by all EU Member States.

49 These subsidies were expected to reach 25% of full level in 2004, 30% in 2005, and increase by 10% in the following years.

Institute of Medicinal Products for Medical Devices, defined as 'medical supplies'. Specific provisions were those relating to particular derogations in relation to the implementation of secondary EU law.[50] There were also specificities in the fisheries policy, under which Poland retained its previous catch quotas resulting from previously concluded bilateral agreements with third countries.

On the part of the Member States, Polish workers had limited access to the internal labour markets of the existing Member States for a period of seven years.[51]

At the time of accession, derogations from membership in the Schengen area and the Euro area also applied to Poland. As far as the Eurozone is concerned, Poland has not yet adopted the euro as its currency. Despite the original plans to join the Eurozone between 2012 to 2015, the Zloty is still in use as its currency. At present, no specific date for the adoption of the euro is set. Poland became a member of the Schengen area on 21st December 2007 for land and maritime borders and on 29th March 2008 for airports and airspace.

With regards to Poland, it is also appropriate to note that the Polish government attached Declaration No. 39 to the Accession Treaty, in which it stated that:

> nothing in the provisions of the Treaty on European Union, the Treaties establishing the European Communities and the provisions of the Treaties amending or supplementing those Treaties shall prevent the Polish State from regulating matters of moral importance as well as matters relating to the protection of human life as it sees fit.

By doing so, Poland has explicitly defined itself against EU primary law.

4.2.11. Slovenia

Slovenia was the first former Yugoslav Republic to join the EU.[52] This entry was considered significant because Slovenia represented a successful model of transformation after the partition of Yugoslavia, with an emphasis on political stability and economic growth.[53] At the same time, it was considered one of the best prepared

50 For example, it emerged from the negotiations that the provisions of Directive 77/780/EEC, the so-called First Banking Directive, would not apply to some Polish institutions, these were the *Spółdzielcza Kasa Oszczędnościowo-Krednościowo* (SKOK) and Bank *Gospodarstwa Krajowego* (BGK). In addition, due to the nature of its activities, the Export Credit Insurance Corporation was also excluded from the scope of EU law (Art. 2 of Directive 73/239/EEC).

51 More detailed information can be found in the national report, from which these data are also derived.

52 After the breakup of Yugoslavia, Slovenia gained independence in 1991. A year later, in 1992, it applied for EU membership.

53 It can be perceived that the Slovenian transformation process had a threefold dimension – the transformation of the economic system, the transition from the regional to the national economy and the change from membership of a federal state to a member state of the EU.

candidate countries upon accession. The accession negotiations lasted only six years (from 1998 to 2004).[54]

It also had relatively decent success in pre-accession negotiations, gaining a total of 18 temporary derogations and transitional periods in various areas. One of the most challenging areas in the negotiations was agriculture, in the context of alignment under the Common Agricultural Policy, including subsidies and agricultural standards. Slovenia negotiated a gradual increase in the level of direct payments from 25% in 2004 to 100% in 2013. It was also given the opportunity to supplement direct payments from the national budget.[55] Slovenia also negotiated a transitional period for the implementation of some EU environmental standards.[56] In the area of justice and home affairs, temporary derogations were negotiated for immigration, asylum and border control issues.[57]

Regarding the free movement of workers, Slovenia retained the ability to control access to its labour market. It could therefore apply restrictions on access to its labour market for workers from other EU Member States.[58] Although the original proposal of the European Commission was disadvantageous for Slovenia, the final result of the negotiations was assessed as favourable.

It can be stated that Slovenia continued to integrate rapidly after joining the EU. On 1st January 2007 it was the first of the then newly acceded Member States to introduce the Euro. Slovenia joined the Schengen area also in 2007,[59] and in the first half of the year it took over the presidency of the Council of the EU as the first of the newly acceded batch of countries.

4.3. Bulgaria and Romania – Joint Accession in 2007

In both countries, the issue of EU accession was addressed over the long term. Although they applied to join the EU in 1995 (Romania in June and Bulgaria in December), the state of the countries required longer preparation and fundamental political, economic, sectoral and administrative reforms that would translate into

54 As the National Accession Report shows, the period of real and tough negotiations began at the final stage of the negotiations on the financial package, which included negotiations on inflows from the EU budget to Slovenia as well as on its payments to the EU budget. In fact, the negotiations on the financial package for Slovenia's accession to the EU began in January 2002, when the European Commission published the document 'Common Financial Perspective 2004–2006', in which it defined the basic framework for the discussion on the financial aspects of the candidate countries' integration into the EU, and which was rather disadvantageous for Slovenia.

55 It could start with top-ups of 75% of payments in the existing EU Member States in 2003, with the option of increasing this level by 10% in 2004 and by a further 5% in the next three years.

56 It also received significant funds for rural development, which were mainly aimed at supporting disadvantaged areas and various environmental supports.

57 See the national report on Slovenia's EU accession process.

58 Concerns were mainly in relation to Romania and Bulgaria.

59 On 21 December 2007, Slovenia became a member of the Schengen area for land and maritime borders, and on 30 March 2008 for air borders.

legislative changes. In this respect, it was necessary for both countries to demonstrate the strengthening of their democracies and rule of law; ensuring the protection of human and minority rights, in particular with regards to the Roma minority, reforming the judiciary to increase its efficiency and accountability, and making the fight against high-level corruption and organised crime more effective.

In the economic sphere, the country had to demonstrate the transition to a functioning market economy, the completion of privatisation, the restructuring of the corporate and banking sectors, and the increase of its economic competitiveness. Among other things, reforms in the field of public administration at all levels, decentralisation of the political system and increasing the efficiency and transparency of public services were also necessary.

Given the relatively small progress that has been made over a long period of time, the Cooperation and Verification Mechanism (CVM) was introduced when these countries joined the EU in 2007 to monitor countries' progress in the areas of judicial reform and the fight against corruption. This mechanism was specific to Romania and Bulgaria and constituted an extension of EU conditionality even after the conclusion of the Accession Treaties. The Commission issues reports assessing the progress of Romania and Bulgaria in these areas fairly regularly (usually every six months). Given the satisfactory fulfilment of all the established criteria, this mechanism was formally closed by the European Commission on 15th September 2023.[60] The monitoring of Romania and Bulgaria has continued only through common EU rule of law control tools applicable to all Member States.

Even with the accession of Bulgaria and Romania to the European Union in 2007, the countries were perceived as being together, which is why several common derogations and transitional measures were introduced, but also in terms of protecting existing Member States and the EU. For example, the existence of so-called safeguard clauses, which allowed the benefits of Bulgaria's and Romania's membership to be withheld for up to three years after accession if certain demanding reforms were not completed. The common derogations and transitional measures were intended to ensure a smooth transition of Bulgaria and Romania into the EU structures while protecting the interests of the existing Member States. Each of the existing Member States had the possibility to regulate the access of Bulgarian and Romanian workers to its labour market during a transitional period of seven years.

Restrictions in relation to these countries also concerned the Schengen area, into which they were gradually integrated. They have been partially integrated into the Schengen area since 31st March 2024, by removing controls at airports and ports. They became full members of the Schengen area on 1st January 2025.

60 The conditions for its abolition were met earlier, in November 2022 the European Commission requested the abolition of the Cooperation and Verification Mechanism for Romania and in July 2023 the Vice-President of the European Commission Věra Jourová stated that the Commission is sending a letter to the Council and the European Parliament with a view to close the Cooperation and Verification Mechanism for Bulgaria and Romania.

Despite the above-mentioned common features and very similar transitional measures, it is also possible to identify certain differences in country-specific derogations.[61]

Some EU Member States were sceptical about the accession of these countries, especially Romania. As the national report shows, the internal political situation itself was tense in relation to accession to the EU. Therefore, it was necessary to resolve the issue of accession in such a way that certain guarantees were also given, not only to the acceding countries, but also to the EU.

Thus, the so-called deferral clause was introduced in the Treaty of Accession to the EU, which applied to both Bulgaria and Romania. Art. 39 of the Protocol on the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union provided an option to postpone the date of accession of both countries by one year, from 1st January 2007 to 1st January 2008. This clause allowed the Council of the EU, on the basis of a recommendation from the Commission, to decide to postpone accession if there was clear evidence that the state of preparations for the adoption and implementation of the *acquis* in Bulgaria or Romania was at serious risk of clearly not being ready to meet their membership requirements by the date of accession.

However, there were some differences in the application of this clause for both countries, and this required a unanimous decision of the Council for Bulgaria to activate the deferral clause, while for Romania a qualified majority in the Council, on the basis of a recommendation from the Commission, would suffice if serious deficiencies in the fulfilment of commitments and requirements were identified.[62] As can be seen from the National Accession Report, for the above reasons, Romania did not submit any requests for the negotiation of derogations to the accession process. Nevertheless, in the process of accession negotiations, there was a need to extend the time necessary for the implementation and application of the acquis. In this sense, Romania arranged for 50 transitional periods, which is unique among the countries of the fifth enlargement (the longest period needed for the chapter Environment – twelve years). Despite the initial difficulties, it can be stated that the membership of these countries in the EU currently enjoys relatively high public support.

61 Accession of the Republic of Bulgaria and Romania to the European Union – Treaty of Accession, Protocol and its Annexes.

62 This clause served as a tool to maintain pressure on both countries to continue reforms even after the closing of accession negotiations. The European Commission committed to invoke this 'safeguard clause' if Romania and Bulgaria did not fulfil their commitments on the way to the planned accession to the EU on 1 January 2007.

4.4. Croatia – 2013

Croatia is the last country to have so far passed the accession processes with a positive outcome.[63] On 1st July 2013, it became the twenty-eighth EU Member State, although in the meantime the number of EU Member States has once again stabilised at twenty-seven due to the subsequent exit of the United Kingdom in 2021. Croatia's accession negotiations lasted for a relatively long time, from 2005 to 2011, and were subject to resolving issues related to the International Criminal Tribunal for the former Yugoslavia (ICTY). In addition, Slovenia, then an EU Member State, blocked accession negotiations due to a bilateral border dispute. It was also unfavourable that Croatia's accession took place at a time of economic difficulties when it was in the fifth year of recession with 21% unemployment. Nevertheless, Croatia became the first country to join the EU on its own, and not as part of a wider group.

In the accession process, Croatia did not negotiate any specific derogations; its accession process instead adhered to the standard framework established for all candidate countries.

The negotiations included a review of 35 chapters of the *acquis communitaire*. In addition, four more chapters were included due to concerns about potential difficulties in areas such as agriculture or the environment. Croatia's accession to the EU was, therefore, characterised by compliance with the established protocols without any negotiated temporary or permanent derogations. Instead, Croatia focused on harmonising its legislation with that of the EU's legal framework. Negotiations included addressing issues similar to those of previous candidate countries, where discussions on transitional arrangements were ongoing but did not lead to permanent derogations from the EU law.

After joining the European Union, Croatia had to withdraw from the Central European Free Trade Agreement (CEFTA), as both EU and CEFTA membership are mutually exclusive. Croatia has become part of the EU customs union and the single market and has adopted the EU's common trade policy, including EU trade agreements with third countries, which is not compatible with membership in any other free trade area. Its previous bilateral trade agreements with CEFTA countries have thus ceased to apply.[64]

In order to ensure the smooth integration of Croatia into the EU and, at the same time, to protect the labour markets of the existing Member States from potential

63 The EU-Croatia Accession Treaty was signed on 9 December 2011, a successful referendum on Croatia's accession to the EU was held on 22 January 2012, and on 9 March the Croatian Parliament unanimously ratified the Accession Treaty.

64 By joining the EU, Croatia became part of the Stabilisation and Association Agreements (SAA) that the EU has concluded with most CEFTA countries. These agreements are asymmetrical in nature and provide different terms of trade than CEFTA. This step had a significant impact on Croatia's trade relations, in particular with CEFTA countries. Croatia has lost some preferential conditions of access to CEFTA markets, especially in the area of agricultural products. On the other hand, EU membership has opened Croatia's access to a larger and more competitive European market.

disruptions, Croatia was granted transitional periods. The Accession Treaty provided that Member States could implement transitional measures for a period of up to seven years after accession.[65] This flexibility allowed Croatia to gradually adapt to EU standards while minimising potential economic distortions. Regarding the free movement of workers, there was a seven-year transitional period in three phases (2+3+2).[66] Austria and Germany also had the right to apply transitional periods in the service sectors. The transitional period also covered, for example, agriculture, when transitional quotas for raw cane sugar for refining (transitional tariff quotas for raw cane sugar for refining for a period of three economic years after its accession)[67] and temporary direct payments were established.[68]

For Croatia, there were special rules for joining the Eurozone and the Schengen area. Croatia adopted the Euro on 1st January 2023, making it the twentieth full member of the Eurozone. Similarly, controls at internal land and sea borders were lifted on 1st January 2023 and controls at internal air borders were lifted on 26th March 2023, making Croatia the twenty-seventh member of the Schengen area.

5. Conclusion

As a supranational organisation, the European Union brings together independent states for the purpose of joint integration. At the time of its inception, European integration was rightly referred to as a one-of-a-kind and unique project, built on the desire for joint peaceful cooperation. The foundations of this cooperation, based on the requirements and conditions of the six founding states, assumed favourable development and progress. There was little to complain about this historical concept, as evidenced by the fact that the efforts of other European countries for accession began to appear relatively early.[69]

Each current Member State, with the exception of the six founding Member States, went through an accession process that was created with the best intentions in relation to the acceding State, but also in relation to the EU as a whole. It is natural that the negotiation processes were conducted in an attempt to seek compromise,

65 Act concerning the conditions of Croatia's accession.

66 The first two years (until 30 June 2015) allowed EU Member States to regulate the access of Croatian workers to their labour markets under national law, the next three years (until 30 June 2018) allowed Member States to continue restrictions following notification to the European Commission, and the last two years (until 30 June 2020) allowed Member States to extend restrictions only in case of serious labour market disturbances.

67 This quota was to ensure a smooth transition of the Croatian sugar industry to the new conditions within the EU.

68 Croatia was given the option to complement direct payments up to 100% of the level applicable in Member States that are not new Member States.

69 Greece and Turkey applied for accession in 1959.

but also with the intention of creating a smooth transition to the existing (and often significantly different) system for the acceding state. Naturally, this corresponded to the varying length of accession negotiations.

Austria, Finland and Sweden were the shortest negotiators in the accession process – approximately 1.3 years (negotiations began on 1st February 1993 and ended in 1994). Portugal took the longest to negotiate (6.7 years), followed by Spain (6.3 years) and Croatia (6.2 years), with Croatia's overall accession process taking almost ten years, from its application in 2003 to accession in 2013. On average, the accession negotiations lasted about four years, which is about half of the overall accession process. It is important to note that the length of negotiations often also depended on political factors, the country's readiness for membership and the complexity of the areas negotiated. For example, in the case of Spain and Portugal, negotiations were prolonged due to the economic challenges that these countries posed to the EU.[70]

The nature and length of accession of each new country had its own reasons, consequences and specific characteristics. The first enlargement (Denmark, Ireland, Great Britain) was about improving economic cooperation and political stability in Europe after the crises of the 1960s. The UK sought to revitalise its economy through EU membership. The accession of Greece was about its stabilisation and support for democracy after the fall of a military dictatorship. In the case of Spain and Portugal (1986), it was about restoring democracy in both countries and striving for economic development with the support of the EU. As a result of the accession of Austria, Finland, Sweden in 1995, tensions following the Cold War were eased, and the integration of these countries into the EU common market were anticipated.

During the so-called Major Enlargement of 2004, the countries of Central and Eastern Europe tried to stabilise their democratic systems and economies through EU membership after the fall of communism. The cases of Bulgaria and Romania in 2007 were a continuation of the process of integration of Central and Eastern European countries into the EU. The accession of Croatia in 2013 continued the stabilisation of the Balkans after the wars in the former Yugoslavia.

The enlargement of the EU has brought a number of economic benefits, such as increased trade between the old and new Member States, inflows of investment into the new Member States and improved economic stability and GDP growth in new Member States. However, it has also raised challenges such as concerns about migration from new Member States to older Members and public scepticism about further EU enlargement, especially after the Major Enlargement of 2004.

As the number of Member States grew, so did the number of derogations and transitional periods that were negotiated by the acceding states. With some generalisation, it can be stated that almost every country sought derogations in agriculture and the environment. The accession countries also used the derogations option when joining the Eurozone and the Schengen area. Concerns about the sale of state-owned

70 Pew Research Center, 2022.

land to foreigners were also common, which was also reflected in the negotiation of derogations. States were happy to use the introduction of transitional periods in connection with the opening of their labour market, which naturally restricted the free movement of workers of the acceding states. Most of the derogations and transitional periods were related to the so-called Major Enlargement. Cyprus had a unique situation due to its division. In Malta the transitional period was less extensive due to its smaller economy and area. Estonia and Slovenia faced fewer sweeping reforms as a result of better pre-accession economic conditions. Austria, Sweden and Finland had minimal transitional periods due to their high economic level. All these derogations and transitional periods must be seen in the context of each individual state and application. However their number, structure and importance may change in the future, since the EU, despite the complexity of present times and the modern challenges that the present brings, remains open to other acceding countries. Negotiations are currently ongoing with nine candidate countries, which will also strive to achieve derogations or transitional periods as part of their potential EU membership.

References

Bibliography

bbc.co.uk (no date) 'Lotyšsko' [Online]. Available at: https://www.bbc.co.uk/slovak/specials/1333_new_states/page6.shtml (Accessed: 15 February 2025).

Bilčík, V. (2004) 'Slovensko a Európska únia' in Kollár, M., Mesežnikov, G. (eds.) *Slovensko 2004: Súhrnná správa o stave spoločnosti*. Bratislava: Inštitút pre verejné otázky; p. 443–459.

cvce.eu (no date) 'The fourth enlargement' [Online]. Available at: https://www.cvce.eu/en/recherche/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/167d49c9-64b7-4b47-a3fd-c6553b8b2e1c (Accessed: 15 February 2025).

EU Monitor (2001) 'ENLARGEMENT - Preparation of the next Accession Conference with Malta = Chapter 14:Energy' [Online]. Available at: https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vj6ip9k7i2zj (Accessed: 15 February 2025).

EU Monitor (2019) 'EU integration: MEPs want to end permanent opt-outs from EU law' [Online. Available at: https://www.eumonitor.nl/9353000/1/j9vvik7m1c3gyxp/vkv8i66ml2zb?ctx=vh8lfm8e5rxy (Accessed: 15 February 2025).

EURACTIV.sk (2022) 'Dánsko sa stane súčasťou obrannej spolupráce v Únii' [Online]. Available at: https://euractiv.sk/section/obrana-a-zahranicie/news/dansko-sa-stane-sucastou-obrannej-spoluprace-v-unii/ (Accessed: 15 February 2025).

EUROIURIS (no date) 'Odhalené záhady o Európskej únii Vzdelávanie o Európskej únii na stredných školách' [Online]. Available at: http://eu.euroiuris.sk/pre_pedagogov/podmienky_a_obsah_clenstva_v_eu (Accessed: 15 February).

European Commission (no date) 'Accession criteria' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/glossary_en#accession-criteria (Accessed: 15 February 2025).

European Union (no date) 'Accession criteria (Copenhagen criteria)' [Online]. Available at: https://eur-lex.europa.eu/EN/legal-content/glossary/accession-criteria-copenhagen-criteria.html (Accessed: 15 February 2025).

Figeľ, J., Adamiš, M. (2004) *Slovensko na ceste do Európskej únie. Kapitoly a súvislosti*. Bratislava: Úrad vlády Slovenskej republiky.

Gabel, M.J. (2025) 'The Maastricht Treaty' [Online]. Available at: https://www.britannica.com/topic/European-Union/The-Maastricht-Treaty (Accessed: 15 February 2025).

Government Offices of Sweden (2025) 'Sweden's path to EU membership' [Online.]. Available at: https://government.se/government-policy/30-years-of-sweden-in-the-eu/swedens-eu-membership/ (Accessed: 15 February).

Heywood, A. (2008) *Politologie*. Plzeň: Aleš Čeněk.

Horák, J. (2003) 'Estonské referendum o vstupu do EU překvapení nepřineslo' [Online]. Available at: https://www.novinky.cz/clanek/zahranicni-estonske-referendum-o-vstupu-do-eu-prekvapeni-neprineslo-269145 (Accessed: 15 February 2025).

International Monetary Fund (2004) 'Hungary – 2004 Article IV Consultation, Preliminary Conclusion' [Online]. Available at: https://doi.org/10.5089/9781451817881.002 (Accessed: 15 February 2025).

Klokočka, V., Wagnerová, E. (2004) *Ústavy států Evropské unie.* 1st vol. 2nd edn. Praha: Linde.

Krunková, A. (2023) 'Constitutional Identity and Relationship between European Union Law and National Law of the Slovak Republic' in Varga, Zs., A., Berkes, L. (ed.) *Common Values and Constitutional Identities: Can Separate Gears Be Synchronised?.* Budapest – Miskolc: Central European Academic Publishing, pp. 353–389; https://doi.org/10.54237/profnet.2023.avlbcvci_9.

Malová, D., Láštic, E., Rybář, M. (2005) *Slovensko ako nový členský štát Európskej únie: Výzva z periférie?.* Bratislava: Friedrich Ebert Stiftung.

Marušiak, J., Sládek, K., Zelenák, P. (2008) *Integračné a dezintegračné procesy v strednej Európe v 20. storočí.* Bratislava: Veda, Ústav politických vied SAV a Centrum pre Európsku politiku.

Novinky, J.H. (2003) 'Estonské referendum o vstupu do EU překvapení nepřineslo' [Online]. Available at: https://www.novinky.cz/clanek/zahranicni-estonske-referendum-o-vstupu-do-eu-prekvapeni-neprineslo-269145 (Accessed: 15 February 2025).

Pace, R. (2003) 'Malta and EU Membership: Adaptation, Change and Modernisation', Agora *Without Frontiers*, 8(4), pp. 365–382 [Online]. Available at: https://www.um.edu.mt/library/oar/bitstream/123456789/23209/1/Malta_and_EU_Membership-Adaptation_Change_and%20Modernisation.pdf (Accessed: 15 February 2025).

Pew Research Center (2022) 'How exactly do countries join the EU?' [Online]. Available at: https://www.pewresearch.org/short-reads/2022/07/26/how-exactly-do-countries-join-the-eu/ (Accessed: 15 February 2025).

slovensko.stvr.sk (2024) 'Litva' [Online]. Available at: https://slovensko.stvr.sk/rubriky/aktualne-rubriky/20-rokov-sr-v-eu/367109/litva (Accessed: 15 February 2025).

Sotiropoulou M, CH. (2024) 'Cyprus: 20 years of membership of the European Union, between singularities and a theatre of geopolitical oppositions' [Online]. Available at: https://www.robert-schuman.eu/en/european-issues/759-cyprus-20-years-of-membership-of-the-european-union-between-singularities-and-a-theatre-of-geopolitical-oppositions (Accessed: 15 February 2025).

Žofčinová, V. (2020) 'Public law aspects of work-life balance in Slovak republic from the perspective of european legislation', *The Lawyer Quarterly*, 10(4), pp. 381–392 [Online]. Available at: https://tlq.ilaw.cas.cz/index.php/tlq/issue/view/48 (Accessed: 15 February 2025).

Legal sources

Constitution of the Slovak Republic of 1992 (460/1992 Coll.).

Protocol No. 16 on certain provisions relating to Denmark.

The European Agreement on Association number 158/1997 of the Statutes in the Statutes of the Slovak Republic.

Treaty of Accession of Denmark, Ireland and the United Kingdom (1972).

Treaty of Accession of Greece (1979).

Treaty of Accession of Spain and Portugal (1985).

Treaty of Accession of Austria, Finland and Sweden (1994).

Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (2003).

Treaty of Accession of the Republic of Bulgaria and Romania (2005).

Treaty of Accession of Croatia (2012).

Treaty establishing the European Economic Community of 17 April 1957.

The Maastricht Treaty of 7 February 1992.

Chapter I.6

Conclusion

Michal Petr

The combined insights of the four contributions allow us to draw several overarching conclusions about the nature, evolution and also future trajectory of EU enlargement. Enlargement emerges from this integrated perspective not as a single legal act, but as a transformative process with constitutional, institutional, socio-economic and geopolitical implications for both candidate states and the EU itself.

The historical evolution of enlargement as a constitutional process of normative alignment, described by Petar Bačić, makes it clear that enlargement has gradually evolved into a constitutional enterprise. The accession conditions, especially those stemming from the Copenhagen criteria, have become substantive requirements for participation in a value-based legal order. Democracy, rule of law, human rights and minority protection are now inseparable from accession, and the EU uses enlargement as a mechanism to diffuse and entrench these principles across the continent. This constitutional orientation reinforces the EU's coherence and strengthens its identity as a legal and political community.

Eva Zorková's analysis confirms that enlargement is one of the EU's most administratively complex undertakings. The screening of the *acquis*, negotiation chapters, benchmarks, annual progress reports and inclusion of candidate states in expert groups are designed to ensure that accession proceeds as a rule-based, objective and transparent process. This complexity reflects the structural density of contemporary EU law and the need to ensure that new members can apply and enforce the acquis effectively from day one. Enlargement therefore reinforces the institutional robustness and administrative culture of the EU.

The contribution by Kateřina Frumarová demonstrates that accession is impossible without extensive financial and technical support. The evolution from early programmes to IPA III shows how the EU has integrated financial assistance into a strategic framework that supports legislative alignment, economic stabilisation, public administration reform, infrastructure development and judicial capacity.

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The role of TAIEX and Twinning, the thematic windows of IPA III and specialised instruments such as the Ukraine Facility indicate that support mechanisms are now highly targeted, performance-based and closely aligned with accession priorities. Enlargement therefore relies on a complex ecosystem of legal, economic, and administrative support.

Finally, Alena Krunková's detailed reconstruction of transitional periods and derogations underscores that enlargement necessarily involves differentiated integration. Transitional measures allow both the 'old' and 'new' Member States to adjust gradually to the regulatory demands of the internal market, environmental law, agricultural policy, sanitary standards and labour mobility. Meanwhile, safeguard clauses protect the functioning of the internal market and mitigate risks to the economies or legal systems of the Member States. These arrangements demonstrate that enlargement is not an 'all-or-nothing' proposition; rather, it is a legally and economically calibrated process that balances uniform integration with the practical realities of structural diversity across Europe. The use of transitional periods reinforces legal certainty, economic stability and gradual convergence.

At this point, several observations may be made, which serve as an answer to the first research question of this book. First, the precision as well as complexity of the enlargement process is continuously increasing. Starting with the Copenhagen Criteria, the requirements from the candidates are increasingly precise, as is the methodology of their monitoring. It is thus clear what the EU 'wants'. At the same time, the number of such requirements is growing. Each round of the accession negotiations seems to be more and more demanding. This may be partly attributed to the growing complexity of *acquis*, but the Member States seem to be less 'trusting' *vis-à-vis* the candidates and want to be sure that once 'in', they are truly compatible with the rest of the EU.

Second, and notwithstanding the above observation, enlargement remains deeply political. Although the accession framework is increasingly legalised and institutionalised, political decision-making continues to determine the pace and shape of enlargement. Internal political developments in candidate states, Member State preferences, geopolitical pressures and external crises influence accession trajectories. The recent momentum for Ukraine (and to some extent, Moldova) illustrates that geopolitical destabilisation can accelerate political support for enlargement, even while demanding new legal and institutional responses. Enlargement is therefore inseparable from the EU's role as a geopolitical actor. Thus, as aptly observed by Bacic in his Chapter:

> 'no matter how strict and precise the entire accession process has become, with an increasing number of requirements placed before the candidate countries, determining more objective and measurable standards or benchmarks, it should be noted that enlargement decisions have always been very much motivated by political reasons'.

Third, pre-accession assistance is absolutely necessary. For candidate countries, enlargement means a sweeping transformation, necessitating the reorganisation of political institutions, the reinforcement of judicial independence, modernisation of administrative structures, market liberalisation, environmental reforms and alignment with complex regulatory frameworks. These transformations would be unthinkable without the incentives, guidance, and support provided throughout the accession process by the EU. Similar to the accession criteria, this area has also moved from a set of informal arrangements in the 1970s to a complex regulatory framework that we are dealing with today. Even though strongly streamlined by the IPA III (Instrument for Pre-Accession Assistance) regulation, the processes and conditions still remain to some extent '*opaque*', as Frumerová rightly points out in her Chapter. As she also observes, the process of pre-accession assistance would further benefit from more conditionality – 'both by appropriately 'rewarding' the progress made by candidate countries and responding adequately to insufficient reforms'. Given the extensive time-span of the negotiations process, a clear system of 'rewards' might indeed keep the candidates invested in the lengthy and demanding transformation process. This leads us to the concept of gradual integration, which will be discussed in Chapter I.4.

Fourth, enlargement is not a one-size-fits-all process. The conditions in the different candidate countries vary significantly. Similarly, the conditions of their actual accession may differ. As Krunková observes in her Chapter, 'each new country had its own reasons, consequences and specific characteristics' of accession. With regard to the last rounds of enlargement, we may identify typical transitory arrangements. The new Member States typically need more time to adapt to the agricultural and environmental requirements of the EU. They want to protect their real estates, most commonly arable land, thus limiting the free movement of capital, and the 'old' members tend to protect their labour markets, thus delaying the free movement of persons. Access to the Schengen and Euro Area are postponed. Conversely, other transitory provisions, and even more so permanent derogations from the EU law, tend to be limited in both scope and time. It remains to be seen whether approach is viable for the future.

Fifth, the monitoring of accession requirements has also moved from the pre-accession stage to the period following the accession, when a candidate has become a full Member State. The Cooperation and Verification Mechanism was introduced in case of Bulgaria and Romania, as is described in Zsolt Kokoly's country report on Romania. This is to be expected in future cases as well.

And finally, the increasing number of Member States was linked to internal reforms during the earliest rounds of enlargement. Enlargement is transformative for both candidate states and the EU itself. Future enlargements will thus require the EU to refine its own governance structures, budgetary mechanisms and enforcement tools. The EU's ability to expand while maintaining coherence depends on its willingness to pursue institutional reforms alongside enlargement. This topic will be explored in Chapter I.4.

When viewed as a whole, the four Chapters of this part of the book reveal enlargement as a comprehensive and transformative process grounded in conditionality, institutionalisation, financial support and adaptive flexibility. It is a constitutional mechanism, a governance system, a development strategy and a geopolitical tool. Enlargement strengthens both the EU and the states that join, while challenging all parties to uphold shared values, sustain legal and administrative integrity, and foster economic and social cohesion. The EU's future, its stability, its legitimacy, its geopolitical capacity, and its constitutional vitality, will continue to be closely tied to the evolution of the enlargement model. As the EU faces new challenges and opportunities, enlargement remains not only a policy domain but a defining feature of the project of European integration.

In the next Part of this book, we will therefore raise the question of how successful the enlargement process and integration of the new Member States has been in the past, and what can be done to improve it in the future.

Part II

MEASURING SUCCESSFUL INTEGRATION

Chapter II.1

Introduction



Michal Petr

The second part of this book addresses the second research question identified in the overarching structure of the volume: How successful has the European Union (EU) been in integrating the 'new' Member States, with special emphasis on those that acceded in 2004, 2007 and 2013 and especially on the Central European Countries. This Part aims to synthesise and evaluate the integration performance of these countries through three disciplinary lenses – law, economy and social science. It also provides a conceptual foundation for the following Part III, which shifts attention from new Member States to current candidate countries. By understanding the successes, difficulties, and structural determinants of integration in Central and Eastern Europe, we gain insight into the prospects and challenges facing future enlargements, as well as the reforms needed within the EU to sustain its internal cohesion.

Whereas Part I reconstructed the institutional architecture, normative evolution and procedural framework of enlargement, the present Part moves from process to outcome, examining to what extent the post-communist Member States have succeeded in aligning their legal orders, economies and political systems with those of the EU. Taken together, the chapters in this Part explore the quality, depth and sustainability of integration. Their findings demonstrate that integration is not a uniform or linear process; rather, it is a dynamic and often contested endeavour that must be evaluated in its multidimensional complexity.

As the three rounds of enlargement of 2004, 2007 and 2013 have progressively transformed the EU from a relatively compact 'Western' organisation into a deeply heterogeneous political and legal community, questions surrounding the effectiveness of integration have acquired new urgency. To what extent have the new Member States fully internalised the EU's normative foundations, successfully adapted to its economic structures and developed a political culture compatible with the rest of the EU is not only an academic problem; it has direct implications for the EU's constitutional integrity, economic cohesion and geopolitical capacity.

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Part II consists of three substantial, disciplinary-specific chapters, each devoted to assessing one dimension of integration. The first one focuses on legal alignment. In Chapter II.2, Grzegorz Pastuszko offers a comprehensive analysis of the infringement proceedings initiated against Central and Eastern European (CEE) Member States since their accession. His chapter provides both an analytical overview of the mechanics of infringement actions under Arts. 258–260 TFEU and a detailed empirical mapping of the proceedings initiated between 2004 and 2024. He shows that while early infringement cases predominantly concerned technical failures, such as delays in transposing directives, later years witnessed an increasing number of cases 'dividing the liberal West from the conservative East', i.e. cases based on axiological, social, cultural and constitutional differences, involving politically sensitive issues such as the rule of law, judicial independence, minority rights and migration policy. The infringement procedure thus emerges as a central instrument of post-accession supervision, but also as a site of friction and resistance, especially where EU standards collide with the domestic political agendas of certain governments.

Chapter II.3, authored by Cristina Procházková Ilinitchi, examines the economic effects of EU accession on the new Member States. Her analysis explores GDP growth rates, economic convergence, trade integration, competitiveness, and the role of EU structural and cohesion funds. Her chapter provides robust empirical evidence that accession has accelerated growth and convergence across most of the new Member States, although outcomes have varied depending on domestic governance structures, institutional capacity and the absorption of EU funds. While states such as the Czech Republic, Poland and Slovakia have demonstrated strong post-accession growth, Hungary's trajectory has been more uneven. The chapter also stresses the importance of integration into the EU internal market, which enabled economies of scale, trade diversification and technological upgrading.

Chapter II.4, contributed by János Simon, investigates the political and sociocultural consequences of EU membership in in the Visegrad countries. Drawing on an unparalleled dataset comprising three decades of public opinion surveys, the chapter demonstrates that EU integration has profoundly shaped political attitudes, citizen identities and patterns of regional cooperation. At the same time, Simon highlights the emergence of political fault lines – particularly between 'federalist' and 'sovereigntist' visions of the EU, and between Western liberal and Central European conservative preferences. These tensions, which frequently manifest themselves in debates over migration, sovereignty, minority rights and ultimately the future model of EU integration, have become a defining feature of the political integration landscape in the region.

Taken together, these three chapters illuminate integration as a multilevel transformation, unfolding simultaneously in legal, economic and political spheres. It is clear that legal integration involves more than the formal adoption of the *acquis* during accession process. It requires the sustained alignment of national legal orders with EU law, effective judicial enforcement, and practical compliance with EU norms. Pastuszko shows that although 'new' Member States generally perform on par with

the EU-15 in terms of infringement numbers, the qualitative nature of infringements has evolved significantly: while initial cases focused on transposition, recent conflicts increasingly concern constitutional structures, separation of powers, minority protection and migration policy. This shift reflects the deeper constitutionalisation of EU law, but it has also triggered resistance from some governments, especially where EU norms are perceived as infringing on national identity or political sovereignty. This being said, these 'axiomatic' cases, although drawing most attention from the public, constitute only a fraction of the overall number of infringement proceedings.

Economic integration, through trade integration, convergence, market openness and EU funds, has been one of the most successful dimensions of post-accession developments. Procházková Ilinitchi's results demonstrate that the Visegrad countries experienced substantial growth in the decade following accession, with Poland and Slovakia outperforming EU averages in several periods. Structural and cohesion funds supported infrastructure, innovation and regional development, contributing to the narrowing of disparities. Nonetheless, weaknesses in institutional capacity, public administration and corruption have hampered the full realisation of these benefits in some Member States. Economic integration thus appears promising but uneven, contingent on domestic reforms.

Finally, concerning political integration, it has been demonstrated that it requires the development of democratic norms, civic behaviour patterns and a shared sense of belonging to the European community. Simon's chapter shows that EU integration stimulated democratic consolidation and contributed to rising levels of regional trust and cooperation. The cultivation of a dual identity – simultaneously European and national – has advanced significantly in the Visegrad region. However, divergences in value orientations (e.g. attitudes toward migration, sovereignty, or constitutional identity) pose challenges for deeper political integration. The chapter exposes the cultural and historical factors shaping political attitudes and emphasises that political integration is inherently slower and more contested than economic or legal integration.

Across the three chapters, several common themes emerge. First, integration is path-dependent and context-sensitive. The effectiveness of integration depends heavily on the domestic political trajectory of each state. Changes in political leadership, such as those observed in Hungary or Poland, may strengthen or weaken integration dynamics, especially in value-laden areas like the rule of law or fundamental rights.

Second, integration outcomes are uneven across states and across dimensions. A state may display strong economic performance, but face challenges in legal or political integration. Conversely, a state with relatively smooth legal alignment may struggle economically. Integration is therefore best understood as a multidimensional equilibrium, not as a single metric. It has also been shown that the three areas of integration – legal, economic and political – are inherently interconnected and mutually influence one another. Economic growth is dependent on legal order and

institutions. Legal alignment, especially in the context of infringement proceedings, is influenced by political forces and axiomatic identity values. Political perception is shaped by economic performance.

And third, the EU's instruments of integration evolve over time. The scope and intensity of infringement proceedings, the conditionality attached to EU funds and the political expectations placed on Member States have all evolved since 2004. Recent years have seen the emergence of more assertive EU oversight tools, especially in the rule-of-law domain. This has a substantial impact on the public perception concerning the question, whether the integration had been a success. It also ought to be stressed in this connection that societal perceptions matter. Public support, national identity and collective memory significantly shape the success of integration. Political integration cannot be understood without analysing public opinion and the symbolic dimensions of belonging, which Simon's chapter does in exceptional depth.

Chapter II.2

Compatibility With EU Law in Central and Eastern Europe

Gregorz Pastuszko

Abstract

This study presents the issue of the application of the infringement procedure and its impact on ensuring compatibility with EU law in Central and Eastern Europe. Its main research goal is to show the basic mechanisms of the functioning of the indicated procedure, the trends related to its use in the context of the European integration process and numerical data. The structure of the work, which includes three chapters, is subordinated to this idea: (1) Infringement procedure as an instrument for the implementation of EU law in Member States – general approval; (2) Reasons and trends of applying the infringement procedure against the countries of Central and Eastern Europe; (3) Conflict proceedings against Central and Eastern states – topics and numbers.

Keywords: compatibility with EU law, violation of EU law, infringement proceedings, European Comission, Central and Eastern Europe, EU Member States

1. Introductory Remarks

One of the foundations and conditions of the European Union's existence is the need for its Member States to implement and comply with the law laid down by its institutions. This necessity stems from the logic of the organisation and is related to ensuring coherence and harmony in its functioning and further development. At its

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core is the assumption of systemic regulation at supranational level of a number of areas of economic and social life covered by the EU agenda. Central to this is the idea that

> The single market, but also the community of principles and values beyond the purely market aspects of integration, requires a single, coherent legal framework. The legal systems of the Member States must work as an interconnected system.[1]

Guided by the above-mentioned necessity, the EU treaties introduce a number of legal instruments through which the EU institutions can exert effective influence on the Member States and force them to adapt their institutional and legal systems to the requirements arising from the *acquis communautaire*. The existence of such tools come from the rich experience of European integration[2] and aims to create mechanisms for the central coordination of the implementation of EU regulations. It gives the relevant institutions a real opportunity to seek compliance of national legislation with European Union legislation. It is enough for them to perceive a breach of treaty obligations by a Member State, and the right to take legal action automatically on their side. Undoubtedly, concerning the existence of such a complex and extensive structure as the EU legal system and, at the same time, taking into account the individual states' pursuit of their own autonomous policies (and the related temptations), the use of such institutional mechanisms must be considered a necessity. Only in this way can the coherence of the European legal space be preserved and the Union as a legal and political community strengthened as a result.

The use of these instruments may transpire in various situations. This includes, for example, the refusal by national authorities to implement a Union directive or its incorrect or late implementation, the adoption of legislative measures that are not in line with Union law, the failure to adopt such measures resulting in a breach of Union law, the application of national provisions by public authorities in a manner contrary to Union law, the incorrect application of Union law, etc.

It should be noted that actions of non-implementation or faulty implementation of the *acquis communautaire* on the part of Member States may have various origins. Sometimes they involve a refusal to implement due to their particular national interests or axiological barriers, and occasionally they are the result of the incorrect transposition of certain norms into the national legal order, erroneous interpretation or even complete disregard. In this respect, the reasons may vary extensively.

Among the instruments indicated above, particular attention should be paid to the infringement procedure. This procedure is widely applied to all Member States of the European Union. This, of course, also applies to the Central and Eastern European

1 Popowski, 2018.

2 The first case concerning non-compliance was decided by the Court of Justice of the EU on 19 December 1961, i.e. at the time of the creation of the forerunner of the European Union, the European Economic Community, in 1958. On 19 December 1961; Johansson and Larsson, 2022, pp. 1–18.

countries, which, since joining the European Union, have had to address the challenges arising from its practical application. As experience to date has shown, although the use of this instrument by European institutions in their relations with these countries is, for the most part, an effective means of correcting and shaping national legislation, it is also sometimes a source of tension and conflict. The solutions imposed on the authorities of these countries are not always welcomed; on the contrary, they sometimes provoke resistance. This chapter aims to present trends and statistics related to the use of infringement proceedings against Central and Eastern European countries. It also serves to highlight the importance of these proceedings in shaping relations between EU institutions and countries in this region.

2. Infringement Procedure as an Instrument for the Implementation of EU Law in Member States – General Approach

The infringement procedure regulated by Arts. 258–260 of the Treaty on the Functioning of the European Union is at the forefront of the mechanisms in question. Due to the subject of this paper, it is worth presenting its basic premises.

By its very nature, the infringement procedure is a tool to force a Member State to respect the rules of EU law. By utilising the procedure,

> the European Commission pursues legal action against Member States for failing to comply with their obligations under EU law. These decisions, covering various sectors and EU policy areas, aim to ensure the proper application of EU law for the benefit of citizens and businesses.[3]

This is precisely the purpose of the procedure initiated.

The indicated procedure consists of two phases. The first is pre-litigation, that aims to reach an amicable settlement of the relevant case. The second involves court proceedings and applied when previous efforts have failed.

The European Commission plays a key role in the pre-litigation phase. It is the Commission that is competent to examine if a Member State has failed to fulfil one of its Treaty obligations and take action accordingly. As noted in the literature, for the European Commission – the 'guardian of the treaties' – this possibility is a particularly important instrument of political power. As a result, the Commission gains the ability to discipline the governments of Member States that do not recognise or comply with the norms of Community law.[4] When mentioning the important role

3 European Commission, 2025.
4 Höreth, no date.

played by the Commission, it should be remembered that the essence of the procedure in question is a dialogue between the Commission and a given Member State, aimed at exchanging opinions and presenting possible ways to remedy the existing situation. It is only the failure of this dialogue that triggers steps aimed at applying institutional coercion.[5]

The only exception, when it comes to initiating the procedure, is the procedure specified in Art. 259 of the Treaty on the Functioning of the European Union. In this case, the entity initiating the proceedings is a Member State that is acting against another Member State. As the provision states *in concreto*, 'any Member State may bring a case before the Court of Justice of the European Union if it considers that another Member State has failed to fulfil one of its obligations under the Treaties'; before a Member State brings an action against another Member State alleging a breach of an obligation incumbent on it under the Treaties, it should bring the matter before the Commission.

As for the details of the procedure specified in Art. 258 of the Treaty on the Functioning of the European Union, it should be emphasised that the Commission has, in principle, a discretionary right to initiate infringement proceedings. As soon as it receives information that a specific violation has occurred, it is faced with the possibility of taking actions specified in Art. 258 of the Treaty on the Functioning of the European Union. The final decision in this regard rests entirely with the Commission. It is not important on whose initiative the Commission acquires the relevant knowledge (sources of information include – in addition to the Commission's own findings – e.g. – np. complaints from private individuals, a parliamentary question, petitions filed with the Petitions Committee of the European Parliament; complaints filed with the European Ombudsman; cases referred to the CJEU through the referral procedure of Art. 267 TFEU,[6] media information, press reports, etc.).[7] Either way, the Commission remains the decision-maker. As emphasised in the scientific literature,

> In practice, a proposal to launch such proceedings emanates from the Directorate or Directorates General concerned, after consultation with the Legal Service and the Secretariat General of the Commission. Once such a proposal is made by the competent services, it goes to the political level. The members of the cabinets of the different Commissioners may reach a consensus (or, in the more sensitive cases, a consensus may be reached at the level of the chefs at a 'HEBDO' meeting), in which case the matter will be presented as part of the 'A points' on the agenda of the College of Commissioners.[8]

5 Radivojević and Raičević, 2017, p. 172; See also: Augustyniak, 2014, p. 794.
6 De Schutter, 2017, p. 10.
7 Borissova, 2007, p. 9.
8 De Schutter, 2017, p. 14.

In some cases, upon receiving information about a violation, it may be necessary to use Art. 258 of the Treaty on the Functioning of the European Union. The Commission will then be obliged to take action in this manner. This is pointed out by Łukasz Augustyniak, who says:

> Such a situation occurs when a Member State does not notify in the national Database of implementing measures, the measures transposing a specific directive within the deadline specified therein, without indicating its full transposition. Such an omission will result in the system integrated with this database automatically generating a list of unimplemented directives when reviewing transposition measures (once every two months), and a letter of formal notice will be sent to the Member State, constituting the first stage of the procedure referred to in Art. 260, Section 3 FEU.[9]

When initiating infringement proceedings, the European Commission is guided by the suspicion that a specific Member State has failed to fulfil its obligations. It does not matter whether the infringement was the result of an act or omission of that state.[10] Neither the moment of occurrence of the detected infringement, nor the legal issue to which the infringement relates is important (the literature refers to treaty-based infringes, legislation-based infringements and charter-based infringements).[11] In all these cases, Art. 258 of the Treaty on the Functioning of the European Union opens the possibility for the Commission to react to a perceived infringement. However, it is debatable whether this procedure is only suitable for investigating incidental cases of failure to fulfil obligations or whether it can also be used to address systemic breaches.[12] The admissibility of this last variant is indicated by Kim Lane Scheppele, who clearly supports the recognition of the Commission's authority to counteract structural (general and continuous) deficiencies using this instrument. According to the author, such an approach has a chance to work, especially in a situation when the Commission is faced with problems related to a

9 Augustyniak, 2014, p. 751.
10 Taborowski, 2019, p. 218.
11 De Schutter, 2017, pp. 28–33.
12 Taborowski, 2019, p. 233.

violation by a given Member State of the principle of the rule of law established by Art. 2 of the Treaty on European Union.[13]

From a formal point of view, the procedure begins when the Commission sends a letter of formal notice to a Member State. However, it must be remembered that before taking this step 'the Commission develops informal contacts with the national authorities of the Member State concerned, in order to obtain all the information required (…)'.[14] It does this either in order to find a common solution for both sides or to prepare its position.

In the letter of formal notice, the Commission requests further information from the Member State and presents formal allegations relating to the alleged infringement. Additionally, in accordance with established political practice, it sets a deadline for taking a position on the matter and taking an appropriate response from the national authorities. As a rule, this period is two months, although individual notifications may have exceptions in this respect. If a Member State covered by the infringement procedure responds in an unsatisfactory manner and thus does not meet the expectations of the European Commission, then the Commission becomes empowered to issue the so-called reasoned opinion. This document contains the final scope of the allegations brought against a given country and at the same time indicates the deadline within which the Member State should eliminate the detected violation.[15] For national authorities, this means that, taking into account

13 As K.L. Schpelle argues for the purposes of this thesis: '(…) the infringement procedure created in arts. 258 and 260 of the Treaty on the Functioning of the European Union (TFEU). The Commission could signal systemic breach of fundamental Treaty obligations by a Member State by bundling a group of specific alleged violations together to argue before the Court of Justice of the European Union (CJEU) that the infringement of EU law in a Member State is not minor or transient, but systemic and persistent. Unlike the usual infringement procedure in which narrowly focused elements of Member State action are singled out for attention one at a time, a systemic infringement procedure would identify a pattern of state practice that, when the individual elements are added up, constitute an even more serious violation of a Member State's fundamental EU obligations than the individual elements, taken separately. It is this pattern that would give rise to the finding of a systemic breach'. And further in another study: 'A systemic infringement action could put the various pieces of the puzzle together as a coherent whole under art. 2 TEU to enable the Commission to demonstrate that the specific issue (e.g. the lowering of the judicial retirement age) is connected to a larger pattern (e.g. a set of sudden changes to the way that judges are appointed, promoted, demoted and disciplined in Hungary). This set of legal changes could then be presented as evidence of a systemic threat to judicial independence which itself is a crucial component of the rule of law as protected by art. 2 TEU. A systemic infringement action under an art. 2 TEU banner would then enable the Court of Justice to assess systemic violations, which would be necessary for establishing a threat to the basic values of the treaties'; Scheppele, 2013; However, Kochenov and Pech raise reservations about this interpretation. The authors point out that 'art. 7 TEU does refer explicitly to the values laid down in art. 2 TEU and to that extent, it may be argued that art. 2 TEU comes within the *lex specialis* of art. 7 TEU and as such, cannot be used to trigger legal actions outside of this framework. In other words, art. 2 TEU cannot be relied upon by the Commission to initiate an infringement action under art. 258 TFEU'. So, as it can be seen, this issue is not undisputed. Kochenov and Pech, 2015, p. 520.

14 De Schutter, 2017, p. 11.

15 Craig and de Búrca, 2011, p. 418.

the Commission's position, they must restore the legal situation. If they fail to fulfil this obligation, they risk a complaint being brought against them to the Court of Justice of the European Union. Although the Commission does not have to use this measure, there is generally no reason to prevent it from being used if considered an appropriate solution to the problem.

It is worth adding that the practice of initiating infringement procedures is permanent and cyclical. Each month, the European Commission announces a package of infringements against specific Member States and thus takes legal action. Experience to date shows that all Member States must take into account several or several dozen such proceedings against them each year.

In the event of a decision to take legal action, the European Commission will only submit a complaint after the deadline set in the reasoned opinion.[16] It does so pursuant to Art. 258 of the Treaty on the Functioning of the European Union, which states that if a Member State does not comply with the opinion within the deadline set by the Commission, it may refer the case to the Court of Justice of the European Union.

In the complaint, the Commission formulates allegations against a given Member State, which usually constitute a repetition of the allegations contained in the reasoned opinion (it is possible to limit the content of these allegations, but they cannot be extended to include allegations that were not considered in the pre-litigation phase). In this way, it determines the scope of the dispute between them, and in effect indicates what specific infringement is to be resolved.[17] As a rule, the Commission has the right to withdraw a submitted complaint if, during the ongoing proceedings, the Member State concerned takes corrective actions and restores the situation in accordance with EU law. However, there is no requirement for the Commission to act automatically in this respect, as it may as well – if it deems it appropriate – maintain the complaint. As the Court's case-law notes,

> One reason for allowing the Commission to maintain its action in such circumstances is that the subsequent judgement may be of substantive interest as establishing the basis of a responsibility that a Member State can incur as a result of its default, as regards other Member States, the Community or private parties.[18]

During ongoing court proceedings, it is the Commission's responsibility to prove that the infringement has actually taken place (it therefore bears the burden of proof).[19] The Member State against which the complaint has been brought thus maintains a defensive position and its procedural role is only to provide arguments challenging the Commission's claims. If the Court agrees with the Commission's

16 Taborowski, 2019, p. 220.
17 Augustyniak, 2014, pp. 753–754.
18 *Commission v. Italy*, Judgment of 7 February 1973 (EU:C:1973:13), para. 11, Case 39/72.
19 Radivojević and Raičević, 2017, p. 174 (with the case law cited therein).

position, it will establish an infringement on the date of issuing the reasoned opinion. It is therefore irrelevant if in the meantime the Member State has implemented appropriate measures and eliminated the alleged inconsistency with EU law.[20]

A judgement of the Court which indicates a breach of obligations under EU law is obviously enforceable. As established case law shows, the starting date in this respect is the day of announcement of the judgement,[21] and the end date is determined by the so-called reasonable deadline (the deadline is set by the Commission in its reasoned opinion).[22]

The issue of the effectiveness of the implementation of the judgement by a Member State is assessed by the Commission, which has the authority to do so as a consequence of the instruments at its disposal. If the Commission considers that a Member State has not taken measures to comply with a judgement of the Court, it may, acting pursuant to Art. 260, Section 2 of the Treaty on the Functioning of the European Union – refer the case to the Court of Justice of the European Union, after having given that country the opportunity to submit its observations. In doing so, the Commission shall indicate the amount of the lump sum or penalty payment to be paid by the Member State concerned which it considers appropriate under the circumstances.

The Tribunal adjudicating on the case finally issues a decision in which it agrees or disagrees with the Commission's position. If, like the Commission, the Tribunal finds that the national authorities have not complied with the decision, it imposes a lump sum or periodic penalty payment on the Member State; these sanctions may be applied both individually and jointly. The admissibility of this last variant is controversial from the aspect of the literal wording of Art. 260, Section 2 of the Treaty on the Functioning of the European Union, argues the Court itself. In one of the judgements, it indicates that judges have in this respect

> (...) a wide scope of discretion in imposing financial sanctions, and the fact that in some cases only one of the penalties was imposed, and in others both penalties were imposed jointly, does not in itself constitute a violation of the principle of equality, because the type of sanctions and their amount depend on the circumstances of a specific case (…).[23]

Additionally, the Commission, acting pursuant to Art. 260, Section 3 of the Treaty on the Functioning of the European Union, has the right to bring an action before the Court if it finds that a Member State has failed to fulfil its obligation to notify the measures taken to transpose a directive adopted in accordance with the legislative procedure. In that complaint, the Commission shall indicate if it

20 Taborowski, 2019, p. 221.
21 Kilbey, 2007, p. 743.
22 See Sikora, 2011.
23 Augustyniak, 2020, p. 12.

considers it appropriate, the amount of the lump sum or periodic penalty payment to be paid by the state concerned. The Tribunal deciding the case assesses the validity of the Commission's demands, including the application of the indicated sanctions. If it decides to impose them (it does not have to), it acts within the limits of the amount indicated by the Commission. Moreover, it determines the day when the payment obligation imposed by the judgement becomes effective.[24] The literature on the subject notes that in the event of finding only a breach of the obligation to submit an appropriate notification by a Member State, without, however, failing to fulfil the obligation to transpose the directive itself, 'the Court should probably consider only finding a failure without imposing any sanctions on the Member State that fails to meet its obligations'.[25]

It is also worth emphasising that the sanctions used by the Court of Justice of the European Union: a lump sum and a financial penalty are a form of economic pressure aimed at persuading a given Member State to remedy the identified infringement. Therefore, by definition, they are not intended to compensate for any damage caused by the Member State concerned and, at least formally, they remain devoid of any elements of political assessment.[26]

The periodic penalty payment, which is an amount charged in principle for each day of delay in implementing a judgement of the Court,[27] is calculated by multiplying the base rate expressed for each Member State separately in Euro by the coefficient 'n' and also by the seriousness coefficients (from 1 to 20) and duration (from 1 to 3).

When setting financial penalties, the Court is required to take into account the principle of proportionality. This principle, developed in the case law of the Court, is applied when the circumstances of the case require it. As the Court emphasises,

> (...) in order for a financial penalty to be appropriate to the particular circumstances of the case and proportional to the infringement, the amount must take into account the progress made by the defendant Member State in implementing the judgement.[28]

It also assumes that '(...) the amount of the periodic penalty payment may be reduced by taking into account the gradual implementation of the judgement'.[29]

A lump sum is a different amount, which is an amount calculated in advance for each Member State individually. The existence of a lump sum means that states cannot pay below this amount, regardless of the gravity of the infringement. As the Commission states in its Communication on this issue, setting a minimum rate in this case allows '(...) to avoid the imposition of purely symbolic penalties that do not

24 Radivojević and Raičević, 2017, pp. 186–188.
25 Wahl and Prete, 2014, p. 186.
26 Compare: Górka, 2006, pp. 61–75.
27 Półtorak, 2012, p. 283.
28 Judgment of the CJEU of 25 November 2003, *Commission of the European Communities v. Kingdom of Spain*, C 278/01.
29 Order of the CJEU of 11 July 2013, *Italian Republic v. European Commission*, C-496/09.

have a deterrent effect, which may lead to undermining the authority of the Court rather than strengthening it'.[30] The lump sum is the product of the base amount and the Member State's ability to pay ratio.[31] The Commission may also request the Court of Justice to impose a lump sum on a daily basis. In such a situation, it proposes

> that the Court should fix the amount of the lump sum by multiplying the daily rate by the number of days in which the failure to fulfil obligations was due, starting from the date of delivery of the judgement under Art. 226 until the date on which the deficiency was eliminated, or – if this did not happen – until the date of delivery of the judgement under Art. 228.[32]

3. Reasons and Trends of Applying the Infringement Procedure Against the Countries of Central and Eastern Europe

As mentioned earlier, ensuring compliance of the legal orders of the Member States and the European Union remains conditional on the desire to strengthen the European Union as a political and legal organisation. There is no doubt that if Europeans want to tighten the framework of transnational cooperation and express interest in further expanding the ties connecting them, they must strive to ensure that the EU legal space is as tight as possible and that individual countries adapt their actions to the normative rules of the *acquis communautaire*. Activities in this field are certainly a key factor in the integration process and serve to remove existing barriers. The development of the European Union and its gradual transformation into an increasingly homogeneous entity depends on their implementation.

Of course, the process of implementation and proper application of European Union law may encounter – and in practice often encounters – certain difficulties. After all, it is impossible to expect that in the organisation of 27 countries it will proceed uninterrupted and be fully successful in every case. This is all the more justified because Europe has always been characterised by the diversity and strong legal individualism of its Member States. The resulting barriers still, to this day, have a negative impact on the implementation of EU law at the national level.

Problems related to the implementation of EU law naturally also concern the countries of Central and Eastern Europe, which have joined the Union relatively

30 Point 20 of the Commission Communication – Application of Art. 228, SEC/2005/1658/, SEC(2005) 1658.

31 See Świstak and Tkaczyński, 2015, pp. 270–271.

32 Point 21 of the Commission Communication – Application of Art. 228, SEC/2005/1658/, SEC(2005) 1658.

recently. These countries – like all other members – face their own internal difficulties, and at the same time, when pursuing specific policies, they often prioritise and serve their own interests. Therefore, resistance may sometimes arise in their actions when it comes to introducing specific solutions and, consequently, problems with adapting their own legislation to that of the European Union.

When talking about the countries of Central and Eastern Europe in the context of ensuring compliance of the law of Member States with EU law, we cannot forget about the long path these countries have taken after the fall of communism to join the European Union. Aspiring to be part of this organisation, they undertook a huge effort in the 1990s to transform their own legal order and reorient it towards modern free market democracies. This process took place in close cooperation with European Union institutions and was carried out with the systemic and permanent involvement of both parties. It resulted in profound transformations, which meant the rejection of outdated solutions of the socialist period and the adoption of regulations consistent with EU law. Of course, in each case it was individual and its goal was to properly shape the legislation of specific countries. However, it cannot be ignored that due to the common historical heritage, including the most recent experiences of the region in this part of Europe, it largely encountered the same problems and faced similar obstacles. This inevitably facilitated actions taken by EU institutions and national authorities.

As is known, the accession negotiations of the indicated countries were in all cases a complete success. The degree to which national legislation was compatible with EU law was praised, stating that candidates from Central and Eastern Europe were up to the challenge. There were differences in this respect, but they were not significant enough to affect the ability of countries with the lowest level of implementation to obtain membership. Peter Hill and Christopher Knill wrote eloquently about this recently, emphasising that

> Those countries that had applied for membership of the European Union (EU) during the 1990s have undergone transformation of unprecedented scope and speed in order to bring their economic and political structures in line with EU standards. This implied far-reaching reforms of legislation, administration and macroeconomic policies. Most scholars agree that this process has been driven by the conditionality of EU membership and its prospective gains for the candidate countries. However, the candidate countries have not carried out reforms at a steady pace and with equal success. Both between countries and across time, variation has occurred in the implementation of the acquis communautaire.[33]

Fulfilment of the obligations to harmonise national orders with European law, which resulted in gaining membership in the Union in 2004 (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia) and 2007 (Bulgaria,

33 Hille and Knill, 2006, p. 532.

Romania), respectively. (Bulgaria, Romania), opened a new phase in the operation of freshly acceded Member States and thus brought new challenges in terms of the need to seek compliance of the national law with the European Union law. From that moment on, these states – like the other countries of the so-called 'Old Fifteen' – took on the permanent burden of shaping the legal system already as part of the community. This entailed staying active in several areas. They included specifically: adapting their legislation to European law in the areas covered by the transition periods, introducing, on an ongoing basis, solutions appearing in the EU legal system and requiring implementation, developing further national orders towards their alignment with the requirements and standards flowing from EU law, exercising caution in the process of drafting their own regulations so as not to violate Community rules, implementing the rulings of the Court of Justice of the European Union forcing changes in national legislation, and finally refraining at the level of institutional actions from manifestations of law application in a manner in conflict with EU law.

Naturally, the steps taken in this regard have not been without problems or difficulties. Although, for the most part, they showed goodwill on the part of the states in question and evidenced a commitment to the legal integration process of the Union, some of them were judged by the EU institutions to be incompatible with European law and consequently subjected to infringement procedures. This was already evident in the period immediately following accession. As Lora Borissova notes, the infringement procedure was of crucial importance to the new Member States, and also

> (…) of high relevance to the candidate countries that have applied for accession to the EU. On the one hand, they have to adopt the whole acquis upon accession with only few transitional periods granted in a limited number of areas. New Member States have already submitted a large number of transposition notifications to the Commission. On the other hand and despite their huge efforts, new Member States experience considerable difficulties in implementing directives and other EC legislative instruments. The process of implementation is a challenging stumbling block for all new Member States.[34]

The situation did not change either in the next course of European integration, i.e. already after the adoption of the Lisbon Treaty. Problems related to failure to comply with the European law continued to arise, in more than one case triggering an infringement procedure. The predominant cases were – as before – those determined by difficulties in implementing directives, although these were compounded – and this was undoubtedly a novelty – by cases based on axiological, social, cultural and constitutional differences (i.e. those dividing the liberal West from the conservative East). The latter were generally the result of tensions between the European

34 Borissova, 2007, p. 5.

Commission and individual Member States and involved the deliberate pursuit by national authorities of their own policies. They often resulted from the pursuit of their own interests and at the same time to defend their own point of view in certain issues. This was clear evidence that efforts to ensure the compatibility of national law with European Union law did not necessarily have to take place in an atmosphere of consensus; on the contrary, they can give rise to numerous and serious animosities in relations between Member States and the European Union.

We could see it clearly in some of the cases to which Hungary, Poland, the Czech Republic and Slovakia were parties. These countries, in the context of numerous infringement proceedings initiated against them (sometimes against several of them simultaneously in the same cases), clearly resisted the Commission's requests, evading the obligation to adapt their legislation or the practice of their public institutions to the recommendations proposed by the Commission, or, alternatively, fulfilling this obligation with great reluctance. Their attitude resulted in the Commission's actions ending with different results and at different stages of the infringement procedure.

In the case of Hungary, for example, there have been very high-profile situations where this procedure was triggered in the context of accusations by the European Commission of violating the rule of law and the rights of sexual minorities,[35] restriction of media freedom,[36] undermining the independence of the Hungarian

35 For example in 2021 the Commission opened infringement procedure against Hungary concerning the adopted law, which in particular prohibits or limits access to content that promotes or portrays the so-called 'divergence from self-identity corresponding to sex at birth, sex change or homosexuality' for individuals under 18; and a disclaimer imposed on a children's book with LGBTIQ content. As stated in the Commission Press Release on this matter: 'On 23 June 2021, Hungary published a law that lays down a number of restrictive and discriminatory measures; in particular, it prohibits or limits access to content that propagates or portrays the so-called 'divergence from self-identity corresponding to sex at birth, sex change or homosexuality' for individuals under 18. The protection of minor is a legitimate public interest which the EU shares and pursues. However, in this case Hungary has failed to explain why the exposure of children to LGBTIQ content as such would be detrimental to their well-being or not in line with the best interests of the child'; see European Commission, 2021.

36 For example in 2021 the Commission launched an infringement procedure against Hungary, following the Hungarian Media Council's decisions to reject Klubradio's application on the use of radio spectrum on highly questionable grounds. In this case the Commission took the position '(…) that the decisions of the Hungarian Media Council to refuse renewal of Klubradio's rights were disproportionate and non-transparent and thus in breach of EU law'. The Commission also considered '(…) that the Hungarian national media law has been applied in a discriminatory way in this particular case'; see European Commission, 2022.

judiciary,[37] violation of the principles of European migration law[38] or limiting the principle of democracy and the electoral rights of EU citizens (such as the right to respect for private and family life, the right to protection of personal data, the freedom of expression and information, the freedom of association, the electoral rights of EU citizens, the right to an effective remedy and to a fair trial).[39] In the case of Poland, such situations mainly included disputes with the European Commission relating to the reform of the justice system, in which a key allegation was made of violating the

37 For example in 2012 the Commission opened an infringement procedure against Hungary regarding the constitutional reform in the context of the problem of judiciary independence. This is what the Commission's official statement on this matter says: 'Hungary has failed to provide an objective justification for reducing the mandatory retirement age for judges, prosecutors and public notaries from 70 years to 62 years within a time span of only one year. EU rules on equal treatment in employment (Directive 2000/78/EC) prohibit discrimination at the workplace on grounds of age, which also covers a reduction of the retirement for one profession without an objective justification. Following the Commission's letter of formal notice of 17 January, Hungary only proposed a clause that would allow to extend in individual cases the retirement age of a judge beyond 62 if the judge passes a review by the National Judicial Council of his 'professional and medical aptitude' and within the limit of a pre-determined annual quota. This proposal does not comply with EU law because such extensions may be arbitrary, apply only in individual cases and they do not address the Commission's main concern: the transitional periods must be sufficiently long to protect the judges' legitimate expectations and avoid the contradictory effect of a sudden drop (in 2012) and then a slow rise (as from 2014) of the mandatory retirement age'; see European Commission, 2012.

38 In 2015 the Commission opened an infringement procedure against Hungary concerning its asylum law, to be exact – the adopted Hungarian asylum legislation. The Commission assessed the Hungarian legislation in some instances as incompatible with EU law (specifically, the recast Asylum Procedures Directive (Directive 2013/32/EU) and the Directive on the right to interpretation and translation in criminal proceedings (Directive 2010/64/EU)); see European Commission, 2015. In 2017 the Commission launched an infringement procedure against Hungary (as well as against Poland and the Czech Republic) for non-compliance with their legal obligations on relocation. The allegations raised concerned violations of two Council Decisions in September 2015 (Council Decision (EU) 2015/1523 and Council Decision (EU) 2015/1601), in which Member States committed to relocate persons in need of international protection from Italy and Greece. This concerned specifically the temporary emergency relocation legislation established in two Council Decisions in September 2015 (Council Decision (EU) 2015/1523 and Council Decision (EU) 2015/1601), in which Member States committed to relocate persons in need of international protection from Italy and Greece. The reason for initiating the procedure was that 'Despite the confirmation by the Court of Justice of the EU of the validity of the relocation scheme in its ruling of 6 September, the Czech Republic, Hungary and Poland remain in breach of their legal obligations. The replies received were again found unsatisfactory and three countries have given no indication that they will contribute to the implementation of the relocation decision'.

39 For example in 2024 the Commission started an infringement procedure after determining that the Hungarian, newly established legislation – Defence of National Sovereignty, which was adopted by the Hungarian Parliament on 12 December 2023 and has been in force since 22 December 2023, violated 'several provisions of primary and secondary EU law, among others the democratic values of the Union; the principle of democracy and the electoral rights of EU citizens; several fundamental rights enshrined in the EU Charter of Fundamental Rights, such as the right to respect for private and family life, the right to protection of personal data, the freedom of expression and information, the freedom of association, the electoral rights of EU citizens, the right to an effective remedy and to a fair trial, the privilege against self-incrimination and the legal professional privilege'; see European Commission, 2024.

principle of independence of the judiciary,[40] although there were also high-profile cases of discrimination against sexual minorities[41] and migration law.[42] Finally, in the case of the Czech Republic and Slovakia, cases of violation of the rights of national

40 For example in 2019 the Commission launched an infringement procedure against Poland regarding the new law on the judiciary of 20 December 2019, which entered into force on 14 February 2020; As highlighted in the Commission press release: 'The new law on the judiciary undermines the judicial independence of Polish judges and is incompatible with the primacy of EU law. Moreover, the new law prevents Polish courts from directly applying certain provisions of EU law protecting judicial independence, and from putting references for preliminary rulings on such questions to the Court of Justice. After carrying out an analysis of the legislation concerned, the Commission concluded that several elements of the new law violate EU law'; see European Commission, 2020; Also in 2019 the European Commission launched an infringement procedure regarding the new disciplinary regime for judges. As it was emphasised in the press release: 'The Commission considers that Poland failed to fulfil its obligations under art. 267 of the Treaty on the Functioning of the European Union (TFEU), which enshrines the right of courts to request preliminary rulings from the European Court of Justice. As developments in Poland show, the new disciplinary regime allows for judges to be subject to disciplinary proceedings for the content of their judicial decisions. This includes decisions to refer questions to the Court of Justice. As judges are not shielded from being exposed to disciplinary sanctions for exercising this right enshrined in art. 267 TFEU, the new regime creates a chilling effect for making use of this mechanism. The functioning of the preliminary reference mechanism – which is the backbone of the Union's legal order – requires national courts to be free to refer to the European Court of Justice any question for a preliminary ruling that they consider necessary, at whatever stage of the proceedings'; see European Commission, 2019.

41 In 2019 the Commission launched an infringement procedure against Poland regarding LGBT discrimination as '(…) the Polish authorities failed to fully and appropriately respond to its inquiry regarding the nature and impact of the so-called 'LGBT-ideology free zones' resolutions adopted by several Polish regions and municipalities'. The Commission adopted in this regard that '(…) several Polish municipalities and regions adopted resolutions on the creation of so-called 'LGBT-ideology free zones'. The Commission is concerned that these declarations may violate EU law regarding non-discrimination on the grounds of sexual orientation. It is therefore necessary to carry out a detailed analysis of the compatibility of the resolutions with EU law. In order to complete this assessment, the Commission needs adequate and comprehensive information from the Polish authorities'; see European Commission, 2021.

42 Similarly to the infringement procedure initiated against Hungary in 2017.

minorities, specifically the Roma minority,[43] have become known – covered by the infringement procedure.

In the case of Hungary and Poland, particular emphasis should be placed on the significant evolution that has taken place in the European Commission's use of infringement proceedings in cases concerning judicial reforms carried out in these countries. While initially, in the context of the first disputes with Hungary, the actions taken in this regard were '(...) based on a narrow understanding of the procedure of Art. 258 TFEU, which the Commission considered, could only be used to tackle national measures falling squarely within the scope of EU law', in other words '(…) the official reaction of the Commission at the time was to see the Hungarian problem merely as an issue about the correct application of EU law',[44] but later, when similar Polish cases appeared alongside the Hungarian ones, these actions took on a different character, i.e. they moved towards a 'values-protection' strategy, which consisted in the fact that '(...) the Commission has started using much more 'direct' infringement actions, based explicitly on Art. 19 TEU, which protects the independence of the judiciary, or on the Charter of Fundamental Rights'.[45] This decision proved to be beneficial from the Commission's point of view, bringing the expected results, i.e. forcing the countries in question to make certain concessions.

When mentioning the above cases, it is worth being mindful of the fact that resorting to the infringement procedure in these types of disputes has had and still has rather negative consequences. There is no doubt that in the eyes of many inhabitants

43 For example in 2014 the European Commission launched infringement proceedings against the Czech Republic and in 2015 against Slovakia, as the authorities of these countries did not – according to the Commission – fulfil their obligations to provide all children with equal access to education. These governments were specifically accused of actions that caused Roma children to be overrepresented in separate classes or schools for pupils with mental/physical impairments or severe developmental or behavioural disorders). In one of the studies on this matter we read: 'The European Commission has expressed its resentment that almost seven years after the landmark decision of D.H. and Others v. Czech Republic, the Czech Republic continues to be in breach with the EU anti-discrimination law and still maintains the socially and politically embedded structures of discrimination against Romani children. De facto there are no effective tools and mechanisms of implementation and enforcement introduced to tackle the forms of discrimination in education at state level. In February 2015, in response to the above, the parliament amended the Schools Act and announced, as a new Action Plan, a set of tools and measures to further the issue of integrated education and to provide equal access to quality education for Romani children. The implementation of the reform package – which involves the following measures: 'strengthened monitoring of the work of the psychological assessment centres by the Czech School Inspectorate; the introduction of mandatory attendance of the last grade of kindergarten; and the abolition of the educational programme for pupils with mild mental disabilities with a view to their being integrated into mainstream education' – will come into force in September 2016'; Brassói, 2016.

44 Bonelli, 2022, p. 31.

45 Bonelli, 2022, p. 33.

of Central and Eastern Europe, accustomed to their own legal and political traditions, this procedure may appear as an instrument not only for eliminating violations of the law and guaranteeing its uniform application throughout the Union, but also providing the possibility of excessive interfering with the sovereignty of individual Member States and, as a result, leading to an imbalance between what results from treaty obligations and what constitutes the inviolable sphere of a given state's internal affairs. This applies especially to cases where the indicated procedure is used to enforce compliance with EU law regulations that are described in an imprecise manner or refer only to axiology. It is in these situations that conflicts most often arise, causing strong resistance on the part of the Member States, and it is in them that they become the greatest source of controversy regarding the permissible limits of the European Union's encroachment on the area of state sovereignty. It is obvious that where there are possibilities of a very flexible interpretation of the content of the law and at the same time the preferred EU values conflict with national values, there may be differences of opinion and, as a result, insubordination of the Member State. Such a probability increases especially when the European Commission conducting the infringement procedure, reaching for controversial legal bases and losing sight of the local specificity of a given Member State, enters into a confrontation with governments far from its political line. Consequently, the said insubordination becomes a completely real scenario.

The indicated method of using the infringement procedure, which involves putting Member States under pressure and imposing a specific agenda on them, may paradoxically lead to effects different than those intended. Contrary to the intentions of the Commission, which seeks to strengthen the Community both politically and legally, it may cause dysfunctions in the functioning of the Union and even trigger disintegration tendencies within it. The greatest threat in this respect concerns – obviously – the relations between the Member States of Western Europe and the Member States of Central and Eastern Europe. The risk of conflicts and frictions between both groups of countries is undoubtedly the highest – due to the differences between them.

4. Infringement Proceedings Against Central and Eastern States – Topics and Numbers

The procedures initiated against the member states of Central and Eastern Europe over the last twenty years concerned various violations and covered several thematic areas. On average, each year each country had to deal with a dozen or several dozen proceedings, which – depending on the attitude of the national authorities and their assessment by the European Commission – were finalised with appropriate decisions at individual stages. A full picture of the activities undertaken in this area in each

country is presented by the figures below. They cover the period between 2004–2024 (in the case of Bulgaria and Romania – 2007–2024, and in the case of Croatia – 2013–2024) and are the result of the application of the following criteria: (1) type of infringement: bad application of directives, bad application of regulations, Treaties and decisions, non-communication of transposition measures for directives, non-conformity of transposition for directives, (2) policy area: agriculture and rural development, budget, climate action, communication, communications networks, content and technology, competition, defence industry and space, digital services, economic and financial affairs, education, youth, sport and culture, employment, social affairs and inclusion, energy, environment, Eurostat, financial stability, financial services and capital markets union, health and food safety, human resources and security, internal market, industry, entrepreneurship and SMEs, justice and consumers, legal service, maritime affairs and fisheries, migration and home affairs, mobility and transport, neighbourhood and enlargement negotiations, regional and urban policy, Secretariat-General, structural reform support, taxation and customs union, trade, (3) decision type: letter of formal notice, additional letter of formal notice, reasoned opinion, additional reasoned opinion, referral to Court, (4) financial sanctions.

4.1. Type of Infringement

Country	Bad application of directives	Bad application of regulations, Treaties and decisions	Non-communication of transposition measures for directives	Non-conformity of transposition for directives
Czechia	121	171	1457	220
Estonia	53	83	919	176
Hungary	200	196	1177	226
Latvia	108	94	961	173
Lithuania	89	90	687	141
Poland	268	253	1324	322
Slovakia	139	176	876	197
Slovenia	154	114	1221	163
Bulgaria	199	140	926	175
Romania	196	157	1267	141
Croatia	62	59	361	92

Table No. 1 (own study)

4.2. Policy Area

Country	Agriculture and Rural Development	Budget	Climate Action	Communication	Communications Networks, Content and Technology	Competition	Defence Industry and Space	Digital Services	Economic and Financial Affairs	Education, Youth, Sport and Culture	Employment, Social Affairs and Inclusion	Energy	Environment	Eurostat	Financial Stability, Financial Services and Capital Markets Union
Czechia	15	0	14	0	65	16	7	0	2	0	70	114	322	0	77
Estonia	2	0	15	0	51	6	2	0	2	0	33	83	232	1	70
Hungary	13	0	19	0	59	7	3	0	2	0	41	107	257	2	48
Latvia	9	0	14	0	72	8	2	0	0	0	26	97	170	0	89
Lithuania	0	0	9	0	54	2	0	0	2	0	25	90	144	0	66
Poland	2	2	36	0	110	10	6	0	2	4	32	147	330	0	100
Slovakia	4	2	20	0	65	13	6	0	3	2	40	95	253	3	51
Slovenia	6	0	15	0	58	8	4	0	10	0	38	98	305	2	97
Bulgaria	9	0	24	0	69	9	2	0	4	0	22	97	261	0	96
Romania	11	2	30	0	72	4	0	0	0	0	42	120	411	0	112
Croatia	0	0	7	0	32	3	0	0	5	0	18	60	109	0	67

Table No. 2–1 (own study)

Country	Health and Food Safety	Human Resources and Security	Internal Market, Industry, Entrepreneurship and SMEs	Justice and Consumers	Legal Service	Maritime Affairs and Fisheries	Migration and Home Affairs	Mobility and Transport	Neighbourhood and Enlargement Negotiations	Regional and Urban Policy	Secretariat-General	Structural Reform Support	Taxation and Customs Union	Trade
Czechia	342	0	367	120	0	0	84	255	0	0	0	0	99	0
Estonia	149	0	225	65	0	0	74	159	0	0	0	0	62	0
Hungary	330	0	337	75	1	0	101	259	0	0	0	0	133	5
Latvia	186	0	288	65	0	2	67	149	0	0	0	0	89	2
Lithuania	59	0	204	64	0	2	75	168	0	0	0	0	39	4
Poland	262	0	419	131	1	4	99	313	0	0	0	0	157	0
Slovakia	141	0	256	90	0	2	64	237	0	0	0	0	40	0
Slovenia	174	0	339	91	0	5	98	227	0	0	0	0	75	1
Bulgaria	120	0	187	99	0	10	104	234	0	0	0	0	87	6
Romania	189	1	299	91	3	10	85	178	0	0	0	0	97	4
Croatia	26	0	46	47	0	8	36	91	0	0	0	0	19	0

Table No. 2–2 (own study)

4.3. Decision Type

Country	Letter of formal notice	Additional letter of formal notice	Reasoned opinion	Additional reasoned opinion	Referral to Court	Referral to Court (non-communication)	Letter of formal notice post-ruling	Additional letter of formal notice post-ruling	Second referral to Court	Postponement of Court referral	Restart of Court referral	Modified financial sanctions	Interim measures requested to the Court	Partial withdrawal from Court	Closure	Reasoned opinion inter-state complaint
Czechia	768	21	245	14	48	4	4	0	1	1	0	0	0	0	863	0
Estonia	497	7	160	5	29	4	0	0	0	0	0	0	0	0	529	0
Hungary	781	18	193	10	37	4	9	0	1	1	0	1	0	0	743	1
Latvia	540	20	149	3	9	4	0	0	0	0	0	1	0	0	610	0
Lithuania	446	12	104	4	7	1	1	0	0	0	0	0	0	0	432	0
Poland	826	26	358	21	103	26	12	1	0	2	0	1	0	1	789	1
Slovakia	561	20	160	8	30	4	1	0	1	2	0	0	0	0	601	0
Slovenia	685	18	210	9	20	13	3	0	2	0	0	0	0	0	692	0
Bulgaria	638	23	170	9	23	14	2	0	1	0	0	1	0	0	559	0
Romania	781	29	181	9	15	10	2	0	1	1	0	1	0	0	731	0
Croatia	257	6	79	2	6	7	1	0	1	2	0	0	0	0	213	0

Table No. 3 (own study)

4.4. Financial Sanctions

Country	Financial sanctions
Czechia	1
Estonia	0
Hungary	1
Latvia	1
Lithuania	0
Poland	2
Slovakia	1
Slovenia	3
Bulgaria	0
Romania	2
Croatia	0

Table No. 4 (own study)

5. Conclusions

The infringement procedure has been widely used in the countries of the Eastern and Central European region that joined the European Union in 2004, 2007 and 2013. The scope of its use has covered various cases and various violations of law observed by the bodies of the European Union. In the period immediately after accession, the subject of such proceedings were primarily difficulties in implementing directives and other EC legislative instruments. In the period following the entry into force of the Lisbon Treaty, the number of proceedings based on axiological, social, cultural and constitutional differences (i.e. those dividing the liberal West from the conservative East) has increased. In some cases, the application of the infringement procedure has caused tensions in relations between the European Union and nation-states. This was a clear signal that this procedure, although in principle aimed at ensuring the desired compatibility of EU and national law, may sometimes have negative effects.

References

Bibliography

Augustyniak, Ł. (2014) 'Postępowanie naruszeniowe jako forma kontroli', *Kontrola i audit*, 2014/5, pp. 748–760.

Borissova, L. (2007) 'Enforcement Actions under EU Law: The New Member States, Institut Européen d'Administration Publique', *Working Paper*, 2007/W/01, pp. 1–20.

Bonelli, M. (2022) 'Infringement Actions 2.0: How to Protect EU Values before the Court of Justice', *European Constitutional Law Review*, 18(1), pp. 30–58 [Online]. Available at: https://doi.org/10.1017/S1574019622000049 (Accessed: 09 January 2025).

Brassói, V. (2016) 'Infringement procedures against Czech Republic, Slovakia, Hungary for segregating Romani children', Romedia Foundation – New Avenues for Social Change [Online]. Available at: https://romediafoundation.wordpress.com/2016/08/12/infringement-procedures-against-czech-republic-slovakia-hungary-for-segregating-romani-children/#_edn16 (Accessed: 25 January 2025).

Craig, P., de Búrca, G. (2011) *EU Law. Text, Cases and Materials*. Oxford: Oxford University Press.

De Schutter, O. (2017) 'Infringement Proceedings as a Tool for the Enforcement of Fundamental Rights in the European Union', Open Society Foundations [Online]. Available at: https://www.opensocietyfoundations.org/publications/infringement-proceedings-tool-enforcement-fundamental-rights-european-union (Accessed: 25 January 2025).

European Commission (no date) 'Infringement procedure' [Online]. Available at: https://www.affarieuropei.gov.it/en/activity/infringement-procedures/what-is-a-infringement-procedures/ (Accessed: 10 January 2025).

European Commission (2012) 'Hungary – infringements: Commission takes further legal steps on measures affecting the judiciary and the independence of the data protection authority, notes some progress on central bank independence, but further evidence and clarification needed' [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/nl/memo_12_165 (Accessed: 09 January 2025).

European Commission (2015) 'Commission opens infringement procedure against Hungary concerning its asylum law' [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/pl/ip_15_6228 (Accessed: 09 January 2025).

European Commission (2019) 'Rule of Law: European Commission launches infringement procedure to protect judges in Poland from political control' [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/el/ip_19_1957 (Accessed: 09 January 2025).

European Commission (2020) 'Rule of Law: European Commission launches infringement procedure to safeguard the independence of judges in Poland' [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_20_772 (Accessed: 25 January 2025);

European Commission (2021) 'EU founding values: Commission starts legal action against Hungary and Poland for violations of fundamental rights of LGBTIQ people' [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3668 (Accessed: 09 January 2025).

European Commission (2022) 'Media freedom: the Commission refers HUNGARY to the Court of Justice of the European Union for failure to comply with EU electronic communications rules' [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_22_2688 (Accessed: 09 January 2025).

European Commission (2025) 'February infringements package: key decisions' [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/inf_25_242 (Accessed: 09 January 2025).

Górka, M. (2006) 'Kary finansowe nakładane na państwa członkowskie UE na podstawie art. 228 Traktatu WE', *Państwo i Prawo*, 2006/5, pp. 61–75.

Hille, P., Knill, C. (2006) "It's the Bureaucracy, Stupid': the implementation of the Acquis Communautaire in EU candidate countries', *European Union Politics*, 7(4), pp. 531–551 [Online]. Available at: https://doi.org/10.1177/1465116506069442 (Accessed: 12 January 2025).

Höreth, M. (no date) 'Vertragsverletzungsverfahren, Europalexikon, Bundeszentrale für politische Bildung' [Online]. Available at: https://www.bpb.de/kurz-knapp/lexika/das-europalexikon/177350/vertragsverletzungsverfahren/ (Accessed: 09 January 2025).

Johansson, M., Larsson O. (2022) 'The Commission v the Member States: who wins in court, and why?', *European Policy Analysis*, 2022/18, pp. 1–18.

Kilbey, I. (2007) 'Financial penalties under Art. 228(2) EC: Excessive complexity?', *Common Market Law Review*, 44(3), pp. 743–760 [Online]. Available at: https://doi.org/10.54648/COLA2007065 (Accessed: 12 January 2025).

Kochenov, D., Pech, L. (2015) 'Monitoring and Enforcement of the Rule of Law in the EU: Rhetoric and Reality', *European Constitutional Law Review*, 11(3), pp. 512–540 [Online]. Available at: https://doi.org/10.1017/S1574019615000358 (Accessed: 12 January 2025).

Lapa, F. (2012) 'Hungary – infringements: Commission takes further legal steps on measures affecting the judiciary and the independence of the data protection authority, notes some progress on central bank independence, but further evidence and clarification needed', MEMO/12/165, Brussels, [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/nl/memo_12_165 (Accessed: 25 January 2025).

Petrašević, T., Duić, D. (eds.) (2017) *Procedural aspects of EU law.* Osijek: Josip Juraj Strossmayer University of Osijek, Faculty of Law Osijek [Online]. Available at: https://ec.europa.eu/programmes/erasmus-plus/project-result-content/8b424813-b661-4eae-b83e-3394244c045a/PROCEDURAL_ASPECTS_OF_EU_LAW.pdf (Accessed: 9 January 2025)

Popowski, M. (2018) 'Twarde prawo unijne, ale prawo dla wszystkich', *Gazeta Prawna* [Online]. Available at: https://prawo.gazetaprawna.pl/artykuly/1361485,twarde-prawo-unijne.html (Accessed: 10 January 2025).

Półtorak, N. (2012) 'Komentarz do art. 260' in Wróbel, A. (ed.) *Traktat o Funkcjonowaniu Unii Europejskiej. Komenatrz*. Warszawa: Wolters Kluwer, pp. 223–358.

Radivojević, Z., Raičević, N. (2017) 'Financial sanctions against member states for infringement of EU law' in Petrašević, T., Duić, D. (eds.) *EU and comparative law issues and challenges series*. Osijek: Faculty of Law, Josip Juraj Strossmayer University of Osijek, pp. 171–191.

Scheppele, K.L. (2013) 'What can the European Commission do when Member States violate basis principles of the European Union? The case of systemic infringement actions' [Online]. Available at: https://verfassungsblog.de/wp-content/uploads/2013/11/scheppele-systemic-infringement-action-brussels-version.pdf (Accessed: 10 January 2025)

Sikora, A. (2011) *Sankcje finansowe w razie niewykonania wyroków Trybunału Sprawiedliwość Unii Europejskiej*. Warszawa: WoltersKluwer.

Świstak, M., Tkaczyński, J.W. (2015) 'Polityka ochrony środowiska' in Świstak, M., Tkaczyński, J.W. (eds.) *Wybrane polityki publiczne Unii Europejskiej: Stan i perspektywy*. Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego, pp. 253–284.

Taborowski, M. (2019) *Mechanizmy ochrony praworządności państw członkowskich Unii Europejskiej. Studium przebudzenia systemu ponadnarodowego.* Warszawa: WoltersKluwer.

Wahl, N, Prete, L. (2014) 'Between Certainty, Severity and Proportionality: Some Reflections on t.he Nature and Functioning of Art. 260 (3) TFEU', *European Law Reporter*, 2014/6, pp. 170–189.

Legal sources

Case 39/72, *Commission v. Italy*, Judgment of 7 February 1973 (EU:C:1973:13).

Judgment of the CJEU of 25 November 2003, *Commission of the European Communities v. Kingdom of Spain*, C 278/01.

Order of the CJEU of 11 July 2013, *Italian Republic v. European Commission*, C-496/09.

Communication from the Commission – Application of Art. 228 of the EC Treaty / SEC/2005/1658.

Chapter II.3

Economic Impact of EU Membership

Cristina Procházková Ilinitchi

Abstract

The chapter examines the economic impact of European Union membership, focusing on economic convergence, integration with the internal market, and the use of EU funds. It analyses the GDP growth trends and economic convergence of countries that joined the EU during the 2004, 2007, and 2013 enlargement waves, with a particular focus on the Visegrad Group. The chapter also explores the effects of EU membership on trade patterns, competitiveness, and innovation, highlighting the role of economies of scale and technological adoption in enhancing economic performance. Additionally, the chapter evaluates the impact of EU structural and cohesion funds on reducing regional disparities, improving infrastructure, and fostering sustainable development. Key findings indicate that while EU membership has generally accelerated economic growth and integration, outcomes vary across countries due to differences in governance, institutional capacity, and the absorption efficiency of EU funds.

Keywords: EU10, EU2, GDP growth, trade diversion, economies of scale, internal market, EU funds, economic convergence

1. Introduction

The EU has undergone several significant expansion waves, with the most recent ones occurring in 2004, 2007, and 2013. These waves are notable because they marked the most significant enlargement in the EU's history, bringing in a total of

Cristina Procházková Ilinitchi (2026) 'Economic Impact of EU Membership'. In: Michal Petr (ed.) *EU Enlargement and Successful Integration: Is There a Way?* Volume I., pp. 201–262. Miskolc–Budapest, Central European Academic Publishing.

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13 new Member States, primarily from Central and Eastern Europe. This expansion substantially transformed the political, economic, and cultural landscape of the EU by integrating countries with diverse historical backgrounds and socio-economic conditions. In this chapter, special attention will be given to the Visegrad countries (Poland, Hungary, the Czech Republic, and Slovakia), as they played a crucial role in the enlargement process. Their successful integration into the EU serves as a model for other post-communist nations and highlights the broader impacts of EU enlargement on regional stability and development.

This chapter explores the economic impact of EU accession by focusing on key areas where membership is expected to bring measurable change, namely GDP growth, economic convergence, integration through trade flows, access to the internal market, competitiveness effects, innovation, and the use of EU funds. These areas were selected because they represent the core mechanisms through which EU membership can significantly influence national economies. The aim of this chapter is to assess how EU accession impacted economic performance of new Member States in the areas referred to above. While other aspects of EU membership could be addressed, the selected topics provide a consistent and focused picture of the most policy-relevant and empirically observable economic effects.

To better understand the factors driving growth following EU accession and the lessons learned from the latest enlargement waves, several possible channels of economic growth will be assessed in this chapter. The first part of the chapter will examine GDP growth and convergence effects. Many of the new Member States were relatively less developed compared to the EU15. Their post-accession growth was partially driven by the convergence effect, where less developed countries grow faster as they catch up with more advanced economies. Second, the effects of integration into the single market will be analysed. EU membership grants access to the single market, leading to increased trade with other Member States. Deeper economic integration with the broader EU economy also provided new opportunities for businesses and industries, enabling economies of scale and improving productivity and competitiveness across sectors. The third aspect to be viewed relates to access to EU funds. New Member States received substantial financial support through EU structural and cohesion funds, which helped modernise infrastructure, stimulate economic activity, and support various development projects.

Some of these growth channels were activated even before formal EU accession, such as partial access to funds for candidate countries through programmes like PHARE, ISPA, and SAPARD. Additionally, the requirement to meet the Copenhagen accession criteria may have contributed to economic growth during the pre-accession period. In both cases, the EU's expansion into Central and Eastern Europe played a crucial role in extending the EU's influence and promoting economic convergence and market reforms across the continent.

In the chapter, a multitude of data sources is employed. For this reason, the time frame presented in tables and figures may not always be consistent, depending on the data availability and the up-to-date status of various databases. Additionally, the

benchmark aggregate can vary across databases, sometimes being EU28, EU27_2020, or EU27_2013.

2. GDP Growth and Economic Convergence

In historical terms, the concept of continuous economic growth is relatively recent, emerging with the Industrial Revolution, urbanisation, and healthcare improvements that began in the late 18th century. After World War II, economists, reflecting on the economic hardships of the interwar period, argued that closer economic ties between European countries could facilitate the continent's recovery by encouraging trade, investment, and cooperation. This belief was based on the idea that economic interdependence would not only drive prosperity but also reduce the chances of future conflicts by creating shared economic interests among nations. This vision paved the way for European integration efforts, including the establishment of the European Coal and Steel Community (ECSC) in 1951 and the European Economic Community (EEC) in 1957, both designed to support economic growth through collaboration and the elimination of trade barriers.

Figure No. 1 illustrates why the idea of economic integration leading to economic growth was ultimately widely embraced by European economists. The real GDP[1] growth rate in Europe between 1950 and 1973 was unprecedented, averaging 4.6%. Similarly high growth rates were observed for real GDP per capita and GDP per hour worked, as captured in the figure.

1 Real GDP is the total value of all goods and services produced within a country's borders over a specific period, adjusted for inflation or deflation. Unlike nominal GDP, which measures output at current prices, real GDP reflects the value of economic output using constant prices from a base year. This adjustment allows for a more accurate comparison of economic performance over time, as it accounts for changes in price levels.

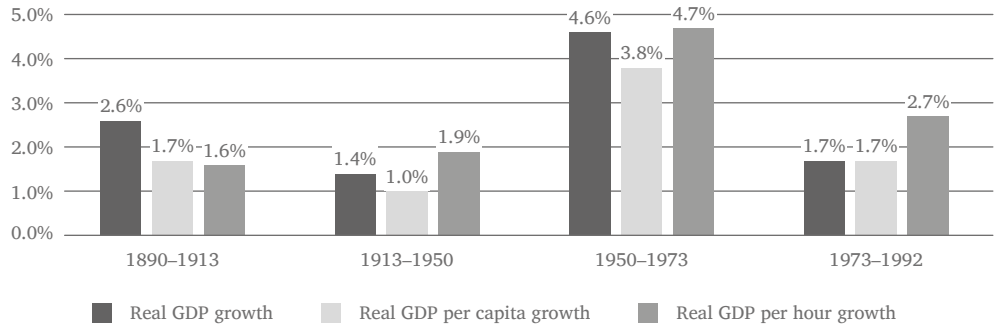


Figure No. 1
Phases of economic growth in Europe[2]

However, Figure No. 1 does not attribute economic growth solely to economic integration. Post-war reconstruction also contributed significantly to the economic development of that era. To better understand the role of economic integration, it is useful to examine the different forms of integration adopted by European countries. Table No. 1 provides a clear approach to this by analysing data on the extent and pace of economic integration and comparing growth rates across different groups. The table demonstrates that the EEC, which pursued deeper integration, experienced faster growth than the EFTA. For additional perspective, the table also includes growth figures for the USA and Japan.

	GDP in 1950 (in 1990 USD)	**Ranking in Europe in 1950**	**Ranking in Europe in 1973**	**GDP growth rate between 1950 and 1973**
EEC – average	4 825	8	6.8 (↑ by 1.2)	4.20%
EFTA – average	6 835	3.6	5 (↓ by 1.4)	3.00%
Other[3] – average	2 401	14.3	14.6 (↑ by 0.3)	5.20%
USA	9 573	n/a	n/a	2.40%
Japan	1 873	n/a	n/a	8.00%

Table No. 1
GDP per capita, country rankings and growth rates in Europe between 1950 and 1973[4]

2 Baldwin and Wyplosz, 2022, p. 163.
3 Other countries include Ireland, Spain, Portugal and Greece.
4 Baldwin and Wyplosz, 2012, p. 214.

As reflected in Table No. 1, the EEC countries grew significantly faster than the EFTA countries, with a growth rate of 4.2% compared to 3% between 1950 and 1973. Additionally, the average ranking of EEC Member States improved by 1.2 places, while the average ranking of EFTA countries in Europe declined by 1.4 places.[5] However, this difference could be attributed to the catch-up (or convergence) effect, where poorer countries tend to grow faster than wealthier ones. Table No. 1 also provides basic evidence of this effect, as both the EEC and the 'Other countries' group had lower GDPs than the EFTA countries, yet experienced higher GDP growth rates.

This 'economic growth puzzle' can be further untangled using various approaches. The most accurate would be to conduct an econometric analysis, using the level of economic integration as an explanatory variable, while controlling for different economic conditions. Another, simpler approach is to compare pre- and post-accession levels of economic growth. By examining GDP growth rates before and after each wave of enlargement, it can be assessed whether the accession of new countries stimulates economic activity, boosts trade, and enhances investment, leading to economic growth.

Table No. 2 presents the results of this comparison, showing the real GDP[6] growth rates for new EEC/EU Member States, the EEC6, and the EU15 for the five-year period before and after each expansion wave. The EU15 is additionally used as a benchmark for existing Member States, alongside the original EEC6 (the founding members of the EEC), to minimise the impact of convergence effects by including more recently joined countries in the benchmark aggregate.

5 The group ranking is an average of country rankings, therefore it is not a whole number.

6 Real GDP is assessed using GDP in constant 2017 prices, as available in the Penn World Table, introduced by Feenstra, Inklaar and Timmer, 2015 and continually updated thereafter.

	EEC6	**EU15**	**1973 enlargement: UK, Denmark, Ireland**	**1981 enlargement: Greece**	**1986 enlargement: Spain, Portugal**	**1995 enlargement: Finland, Austria, Sweden**
Before (1968-1972)	23.4%	21.7%	10.2%			
After (1973-1977)	10.7% **(↓12.7 p.p.)**	9.3% **(↓12.6 p.p.)**	2.4% **(↓7.8 p.p.)**			
Before (1976-1980)	13.3%	11.9%		14.8%		
After (1981-1985)	6.9% **(↓6.4 p.p.)**	8.0% **(↓3.9 p.p.)**		2.3% **(↓12.5 p.p.)**		
Before (1981-1985)	6.9%	8.0%			6.7%	
After (1986-1990)	14.7% **(↑7.8 p.p.)**	15.0% **(↑7.0 p.p.)**			25.8% **(↑19.1 p.p.)**	
Before (1990-1994)	6.2%	5.8%				1.9%
After (1995-1999)	8.9% **(↑2.7 p.p.)**	11.6% **(↑ 5.8 p.p.)**				14.6% **(↑12.7 p.p.)**

Table No. 2[7]
Five-year real GDP growth rates before and after the 1973, 1981, 1986 and 1995 enlargements[8]

Several important insights can be drawn from Table No. 2. The first is that, except for Greece, all enlargement waves appear to have had growth effects. These effects are either reflected in higher GDP growth rates compared to the EEC6 and EU15, as seen in the 1986 and 1995 enlargements, or lower declines in growth rates, as observed in the 1973 enlargement. The second observation concerns Greece, which seems to have experienced negative growth effects following its accession to the EEC. Some interpret this as evidence of a rushed accession, when Greece may not have been economically prepared to join such an integrated group. Finally, it is important to consider periods of economic downturn. The impact of the oil crisis in the 1970s is evident, as GDP growth rates slowed down across all country groups, as well as the early 1980s economic slowdown, which prompted intensified efforts to complete the internal market.

7 Feenstra, Inklaar and Timmer, 2015; own design and calculations.
8 The GDP growth rates are calculated as growth over five-year periods, not as averages of yearly growth rates.

2.1. Overview of GDP Growth Trends

This section of the chapter will examine GDP growth trends following the 2004, 2007, and 2013 enlargements, both at the enlargement level and the country level. The same straightforward approach used in the previous section – comparing GDP growth rates before and after accession – will be applied here, with particular attention to country-specific details for each enlargement wave, particularly focusing on the Visegrad countries. To measure economic growth, the real GDP growth rate was selected due to its advantages over the nominal GDP growth rate when analysing economic performance, such as inflation adjustment, better comparisons over time, and improved cross-country comparisons.

2.1.1. Pre- and Post-Enlargement GDP Growth Trends

The EU enlargements in the new millennium were unprecedented in terms of both size and the historical background of the acceding countries. The 2004 enlargement increased the EU15 population by 19.5%, and the 2007 enlargement increased the size of the EU25 by 6.6%.[9] On the other hand, the 2008 financial crisis soon followed, adding challenges to the EU integration process.

Table No. 3 illustrates the GDP growth rates for the EU28 across different enlargement periods, compared with the Member States of each enlargement wave. The table also includes values for the EU15 to better highlight the economic trends in the older Member States. For the 2004 enlargement, the real GDP growth rate increased by 8.4 percentage points for the EU28 and 7.3 percentage points for the EU10 countries, while the EU15 experienced a slowdown of 0.3 percentage points. This data suggests growth effects for the EU10. The 2007 enlargement, which included two new members, coincided with the 2008 financial crisis, which significantly impacted GDP growth rates in the newly enlarged EU. Although GDP growth rates remained positive in the enlargement countries (unlike in the EU15), the growth rate declined sharply by 25.7 percentage points, from 27.9% before the EU accession to only 2.2% after the accession. Lastly, regarding Croatia's accession in 2013, the combined effects of post-crisis recovery and EU membership resulted in a significant GDP growth rate increase of 20.3 percentage points, compared to the 9.6 percentage points in the EU15 and the 14.2 percentage points in the EU28 (see Table No. 3).

9 World Bank, 2024.

	EU15	EU28	2004 enlargement: EU10	2007 enlargement: EU2	2013 enlargement: Croatia
Before (1999-2003)	8.5%	15.5%	14.8%		
After (2004-2008)	8.2% **(↓0.3 p.p)**	23.9% **(↑8.4 p.p)**	22.1% **(↑7.3 p.p)**		
Before (2002-2006)	8.6%	23.2%		27.9%	
After (2007-2011)	-0.6% **(↓9.12 p.p.)**	5.4% **(↓17.8 p.p.)**		2.2% **(↓25.7 p.p.)**	
Before (2008-2012)	-1.4%	2.0%			-11.1%
After (2013-2017)	8.4% **(↑9.6 p.p.)**	16.2% **(↑14.2 p.p.)**			9.2% **(↑20.3 p.p.)**

Table No. 3[10]
Five-year real GDP growth rates before and after the 2004, 2007 and 2013 EU enlargements[11]

In the context of the previous enlargements, as presented in Table No. 2, the data from the most recent expansion waves appear to confirm the high growth and catch-up potential of less developed EU Member States, as well as the higher impact of the new EU Member States on the overall performance of the EU28. While Table No. 2 shows largely similar performance between the EEC6 and EU15, Table No. 3 reveals a much greater difference between the EU15 and EU28.

2.1.2. Analysis of GDP Growth Rates – Enlargement Waves and the Visegrad Countries

While European countries tend to be in similar phases of the business cycle, there is heterogeneity in the volatility of GDP growth. Figure No. 2 captures annual real GDP growth in new EU Member States from 1991 to 2019. The Visegrad countries and EU10 experienced relatively strong and consistent growth in the early 2000s, peaking around 2006–2007, immediately after the EU accession. A sharp decline is evident across all regions during the 2008–2009 global financial crisis, with GDP growth dropping significantly, particularly in the Visegrad countries and Croatia, followed by a slow recovery in the subsequent years. The EU15 countries, represented by a steadier line, show more moderate growth throughout the period. After 2010, all regions show signs of recovery, but growth rates remain lower than

10 Feenstra, Inklaar and Timmer, 2015; own design and calculations.
11 The GDP growth rates are calculated as growth over five-year periods, not as averages of yearly growth rates.

in the pre-crisis period. The Visegrad and EU10 countries generally outperform the EU15 in terms of growth rates, although their growth stabilises post-crisis at lower levels than earlier.

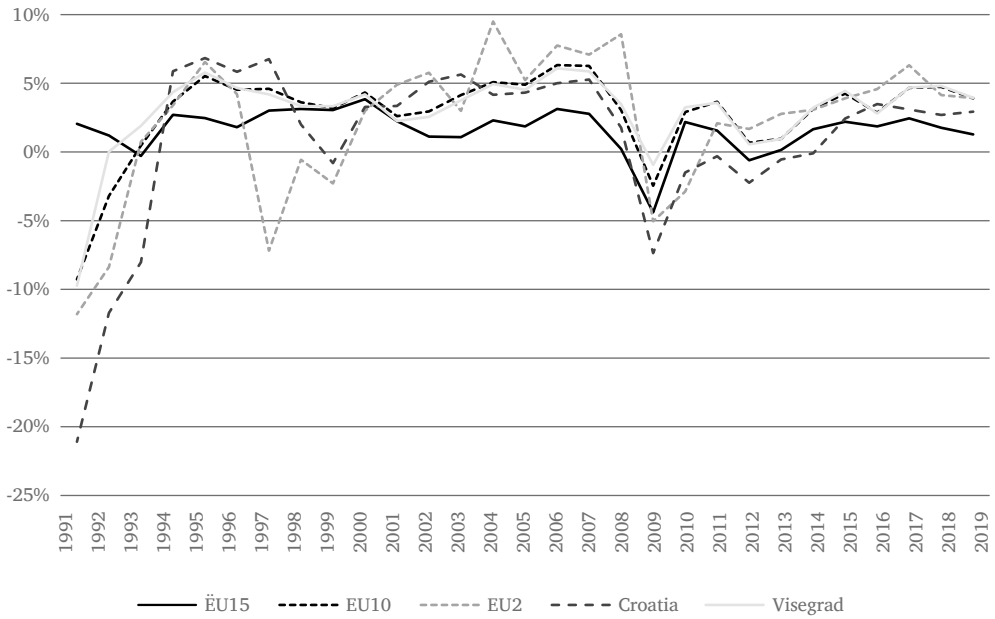


Figure No. 2[12]
Annual real GDP growth in the EU15 and in the new Member States

Figure No. 2 also shows negative real GDP growth rates in the 1990s for the recent EU Member States. These figures can be attributed to several key factors related to the economic transitions taking place in these countries. Most of the EU10 countries were transitioning from centrally planned economies to market-oriented systems. This transition involved major structural reforms, privatisation, and the creation of new institutions, which initially led to economic instability and contractions in real GDP, and periods of recession. Furthermore, several countries in the region, such as Croatia and Slovenia, were directly affected by the Yugoslav Wars.[13] This impacted economic growth during the decade, as infrastructure was damaged, and economic uncertainty impacted investment flows negatively. New EU Member States were also affected by broader global economic factors in the 1990s, such as the Russian financial crisis in 1998, which had a spill-over effect on the economies

12 Feenstra, Inklaar and Timmer, 2015; own design and calculations.
13 Nation, 2003.

of Central and Eastern Europe due to trade and financial links with Russia.[14] Lastly, real GDP growth was slowed down by the legal and institutional reforms to meet the EU's standards for the future EU accession. While these reforms were essential for long-term growth, they involved short-term economic disruptions, contributing to lower growth during the transition period.

The five-year GDP growth before and after EU accession for new Member States are captured in Figure No. 3. Most countries, like Poland, Slovakia, and the Baltic states (Estonia, Latvia, Lithuania), saw significant increases in GDP growth after joining the EU, indicating the positive impact of EU membership on economic performance. However, some countries, such as Hungary and Cyprus, experienced a decline or stagnation in their growth rates post-accession, suggesting mixed results depending on specific national conditions.

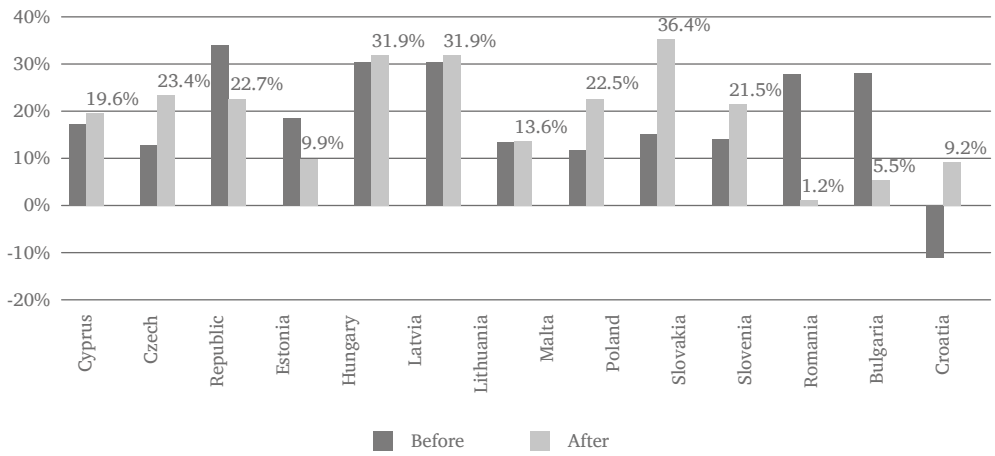


Figure No. 3[15]
Five-year real GDP growth rates before and after 2004, 2007 and 2013 EU enlargements[16]

A more detailed, annual view on the growth rates is captured in Table No. 4. As a group, the Visegrad countries experienced an average real GDP growth rate of 3.2% in the five years before EU enlargement and 5% during the first five years after enlargement. However, there is some heterogeneity among the four countries. Slovakia and the Czech Republic experienced the highest post-accession growth rates, while Hungary lagged with a growth rate below the group average.

14 Dungey et al., 2002.
15 Feenstra, Inklaar and Timmer, 2015; own design and calculations.
16 The GDP growth is calculated as growth over five-year periods, not as averages of yearly growth rates.

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	1999–2003 avg.	2004–2008 avg.
Visegrad countries	3.3%	4.2%	2.2%	2.6%	3.8%	4.9%	4.5%	6.1%	5.9%	3.5%	3.2%	5.00%
Czech Republic	1.4%	4.0%	3.0%	1.6%	3.6%	4.8%	6.6%	6.8%	5.6%	2.7%	2.7%	5.3%
Hungary	3.1%	4.5%	4.1%	4.7%	4.1%	4.8%	4.2%	4.0%	0.2%	1.1%	4.1%	2.9%
Poland	4.7%	4.6%	1.3%	2.0%	3.5%	5.0%	3.5%	6.1%	7.1%	4.2%	3.2%	5.2%
Slovakia	-0.1%	1.2%	3.3%	4.5%	5.5%	5.3%	6.6%	8.5%	10.8%	5.6%	2.9%	7.4%

Table No. 4[17]
Annual real GDP growth rates before and after the 2004, 2007 and 2013 EU enlargements[18]

The Czech Republic experienced strong economic growth during the five years following its EU accession, averaging 5.3%, compared to a pre-accession average annual growth rate of 2.7% (see Table No. 4 for specific annual rates). With this growth rate, the Czech Republic ranked 7th in the EU25, between Bulgaria (6.7%) and Ireland (5.7%). Although its pre-accession growth was below the Visegrad average, in the years following enlargement, the Czech Republic exceeded the group average, being outperformed only by Slovakia.

Similar to the Czech Republic, Hungary also saw economic growth in the five years after joining the EU, but with a below-average annual rate of 2.9%, up from the pre-accession rate of 4.1%. This placed the country 18th among the EU28, far below other new Member States. While its growth prior to accession was above the Visegrad group's average, in the post-enlargement years, Hungary fell below the group's average, being the last in the Visegrad group. The country performed particularly poorly in 2007 and 2008, as it was impacted by fiscal austerity measures, high public debt, and the early effects of the global financial crisis.[19]

Poland experienced economic growth both before and after EU accession, with a pre-accession five-year average growth rate of 3.2%, and an even stronger post-accession average of 5.2%. Poland consistently outperformed many other new EU Member States (ranking 9th in the EU25 during 2004–2008) in the post-accession period, largely due to sound economic policies and stable domestic demand. Even during the global financial crisis, Poland's economy proved resilient, maintaining

17 Feenstra, Inklaar and Timmer, 2015; own design and calculations.
18 The GDP growth rates for the 5 years are calculated as averages of yearly growth rates.
19 Andor, 2009.

positive growth and becoming one of the EU's best performers (in 2008, the country was outperformed only by Romania, Bulgaria and Slovakia).

Slovakia also demonstrated significant growth, with a modest pre-accession five-year average of 2.9%, which rose to 7.4% in the five years after accession, making it the fastest-growing post-accession economy in the Visegrad group. Slovakia's growth was driven by major structural reforms and increased foreign investment, particularly in the automotive sector.[20] In the post-enlargement period, Slovakia outperformed all other Visegrad countries.

2.2. Economic Convergence

Economic convergence refers to the process where less developed or poorer countries catch up richer countries by growing at a faster pace than the latter ones.[21] This difference in economic growth rates results in narrowing the income gap between them over time.

In the context of the EU, convergence is often assessed in terms of GDP per capita or productivity levels approaching those of more developed Member States. The literature distinguishes between beta convergence and sigma convergence. Beta convergence represents a negative relationship between initial income levels and subsequent growth rates, implying that poorer countries would grow faster than richer ones. On the other hand, sigma convergence refers to a decline in the dispersion of income levels across countries over time, implying that gradually, EU Member States should exhibit more synchronised growth rates. By definition, sigma convergence implies the existence of beta-convergence, otherwise poorer countries could not become synchronised with richer ones.[22]

There is strong evidence of the fact that economic integration leads to economic convergence, through the functioning of various convergence factors such as trade, capital and human flows, technology transfers, investment in human capital etc.[23] Eastern and Southern European countries, including Poland, Romania, Greece, and Portugal, have exhibited substantial economic catch-up in income levels relative to the EU average, particularly after accession. However, convergence patterns have not been uniform across Member States, and more recent debates have pointed to the need to consider not only absolute convergence but also issues of quality of growth and regional inequalities.[24]

20 Banerjee and Zeman, 2022.
21 Barro and Sala-i-Martin 1992.
22 Sala-i-Martin, 1996.
23 Baldwin and Wyplosz, 2022.
24 European Commission, 2023.

2.2.1. Convergence Theory and Evidence of Economic Catch-Up

The reduction of disparities among EU Member States is addressed in the economic literature as either real or nominal convergence. Real convergence refers to the process by which poorer countries or regions achieve higher economic growth rates than richer ones, thereby reducing income disparities over time. It focuses on the convergence of real economic variables such as GDP per capita, productivity, living standards, and employment rates. Real convergence targets improvements in economic well-being, structural transformation, and output levels. In contrast, nominal convergence refers to the alignment of monetary and financial variables among countries or regions, often as a prerequisite for joining a monetary union, such as the Eurozone. Key indicators of nominal convergence include inflation rates, interest rates, exchange rate stability, and the ratio of fiscal deficits to GDP.[25]

While real convergence indicators provide a deeper understanding of the convergence processes in EU countries, indicators of nominal convergence offer a more straightforward and simple view of convergence between EU countries. Moreover, EU members share a certain level of similarity in structural characteristics due to economic ties, instruments aimed at enhancing this convergence, such as EU funds, and, in the Eurozone, identical monetary policy. The following section of the chapter will focus on indicators of nominal convergence between EU Member States.

2.2.2. Comparative Analysis of GDP Per Capita

The real GDP per capita in absolute terms increased continuously in all EU Member States. Figure No. 4 illustrates the convergence of new EU Member State groups toward the GDP per capita of the EU15, with the EU15 benchmarked at 100%. Over the observed period, EU10 and Visegrad countries show a steady upward trend in GDP per capita relative to the EU15, especially after the early 2000s, indicating gradual convergence. Both groups surpassed the 50% mark subsequently, and continued to close the gap with the EU15. EU2 lags behind the other groups, with their GDP per capita remaining significantly lower as a ratio to the EU15 values. However, the figure indicates a slow but consistent upward trend, suggesting continuing convergence, though at a slower pace compared to the other regions. Croatia is also showing convergence, its growth trajectory is more gradual but shows significant improvement over time.

25 Lein, Leon-Ledesma and Nerlich, 2009.

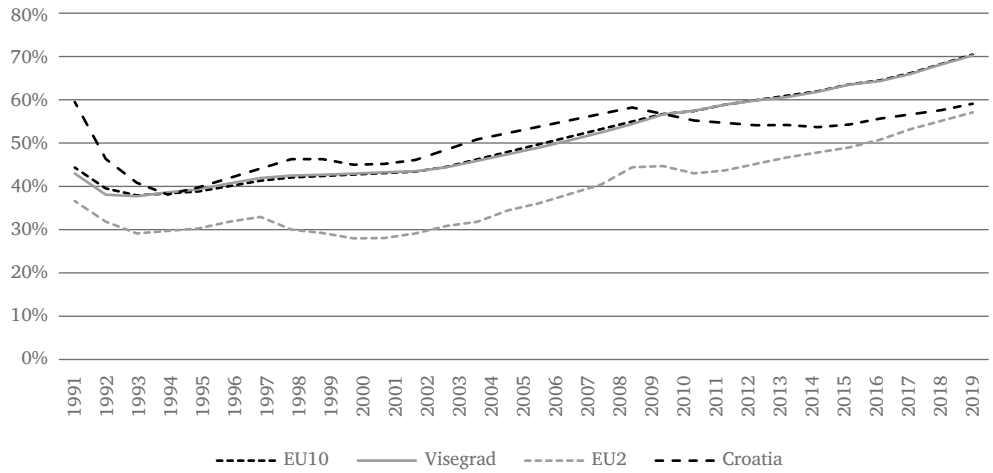


Figure No. 4[26]
Real GDP per capita as a ratio of the EU15 GDP per capita

Figure No. 5 illustrates GDP per capita as a ratio of the EU15 values. The Czech Republic leads the group, with its GDP per capita steadily increasing and reaching 80% of the EU15 average by 2019. Poland and Slovakia show significant improvement over time, closing the gap with Hungary at around 2010. Poland's GDP per capita continued to increase at a relatively fast pace, even during and after the financial crisis of 2008. Hungary's growth has been relatively consistent but slower, surpassing 60% of the EU15 average by 2019. Slovakia had the slowest start in the Visegrad group but shows a strong upward trajectory, reaching values similar to Hungary since 2010.

26 Feenstra, Inklaar and Timmer, 2015; own design and calculations.

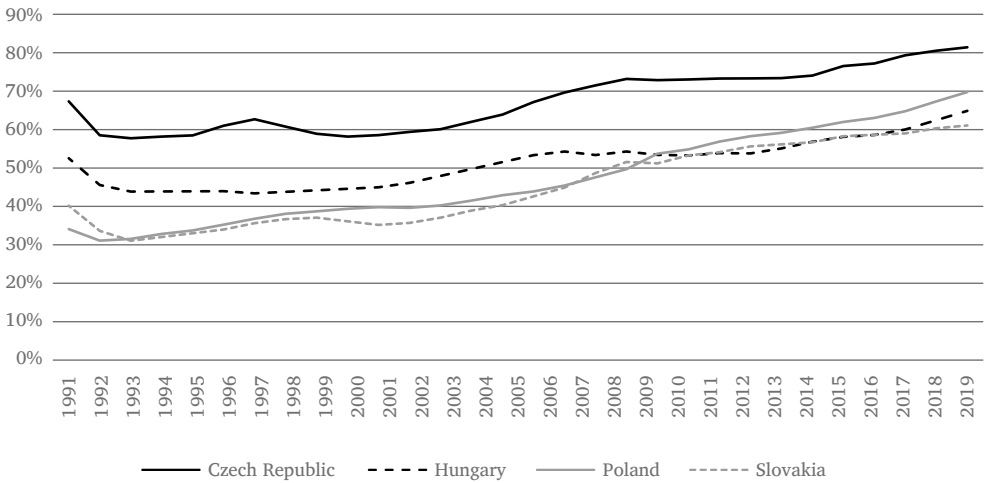


Figure No. 5[27]
Real GDP per capita as a ratio of the EU15 GDP per capita – Visegrad countries

Similar to GDP growth, not all GDP per capita growth can be attributed to EU accession. Boronenko, Mensikovs, and Lavrinenko,[28] for instance, examined the impact of EU accession on GDP per capita growth and economic convergence in the EU10 and EU2, finding that the high increase in GDP per capita observed in the new Member States is not directly a result of EU membership but rather a result of their self-development under market economy conditions. On the other hand, the post-Soviet countries implemented market economy principles with the aim of better integrating into the EEC/EU economy. In any case, convergence is not guaranteed, and factors such as poor governance, lack of infrastructure, and socio-political instability can hinder this process. Therefore, the EEC/EU has focused on a multitude of tools aimed at boosting and supporting economic convergence. The following chapters will address some of these tools.

2.3. Summary

A comparative analysis revealed that deeper economic integration, as seen with the EEC countries, led to faster growth compared to the less integrated regions like EFTA. The EU enlargements in 2004, 2007, and 2013 contributed to GDP growth through economic convergence, as less developed nations grew faster while integrating into the EU single market. However, post-enlargement GDP growth in the Visegrad countries varied. Beyond long-term convergence, outcomes were mixed and

27 Ibid.
28 Boronenko, Mensikovs and Lavrinenko, 2014.

dependent on governance, infrastructure, and market conditions. Despite challenges such as the 2008 financial crisis, most new Member States demonstrated resilience. The Visegrad countries generally experienced strong economic growth following EU accession, with most countries benefiting from the EU membership. The Czech Republic, Poland and Slovakia emerged as strong performers, demonstrating resilience even during the global financial crisis. Hungary struggled with slower post-accession growth, highlighting the importance of sustainable fiscal management and structural stability in capitalising on the benefits of EU membership.

Economic convergence, a key feature of EU integration, was evident as GDP per capita in the Visegrad countries gradually approached the EU15 average. While factors such as market reforms and external financial crises influenced this growth, the impact of EU membership remained significant. The experience of these countries highlights the critical role of effective fiscal management and structural reforms in maximising the benefits of EU membership.

3. Integration With the Internal Market

The term internal market refers to an economic arrangement in which multiple countries or regions agree to eliminate barriers to trade, and allowing for the free movement of goods, services, capital, and people across borders. This concept is central to the EU, which has established an extensive internal market among its Member States. As a result, businesses can operate across borders with greater ease, and consumers benefit from a wider variety of products and services at competitive prices.[29]

A single market goes beyond the removal of traditional trade barriers and the movement of factors of production, it also involves harmonising regulations and standards to ensure a level playing field for all participants. This harmonisation helps prevent businesses from being disadvantaged by different rules and regulations in different regions. For example, the EU has established common standards for product safety, environmental regulations, and consumer rights, allowing goods and services to flow freely without needing to meet significantly different criteria in each country. Such integration is designed to promote fair competition and increase productivity by encouraging companies to scale up and compete within a larger market.[30] The benefits of an internal market are not limited to economic gains, they also have social and political dimensions. By facilitating the free movement of people, an internal market supports the mobility of workers, students, and tourists, which can lead to increased cultural exchange and a deeper sense of unity among participating

29 European Commission, 2024a.
30 Badinger, 2007; Ambrose et al., 2019.

regions. This mobility also helps address labour shortages and skill mismatches by allowing workers to move to areas where their skills are in demand.[31]

The EEC/EU has experienced several waves of enlargement, some of which have significantly influenced the size and effectiveness of the single market. Figure No. 6 presents data on employment, population, and real GDP at constant 2017 prices (in millions of 2017 USD) over the period from 1958 to 2019. During this time, there was a steady increase in the population, which accelerated slightly until the early 2000s and then stabilised, as the 2007 and 2013 enlargements encompassed fewer and mostly smaller countries. Employment generally followed a similar trend but appears to grow at a slightly slower pace, mostly because of population ageing in the EU. Meanwhile, real GDP exhibits a significant upward trend, reflecting robust growth in the economic size of the EEC/EU as well as the size of the internal market.

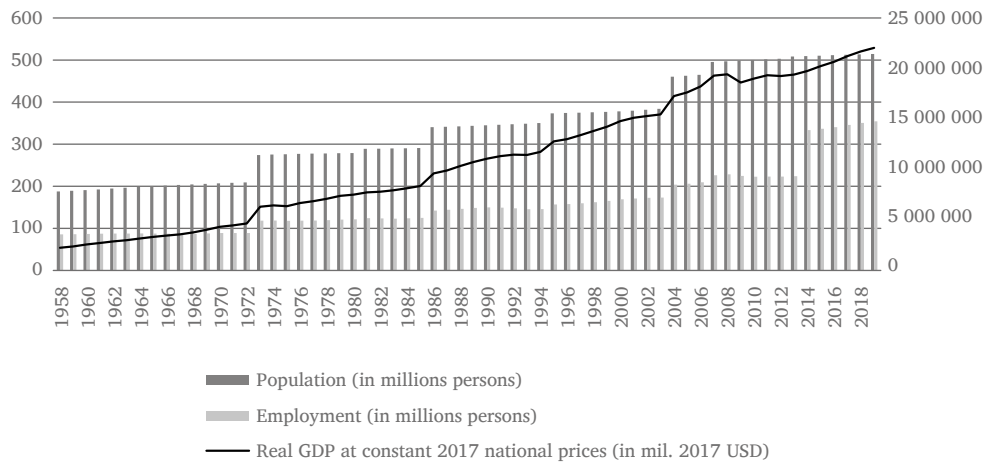


Figure No. 6[32]
Evolution of the size of the EEC/EU internal market over time
(Employment and Population on the left axis and GDP on the right axis)

The increase in the size of the EEC/EU internal market across various enlargement waves is captured in Table No. 5. The most significant enlargement was the first one in 1973, which increased the EU's population by 30.5%, significantly boosting the potential market size and demand within the internal market. This same enlargement wave increased EEC employment by almost one-third and EEC GDP by nearly 30%. The 2004 enlargement by the EU10 brought a 19.2% increase in population and a 9.2% increase in real GDP, highlighting the economic potential

31 Rolfe and Hudson-Sharp, 2016 provide extensive case studies on selected industries in the UK.
32 Feenstra, Inklaar and Timmer, 2015; own design and calculations.

of the newly integrated countries but also reflecting the lower economic level of the new Member States.

	Population (in millions of persons)	Employment (in millions of persons)	Real GDP at constant 2017 national prices (in mil. 2017 USD)
1973 – United Kingdom, Ireland and Denmark	30.5%	31.7%	27.9%
1981 – Greece	3.5%	3.2%	2.7%
1986 – Spain and Portugal	16.7%	12.9%	12%
1995 – Austria, Sweden and Finland	6.2%	6.7%	6.3%
2004 – EU10	19.2%	16.7%	9.2%
2007 – Romania and Bulgaria	6.1%	6.0%	2.7%
2013 – Croatia	0.8%	0.7%	0.5%

Table No. 5[33]
Increase of the size of the EEC/EU internal market by the enlargement wave

The recent enlargement waves have brought in countries with younger, developing market economies, which required substantial adjustments to meet the EU's economic and institutional standards. These newer members had to undertake comprehensive reforms to align with the EU's legal and economic systems, facilitating smoother integration into the single market. The aim of the process was not only to deepen the integration within the EU, but also to enhance economic stability and growth in the joining countries, contributing to a more cohesive European economic area. Unlike the initial expansions, which focused primarily on economic cooperation, more recent Member States had to meet more strict and explicit requirements to ensure alignment with the EU's core values and policies. The Copenhagen criteria were established to ensure that new members adhered to standards of democracy, the rule of law, human rights, and a functioning market economy before joining.[34]

The following section of the chapter will examine how the integration of new Member States, with a special focus on the Visegrad countries, into the European Union's internal market, has impacted their economies, particularly in terms of trade, competitiveness and innovation potential. First, trade integration will be assessed, including changes in trade volumes and trade balances over time, as well

33 Ibid.
34 EUR-lex, 2024.

as shifts in major trade partners and the types of goods and services exported. It then explores how access to the EU market has influenced the competitiveness of these countries, providing opportunities for economies of scale and expanded market access. The chapter also discusses the role of innovation and technological adoption in enhancing competitiveness, as integration has encouraged the Visegrad countries to invest in R&D and adopt new technologies, thus supporting their economic transformation and growth within the EU framework.

3.1. Trade Integration and Patterns

The EU enlargements of 2004, 2007, and 2013 significantly shaped the trade landscape of the new Member States, including the Visegrad countries. The accession of these countries to the EU led to their full inclusion in the EU single market, resulting in the removal of trade barriers, the harmonisation of standards, and the opportunity to participate fully in the EU's free movement of goods, services, and capital.

3.1.1. Trade Diversion and Trade Balance With the EU

Trade diversion refers to a situation in international trade where the formation of a preferential trade agreement causes a shift in trade patterns, diverting imports from a global producer to a producer within the trade bloc. This occurs because the trade bloc reduces or eliminates tariffs among its members, making intra-bloc goods artificially cheaper compared to goods from external countries, even if the latter are produced at a lower cost. Baldwin and Wyplosz[35] discuss trade diversion in the context of economic integration and regionalism, emphasising that while trade agreements can enhance trade within the bloc, they may also distort global trade by reducing imports from more competitive producers outside the bloc.

Following EU accession, the new Member States experienced a substantial increase in trade volumes with other EU Member States. The integration into the EU market also led to changes in the trade partners of the Visegrad countries. Prior to accession, their trade was often oriented towards regional partners or, in some cases, towards non-EU countries due to historical and geopolitical ties. After joining the EU, there was a noticeable shift towards intra-EU trade. However, Figure No. 7 and Figure No. 8 show that trade diversion followed somewhat different paths in terms of the pace of each expansion wave and direction of trade (exports and imports). For instance, in terms of imports, the Visegrad countries experienced a more rapid shift towards the EU compared to exports. On the other hand, export ties with the EU were already strong, as by 2004, 80% of Visegrad exports were directed towards the EU28, while for imports, the ratio was 73%. In this sense, the potential for trade diversion in exports was already partly exhausted.

35 Baldwin and Wyplosz, 2022.

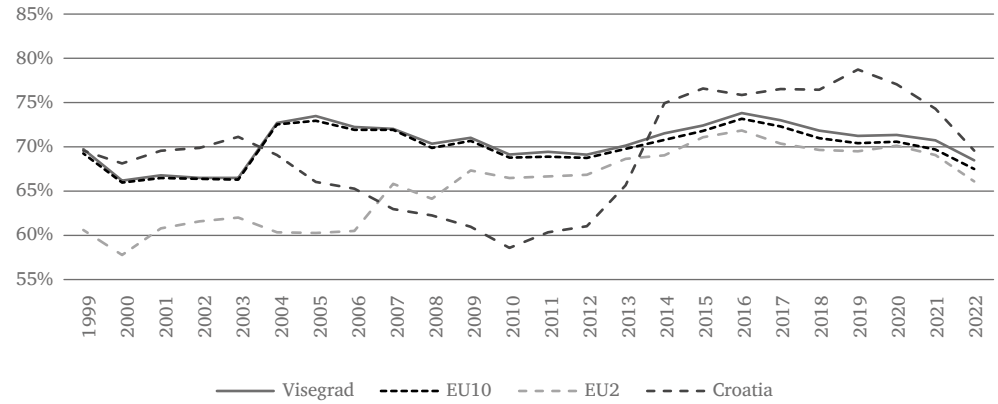


Figure No. 7[36]
Trade diversion in imports of the EU10, Visegrad group, EU2 and Croatia from EU28 (ratio of imports from EU28 over total imports)

The decrease in the ratio of exports from Visegrad countries to the EU between 2004 and 2013 (see Figure No. 8) can be attributed to several economic and structural factors. One key reason is the diversification of trade partners. After joining the EU, the Visegrad countries increasingly integrated into global markets, building stronger trade relations with non-EU countries such as China, Russia, and the United States. The global financial crisis of 2008–2009 caused economic stagnation in many EU Member States, leading to a reduced demand for imports. Changes in production and supply chains further impacted export ratios. Visegrad countries are deeply integrated into EU-based supply chains, particularly in the automotive sector. However, during this period, global competition intensified, and some supply chains began shifting to lower-cost regions outside the EU. Another factor is structural limitations and competitiveness issues. While the Visegrad countries specialise in medium- and high-tech goods, limited progress in upgrading product sophistication may have affected their ability to maintain or expand their market share within the EU.

36 Eurostat, 2020a; own calculations.

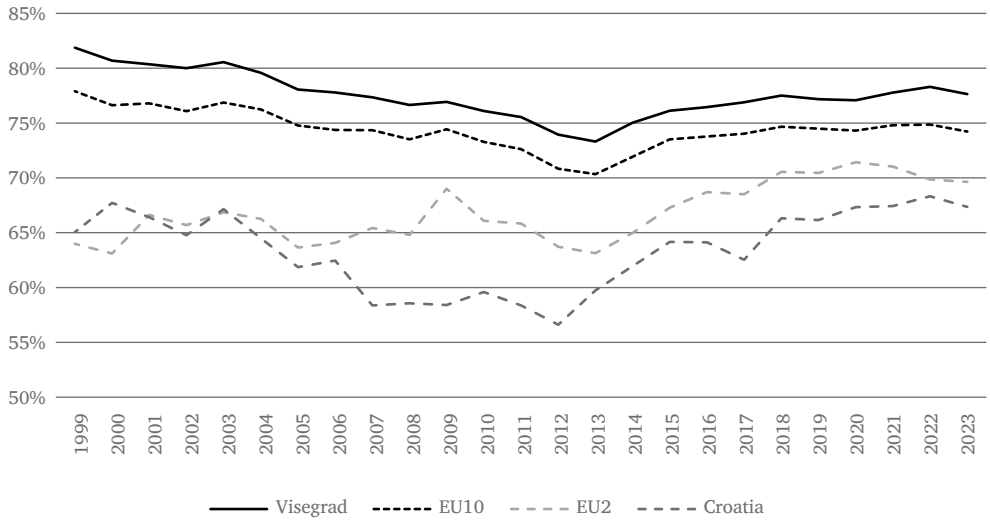


Figure No. 8[37]
Trade diversion in exports of the EU10, Visegrad group, EU2 and Croatia to EU28 (ratio of exports to EU28 over total exports)

Figure No. 9 confirms that times of economic distress, namely the financial crisis in 2008 and the COVID-19 crisis after 2019, affected the trade balances of the new Member States with the EU.

37 Eurostat, 2020a; own calculations.

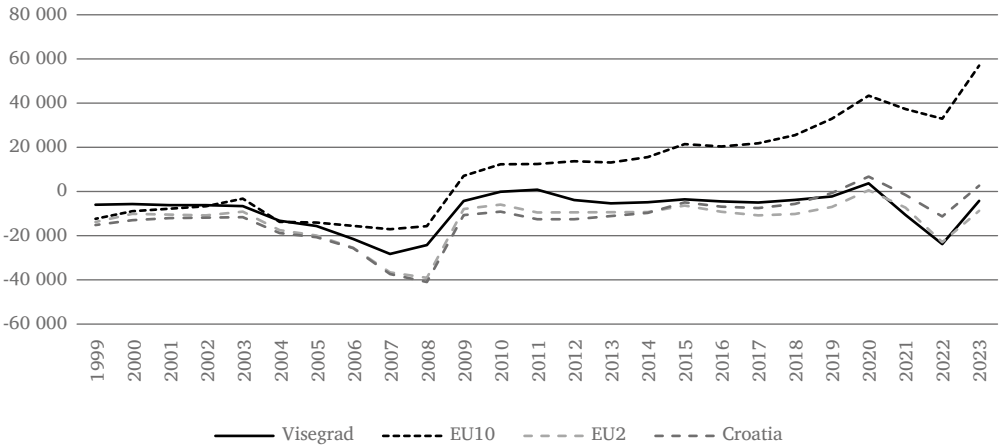


Figure No. 9[38]
Trade balances (exports-imports) of the EU10, Visegrad group, EU2 and Croatia with EU28 (in millions EUR)

Figure No. 10 shows the trade balances of the Visegrad countries with the EU28. The Czech Republic and Poland consistently improve their trade balance with the EU, while Slovakia and Hungary exhibit a fluctuating trade balance. However, they are still able to maintain an overall positive trade balance with the EU.

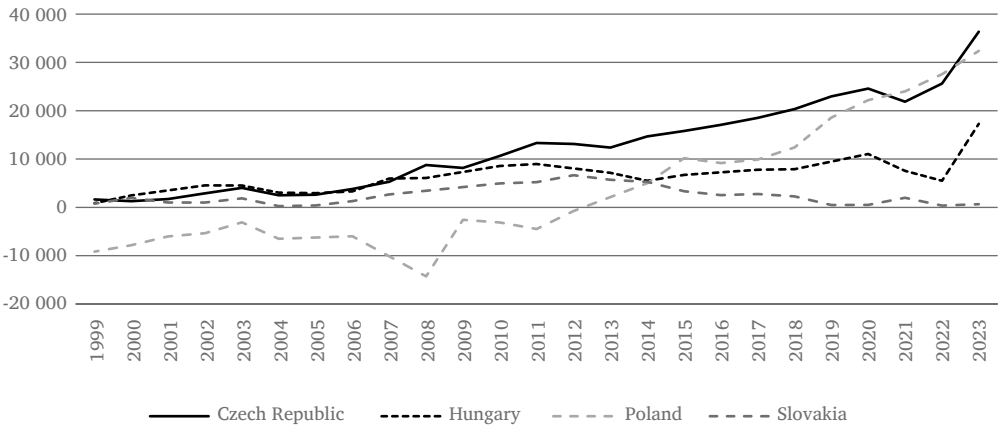


Figure No. 10[39]
Trade balances (exports-imports) of the Visegrad countries with EU28 (in millions EUR)

38 Ibid.
39 Ibid.

Developing trade integration of the Visegrad countries with the EU28 is obvious, with the Czech Republic and Poland being particularly strong performers in the long run. However, as Vlčková (2018) points out, a positive balance or increasing exports do not necessarily mean that the competitiveness of the respective countries increases. There is a significant difference between (gross) exports and domestic value-added exports, as (gross) exports also include value added created in other countries (previously imported and used to create the final exported product). For this reason, the next part of the chapter will focus on qualitative aspects, namely country and export complexities in the Visegrad countries.

3.1.2. Shifts in Complexity and Comparative Advantages in the Visegrad Countries

Country export sophistication can be assessed using the Economic Complexity Index (ECI), which takes two key dimensions, diversity and ubiquity, into consideration. Diversity reflects the range of products a country exports, while ubiquity indicates how commonly those products are exported by other countries. Countries with higher economic complexity typically export a broader range of goods that are less ubiquitous. Research has shown a positive relationship between ECI and per capita income, suggesting its potential to forecast economic growth.[40] The ECI provides information on the country rankings at the global level. Figure No. 11 illustrates the evolution of the rankings of the Visegrad countries according to the ECI. The Czech Republic has consistently been the most complex of the Visegrad countries, followed by Hungary. Slovakia ranks third, while Poland ranks last. However, at the global level, all Visegrad countries are way above the median. In terms of evolution after the EU accession, the strongest increase in ranking was recorded by Hungary and the Czech Republic.

40 Sankot et al., 2023.

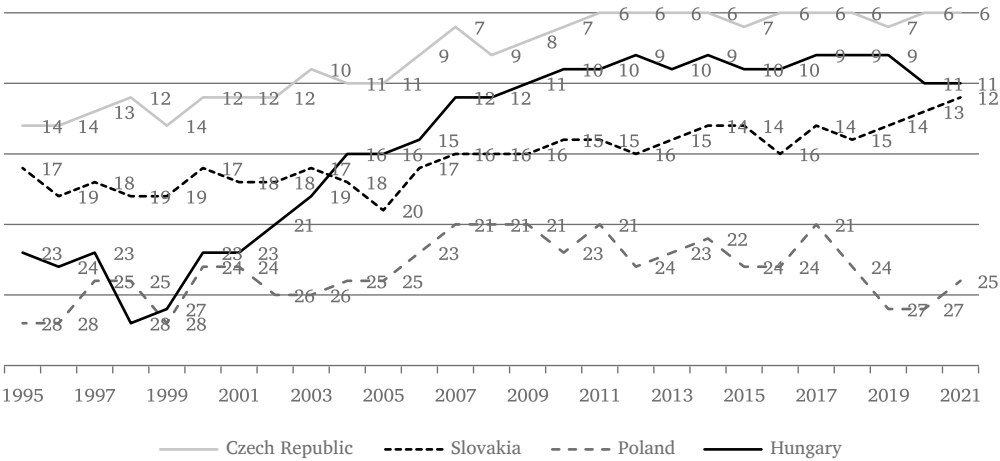


Figure No. 11[41]
Evolution of ECI ranking of the Visegrad countries

The Product Complexity Index (PCI) evaluates the level of technological advancement associated with producing specific goods, reflecting the capabilities necessary for their manufacture. Highly complex items include products like chemicals, electronics, and machinery, whereas simpler goods, such as raw materials and basic agricultural products, are ranked as the least complex.[42] The Revealed Comparative Advantage (RCA) is a measure used to determine whether a country is a significant exporter of a specific product by assessing its relative advantage or disadvantage in exporting that product. This approach follows Balassa's definition, which states that a country is considered an effective exporter of a product if its export share exceeds the product's share of global exports. In the following section, the normalised version of this indicator is used, allowing for comparisons of the index across time and space.[43] The threshold value for both the PCI and normalised RCA is zero. Values above zero indicate sophisticated products exported with a comparative advantage, while values below zero represent non-sophisticated products exported ineffectively (without a comparative advantage). The value of the normalised PCI changes over time due to the changing complexity of a product relative to the global export structure.

The following tables (Table No. 6 to Table No. 9) illustrate the evolution of export complexity (PCI of the exported products) and revealed comparative advantages (RCA of the exported products) in each of the Visegrad countries. The tables present the PCI and RCA of the top 20 exported products by export value, i.e., those with the highest shares of total national exports. To balance visualisation quality with clarity,

41 The Growth Lab at Harvard University, 2024a.
42 Sankot et al., 2023.
43 Sejkora and Sankot, 2017.

two years were selected: 2004 and 2014. The year 2004 marks the accession, while 2014 represents a decade later, providing a period sufficiently removed from the financial crisis that began in 2008, allowing ample time for comparative advantages, export volumes, PCIs, and RCAs to adjust. The product classification follows the HS 1992 4-digit system.

Table No. 6 shows that between 2004 and 2014, there were significant changes in the export composition of products from the Czech Republic. Overall, the country became more specialised, as reflected in the higher average RCA. The average RCA of the top 10 products increased from 0.82 to 1.52, while the average for the top 20 products rose from 0.9 to 1.13. On the other hand, the PCI of the top exported products declined, decreasing from 0.78 to 0.64 for the top 10 products and from 0.84 to 0.76 for the top 20 products. At present, the country experiences a favourable pattern of export growth, with the largest contribution to export growth coming from products with a high PCI, such as Electrical machinery and equipment and Industrial Machinery.[44]

2004			2014		
	RCA	**PCI**		**RCA**	**PCI**
Trailers and semi-trailers	0.03	1.37	Trailers and semi-trailers	0.80	0.49
Aircraft launching gear & ground flying trainers	0.67	1.49	Aircraft launching gear & ground flying trainers	1.28	1.40
Transmission shafts	0.17	1.02	Transmission shafts	0.93	0.87
Containers for multimodal transportation	1.15	-0.45	Containers for multimodal transportation	0.78	-0.22
Pulleys and winches	1.44	1.57	Parts for electrical apparatus	0.12	0.65
Travel sets	1.07	0.20	Electric trains	1.02	0.85
Semiconductor devices	0.63	0.59	Cigarette lighters	4.20	0.29
Electric trains	0.57	1.05	Travel sets	1.30	0.34
Rubber inner tubes	0.94	0.25	Rubber inner tubes	0.93	0.29
Refined copper and copper alloys	1.51	0.68	Transmission apparatus for radio, telephone and TV	3.86	1.44
Parts for electrical apparatus	-0.20	1.24	Electric signal and traffic controls	-0.01	1.21
Machines and apparatus semiconductors, electronics	-0.26	0.75	Pulleys and winches	1.04	1.48
Rare-earth metals	1.11	-0.05	Machines and apparatus semiconductors, electronics	0.49	1.28

44 The Growth Lab at Harvard University, 2024b.

2004			2014		
	RCA	**PCI**		**RCA**	**PCI**
Transmission apparatus for radio, telephone and TV	2.59	1.77	Phosphatic fertilisers	-0.24	0.60
Electrical lighting equipment used for motor vehicles	0.68	0.87	Refined copper and copper alloys	1.45	0.89
Centrifuges	0.25	1.22	Fork-lift trucks	1.61	1.11
Containers for compressed or liquified gas	1.17	0.59	Semiconductor devices	0.45	0.28
Printers and copiers	0.33	0.82	Rare-earth metals	1.74	-0.44
Railway coaches, not self-propelled	1.41	0.81	Synthetic rubber	0.60	0.82
Silk yarn	2.75	1.06	Batteries	0.32	1.55
Average of top 10	**0.82**	**0.78**	**Average of top 10**	**1.52**	**0.64**
Average of top 20	**0.90**	**0.84**	**Average of top 20**	**1.13**	**0.76**

Table No. 6[45]
Shift in export complexity of the Czech Republic (2004 and 2014)[46]

Hungary also exhibited a high share of sophisticated products in its export mix. The average PCI of the top 10 and top 20 products performed better compared to that of the Czech Republic, decreasing from 0.97 to 0.86 for the top 10 products and increasing from 0.77 to 0.79 for the top 20. The country also experienced a rise in the average RCA of its top exported products, measured as a ratio of total national exports, increasing from 2.01 to 2.41 for the top 10 products and from 1.72 to 1.79 for the top 20 (Table No. 7).

Currently, Hungary continues its trajectory of export growth, with the largest contributions coming from high-complexity products, particularly electrical machinery and equipment, as well as vehicles.[47]

45 The Growth Lab at Harvard University, 2024c.
46 The product categorisation is HS 1992 4-digit. The RCA and PCI are normalised to ensure time comparability.
47 The Growth Lab at Harvard University, 2024b.

2004			2014		
	RCA	**PCI**		**RCA**	**PCI**
Parts for electrical apparatus	3.63	1.24	Trailers and semi-trailers	0.98	0.49
Transmission shafts	0.64	1.02	Aircraft launching gear & ground flying trainers	0.80	1.40
Equipment for temperature change of materials	6.86	1.39	Equipment for temperature change of materials	7.66	1.04
Calendering or other rolling machines, other than for metals or glass	4.99	1.52	Phosphatic fertilisers	0.59	0.60
Aircraft launching gear & ground flying trainers	0.34	1.50	Transmission shafts	0.25	0.87
Trailers and semi-trailers	-0.10	1.38	Electric signal and traffic controls	0.68	1.21
Semiconductor devices	1.70	0.59	Semiconductor devices	2.23	0.27
Containers for multimodal transportation	1.45	-0.47	Calendering or other rolling machines, other than for metals or glass	3.73	1.66
Phosphatic fertilisers	-0.03	0.58	Watch straps	5.93	1.25
Electronic integrated circuits	0.59	0.95	Containers for multimodal transportation	1.30	-0.23
Bituminous mixtures	-0.17	-0.99	Bituminous mixtures	-0.29	-1.03
Travel sets	1.17	0.19	Rubber inner tubes	1.19	0.29
Electronic printed circuits	0.93	0.46	Electric trains	1.03	0.85
Railway service vehicles	4.04	1.16	Ships' derricks; cranes	1.12	1.62
Electric trains	0.54	1.05	Other rail locomotives	1.59	0.73
Electric signal and traffic controls	0.31	0.98	Centrifuges	1.03	1.19
Electrical apparatus for > 1kV	3.70	0.18	Synthetic rubber	0.92	0.82
Thermionic, cold cathode or photocathode tubes	1.88	0.31	Travel sets	0.77	0.34
Watch straps	1.50	1.29	Pulleys and winches	0.81	1.48
Ships' derricks; cranes	0.49	1.02	Sound storage media	3.45	0.97
Average of top 10	**2.01**	**0.97**	**Average of top 10**	**2.41**	**0.86**
Average of top 20	**1.72**	**0.77**	**Average of top 20**	**1.79**	**0.79**

Table No. 7[48]
Shift in export complexity of Hungary (2004 and 2014)[49]

48 The Growth Lab at Harvard University, 2024c.
49 The product categorisation is HS 1992 4-digit. The RCA and PCI are normalised to ensure time comparability.

In contrast to the Czech Republic and Hungary, Poland and Slovakia (Table No. 8 and Table No. 9) exhibit lower export complexity among the Visegrad countries. However, they demonstrated significant growth in the first 10 years after accession. The average PCI of the top 20 products increased by 0.12 in Poland and 0.24 in Slovakia.

The RCA of Poland's top exports decreased significantly, mainly due to the product Petroleum oils, crude, which exhibits volatile values over time and is therefore not consistently present in the top 20, despite having a high RCA value. If this product had been excluded from the top 20 in 2004, the average RCA would have been 1.39 (Table No. 8).

2004			2014		
	RCA	**PCI**		**RCA**	**PCI**
Trailers and semi-trailers	-0.03	1.37	Aircraft launching gear & ground flying trainers	0.58	1.40
Aircraft launching gear & ground flying trainers	0.30	1.49	Trailers and semi-trailers	-0.19	0.49
Calendering or other rolling machines, other than for metals or glass	4.63	1.51	Travel sets	2.48	0.34
Travel sets	3.59	0.20	Semiconductor devices	1.81	0.28
Photographic cameras	2.19	-0.03	Bituminous mixtures	-0.38	-1.02
Slide fasteners	1.87	0.25	Slide fasteners	1.46	0.49
Containers for multimodal transportation	1.34	-0.45	Photographic cameras	1.36	-0.45
Tar distilled from coal, lignite etc.	1.74	-0.75	Transmission shafts	-0.20	0.88
Petroleum oils, crude	8.10	0.01	Phosphatic fertilisers	-0.16	0.60
Semiconductor devices	0.93	0.59	Parts for electrical apparatus	0.03	0.65
Containers for compressed or liquified gas	2.32	0.59	Calendering or other rolling machines, other than for metals or glass	1.69	1.66
Gliders, hang gliders	0.07	1.02	Containers for multimodal transportation	0.44	-0.22
Copper powders and flakes	1.56	-1.49	Rubber inner tubes	0.61	0.29
Rubber inner tubes	0.61	0.25	Sulphur, crude	3.56	-0.81
Bituminous mixtures	-0.40	-0.97	Copper powders and flakes	0.91	-1.43
Refined copper and copper alloys	1.31	0.68	Containers for compressed or liquified gas	1.19	0.42
Flat-rolled products of stainless steel of a width > 600 mm	3.07	-0.14	Gliders, hang gliders	0.05	0.33

2004			2014		
	RCA	**PCI**		**RCA**	**PCI**
Electronic integrated circuits	0.00	0.95	Poultry	2.01	0.21
Flat rolled iron, width > 600mm, clad	0.98	-0.72	Weighing machinery	0.12	1.19
Men's shirts	0.35	-1.22	Bobbins, spools, cops of paper	1.88	0.21
Average of top 10	**2.47**	**0.42**	**Average of top 10**	**0.68**	**0.37**
Average of top 20	**1.73**	**0.16**	**Average of top 20**	**0.96**	**0.28**

Table No. 8[50]
Shift in the export complexity of Poland (2004 and 2014)[51]

The RCA of Slovakia's top exported products has remained relatively stagnant (Table No. 9). However, it is generally higher than the values for the Czech Republic and Hungary. This can be partially attributed to the small size of the Slovak economy, which inherently leads to higher export specialisation due to more limited productive capabilities.

According to the Growth Lab at Harvard University,[52] the more recent evolution in these two countries is favourable. The largest contribution to export growth comes from moderate and high complexity products in Poland (Business and Industrial Machinery), and high complexity products in Slovakia (Vehicles and Industrial Machinery).

2004			2014		
	RCA	**PCI**		**RCA**	**PCI**
Trailers and semi-trailers	0.89	1.37	Trailers and semi-trailers	1.51	0.49
Bituminous mixtures	0.43	-0.99	Semiconductor devices	6.37	0.27
Aircraft launching gear & ground flying trainers	0.43	1.49	Aircraft launching gear & ground flying trainers	0.60	1.40
Parachutes	22.19	1.64	Parts for electrical apparatus	1.05	0.64
Flat-rolled iron, width < 600mm, not clad	2.52	0.37	Bituminous mixtures	-0.07	-1.03
Containers for multimodal transportation	1.72	-0.47	Parachutes	20.18	1.23
Transmission shafts	-0.10	1.01	Rubber inner tubes	1.42	0.29

50 The Growth Lab at Harvard University, 2024c.
51 The product categorisation is HS 1992 4-digit. The RCA and PCI are normalised to ensure time comparability.
52 The Growth Lab at Harvard University, 2024b.

2004			2014		
	RCA	**PCI**		**RCA**	**PCI**
Rubber inner tubes	1.42	0.23	Transmission shafts	0.00	0.87
Hot rolled bars of iron	1.87	-0.22	Containers for multimodal transportation	0.65	-0.23
Travel sets	1.07	0.18	Electromechanical domestic appliances	1.34	1.79
Machine tools for molding and forging metals	4.98	0.64	Flat-rolled iron, width < 600mm, not clad	1.55	0.41
Vacuum cleaners	2.47	0.83	Hot rolled bars of iron	1.44	0.04
Aluminium foil < 0.2 mm	1.15	-0.55	Vacuum cleaners	2.20	1.28
Other uncoated paper and paperboard	1.99	0.48	Ships' derricks; cranes	0.58	1.62
Semiconductor devices	0.61	0.58	Electronic integrated circuits	1.07	0.46
Flat-rolled iron, width < 600mm, clad	2.66	-0.04	Transmission apparatus for radio, telephone and TV	2.02	1.44
Slide fasteners	0.56	0.24	Air conditioners	8.01	0.87
Electric soldering machines	0.78	0.29	Travel sets	0.48	0.34
Textile footwear	0.97	-0.94	Textile footwear	0.74	-0.76
Rare-earth metals	1.54	-0.06	Rare-earth metals	1.18	-0.46
Average of top 10	**3.24**	**0.46**	**Average of top 10**	**3.30**	**0.57**
Average of top 20	**2.51**	**0.31**	**Average of top 20**	**2.62**	**0.55**

Table No. 9[53]
Shift in the export complexity of Slovakia (2004 and 2014)[54]

The above-mentioned results raise questions about developing suitable export strategies, supporting competitive and innovative companies, and being selective in attracting foreign investment. These aspects are of particular importance for new Member States. However, such measures must be taken considering the national context. Gotz,[55] for instance, shows that the average contribution of foreign firms to value creation varies across the Visegrad countries, being the highest in Hungary and Slovakia and lower in the Czech Republic and Poland. In the latter case, this could either indicate that domestic firms generate significant value-added or that foreign firms are not engaged in activities with high value-added.

53 The Growth Lab at Harvard University, 2024c.
54 The product categorisation is HS 1992 4-digit. The RCA and PCI are normalised to ensure time comparability.
55 Gotz et al., 2020.

3.2. Market Access, Competitiveness and Innovation

The integration into the EU internal market can significantly impact the competitiveness of new Member States, providing new opportunities for market access and facilitating economies of scale. This section discusses how the EU membership was reflected in the ability of these countries to access new markets, achieve economies of scale, and enhance their competitiveness through innovation and technological adoption.

3.2.1. Access to New Markets and Economies of Scale

EU membership allows Member States to benefit from a larger customer base and a larger market for inputs. Economies of scale refer to the cost advantages that enterprises can achieve due to an increase in the scale of production, resulting in a decrease in average costs per unit. As companies expand their production, they spread fixed costs (such as administration, facilities, and machinery) over a larger number of units, leading to lower per-unit costs. Additionally, large-scale operations can lead to efficiencies in purchasing, labour, and operations. There are two main types of economies of scale, (1) internal economies of scale, and (2) external economies of scale). In internal economies, of scale, cost savings are reached within a company as it grows, stemming from technical efficiencies (such as specialised machinery), managerial efficiencies (increased specialisation of workers' roles), bulk purchasing (buying inputs in bulk at a lower unit price, financial (larger firms often obtain lower interest rates for credits), etc. External economies of scale bring cost advantages that transpire in all firms within an industry as the industry itself grows, often due to improvements in infrastructure, supply chains, or a larger skilled labour pool.[56] Economies of scale are therefore crucial, allowing firms to lower prices or invest in further expansion. Many studies provide evidence of economies of scale, including those achieved through integration with the EU. The economies of scale are particularly evident in sectors producing tradable goods, which is often the manufacturing sector.[57]

Figure No. 12 illustrates the growth in manufacturing output for the Visegrad countries and the EU28. All Visegrad countries experienced significant growth in manufacturing output, surpassing the EU28 average, particularly after 2010. Slovakia shows the strongest growth trajectory, particularly after 2013. The 2008 financial crisis caused a noticeable decline in manufacturing output across all regions, but recovery was robust in the Visegrad countries, outpacing the EU28 in subsequent years. These results suggest potential positive effects from access to an enlarged EU market.

56 Krugman, Obstfeld and Melitz, 2023.
57 Chen, Imbs and Scott, 2009.

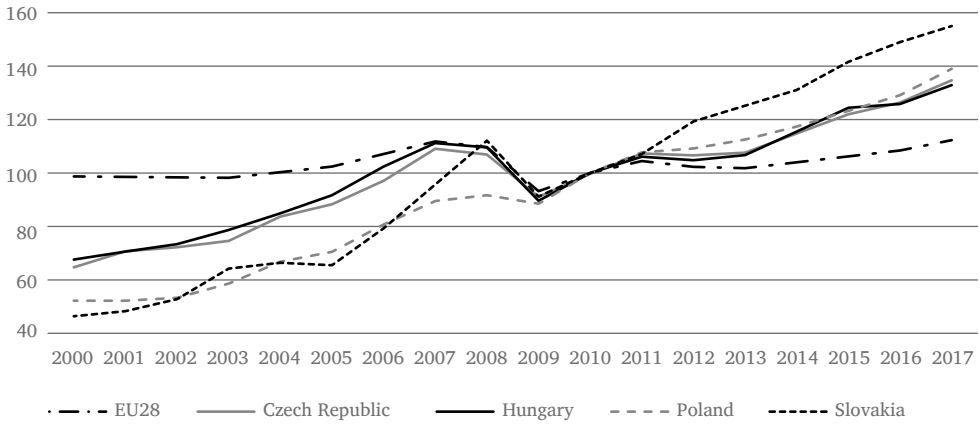


Figure No. 12[58]
Growth in the manufacturing output of Visegrad Countries (NACE C, index, 2010=100)

Figure No. 13 depicts producer prices in the industry for the Visegrad countries and the EU28. Over the period, all countries experienced an overall upward trend in producer prices, reflecting general price growth in industrial sectors. However, the rate of increase was lower than the rate at which output grew (as shown in Figure No. 12), potentially due to increased competitiveness following accession to the EU market.

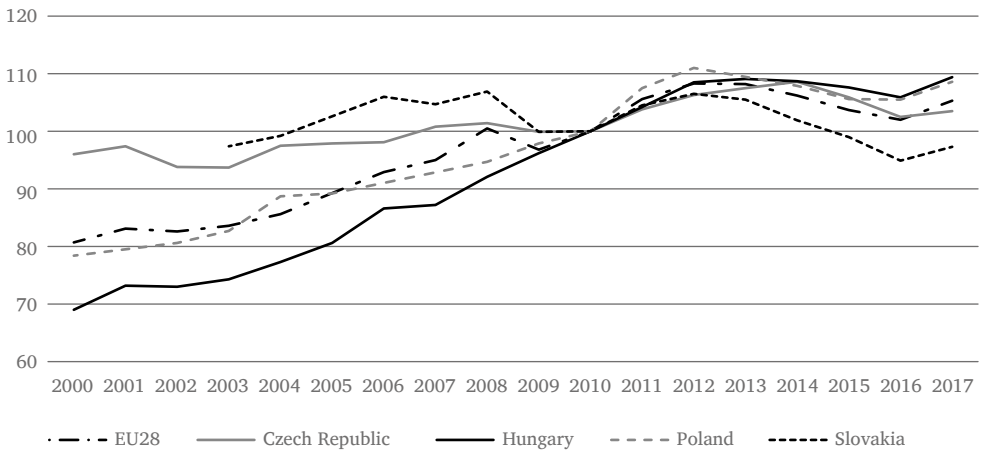


Figure No. 13[59]
Producer prices in industry (NACE B-E36, index, 2010=100)

58 Eurostat, 2024b.
59 Eurostat, 2024c; own calculations.

3.2.2. Innovation and Technological Adoption

The transfer of technology and knowledge through investment and participation in EU research programs has been essential in modernising industries in the recent enlargement waves. This section examines how EU membership has influenced R&D spending, technology adoption, and innovation, as well as the role of innovative companies in facilitating these advancements.

R&D spending is usually quantified in absolute terms, such as EUR or EUR per inhabitant, as well as in relative terms, most often as a ratio over GDP. GERD/GDP represents the proportion of a country's total economic output that is spent on R&D. This measure is often used to capture how much of the country resources are dedicated to R&D relative to the size of the economy. GERD/GDP is particularly useful for cross-country comparisons where countries have different economic sizes. GERD in EUR per inhabitant measures the R&D expenditure per person within the country. This metric is useful for understanding the scale of R&D investment on a per-capita basis, providing information about the potential direct or indirect benefits that individuals in the country might experience due to R&D spending. It can provide more insight into whether the average citizen is likely to experience the benefits of R&D spending, such as improved technology, healthcare advancements, and economic opportunities. In smaller, highly innovative countries, for instance, GERD per inhabitant might be high even if GERD/GDP is moderate, reflecting substantial per-capita investment.

Figure No. 14 illustrates the GERD/GDP across different enlargement waves. The values increased over time but never reached the target value of 3% as outlined in the strategy Europe 2020.[60]

GERD/GDP for the EU10, EU2, and Croatia was and remains substantially lower than the EU average, but shows a gradual increase, especially for EU10 and Croatia, and a stagnation for the EU2. The figures suggests that EU accession may have positively impacted R&D investments in new Member States, as indicated by the gradual increase in GERD as a percentage of GDP in most of them, as EU membership provided access to additional funding, support for innovation, and structural reforms, all these channels supporting the R&D expenditure in new Member States. However, the values remain below the EU27 average, indicating a continued gap but also a positive trajectory toward increased R&D investment.

60 European Commission, 2020.

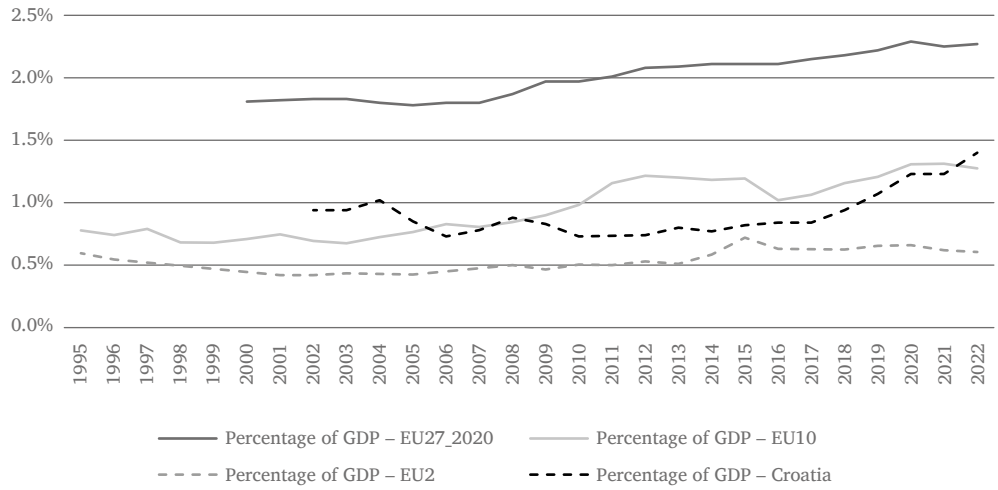


Figure No. 14[61]
GERD as a percentage of GDP in EU27, EU10, EU2 and Croatia

Zooming in for the Visegrad countries, heterogeneity is obvious (Figure No. 15). The Czech Republic consistently exhibits the highest GERD/GDP, increasing from around 1% in the early 2000s to over 2% by 2015, with a slight decline in recent years. Hungary follows, with a stable GERD ratio slightly below 1% for much of the period, before a gradual increase towards 1.5% after 2015. Poland and Slovakia both exhibit lower GERD/GDP levels, generally below 1%, with Poland demonstrating a gradual upward trend and Slovakia remaining relatively flatter with minor fluctuations. This chart highlights the Czech Republic and Hungary's stronger emphasis on R&D investment relative to their GDP compared to Poland and Slovakia.

61 Eurostat, 2024d, own calculations.

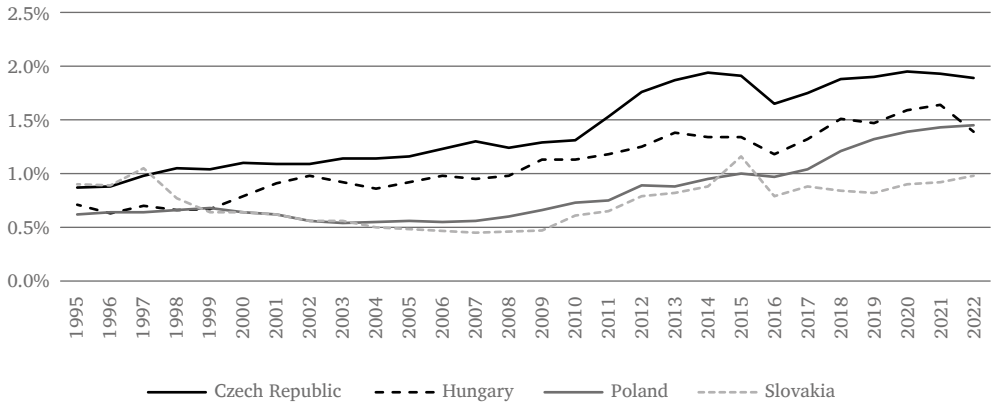


Figure No. 15[62]
GERD as a percentage of GDP in the Visegrad countries

Slightly differing from the GERD/GDP evolution, Figure No. 16 shows that starting in the early 2000s, GERD per capita grew significantly in all Visegrad countries. This trend highlights a strong commitment to R&D investment, likely influenced by EU membership and access to additional funding. The group however also exhibits a certain heterogeneity, with the highest values in the Czech Republic over the entire time series, and the lowest ones in Slovakia.

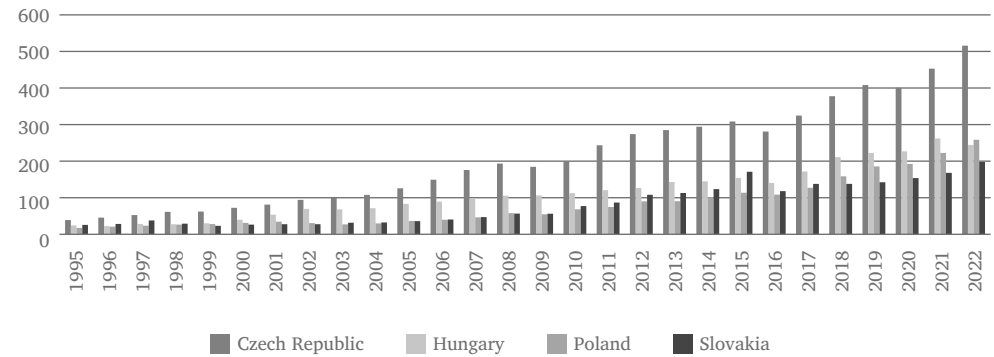


Figure No. 16[63]
GERD in EUR per inhabitant in the Visegrad countries

62 Ibid.
63 Ibid.

The differences amongst Visegrad countries are also visible when looking into the growth rates of GERD per inhabitant and GERD/GDP, as captured in Table No. 6. The table provides a breakdown of the growth rates between 1999 and 2008, with five-year averages presented for the periods 1999–2003 and 2004–2008, to capture the pre- and post-accession values.

In the Czech Republic, the average annual growth rate for GERD per inhabitant increased from 10.2% in the 1999–2003 period to 14.3% in 2004–2008, indicating a strengthening in per-capita investment in R&D. However, GERD/GDP shows a more modest increase, from an average annual growth rate of 1.7% to just 1.8%, suggesting that R&D spending grew roughly in line with GDP. Poland's GERD per inhabitant also exhibits a significant increase in its average growth rate, from 11.4% in the earlier period to 16.4% in 2004–2008, indicating a significant rise in R&D spending per capita. The average growth in GERD/GDP also improved, from -3.8% in 1999–2003 to a positive 2.2% in 2004–2008, showing a stronger prioritisation of R&D investment relative to GDP growth in the latter period.

Slovakia's GERD per inhabitant also increased in average growth rate, from -0.7% in 1999–2003 to 12.7% in 2004–2008, indicating a significant improvement in per-capita R&D investment. However, GERD/GDP showed a decline in the latter period, with average growth falling from -5.9% to -3.8%, indicating that while per-capita investment increased, R&D spending did not keep pace with GDP growth.

On the other hand, Hungary saw a decline in its average annual growth rate for GERD per inhabitant, from 20.7% in 1999–2003 to 9.1% in 2004–2008. Similarly, GERD/GDP also declined, from an average growth of 7.2% to 1.4%, reflecting a broader deceleration in R&D investment relative to economic growth in the latter period.

During the 2004–2008 period, all Visegrad countries increased their per-capita investment in R&D compared to the previous period. However, GERD/GDP shows a more diversified picture, with only the Czech Republic and Poland maintaining or increasing their R&D spending relative to GDP. Hungary and Slovakia, meanwhile, saw declines in GERD/GDP, suggesting that while absolute R&D spending grew, it did not keep pace with GDP growth, potentially signalling a lower prioritisation of R&D in the broader economic context.

	1999	2000	2001	2002	2003	1999-2023	2004	2005	2006	2007	2008	2004-2008
Czech Republic												
EUR/inhab.	1.2%	16.2%	12.3%	15.7%	5.6%	10.2%	8.6%	16.4%	18.9%	17.6%	10.0%	14.3%
% of GDP	-1.0%	5.8%	-0.9%	0.0%	4.6%	1.7%	0.0%	1.8%	6.0%	5.7%	-4.6%	1.8%
Hungary												
EUR/inhab.	8.7%	31.4%	35.5%	29.1%	-1.5%	20.7%	4.3%	16.3%	7.7%	8.7%	8.6%	9.1%
% of GDP	1.5%	17.9%	15.2%	7.7%	-6.1%	7.2%	-6.5%	7.0%	6.5%	-3.1%	3.2%	1.4%
Poland												
EUR/inhab.	6.2%	11.4%	10.6%	-11.4%	-11.6%	1.0%	10.0%	21.7%	9.2%	16.7%	24.4%	16.4%
% of GDP	3.0%	-5.9%	-3.1%	-9.7%	-3.6%	-3.8%	1.9%	1.8%	-1.8%	1.8%	7.1%	2.2%
Slovakia												
EUR/inhab.	-19.2%	13.4%	4.9%	-0.7%	14.1%	2.5%	3.0%	11.7%	11.4%	16.4%	20.9%	12.7%
% of GDP	-16.9%	0. 0%	-3.1%	-9.7%	0.0%	-5.9%	-10.7%	-2.0%	-4.0%	-4.3%	2.2%	-3.8%

Table No. 10[64]
Growth rates of GERD per inhabitant and GERD/GDP in the Visegrad countries[65]

Another useful indicator to capture of the innovative potential of the country is the number of persons with tertiary education employed in science and technology. A higher proportion of educated individuals working in the fields of science and technology suggests a strong base of skilled professionals capable of driving research, development, and technological advancements. This workforce can enhance innovation capacity by contributing to R&D activities, adopting and creating new technologies, and fostering knowledge-intensive industries, all of which are essential for maintaining a competitive, innovation-driven economy.

Figure No. 17 presents the percentage of the labour force with tertiary education employed in science and technology fields in the Visegrad countries, compared to the EU27 average. Over time, all countries show a gradual upward trend, indicating an increasing proportion of highly educated individuals entering professions in science and technology. The EU27 average is consistently leading, although individual countries, particularly the Czech Republic and Poland, have shown significant progress, closely approaching EU standards by 2023.

Hungary and Slovakia, while also demonstrating growth, remain slightly behind the EU27 average and other peers. The steady increase across all countries highlights a regional shift toward higher educational attainment and employment in

64 Ibid.
65 The five-year growth rates are calculated as arithmetic averages of annual growth rates.

science and technology sectors, likely influenced by policies aimed at enhancing the knowledge economy.

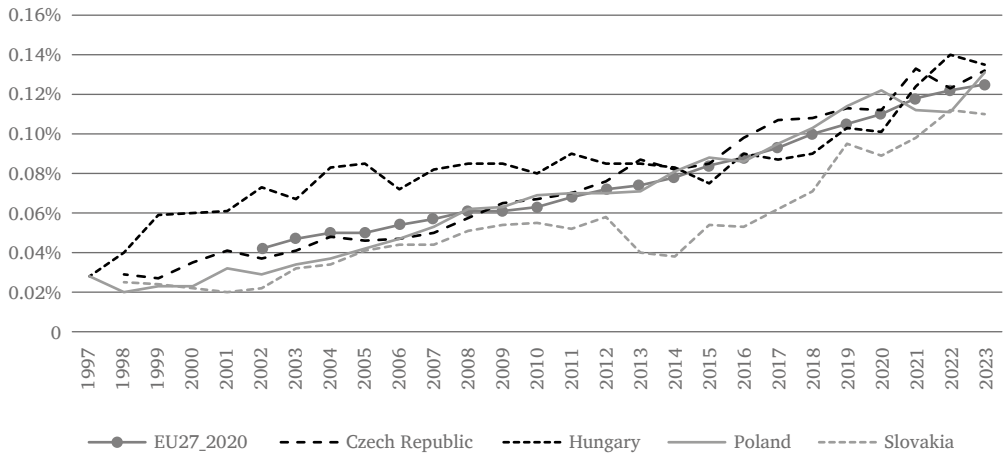


Figure No. 17[66]
Persons with tertiary education (ISCED) and employed in the fields of science and technology, percentage of population in the labour force

Figure No. 18 shows the ratio of high-technology manufacturing enterprises to the total number of manufacturing enterprises in the Visegrad countries from 2008 to 2020. The EU aggregate values are not included, due to limited data availability.[67] Across the period, the ratios in all four countries remain relatively low and stable, indicating a modest proportion of high-tech enterprises within their manufacturing sectors. However, the decline caused by the financial crisis was not recovered yet. The Czech Republic has the highest ratio, hovering at around 3%, with a slight decline over time. Hungary follows, with a ratio just below the Czech Republic's, showing a stable trend close to 2.5%. Poland and Slovakia exhibit the lowest ratios, each sustaining a range between 1% and 2%, with little variation over the years.

The generally flat trends across all countries suggest that the growth of high-technology manufacturing enterprises has been slow, with little change over the examined period. This low proportion could imply challenges in transitioning toward high-tech manufacturing within these economies or may reflect structural limitations in their manufacturing sectors. The stable but low ratios highlight a potential area for policy focus to foster the development of high-tech industries in the region.

66 Eurostat, 2024h; own calculations.

67 The average for the only available years (2008–2010 and 2015–2016) is 2.27%. See Eurostat, 2024g; own calculations.

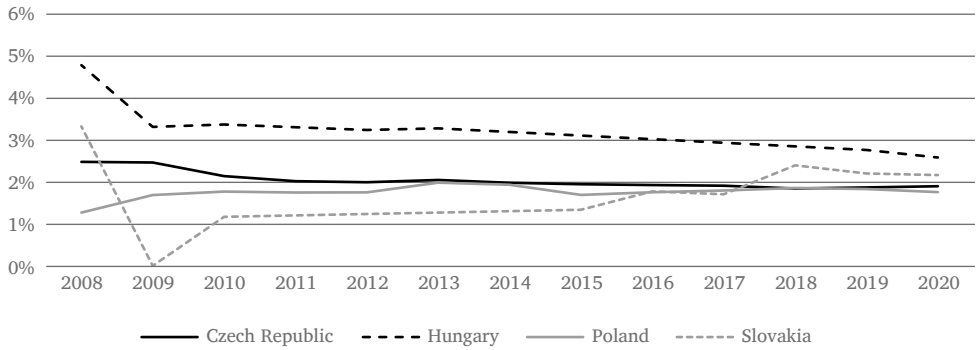


Figure No. 18[68]
Ratio of high-technology manufacturing enterprises over the total number of enterprises in the manufacturing sector

Figure No. 19 illustrates patent applications submitted to the European Patent Office (EPO) per million inhabitants for the Visegrad countries and the EU28 average from 1995 to 2017, when the data availability concludes. The EU28 average is consistently the highest, maintaining a level above 100 applications per million inhabitants throughout the period, indicating a strong patenting potential across the EU.

Among the Visegrad countries, the Czech Republic shows the highest patent application rate, steadily increasing and peaking at around 30 applications per million by 2017. Hungary follows, though at a lower level, maintaining around 10-15 applications per million inhabitants. Poland shows significant growth in patent applications from 2010 onward, reaching close to Hungary's level by 2017, which could reflect a growing focus on innovation and intellectual property. Slovakia remains the lowest among these countries, with only a slight increase over time, staying below 10 applications per million inhabitants. The overall trend suggests that while the Visegrad countries are increasing their patenting activities, they still lag considerably behind the broader EU28 average. This gap highlights a potential area for further development in innovation and patenting efforts to enhance competitiveness within the EU.

68 Eurostat, 2024g; own calculations.

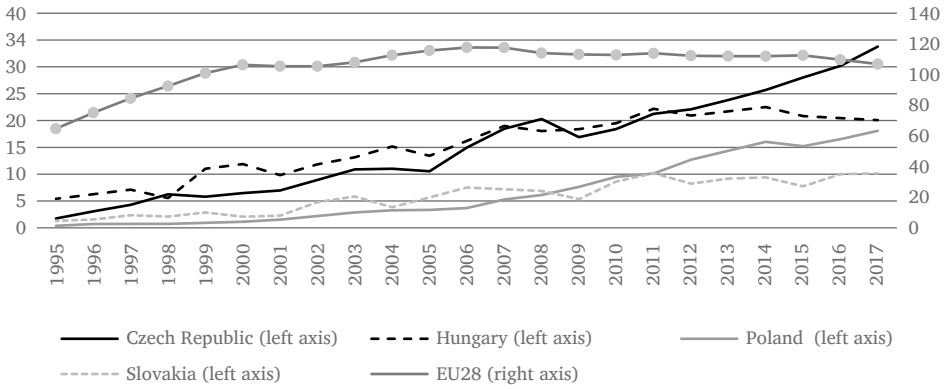


Figure No. 19[69]
Patent applications to the EPO by priority year, number per million inhabitants

3.3. Summary

The expansion of the EU internal market through enlargement waves has significantly increased its size, with major impacts on population, employment, and GDP. The 2004 enlargement was particularly transformative, adding 19.2% to the EU's population and 9.2% to GDP. Trade integration in the Visegrad countries after accession resulted in greater intra-EU trade, but factors like global competition and structural limitations affected export performance. Economic complexity, as measured by indices like ECI and PCI, shows varied progress, with the Czech Republic and Hungary leading in export sophistication compared to Poland and Slovakia.

Market access and economies of scale have improved competitiveness, particularly in the manufacturing sectors of the Visegrad countries. R&D investment has increased post-accession, although levels remain below the EU27 average, with the Czech Republic showing the strongest performance in the Visegrad group. High-tech manufacturing remains a small proportion in total enterprises, indicating untapped potential for transitioning to more advanced industries. Lastly, patent applications in the Visegrad countries are growing but still lag behind EU28 levels, underlining the need for improved innovation policies.

69 Eurostat, 2024f; own calculations.

4. Use of EU Funds

EU funds play a crucial role in promoting economic development, reducing regional disparities, and strengthening social cohesion across the European Union.[70] These instruments are designed to support infrastructure development, innovation, employment, and environmental sustainability.[71] For the new Member States EU funding has been crucial in supporting socio-economic transformation and narrowing the development gap with older Member States.

Numerous studies have confirmed the positive impact of EU funds on economic convergence and regional growth. Becker[72] and Mohl and Hagen[73] showed that cohesion policy has contributed to higher GDP growth and improved public infrastructure in recipient regions. Similarly, Crescenzi and Giua[74] concluded that EU structural funds boost regional innovation and human capital, especially when combined with strong institutional capacity. In countries like Poland and Romania, EU funds have facilitated significant improvement in transport infrastructure, access to public services and regional competitiveness. However, as Ederveen[75] shows, the quality of institutions is crucial in determining the growth effects of EU funding. This chapter will address access to and use of EU funds in new Member States, as well as variations in fund allocation and absorption rates.

4.1. The Impact of EU Funds on Economic Development

The history of EU funds reflects the evolving priorities of European integration, from supporting economic recovery after World War II to promoting regional cohesion and addressing contemporary challenges like climate change and digital transformation. Table No. 11 presents an overview of their historical development.

70 Baldwin and Wyplosz, 2022.
71 European Commission, 2022.
72 Becker et al., 2010.
73 Mohl and Hagen, 2010.
74 Crescenzi and Giua, 2016.
75 Ederveen et al., 2006.

ESIF FUNDS – FUNDS JOINTLY MANAGED BY THE EC AND THE EU MEMBER STATES	
1. Early foundations of the EU funds (1950s–1970s)	
1957 – The European Social Fund (ESF)	• created under the Treaty of Rome • to support worker mobility, improve employment, and address labour market imbalances
1962 – The European Agricultural Guidance and Guarantee Fund (EAGGF)	• established to modernise agriculture • to stabilise rural incomes as part of the Common Agricultural Policy
2. The emergence of regional cohesion (1970s–1980s)	
1975 – the European Regional Development Fund (ERDF)	• introduced to address regional disparities, especially in less-developed regions of the EU • the first European structural fund
3. The completion of the single market and cohesion policy (1990s)	
1992 – The Cohesion Fund (CF)	• introduced by the Maastricht Treaty • to reduce disparities, targeting countries with GNI per capita below 90% of the EU average (focus on environmental and transport infrastructure)
1993 – The European Maritime and Fisheries Fund (EMFF)	• to ensure environmental, economic and social sustainability in the fisheries and aquaculture sectors
4. Further enlargement and modernisation of the EU funds (2000s)	
European Agricultural Fund for Rural Development (EAFRD)	• was created in within the reform of the common agricultural policy • to promote rural development • uses the low environmental impact of the projects as a criterion for granting financial assistance
2004 and 2007 – the two Eastern Enlargement waves	• access of the EU8 and EU2 dramatically increased the role and impact of EU funds • the structural and cohesion funds became crucial instruments in completing the transition and supporting the integration of the new Member States into the EU.
2007 – Reform of the EU Funds	• introduced a simplified framework with three main objectives: • convergence (supporting regions with GDP per capita below 75% of the EU average) • regional competitiveness and employment (supporting innovation and business growth in less developed regions) • European territorial cooperation (supporting cross-border and interregional collaboration)
5. The emergence of sustainability and innovation (2014–2020)	
2020 – alignment to the EU broad strategic goals	• stronger emphasis on aligning funds with the EU broader strategic goals (Europe 2020) • increasingly directed toward innovation, green energy, and digital infrastructure

NGEU PROGRAMME – TWO NEW FINANCIAL INSTRUMENTS	
6. The post-Covid recovery and economic resilience of Member States (2021–2027)	
2021 – the Recovery and Resilience Facility (RRF)	• introduced in response to the COVID-19 pandemic • to help Member States recover from the pandemic and build more resilient economies
2021 – the Recovery Assistance for Cohesion and the Territories of Europe (REACT-EU)	• implemented in part through the ERDF and the ESF, underlining how NGEU and the ESIF objectives overlap

Table No. 11[76]
Overview of historical development of the EU funds

The history of EU funds reflects the evolving priorities of European integration, beginning with efforts to support post-war recovery and culminating in their current role in promoting sustainability, innovation, and socio-economic cohesion. The origins of the EU funds date back to the 1950s when the European Coal and Steel Community established a model for pooling resources in key industries.[77] In 1957, the European Social Fund was introduced under the Treaty of Rome to improve worker mobility, address labour market imbalances, and boost employment opportunities. The European Agricultural Guidance and Guarantee Fund (EAGGF), created in 1962, aimed to modernise agriculture and stabilise rural incomes, laying the foundation for the Common Agricultural Policy. Later, this fund was transformed into the European Agricultural Fund for Rural Development (EAFRD).[78]

By the 1970s, the importance of regional cohesion increased. In 1975, the European Regional Development Fund (ERDF) was established to address disparities in regional economic development, particularly in less-developed areas like southern Italy and parts of Ireland. During the 1980s, the EU began to prioritise cohesion policy more strongly to support economically weaker Member States, such as Greece, Spain, and Portugal, upon their accession. The importance of cohesion gained importance in the context of the project to finalise the single market and the Single European Act was adopted in 1986.[79]

In the 1990s, the focus of the EU further focused on regional development and cohesion, both because of building the Single Market, as well as preparing the EU for future enlargements. After the Eastern enlargements in 2004 and 2007, the impact of the EU funds increased significantly. Namely, the structural and cohesion funds became crucial for supporting the economic transformation and integration of these new members into the EU ecosystem. In 2007, the EU reformed the funding

76 Forte Campos and Rojas, 2021; own compilation.
77 European Commission, 2002.
78 Forte Campos and Rojas, 2021.
79 EUR-lex, 2018.

framework, introducing a simplified structure focused on three key objectives – convergence, regional competitiveness and employment, and European territorial cooperation. Between 2014 and 2020, the EU funds aligned closely with the Europe 2020 Strategy, which emphasised smart, sustainable, and inclusive growth. During this period, investments shifted toward innovation, green energy, and digital infrastructure, reflecting the EU's evolving priorities. The focus moved from basic infrastructure development to fostering high-tech and sustainable solutions.[80]

In the current period (2021–2027), EU funds have become even more strategic, with a strong emphasis on addressing global challenges like climate change, digital transformation, and green transitions. The Recovery and Resilience Facility (RRF), introduced in response to the COVID-19 pandemic, aims to help Member States recover, while building more resilient and sustainable economies. These efforts are in line with the European Green Deal, reinforcing the EU commitment to a green and digital future.

The EU funds are allocated and implemented within specific multiannual financial frameworks, which are typically set for 7-year periods. These frameworks define the EU budget priorities and funding allocations, ensuring a structured and predictable approach to financial planning across Member States. Each multiannual financial frameworks specifies the total budget available, the categories of spending, and the rules for accessing funds. Within these frameworks, the ESIF funds operate according to programming periods. During each period, Member States propose Operational Programs tailored to their national or regional priorities, which must align with broader EU goals such as economic growth, social inclusion, and environmental sustainability. Before 2007, the structure of EU funds was simpler but still aimed at promoting economic development, reducing disparities, and fostering cohesion among Member States. The funding framework was organised around Structural Funds and the Cohesion Fund, which were central to supporting regional development. Before 2007 funds were more fragmented and targeted at specific sectors or challenges, and the programming and management processes were less optimised compared to the post-2007 period.

4.1.1. The Role of EU Funds in the New Member States

The programming period between 2007–2013 was the first full funding period for the EU10 and EU2. Between 2004 and 2020, these nations were among the largest beneficiaries of EU structural and investment funds. It must be however noted that the 2007–2013 funding programme ran simultaneously with the world financial crisis, which could have resulted in a higher effort of new Member States to use these funds. Figure No. 20 shows that the EU10 received 41% of the EU funds during the 2007–2013 programme and 39.1% for the 2014–2020 programme.

80 Commission, 2024e.

The Visegrad countries benefited from most of these funds, exceeding ratios of 1/3 in both previous programming periods.

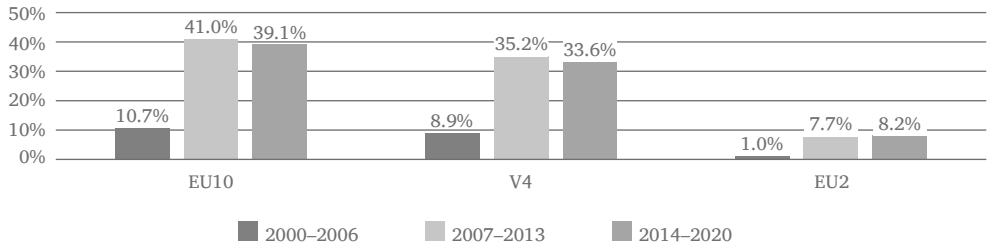


Figure No. 20[81]
Ratios of enlargement wave over total EU funds

Table No. 12 provides an overview of EU funds allocated per programming period across EU Member States,[82] showing total funds, funds as a percentage of GDP, and funds per inhabitant. In absolute terms, larger economies like Poland, Spain, and Italy received the highest amount of funds (altogether 37.2% of all EU funds in 2007–2013), reflecting their significant population sizes and development needs. Similarly, smaller states such as Luxembourg and Malta received comparatively lower amounts due to their smaller population.

In relative terms, new Member States exhibit the highest funds-to-GDP ratios, particularly during the 2007–2013 and 2014–2020 periods. For instance, Hungary received funds equivalent to 28.2% of its GDP during 2007–2013 and 16.7% in 2014–2020. In terms of EU funds per inhabitant, the first five countries during the 2007–2013 programming period include the Baltic countries, which are rather small in terms of population, but also Hungary and the Czech Republic. Within the Visegrad countries, the higher ratio of funds per inhabitant in 2007–2013 was recorded in Hungary (2.86 thousand EUR per inhabitant), and the smallest in Poland (2.22 thousand EUR per inhabitant).

81 European Commission, 2024b; own calculations.
82 Countries are ranked in the table according to the funds-to-GDP ratio for the 2007–2013 programming period.

	EU Funds (in million EUR)			EU funds-to-GDP ratio			EU Funds per inhabitant (in thousand EUR per inhabitant)		
	2000–2006	2007–2013	2014–2020	2000–2006	2007–2013	2014–2020	2000–2006	2007–2013	2014–2020
Hungary	3 344	28 556	21 171	4.5%	28.2%	16.7%	0.33	2.86	2.17
Lithuania	1 709	8 538	7 270	9.9%	27.7%	16.9%	0.50	2.74	2.53
Latvia	1 284	5 585	4 397	11.5%	27.3%	16.7%	0.56	2.64	2.25
Estonia	776	4 126	3 917	8.4%	24.9%	16.1%	0.56	3.10	2.97
Bulgaria	697	8 893	7 087	3.5%	23.0%	13.4%	0.09	1.20	1.04
Poland	13 408	80 569	73 233	6.1%	22.4%	15.5%	0.35	2.12	1.93
Slovakia	1 887	12 687	10 229	6.0%	18.7%	11.9%	0.35	2.35	1.88
Czech Republic	2 798	28 245	19 905	3.0%	18.0%	10.2%	0.27	2.71	1.88
Romania	1 804	24 125	23 176	3.0%	17.8%	12.3%	0.08	1.18	1.18
Portugal	23 438	25 433	23 220	15.9%	14.5%	12.0%	2.25	2.41	2.24
Slovenia	490	5 014	3 392	1.9%	13.9%	7.9%	0.25	2.46	1.64
Malta	84	917	606	1.7%	13.4%	5.0%	0.21	2.22	1.30
Greece	25 008	23 507	18 633	14.4%	11.0%	10.5%	2.29	2.12	1.73
Cyprus	106	763	867	0.8%	4.0%	4.3%	0.15	0.93	1.00
Spain	57 108	41 955	32 035	7.0%	3.9%	2.8%	1.36	0.91	0.69
Italy	30 086	36 077	35 114	2.1%	2.2%	2.0%	0.52	0.61	0.58
Finland	2 055	3 711	4 147	1.3%	1.9%	1.9%	0.39	0.69	0.75
Ireland	3 718	3 244	3 634	2.5%	1.8%	1.2%	0.94	0.72	0.76
Croatia		806	7 132		1.8%	14.4%		0.19	1.75
Austria	1 779	5 175	4 995	0.8%	1.7%	1.4%	0.22	0.62	0.57
Germany	30 146	33 990	22 322	1.3%	1.3%	0.7%	0.37	0.42	0.27
France	15 644	20 860	23 747	1.0%	1.0%	1.0%	0.25	0.32	0.36
Sweden	2 044	3 495	3 145	0.7%	0.9%	0.7%	0.23	0.37	0.31
United Kingdom	16 006	14 163	12 198	0.8%	0.7%	0.5%	0.27	0.23	0.19
Belgium	1 986	2 469	2 126	0.7%	0.7%	0.5%	0.19	0.23	0.19
Denmark	580	1 080	1 159	0.3%	0.4%	0.4%	0.11	0.20	0.20
Netherlands	2 773	2 245	1 568	0.5%	0.3%	0.2%	0.17	0.14	0.09
Luxembourg	77	145	237	0.3%	0.3%	0.4%	0.17	0.29	0.40

Table No. 12[83]
Overview of EU funds per programming period

83 European Commission, 2024b; Eurostat, 2024i; Eurostat, 2024j; own calculations.

Comparing the three programming periods, both the absolute amounts and the relative indicators confirm that the 2007–2013 programming period played a strategic importance in the EU cohesion policies following the recent enlargements and during the economic crisis.

Although the EU10 countries joined the EU towards the end of the 2000–2006 period, they managed to attract 10.7% of the total EU funds (8.9% for the Visegrad countries). The EU10 countries exhibit a certain heterogeneity in terms of the types of funds used, while Malta made the most use of the ERDF, and the remaining countries predominantly utilised the CF, particularly Cyprus, Slovenia, Latvia, and Estonia (Figure No. 21).

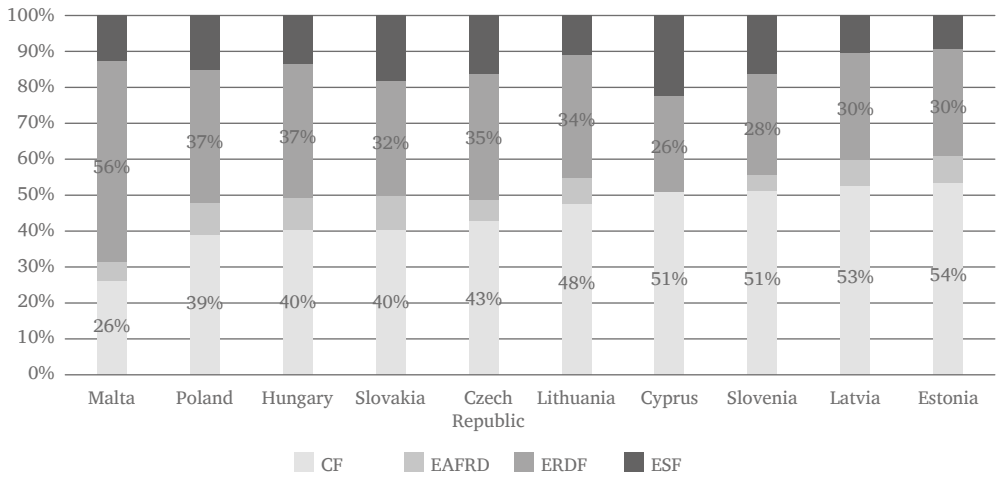


Figure No. 21[84]
EU funds per type of fund – the 2000-2006 programming period

During the programming periods 2007-2013 and 2014-2020, the predominant fund was the ERDF (Figure No. 22 and Figure No. 23). In Romania, the EAFRD was also an important source of funds, strengthening the importance of the agricultural sector for the country.

84 European Commission, 2024b; own calculations.

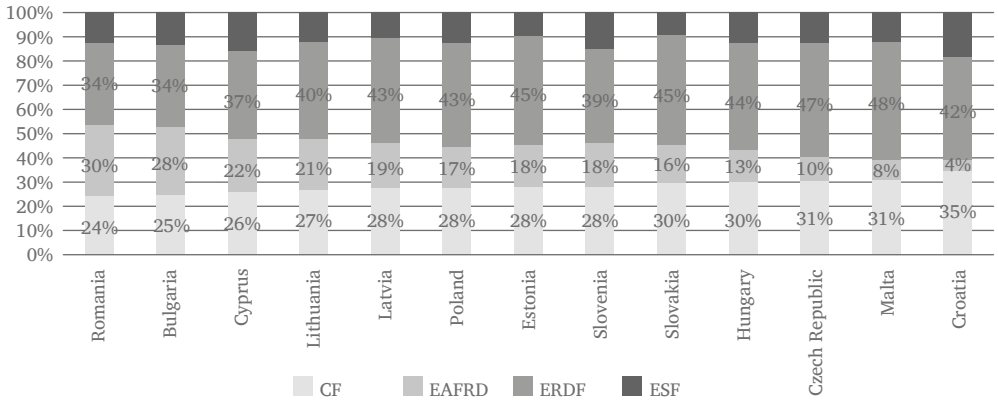


Figure No. 22[85]
EU funds per type of fund in the EU10, EU2 and Croatia – the 2007-2013 programming period

Figure No. 22 and Figure No. 23 also highlight the Visegrad countries, showing that while all members employ most of their funds from the ERDF, in Poland and Slovakia the importance of the EAFRD was relatively higher in 2007–2013 (17% and 16%, respectively). In the 2014–2020 period, Hungary and Slovakia increased the share of funding coming from the ESF (from 13% to 19% and from 9% to 21%, respectively), suggesting these countries experienced increasing need to target employment and address labour market imbalances.

85 Ibid.



Figure No. 23[86]
EU funds per type of fund in the EU10, EU2 and Croatia – the 2014-2020 programming period

Accordingly, the decreasing ratio of the CF in total inward funding will be further contextualised in the forthcoming subchapters, which will provide insights into the progress toward reaching the 90% threshold of the EU GDP per capita required to access the fund.

4.1.2. Impact on Reducing Disparities and Infrastructure Development

The first part of the chapter defined the concept of real and nominal convergence. As nominal convergence in terms of GDP per capita was addressed in the first part of the chapter, the next section will focus on another important channel for reducing economic disparities, namely investing in infrastructure development. Key indicators of infrastructure development measure the capacity, quality, and accessibility of essential systems and services that support economic activity and improve living standards. These indicators typically cover transportation, energy, communication, water, and social infrastructure. One of the most used and publicly available indicators is the length of motorways. This indicator reflects the capacity and quality of a country's transport network, which is essential for economic growth and regional connectivity. Motorways facilitate the efficient movement of goods and people, reducing travel times and logistical costs while improving access to markets, employment, and services. A well-developed motorway network supports industrial development, trade, and tourism, and enhances a region's competitiveness by integrating it into broader domestic and international supply chains.

86 Ibid.

Figure No. 24 illustrates the development of the motorway and e-road network (in kilometres) in EU10 countries. It shows a significant expansion in some countries while others have experienced slower or minimal growth. Poland stands out with the most dramatic increase in motorway and e-road length, increasing from 246 km in 1995 to nearly 1 712 km by 2020. This reflects substantial investment in transport infrastructure, supported heavily by EU cohesion and structural funds. Hungary also shows consistent growth.

Slovakia and the Czech Republic demonstrate steady but less significant growth, with Slovakia surpassing 800 km by 2020 and the Czech Republic reaching approximately 1 300 km. Geographically smaller countries like Cyprus, Lithuania, and Estonia show minimal increases, with their road network lengths remaining under 400 km by 2020. Data for Malta and Latvia is not available.

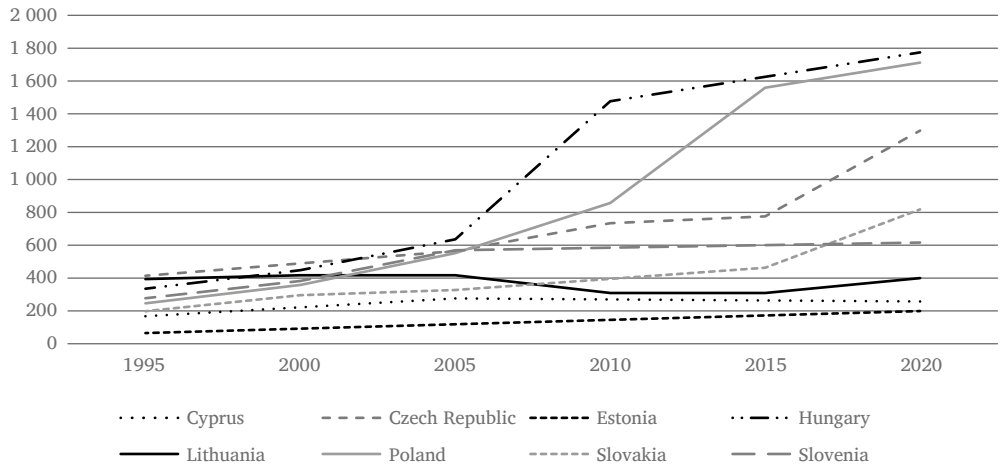


Figure No. 24[87]
Length of motorways and e-roads (km) – EU10[88]

The indicators employed in the above chapter are only selected indicators of measurement of regional disparities. There are many other indicators. Over time, available knowledge to measure and assist the cohesion of EU regions increased significantly. One very interesting tool is the Convergence monitoring hub developed by the Eurofound, who started providing data on various sectors of convergence, namely social, economic, institutional, and environmental.[89]

87 Eurostat, 2024k.
88 Missing data for Malta and Latvia.
89 Eurofound, 2024.

4.2. Effectiveness and Efficiency of EU Fund Utilisation

While EU funding has been transformative for new Member States, questions about the efficiency and effectiveness of fund utilisation still remain.[90] This section examines the absorption rates of the EU funds, pointing out the main challenges faced by the new Member States and the effective use of EU funds.

4.2.1. Assessment of Fund Absorption Rates

Fund absorption rates are generally measured as the ratio of funds used over allocated funds. The European Commission has adjusted the structure of the reported data on the use and absorption of EU funds over the years. Availability of data for the 2000–2006 and 2007–2013 programming periods is limited, therefore, this section focuses on the 2014–2020 programming period. Figure No. 25 presents the absorption rates of EU funds during the 2014–2020 programming period across Member States, measured as the ratio of Total eligible spending and Total eligible costs.[91] The results show significant variations in the ability of countries to effectively absorb EU funds, reflecting differences in administrative capacity, governance, and project implementation efficiency. New Member States are generally moderate to low performers, even though they still benefit from high amounts of funding. The Czech Republic and Poland exhibit absorption rates of 60% and 59%, respectively, while Hungary and Slovakia fall below the average, with rates of 49% and 50%, respectively.

90 Ederveen et al., 2006; Santos et al., 2023.

91 The Total eligible costs represent the total amount allocated to the projects in euro, selected by the programme managers. The Total eligible spending is the expenditure eligible for reimbursement in euro, as reported by the beneficiary projects to the programmes. See European Commission, 2024d.

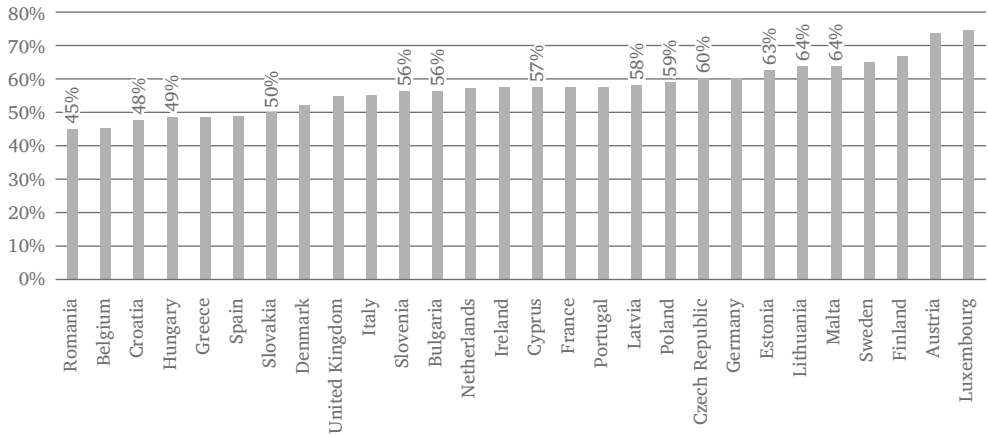


Figure No. 25[92]
Absorption rates of EU funds – the 2014-2020 programming period

The funding of projects comes from two sources: EU financing and national contributions. Figure No. 26 shows the ratio of the Ratio of EU funding to the Total amount planned. Hungary and Poland have higher levels of EU financing compared to the Czech Republic and Slovakia (84% and 82% versus 74% and 78%, respectively).

92 European Commission, 2024c; own calculations.

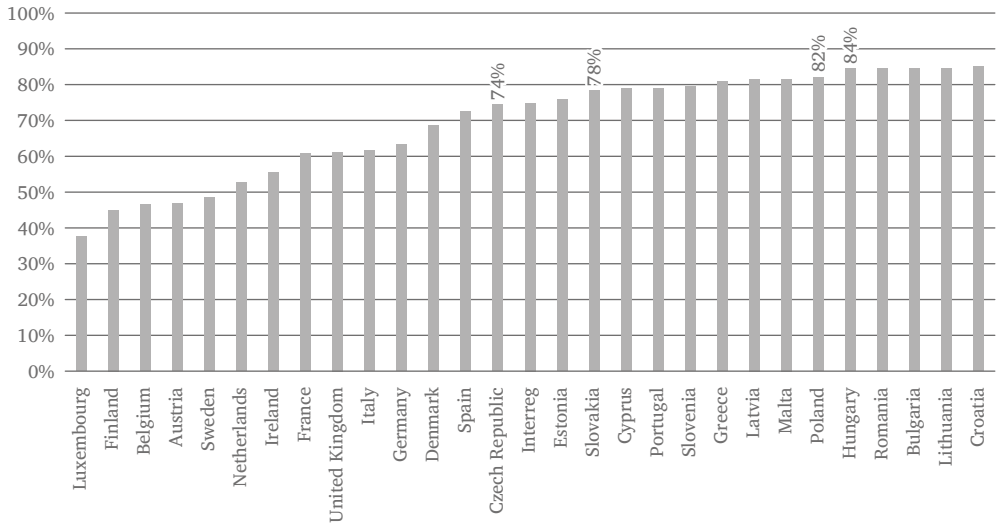


Figure No. 26[93]
Ratio of EU funding over Total amount planned – the 2014-2020 programming period

In this context, Figure No. 27 presents two alternative measures of the absorption of EU funds per Member State, measured as the ratio of Total eligible spending to Total amount planned and the ratio of Total eligible costs to Total amount planned. These ratios reflect the ability of EU countries to utilise the total maximum available amount, regardless of the source of financing (whether EU financing or Member State contributions). Interestingly, the position of the Visegrad countries is somewhat different. Slovakia now ranks the last in the group, ensuing from not only a low absorption ability, but also higher national co-funding ratio. On the other hand, Hungary, despite a poor absorption rate, ranked rather well because most of the funding came from the EU sources. The Czech Republic and Poland are rather at the EU average in terms of ratio of Total eligible spending over Total amount planned.

93 Ibid.

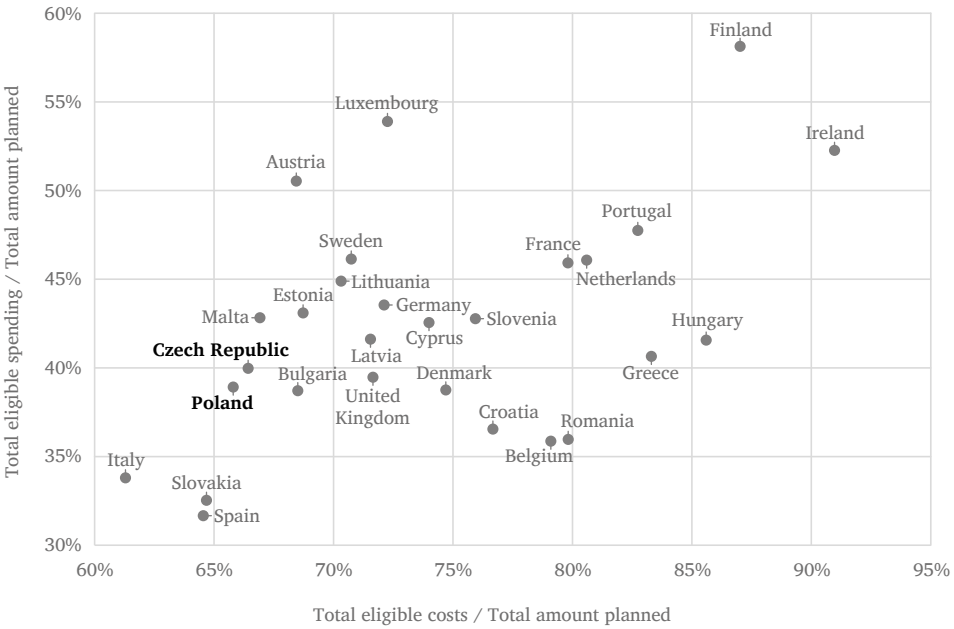


Figure No. 27[94]
Absorption rates of EU funds – the 2014-2020 programming period

The figures above highlight a common challenge for new EU Member States, including the Visegrad countries, in achieving high absorption rates. Administrative inefficiencies, such as the decentralised system of managing the structural programmes in Poland,[95] insufficient institutional capacity, and delays in project implementation appear to be significant barriers.

4.2.2. Further Challenges in Using EU Funds

According to Ciffolilli and Pompili[96], variations in fund absorption and performance across Member States can be explained by four key groups of factors: (1) those related to the EU policy and legal framework, (2) the national institutional, political, and legal context, (3) the national socio-economic context, and (4) administrative capacity. Among these, new Member States often struggle most with the second and fourth categories, encompassing institutional weaknesses and administrative inefficiencies.

94 Ibid.
95 Balcerowicz, 2007.
96 Ciffolilli and Pompili, 2024.

In Romania, for example, while EU funds have contributed to economic growth, their effectiveness has been inconsistent. Marin[97] identifies uneven absorption rates across Romanian municipalities, with rural areas particularly underfunded. These disparities are rooted in weak administrative capacity and limited access to co-financing resources. Recent improvements in fund management have narrowed some gaps, but challenges remain. Similarly, in Hungary, issues such as political patronage and governance inefficiencies have undermined the transformative potential of EU funds.[98] Bulgaria also faces persistent difficulties in fund absorption due to institutional weaknesses and administrative capacity deficits, as highlighted by Dimulescu, Doroftei, and Pop.[99]

Corruption and mismanagement further complicate fund utilisation in some of the new Member States. Roman, McGee, and Achim[100] and Roman, Popescu, and Achim[101] document widespread irregularities in Romania, ranging from procurement fraud to clientelism. These issues have motivated the EU to implement stricter auditing and monitoring mechanisms. Slovakia has faced similar challenges, with allegations of mismanagement leading to delays and, in some cases, funding suspensions. Improving governance and transparency remains essential for enhancing fund absorption and ensuring the effective use of resources.

To address these persistent challenges, governance reforms are crucial, particularly in countries like Bulgaria and Romania, where corruption and inefficiencies hinder fund absorption.[102] Strengthening institutional frameworks and ensuring continuity in political support are essential for maximising the impact of EU funds. Marin[103] further emphasises the need for targeted policies to address rural-urban disparities, particularly in Romania and Hungary. Allocating resources based on regional needs can significantly improve equity and efficiency.

Despite these challenges, success stories from other Member States underscore the transformative potential of EU funds when effectively aligned with national priorities. Estonia, for example, has used EU funds to establish itself as one of the most digitally advanced nations in the EU. The strategic integration of fund allocation with national development goals plays a crucial role of the effective use of EU funds. Furthermore, emerging trends highlight the growing significance of EU funds in advancing renewable energy and environmental sustainability. Investments in clean energy initiatives have not only supported national green agendas but have also promoted broader EU climate objectives, demonstrating the dual impact of such targeted funding.

97 Marin et al., 2023.
98 Pinar and Kaharasan, 2024.
99 Dimulescu, Doroftei and Pop, 2013.
100 Roman, McGee and Achim, 2023.
101 Roman, Popescu and Achim, 2023.
102 Dimulescu, Doroftei and Pop, 2013.
103 Marin et al., 2023.

4.3. Summary

EU funds play a vital role in promoting economic development, reducing regional disparities, and increasing social cohesion across Member States. Over time, the focus of EU funding has evolved, shifting from basic economic recovery after World War II to modern priorities such as climate change, digital transformation, and sustainability. Primarily directed through structural and investment funds, they support key areas such as infrastructure, innovation, job creation, and environmental sustainability. For newer Member States, EU funds have been transformative, supporting significant improvements in transportation, public services, and regional competitiveness.

The 2004 and 2007 enlargements marked a strong increase in the importance of EU funds, particularly for the Visegrad countries, which were among the largest beneficiaries. These funds supported their economic transition and integration into the EU, although challenges like the 2008 financial crisis emphasised the need for efficient fund utilisation. Recent programming periods have aligned closely with strategic goals like the European Green Deal, emphasising innovation, green energy, and digital infrastructure. Despite substantial investments, newer Member States often struggle with low absorption rates due to governance inefficiencies, institutional weaknesses, and corruption.

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5. Summary

The chapter studied the economic impacts of EU membership, with a focus on economic convergence, market integration, and the utilisation of EU funds, particularly in the context of the 2004, 2007, and 2013 enlargement waves and with a special focus on the Visegrad countries. It reviewed how EU membership has impacted the economies of newer Member States, enabling them to align more closely with the standards and growth trajectories of the EU15.

Key findings illustrate that while new Member States have significantly advanced in economic convergence, outcomes have varied due to factors such as governance quality, institutional capacity, and the ability to effectively absorb and utilise EU funds. Structural and cohesion funds played a critical role in addressing regional disparities, supporting the modernisation of infrastructure.

The analysis of trade patterns revealed important shifts in export complexity and competitiveness, noting considerable progress in high-tech industries, particularly in leading countries such as the Czech Republic and Hungary within the Visegrad group. However, the analysis also revealed persistent gaps in research and innovation investments compared to older EU members, indicating a need for sustained efforts in technological advancement and R&D activities in the new Member States.

Lessons from the previous EU enlargements also emphasise the importance of thorough preparation and alignment with EU standards before accession. It is crucial for successful integration to ensure that candidate countries meet economic, governance, and institutional criteria, as outlined in the Copenhagen criteria. The efficient use of EU funds requires building strong administrative capacities and governance structures in new members to maximise the benefits of financial support. Economic convergence can be accelerated by prioritising infrastructure development, innovation, and export sophistication, which are critical for sustainable growth.

References

Ambrose, B.W., Fuerst, F., Mansley, N., Wang, Z. (2019) 'Size effects and economies of scale in European real estate companies', *Global Finance Journal*, 2019/42, pp. 1–17 [Online]. Available at: https://doi.org/10.1016/j.gfj.2019.04.004 (Accessed: 15 February 2025).

Andor, L. (2009) 'Hungary in the Financial Crisis: A (Basket) Case Study', *Debatte: Journal of Contemporary Central and Eastern Europe*, 17(3), pp. 285–296 [Online]. Available at: https://doi.org/10.1080/09651560903457907 (Accessed: 15 February 2025).

Balcerowicz, E. (2007) 'The Impact of Poland's EU Accession on its Economy', *Studies & Analyses CASE No. 335*, Center for Social and Economic Research [Online]. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1015782 (Accessed: 15 February 2025).

Badinger, H. (2007) 'Has the EU's Single Market Programme Fostered Competition? Testing for a Decrease in Mark-up Ratios in EU Industries', *Oxford Bulletin of Economics and Statistics*, 69(4), pp. 497–519 [Online]. Available at: https://doi.org/10.1111/j.1468-0084.2007.00447.x (Accessed: 15 February 2025).

Baldwin, R., Wyplosz, C. (2012) *The Economics of European Integration*. 4th edn. London: McGraw-Hill Higher Education.

Baldwin, R., Wyplosz, C. (2022) *The Economics of European Integration*. 7th edn. London: McGraw-Hill Higher Education.

Banerjee, B., Zeman, J. (2022) 'The motor vehicles industry in Slovakia, 2005-2015', *Ekonomický časopis*, 70(4), pp. 307–332 [Online]. Available at: https://doi.org/10.31577/ekoncas.2022.04.01 (Accessed: 15 February 2025).

Becker, S.O., Egger, P.H., von Ehrlich, M. (2010) 'Going NUTS: The effect of EU structural funds on regional performance', *Journal of Public Economics*, 94(9–10), pp. 578–590 [Online]. Available at: https://doi.org/10.1016/j.jpubeco.2010.06.006 (Accessed: 15 February 2025).

Barro, R.J., Sala-i-Martin, X. (1992) 'Convergence', *Journal of Political Economy*, 100(2), pp. 223–251 [Online]. Available at: https://doi.org/10.1086/261816 (Accessed: 15 February 2025).

Bornonenko, V., Mensikovs, V., Lavrinenko, O. (2014) 'The impact of EU accession on the economic performance', *Zbornik radova Ekonomskog fakulteta u Rijeci*, 32(2), pp. 313–341 [Online]. Available at: https://ssrn.com/abstract=2554538 (Accessed: 15 February 2025).

Ciffolilli, A., Pompili, M. (2024) 'Research for REGI Committee – Absorption rates of Cohesion Policy funds, European Parliament', *Policy Department for Structural and Cohesion Policies*, Brussels [Online]. Available at: https://www.europarl.europa.eu/RegData/etudes/STUD/2023/747284/IPOL_STU(2023)747284_EN.pdf (Accessed: 15 February 2025).

Chen, N., Imbs, J., Scott, A. (2009) 'The dynamics of trade and competition', *Journal of International Economics*, 77(1), pp. 50–62 [Online]. Available at: https://doi.org/10.1016/j.jinteco.2008.10.003 (Accessed: 15 February 2025).

Crescenzi, R., Giua, M. (2016) 'The EU cohesion policy in context: Does a bottom-up approach work in all regions?', *Environment and Planning A*, 48(11), pp. 2340–2357 [Online]. Available at: https://doi.org/10.1177/0308518X16658291 (Accessed: 15 February 2025).

Dimulescu, V., Pop, R., Doroftei, I.M. (2013) 'Risks of corruption and the management of EU funds in Romania', *Romanian Journal of Political Science*, 11(1), pp. 101–123.

Dungey, M., Fry, R., González-Hermosillo, B., Martin, B. (2002) 'International Contagion Effects from the Russian Crisis and the LTCM Near-Collapse' [Online]. Available at: https://www.bis.org/cgfs/Gonzalez-Hermosillo-et-al.pdf (Accessed: 15 February 2025).

EUR-lex (2018) 'The Single European Act' [Online]. Available at: https://eur-lex.europa.eu/EN/legal-content/summary/the-single-european-act.html (Accessed: 15 February 2025).

EUR-lex (2024) 'Accession criteria (Copenhagen criteria)' [Online]. Available at: https://eur-lex.europa.eu/EN/legal-content/glossary/accession-criteria-copenhagen-criteria.html (Accessed: 15 February 2025).

Eurofound (2024) 'Perform convergence analysis in the EU using the convergEU app' [Online]. Available at: https://www.eurofound.europa.eu/en/resources/convergence-monitoring-hub/perform-convergence-analysis-eu-using-convergeu-app (Accessed: 15 February 2025).

European Commission (2002) 'Fifty years at the service of peace and prosperity: the European Coal and Steel Community (ECSC) treaty expires' [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_02_898 (Accessed: 15 February 2025).

European Commission (2020) 'A strategy for smart, sustainable and inclusive growth, COM (2010)' [Online]. Available at: https://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BARROSO%20%20%20007%20-%20Europe%202020%20-%20EN%20version.pdf (Accessed: 15 February 2025).

European Commission (2022) 'Cohesion in Europe towards 2050 - Eighth report on economic, social and territorial cohesion' [Online]. Available at: https://ec.europa.eu/regional_policy/information-sources/publications/reports/2022/eighth-report-on-economic-social-and-territorial-cohesion_en (Accessed: 15 February 2025).

European Commission (2023) 'The 2023 Stability & Convergence Programmes, Institutional paper 253' [Online]. Available at: https://economy-finance.ec.europa.eu/document/download/93afdd65-d376-4a8d-bf0f-a12264709814_en?filename=ip253_en.pdf (Accessed: 15 February 2025).

European Commission (2024a) 'EU single market' [Online]. Available at: https://www.consilium.europa.eu/en/policies/deeper-single-market/ (Accessed: 15 February 2025).

European Commission (2024b) 'Historic EU payments – regionalised and modelled' [Online]. Available at: https://cohesiondata.ec.europa.eu/Other/Historic-EU-payments-regionalised-and-modelled/tc55-7ysv/about_data (Accessed: 15 February 2025).

European Commission (2024c) 'ESIF 2014–2020: Fin. Implementation (total costs) by Thematic Objective for EU (filters by fund + year) 2014 / 2020 Export' [Online]. Available at: https://cohesiondata.ec.europa.eu/2014-2020/ESIF-2014-2020-Fin-Implementation-total-costs-by-T/vyjd-jfhd (Accessed: 15 February 2025).

European Commission (2024d) 'ESIF 2014–2020 Finance Implementation Details' [Online]. Available at: https://cohesiondata.ec.europa.eu/2014-2020-Finances/ESIF-2014-2020-Finance-Implementation-Details/99js-gm52/about_data (Accessed: 15 February 2025).

European Commission (2024e) 'History of the policy' [Online]. Available at: https://ec.europa.eu/regional_policy/policy/what/history_en (Accessed: 15 February 2025).

Eurostat (2024a) 'EU trade since 1988 by HS2-4-6 and CN8' [Online]. Available at: https://ec.europa.eu/eurostat/databrowser/view/ds-045409__custom_13471332/default/table?lang=en (Accessed: 15 February 2025).

Eurostat (2024b) 'Production in industry – annual data' [Online]. Available at: https://ec.europa.eu/eurostat/databrowser/view/sts_inpr_a__custom_13486556/default/table?lang=en (Accessed: 15 February 2025).

Eurostat (2024c) 'Producer prices in industry, total – annual data' [Online]. Available at: https://ec.europa.eu/eurostat/databrowser/view/sts_inpp_a__custom_13486644/default/table?lang=en (Accessed: 15 February 2025).

Eurostat (2024d) ‘GERD by sector of performance’ [Online]. Available at: https://ec.europa.eu/eurostat/databrowser/view/rd_e_gerdtot__custom_13486748/default/table?lang=en (Accessed: 15 February 2025).

Eurostat (2024e) ‘Patent applications to the EPO by country of applicants and inventors (2004 and onwards)’ [Online]. Available at: https://ec.europa.eu/eurostat/databrowser/view/PAT_EP_TOT/default/table?lang=en (Accessed: 15 February 2025).

Eurostat (2024f) ‘Patent applications to the EPO by priority year (1977–2017)’ [Online]. Available at: https://ec.europa.eu/eurostat/databrowser/view/pat_ep_ntot__custom_13486902/default/table?lang=en (Accessed: 15 February 2025).

Eurostat (2024g) ‘Enterprises in high-tech sectors by NACE Rev.2 activity’ [Online]. Available at: https://ec.europa.eu/eurostat/databrowser/view/htec_eco_ent2__custom_13486926/default/table?lang=en (Accessed: 15 February 2025).

Eurostat (2024h) ‘HRST by category, sex and age’ [Online]. Available at: https://ec.europa.eu/eurostat/databrowser/view/hrst_st_ncat__custom_13486965/default/table?lang=en (Accessed: 15 February 2025).

Eurostat (2024i) ‘Population on 1 January by age and sex’ [Online]. Available at: https://ec.europa.eu/eurostat/databrowser/view/demo_pjan__custom_13883722/default/table?lang=en (Accessed: 15 February 2025).

Eurostat (2024j) ‘GDP and main components (output, expenditure and income)’ [Online]. Available at: https://ec.europa.eu/eurostat/databrowser/view/nama_10_gdp__custom_13883487/default/table?lang=en (Accessed: 15 February 2025).

Eurostat (2024k) ‘Length of motorways and e-roads’ [Online]. Available at: https://ec.europa.eu/eurostat/databrowser/view/road_if_motorwa__custom_13886427/default/table?lang=en (Accessed: 15 February 2025).

Eurostat (2024l) ‘Main GDP aggregates per capita’ [Online]. Available at: https://ec.europa.eu/eurostat/databrowser/view/nama_10_pc__custom_13930689/default/table?lang=en (Accessed: 15 February 2025).

Ederveen, S., de Groot, H.L.F., Nahuis, R. (2006) ‘Fertile soil for structural funds? A panel data analysis of the conditional effectiveness of European cohesion policy’, *Kyklos*, 59(1), pp. 17–42 [Online]. Available at: https://doi.org/10.1111/j.1467-6435.2006.00318.x (Accessed: 15 February 2025).

Feenstra, R.C., Robert, I., Marcel, P.T. (2015) ‘The Next Generation of the Penn World Table’, *American Economic Review*, 105(10), pp. 3150–3182 [Online]. Available at: https://www.rug.nl/ggdc/productivity/pwt/pwt-releases/pwt100 (Accessed: 15 February 2025).

Gotz, M., Elteto, A., Sass, M., Vlčková, J., Zacharová, A., Ferenciková, S., Bič, J., Kaczkovska-Serafinska, M. (2020) ‘Effects of Industry 4.0 on FDI in the Visegrád countries, Prague University of Business and Economics’ [Online]. Available at: https://industry40fdi.files.wordpress.com/2020/11/final-report.pdf (Accessed: 15 February 2025).

Krugman, P.R., Obstfeld, M., Melitz, M.J. (2023) *International economics: theory & policy*. 12th. edn. Porto: Bookman Editora.

Lein, S., Miguel, L.-L., Nerlich, C. (2009) ‘The Link between Real and Nominal Convergence: The Case of the New EU Member States, in Real Convergence’ in Reiner, M., Winkler, A. (eds.) *Central, Eastern and South-Eastern Europe*. London: Palgrave Macmillan.

Marin, R., Glavan, E., Chis, A., Corad, B. (2023) ‘Spatial patterns of EU funds absorption in Romanian rural municipalities’, *Moravian Geographical Reports*, 31(2), pp. 73–81 [Online]. Available at: https://doi.org/10.2478/mgr-2023-0007 (Accessed: 15 February 2025).

Mohl, P., Hagen, T. (2010) 'Do EU structural funds promote regional growth? New evidence from various panel data approaches', *Regional Science and Urban Economics*, 40(5), pp. 353–365 [Online]. Available at: https://doi.org/10.1016/j.regsciurbeco.2010.03.005 (Accessed: 15 February 2025).

Nation, R.C. (2003) *War in the Balkans, 1991-2002*. Pennsylvania: US Army War College Press.

Pinar, M., Karahasan, B.C. (2024) 'Asymmetric effects of EU cohesion policy on EU regional growth: The role of macroeconomic uncertainty', *The Journal of Economic Asymmetries*, 30(1–12) [Online]. Available at: https://doi.org/10.1016/j.jeca.2024.e00382 (Accessed: 15 February 2025).

Rolfe, H., Husdon-Sharp, N. (2016) 'The impact of free movement on the labour market: case studies of hospitality, food processing and construction, Research Report published at the National Institute of Economic and Social Research' [Online]. Available at: https://www.niesr.ac.uk/publications/impact-free-movement-labour-market-case-studies-hospitality-food-processing-and-construction?type=report (Accessed: 15 February 2025).

Roman, F.A., Achim, M.V., McGee, R.W. (2023) 'Fraud related to EU funds. The case of Romania', *Journal of Financial Studies*, 8(14), pp. 120–142 [Online]. Available at: https://doi.org/10.55654/JFS.2023.8.14.9 (Accessed: 15 February 2025).

Roman, F.A., Popescu, D., Achim, M.V. (2023) 'The impact of fraud and corruption on the level of absorption of EU funds', *Journal of Law and Sustainable Development*, 11(2), pp. 1–26 [Online]. Available at: https://doi.org/10.55908/sdgs.v11i2.336 (Accessed: 15 February 2025).

Sala-i-Martin, X. (1996) 'The Classical Approach to Convergence Analysis', *The Economic Journal*, 106(437), pp. 1019–1036 [Online]. Available at: https://doi.org/10.2307/2235375 (Accessed: 15 February 2025).

Sankot, O., De Castro, T., Vlčková, J., Procházková, I.C. (2023) 'Mapping of Capabilities and Export Opportunities of Czechia', *Prague Economic Papers*, 32(2), pp. 159–183 [Online]. Available at: https://doi.org/10.18267/j.pep.829 (Accessed: 15 February 2025).

Santos Marques, A. Conte, A., Molica, F. (2023) 'Money talks, but can it run? Assessing the territorial dynamics of EU funds absorption capacity', *JRC Working Paper*, 2023/14, European Commission [Online]. Available at: https://publications.jrc.ec.europa.eu/repository/handle/JRC136020 (Accessed: 15 February 2025).

Sejkora, J., Sankot, O. (2017) 'Comparative advantage, economic structure and growth: The case of Senegal', *South African Journal of Economic and Management Sciences*, 20(1), [Online]. Available at: https://doi.org/10.4102/sajems.v20i1.1685 (Accessed: 15 February 2025).

Sierhej, R. (2008) 'EU funds in EU new member states: available resources and possible economic impact', *Society and Economy*, 30(2), pp. 181–193 [Online]. Available at: https://doi.org/10.1556/SocEc.30.2008.2.2 (Accessed: 15 February 2025).

The Growth Lab at Harvard University (2024a) 'Growth Projections and Complexity Rankings, V2 [Data set Country & Product Complexity Rankings]' [Online]. Available at: https://doi.org/10.7910/dvn/xtaqmc (Accessed: 15 February 2025).

The Growth Lab at Harvard University (2024b) 'Country export complexity' [Online]. Available at: https://atlas.hks.harvard.edu/countries/288/export-complexity (Accessed: 15 February 2025).

The Growth Lat at Harvard University (2024c) 'Atlas of Economic Complexity Dataverse' [Online]. Available at: https://dataverse.harvard.edu/dataverse/atlas (Accessed: 15 February 2025).

Vlčková, J. (2018) 'Visegrad Countries in Global Production Networks: Value Creation, Control and Capture', *Geographia Polonica*, 91(4), pp. 427–448 [Online]. Available at: https://doi.org/10.7163/GPol.0129 (Accessed: 15 February 2025).

World Bank (2024a) 'Population, total' [Online]. Available at: https://data.worldbank.org/indicator/SP.POP.TOTL (Accessed: 15 February 2025).

Chapter II.4

The EU Integration Impact on Visegrad Countries

János Simon

Abstract

In our three-part study, we seek to answer the question of what has been successful or unsuccessful in the two-decade EU integration process of the Central European countries and Hungary, and what its main contribution has been. Hungary showed the greatest development dynamics in the Central European region when it joined the EU, but by the end of the initial eight years it was among the last in the standings. Between 2002 and 2010, the very poor performance of the ruling political forces led to the failure to implement the necessary structural reforms that should have helped the adaptation and innovation of the economic system. Between 2010 and 2014, the new political leadership, which received a two-thirds mandate to rule, effectively managed the crisis that had previously developed, and from 2015 the country was on a development path. The orthodox-conservative government definitely built a society based on work instead of benefits, and its preference was strongly focused on the family and its well-being. Public opinion poll data clearly proves that cooperation between the countries of the Central European region is not a zero-sum game, because every cooperating country can benefit, and through cooperation not only the possibility of asserting the interests of the region increases, but also the citizens of each nation become closer to each other, which reduces the possibility of conflicts between nation-states and national minorities and strengthens international peace. Overall, we believe that the existence of the European Union is a great historical achievement, the most important historical task of which is to help nation-states cooperate in preserving international peace. History has also warned us that this is of paramount importance to Central Europe.

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Keywords: asserting the interests, conservative, Hungarian ordo-conservative system, neoliberalism, political culture, populism, zero-sum game

1. Introduction and Methodological Considerations

In our study, we are basically looking for an answer to the extent to which the integration process itself has contributed to the development of pluralistic democracy in the newly joined Central European countries, especially in Hungary. There is no doubt that the decades-long European integration process has had a structure-generating power and played a decisive role in the democratic development of Central European countries, including the strengthening of the political culture of their citizens, especially in its democratic pillars. In our analytical work, we will focus mainly on the Visegrád countries from amongst Central European states, and among them, we will especially focus on Hungary's development, with an awareness that much of the data and indicators can only be interpreted through historical and spatial comparisons. We will present the public effects of integration together with data, facts, voter perceptions and their possible explanations.

Accordingly, this study is divided into three parts: (1) In the first part, we will review the political public life of Western and Central European countries based on public opinion, and we will primarily deal with the neo behaviour and performance of political public figures. (2) In the second part, we will analyse the time series data of public opinion polls to get an idea of the changes in Hungary over the past three decades. (3) In the third part we will describe the causal and network factors and explanations with a (neo) behaviourist approach. Finally, most important lessons will be summarised in this paper.

With perspective, data and methods of sociology, history and political science, we will approach the structure-generating processes and social actors, which decisively influence the behaviour of social and political actors, who evaluate and shape changes. We will try to achieve our goal by collecting time-series data, comparing and analysing information, compiling causal relationships, and searching for explanatory principles and causes. Several options are available to us among the analytical methods, including on the one hand, current theories that describe the processes, and on the other hand the empirical data, statistical indicators and public opinion poll results available to us, which especially relate to perceptions of Hungarian citizens. For the sake of clarity, we will use simple data and basic distributions when conveying perceptions, and where we work with qualified numbers and combined systems, we will try to indicate the components.

As researchers, we have been following the neo behaviourist school for four decades, and we will analyse this study using its spirit, approach and methodology, especially when interpreting public opinion poll data. In behavioural research,

we will consider socio-psychological factors and internal events when analysing perceptions.[1] We will briefly discuss what the neo behavioural approach means in social science. Behaviourism is one of the dominant schools of thought of the 20th century. It focuses on human behaviour rather than on the internal processes of consciousness, because it believes that people's preferences and decisions are not fundamentally determined by genetic or mental processes, but are built on knowledge and experiences acquired through learning and experience. Thus when people make decisions, they are actually responding to external stimuli.

People acquire new forms of behaviour throughout their lives, via their family socialisation, collective memories of society, learning and experience. The behaviourist school is a psychological school that studies human behaviour because it believes that mental and genetic processes are less important than external stimuli and responses to them show the development of preferences, decisions and drivers of choice behaviour. The task here is to explore the relationship between a stimulus and the response to it.[2] This trend was further developed in the second half of the 20th century by the founders of neobehaviourism.[3] Neobehaviourists, on the one hand, now take into account internal events (intermediate variables) in their research on behaviour, and on the other hand, they believe that only an external observer can observe and describe human behaviour with scientific objectivity. To do this, the description and understanding of the nature of processes requires the so-called objective operationalisation, i.e. the use of the world of numbers (measurements and mathematical operations), because only numbers and operations allow for a more objective representation of events, comparisons, and the time-series representation and understanding of changes. Hence the essence of the method is that judgments about reality must be translated into numbers, thus making it possible to perform mathematical operations with them, and then the results must be translated back into the language of social science. Our present study was prepared fundamentally in the spirit and methodology of the neobehaviouralist school, using our own database which has been created over more than three decades of scientific work. It should be noted that all the public opinion surveys used and referenced in our Codebook were conducted using the same methodology, i.e. using a nationally representative sample and direct face-to-face interviews.[4]

We have arranged data and perceptions in chronological order and interpreted them in terms of decades. We analyse changes, the so-called 'delayed responses', even when a longer time period has elapsed between the stimulus and the response.[5]

We must also discuss another important feature of Central European development, history and its memory, which still shapes strong cultural preferences in

1 Barnes and Simon, 1997.
2 Watson, 1913.
3 Miller et al., 1994.
4 Simon, 2023.
5 Hull, 2011.

terms of language and religion. If we want to understand the development taking place in the region, then the various American and Western European development concepts must be supplemented by two approaches: one consists of the historical development (memory) carried by societies for centuries, and the other is made up of their cultural traditions (complex value systems), which have been preserved mostly by religion and language. Central Europe is an intermediate region where countries have always existed between great powers, under pressure and influence. They were pressed, squeezed, and shaped in some direction by the Germans and the French from the West, the Turks from the South, and the Russians from the East (It is enough to refer to the fact that the borders of every state in the region have changed several times. For example, that of the Hungarian state changed eight times in the past 200 years). Similarly, dramatic changes have taken place in the Balkans. The great powers always decided on the changes of state borders without consulting the people living there, which caused many conflicts between the local, and affected peoples. It is no coincidence that even today, these countries, due to their negative historical experiences, are still very much afraid of illegal migration and the associated population exchange, as well as cultural and linguistic conflicts.

In addition, the transition from dictatorship to democracy took place at the same time, and the specificities of post-socialist transitions require that social theories integrate both order-building and conflict theory aspects. Due to the rapidly changing laws and regulations in the region and the lack of legal certainty, the functioning of social systems can often only be understood through informal human relations and practices behind formal institutions and laws, or they can be explained by knowledge of the complex coexistence of rules and actual practice.[6] This undoubtedly requires sociological, political science, social psychological, anthropological and cultural approaches. The transformations in the former Eastern Europe can also be understood as a struggle for human dignity, i.e. for freedom, democracy and human rights. Therefore, we believe that the systems theory approach must be supplemented with subjective dimensions that make the role of values and norms more visible.[7]

If we accept that the EU process itself is one of the engines of the changes taking place in Central European countries, that is having a structure-generating power, then we have two approaches to describing the impact and consequences of European integration. One is the so-called functionalist integration theories, and the other is the so-called structuralist (neorealist and neoliberal) theoretical approaches. In our opinion, these two approaches do not contain mutually exclusive either / or theories, because both approaches can be valid and explanatory at the same time, since they say a lot about reality in themselves and help in understanding certain eras and periods. The question is always, what do we want to interpret with them?

6 Whitehead, 2015, pp. 15–29; Szmolka, 2022, pp. 71–82; Toots, 2022, pp. 101–118.
7 Bruszt-Simon, 1992; Petrusek, 1993.

What are we looking for the answer to? Based on this, we can decide which system of relationships brings us closer to understanding the actual processes.[8]

The database for our analyses is provided by 17 time-series questionnaire surveys, unique in Central Europe, which were conducted by this author between 1990 and 2022 on civic preferences, integration and political culture (with nationwide surveys of 1,000-1,200 people). We have the answers of nearly 20,000 people at our disposal, which can be arranged in chronological order. In our questionnaire, we repeated the same questions over more than three decades, and the annual data series obtained provide a rare and exceptionally good opportunity for our scientific research work to process the answers in a time-series analysis, and to create a picture of the changes that have occurred in the political culture of Hungarians during the European integration process.[9] During the communist era, we conducted the first explicitly multi-party polls, political public opinion research from Central Europe in Hungary. From the spring of 1989, led by this writer, we asked representative samples of people using a questionnaire based on direct contact, which party they would vote for if there were a multi-party system competing in an election. Following our initial study, we repeated our research every year or two between 1989 and 2021, using the same questions. The responses from the 17 national surveys obtained were arranged in chronological order by question and edited into a Codebook. All of this data is used in our current study.[10] Based on this, we will try to answer the question of how Hungarians experienced the regime change and democratisation, as well as the process of integration into the system of European countries. We will attempt to describe how much civil society itself has changed over the past three decades.[11]

2. Interpretations and Types of Integration Process

2.1. Theoretical Approaches

The term integration in a general sense means a process in which one system moves towards fitting into another, more dominant system. It means the process in which one or more separate units – in a looser or tighter form – are connected as parts to some larger or stronger whole. There are several qualitative levels of this connection, or several degrees, from harmonisation, assimilation, and the intertwining of cooperation to fitting, unification, and ultimately complete fusion. The process can occur at an elementary level during certain chemical processes or in

8 Table No. 1.
9 Simon, 2016.
10 Simon, 2022a.
11 Simon, 2016.

biology in the micro- and macro-level units of the living world, but similarly in the world created by humans, in the societies and organisations they create. Accordingly, in the social sciences, the term is used for changes occurring between the most diverse organic organisations, from economic units to political institutions, from smaller organic parts to the higher and more complex levels of cooperation between countries.

What does the concept of integration in the social sciences mean and what is its essence? Let us make it clear that we should view the integration system of the EU and the V4 as the generator of a process, not as the cause of a final and permanent state, and therefore we should analyse it as part of a development, which although can be divided into stages tied to a specific time period, is constantly in a state of change in terms of its content, and also due to the movements of the elements.

In a more general sense, integration means the process of connecting somewhere, during which either the units representing a larger force attract the smaller ones and connect with them, or the units representing a smaller force come together forming a unit constituting a larger force, i.e. integration. In terms of its content, integration is therefore a process during which the elements of the structure integrating into a larger or stronger organisational unit (EU) are bound and either resemble or become more compatible with the integrating organisational structure according to their affinity and their functions. This takes place in such a way that free radicals develop between the actors; they are attracted to each other, bond and thus resemble their system (structure, operation). At the beginning of the integration process in society, purposeful communication, dialogue, the development of common values, agreement, and then the development of common thinking and action conditions begin between the parts.

Thus, when we examine the integration itself, we need to know that the process has, in addition to many actors, three main protagonists: the integrator, the integrated, and the forces (relationships) between them. For the present study, the most important of the protagonists is the integration, about which we will describe in more detail, but we must also formulate some statements regarding the other two actors, namely the integrator and the integration force. First, let us briefly look at what integration means at the level of the integrators, then in relation to the lines of force between the actors in the process, and finally at the level of individual citizens. During political integration, individual states give part of their sovereignty to interstate organisations, for example in order to improve economic or interest-enforcement opportunities. In practice, the large integrations of our time can be classified in several ways. One of the main organising principles can be the strength of organisational cohesion between members, that is, the degree of autonomy of the components. Based on this, we distinguish four major types: (1) loose personal union; (2) confederal-type integration; (3) federal-type integration; (4) union integration (the parts are not autonomous outwardly).

We emphasise that these do not represent levels of development, but different qualities. From the point of view of social development, a level of integration that

can harmoniously unite the constituent elements into a whole, ensuring them the balanced development resulting from a state of dynamic equilibrium, is always desirable.

2.2. The Philosophy of Integration

In general, integration processes are essentially the connection between larger and smaller units, the process of their strengthening or weakening being in accordance with the challenges of the times. Hence it is not a one-way process, but involves periods when centralisation, that is, the strengthening the connection of the parts, is needed, and other period when increasing the autonomy of the parts, or weakening connections, is necessary.

The motto of the European Union is: 'Unity in diversity'. This means the recognition of diversity, the fact that despite the differences, traditional European values hold the alliance of countries together, not those who disagree should rather keep quiet. Let us add to this that integration itself is an ongoing process, a change which sometimes appears in closer and sometimes in looser relationships. During the integration process, the connection of smaller units towards larger units begins, followed by their further division, so that in the meantime the specific frameworks, forms, systems, rules and mechanisms of integration operate. In terms of its effect, it is mutual, but usually it is the smaller and weaker units that accepts the normal system of the larger and stronger unit, which of course has effects on both the integrator and the integrated.

Let us approach the social science interpretation, where integration, according to its content, means unification, integration, incorporation, or annexation. This happens on several levels: organisationally, in institutional-legal terms and in the field of symbolic interactions, when one or another form of the system is formed, or the already institutionalised form is modified. The essence of international regional integrations, simplified, is nothing more than the modification of the existing structural pattern of relations between countries, that is, the strengthening of the tissues of the network of relations between them, which has new structural and functional consequences. If one or more new elements are connected to a system, then that process not only causes an effect, but also a kind of interaction, because it usually modifies the system itself and the lines of force between them, not only increasing its size, but also causing changes to a lesser or greater extent in its structure, content and operation. The new system that is created in this way ultimately contains many new elements, functions and qualities, so the interaction works.[12]

Large international integrations can be complex in terms of their target areas, whether economic, political, or cultural, but we will not go into detail about these here, only noting that they are the subject of scientific debates, which have been extensively described in the literature.

12 Sampedro, 2006; Szmolka, 2022, pp. 71–82.

2.3. The Meaning and Values of European Integration

We agree with those who believe that integration is not necessarily created for some normative purpose or self-worth. For example, the COMECON, created by the countries of the Soviet region, was also an integration organisation, but the organisation obliged countries that were militarily occupied by the Soviets and had severely limited sovereignty to join, so we cannot speak of voluntary integration from the very beginning. Thus, during its operation, the interests of the joining countries were not apparent, and in many cases, they were significantly undermined.

The situation is different in the case of European political integration, where the accession of states is voluntary and for the mutual benefit. The European Community, established by the Treaty of Rome in 1957, went further and set the goal of political, economic and trade cooperation based on common interests. During the subsequent enlargements of the community, a new criterion was therefore included in the political conditions for countries wishing to join, the essence of which is freedom, democracy and the related civil rights. These are centuries-old traditional European values, the roots of which go back to the Renaissance or even to the Greek democracies. It became a condition for countries wishing to join that their political system should be democratic and that their citizens should be guaranteed freedom and equal rights under the law. In this spirit, the former dictatorships of Southern European countries (Greek, Portuguese, Spanish) had to be democratised in order to join the system. In the 1990s, similar expectations were formulated in Brussels during the accession negotiations with the countries of the post-Soviet region of Central Europe.[13]

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3. Main Explanatory Theories of Integration

In the following section, we will describe three possible dimensions for examining large regional integrations (RIs), which provide an opportunity to better understand the functioning of RIs: (1) the structuralist versus functionalist explanation, (2) the legitimation theory, and (3) the game theory. In the following, we will briefly examine the essence of these.

3.1. Structuralist Theories and the Role of International Power Relations

The content of structuralist and functionalist theories related to regional integrations is shown in Table No. 1. The question is whether the structuralist or functionalist approach is more suitable for describing the current integration processes of the

13 Colomer, 2024, pp. 11–18; Simon, 1997; Whitehead, 2016, pp. 15–29.

EU. Analysts generally emphasise the usefulness of structuralist approaches compared to functionalists.[14] We acknowledge that some theories that can be classified as structuralist (realists, neorealists) explain a lot of the processes taking place, since they derive a generation of changes from international power relations. For example, earlier in this chapter, when dismantling the systems of communist dictatorships, it was also concluded what an important structure-generating role the radical structural changes in international power relations had in US-Soviet geopolitical relations and the collapse of the Soviet Union in the 1980s.[15] Accepting that structuralist theories have a strong explanatory power in understanding changes between large systems, we believe that this is not exclusive, because both schools of thought have their place and meaning. In our opinion, the explanation which brings us closer to an answer, and to understanding the processes of reality, always depends on the question being answered.[16]

The specifics of the time of pathfinding can also be better explained by structuralist theories, and less by functionalists. The current renaissance of the V4 is again easy to interpret with the help of neorealist views focusing on external factors, and changes in the international system.[17] Global uncertainty, interdependence, energy, border protection and other significant challenges for the countries of Central Europe, which are squeezed between the great powers, have created the network-like and level-based cooperation of the leaders of the Visegrad countries. The need for such cooperation also appears at the citizen level, which is clearly demonstrated by the results of questionnaire surveys, and this will also be dealt with in the final chapter of this study.

14 Stepper, 2022.
15 Colomer, 2024, pp. 11–18; Simon, 2022, pp. 145–161.
16 Table No. 1.
17 Simon, 2023.

	Structuralist theories			Functionalist theories		
	Realistic	**Neo-realistic**	**Neo liberal**	**Functionalist**	**Neo-functionalist**	**Post-functionalist**
Subject	RI is a projection of hegemonic power	RI's response to the change in the international system	RI's response to the change in the international system	RI as economic interdependence	RI is a product of the power of interest groups	RI is a product of bargaining and community identity
Guided	ensuring survival	balance of power	interdependence	global governance	the will of multinationals	Politics dominates the academic world.
Purpose	the power maximization	security maximization	conflict prevention	increasing public goods	deepening integration	above policies party interest
Authors	J. Herz, A. Wolfers, Morgenthau	KN Waltz S. Walt, J. J. Mearsheimer	K. Deutsch, R. Keohane J. Nye	David Mitrany	Ernst Haas	Andrew Moravcsik

Table No. 1[18]
Two explanatory theories related to regional integration (RI)

3.2. The Argument of the Legitimation Theory

We can also approach the problem from the perspective of the need for legitimacy as understood in the Weberian sense. Regional integrations can be understood as reactions to changes in the international system, where the main goal of the cooperation of nations is to build mutual trust and security, i.e. to prevent war and preserve peace. From this perspective, integration policies, unlike post-functionalist theories, are not dominated by party interests, because the driving forces are not subordinated to them. Their task is to serve the common good, to maintain stability, security and the balance of power.[19] We can add that the political forces that undertake such a political philosophy, unlike neoliberals, do not rely on some elitist background power or opaque lobby groups, they build their need for legitimacy on democratic foundations when they represent the will of the voters in the interest of the common good.

3.3. The Explanatory Power of Game Theory

We can also explain the process of integration with the help of game theory, namely the theory of non-cooperative games by the Nobel Prize-winning polymath

18 Edited table based on: Stepper, 2022, pp. 10 and 16, and additions and modifications by the author. Simon, 2023, pp. 26–29; Simon, 2025, p. 48.

19 Simon, 2025.

John C. Harsányi. The author's pioneering work in the field of so-called 'equilibrium analysis', in relation to zero-sum game theories, can be useful to us, since his equilibrium-centric mathematical thinking strengthens the theory of striving for geopolitical equilibrium in social science and geopolitical thinking, which mostly corresponds to the system of the structuralist-neorealist approach.[20]

Central Europe is an economic and cultural region that has developed over a common history, so cooperation between individual countries is an integral part of its functioning. We know from game theory research that while in zero-sum games one party can win at the expense of the other, in so-called 'non-zero-sum games' all parties win together.[21]

According to the logic of game theory, we believe that the operation of the former CMEA during communist times as an integration can be classified as a zero-sum game for individual countries, while, in contrast, the operation of the V4 and the European Union is a non-zero-sum game. The leaders of the four Central European countries were able to overcome the problems arising from the zero-sum game concept,[22] which is an important and achievable result according to both structuralist and especially neorealist theories. The original goals of both the V4 and the EU was to prevent international conflicts, maximize security, and ensure competitive advantage and the opportunity for prosperity for all citizens of the integration.

We consider it very important to state that V4 cooperation is a non-zero-sum game, i.e. the V4 countries do not win against each other, but rather the parties can develop mainly from external sources, primarily by supporting each other, through coordination and cooperation between themselves. Moreover, such successful cooperation can be not only between two parties, but also between several parties. Recognising this and raising general awareness of this is crucial for the region. Especially since the turn of the millennium, we have seen that the governments of individual countries, assuming they are stable and able to think long-term, are increasingly striving towards good relations and lasting cooperation with their neighbours. This has countless manifestations in the fields of economy, politics and culture, for example, in the coordinated representation of agricultural interests within the EU, in joint capital investments of entrepreneurs, in the coordinated sharing of energy resources (transport and change of natural gas, oil, electricity), or in cultural life in the broad sense. This gives the centuries-old value of Central Europeanness, solidarity between peoples strengthens the sense of belonging of citizens in the region.

In the rest of our study, we will argue, with the help of our data and the trends that they show that intra-regional cooperation should be further strengthened with incentives in politics and law.

20 Table No. 1.
21 Simon, 2021; Harsányi, 2021.
22 Harsányi, 2021.

3.4. Federal Unionists vs. Confederate Sovereigntists

Historical facts show that the leading politicians of Western Europe had several ideas about the question of a federal or confederal formation, both at the time of its foundation and during the first period of unification. There was a strong group of federalists who wanted to bring the most important areas of power and powers representing the sovereignty of individual countries under the control of a supranational, federal-level organisation, such as J. Monnet and W. Hallstein.[23] Unlike them, the confederalists, led by the Gaullists, only wanted consultations on foreign policy decisions and advocated for the nation-state to retain its sovereignty (on the model of the Fouchet plan).

There are opinions that centralisation efforts have become so strong that Brussels no longer operates based on the rule of law in the 2020s, while their leaders expect this from Central European member states, especially the Poles, Slovaks, Hungarians, or the candidate Balkan countries. When the Council created the so-called 'Rule of law' procedure, it introduced an incomprehensible and undefined rubber category, which has been used at will as a formal-legal justification for its dubious internal political interests and alleged rule of law objections. The complete lack of interpretability of the 'Rule of law' procedure also sets back the integration efforts of the Balkan states or Turkey, among other things, and is fully part of the great struggle about the present and future of Europe that has been ongoing for more than a decade between unionists who want to centralise and sovereigntists who want to decentralise. With Trump coming to power, sovereigntists feel empowered and have announced with greater force that they will regain the previously lost elements of their national sovereignty, which they believe the Brussels bureaucracy has 'stealthily' taken from European nation-states by circumventing the EU Treaty (e.g., using tools for centralisation, rule of law procedures, conditionality, etc.).

The situation is different in the case of the V4 than in the EU, because multilateral cooperation remained sustainable in Central European regional integration without continuous expansion and deepening.[24] They are much more helpful in interpreting the organisational and cooperation system between the V4 countries, and the lack of deeper institutionalisation. The leaders of the four countries were able to overcome the problems arising from the zero-sum game concept, which is an important achievement and a path to common success according to structuralism and neorealist theories.[25]

23 Gillingham, 2003; Fricz, 2025.
24 Stepper, 2023.
25 Simon and Harsányi 2021.

4. The Effects of Integration in Individual Areas

EU integration has also influenced the fate of the V4 members in many areas. Most studies primarily analyse the development direction and decision-making mechanisms of Central European countries in one of the following four areas: (1) Economic integration and development: EU membership has provided the Visegrád countries with the opportunity to benefit from EU funds and subsidies, which have facilitated economic development and the region's convergence; the adoption of common regulators can contribute to modernisation and increased competitiveness. (2) Regional cooperation and advocacy of common interests: EU membership has given the Visegrád countries the opportunity to act together in EU decision-making, to formulate jointly and more effectively represent their common interests: joint positions, implementation of projects and initiatives. (3) Democracy and political stability: The conditions for EU membership include strengthening democratic institutions and ensuring the rule of law. This contributed to increasing political stability and deepening democratic processes. (4) Democratic political culture, civic behaviour patterns: The so-called European values, democratic behaviour patterns must be spread, the willingness to dialogue and the tendency to understand and agree, linguistic and cultural diversity must be strengthened, so that the democratic pillars of political culture are strengthened in the spirit of 'Unity of diversity'.

Although we consider each area important and worthy of deeper analysis, in order to understand the essence and consequences of the EU's integration process, we will highlight three areas out of the five above, where the positive results of the changes have been clearly visible: (1) Issues of economic and social integration and development; (2) The area of democracy and political stability; (3) Democratic political culture and issues of civic behaviour.

Based on all this, in the rest of our study, we examine, in addition to the issues of economic competition, the topics of political stability, democratisation, and citizen behaviour patterns and democratic political culture at the Central European level, and we look for signs of change. Basically, we are analysing democratisation and changes in citizen behaviour patterns at the level of preferences with the help of public opinion poll data. In essence, the two topics also represent two dimensions of political culture.

4.1. Economic and Social Impacts of Integration on V4 Countries (2004–2024)

From what approaches and dimensions can the impact of EU integration on Central European countries be examined? The impact and consequences of the two-decade long process of integration can be examined using at least three different approaches. On the one hand, the international dimensions, namely the new world political power lines and global development paths, can provide an interpretation and analysis framework. Following the change in the power lines of the great powers and the collapse of the Soviet Empire, the countries of the post-communist region

sought to build new regional systems of relations (V4, Alps-Adriatic, Baltic States), which can also be understood as the antecedents of EU integration.[26]

On the other hand, we can approach the problem of EU integration from the perspective of the domestic political changes taking place within individual Central European countries, for example, from the perspective of party-political struggles, as the majority of parties sought to strengthen European alliances. This also brings with it a kind of forced adaptation, dialogue, rapprochement and agreement.

A new approach is offered by the level of voters, since a significant section of the people tried to break out from the previous decades of isolation and, representing the idea of Europeanness, strove for cooperation between nations. We can therefore see that several approaches are possible for measuring the integration impact mechanisms under examination, both at the level of organisations and of citizens. In fact, it is always the personal preference and point of view of the analyst that decides which of them he/she considers important and which he/she chooses as the subject of his/her analysis (There have been countless analyses of the legal and institutional contexts of the integration process, its system. We acknowledge the outstanding importance of that dimension, but it is not the subject of our present study, we only deal with it in way of reference.) In our study, we place emphasis on another important pillar of integration, the political and cultural dimension, especially the change in citizen behaviour.

Among the effects of the European Union integration process, which has been going on for several decades, on the V4, let us first look at the development of economic competition. Statistical data clearly show the changes. Let us make it clear that membership has brought mutual benefits, both for the joining Central European countries and for the Western European countries, since exports and imports, as well as the free flow of labour and capital, have become easier in both directions. The former made sacrifices by releasing part of their qualified labour force to work in Western Europe and allowing Western products to enter their markets duty-free, while the former member states benefited greatly from the fact that the new member states enabled them to invest their capital and use the much cheaper Central European labour and energy. Thanks to EU membership, exports and imports have become easier for the V4, as well as the free flow of labour and capital, contributions to infrastructure developments, and the benefits of the EU internal market have undoubtedly brought development to the region, especially in the period before the Covid pandemic and the Russian-Ukrainian war, and then significant development followed again in the 2020s.[27]

26 Simon, 2022, pp. 145–161.
27 Wiatr, 2022, pp. 29–36; Szmolka, 2022, pp. 71–82.

4.2. European Values and Integration

Does Europe have common core values that are above all else? There is no consensus among analysts on this issue, the background of which we will discuss later. Let us conclude that in our opinion there are clearly values that unite nations in Europe, since the historical past has produced values that today form the foundation of Europeanness. In our opinion, countries are connected by three important core values, as a legacy of Hellenic civilisation and Christianity: the institutions and legal system of modern democracy can clearly ensure the enforcement and operation of freedom, humanism, and tolerance of otherness.

In our interpretation, democracy is essentially 'institutionalized freedom'.[28] With this formulation, we give perhaps the most concise definition of democracy in the political science. If we accept that democracy in the 21st century essentially means the institutionalisation of freedom, then we must examine its emergence in terms of not only institutionalisations and legal guarantees in an economic and legal sense, but also in a cultural sense.[29] However, institutions and rules only function effectively if they are given actual content, if people themselves accept them, internalise them (internalise, and socialise them) and live according to them.

Therefore, if we analyse European values, we definitely should examine how strong the pillars of political culture that strengthen democracy are in people's preferences, thinking, knowledge, opinions and actions.[30] Our study will answer this question by analysing trends, also using statistical data. We will consider the important changes have occurred in individual countries during the integration process, in terms of market competition, prosperity, democracy and political culture. If we arrange the survey data available to us in chronological order, we will also get an idea of how citizens experienced the changes accompanying the EU integration process, which perceptions they developed about reality, and how these have changed over time.

Since the establishment of the European Community, relations between Western European nations have been governed for several decades by the idea of established common rules between Western European nations, mainly on aspects related to economic integration and the definition of a common foreign policy. (This is proven by historical facts of which we will not go into detail here). In the 1980s, the leaders of the European Community formulated new expectations for candidates applying for membership. It became generally accepted from the 1990s (the Maastricht Treaty of 1992) and was confirmed in writing by the 1993 'Copenhagen criteria', that the main objectives of integration were cooperation and convergence, with three main areas identified in economic, political and social terms. These are still among the conditions and guidelines required for accession today and were mandatory expectations

28 Simon, 2023.
29 Simon, 2024.
30 Barnes and Simon, 1997.

of the community for the post-communist countries that were wished to join at that point in time. The following three criteria still form the main pillars of the EU's value system: (1) Common European economy (European Community, MONTAN Union, Euratom, EMU, Customs Union, free movement of capital and labour, etc.); (2) Common Foreign and Security Policy (Common Political Cooperation: CFSP); (3) Common Justice and Home Affairs work (Justice and Home Affairs: JHA, through the coordination of legislation, justice, asylum, immigration).

The three common principles are closely linked, as it is clear that the results of successful integration must not only be economic (which are essentially the consequences of market economy conditions), but also political and legal-justice, the combined conditions of which are, on the one hand, an effectively functioning democracy, and on the other hand, human dignity (social welfare, civil rights, labour rights, etc.). The disappearance of national borders, free movement, and the organisation of a single labour and economic market have made it increasingly important to link the process of political and economic convergence with the strengthening of fundamental social and labour rights. The process of social convergence is a part of and is aimed at the common European value system, the condition of which is not only the pursuit of common economic and political interests, but also the sharing of the benefits of the growth and prosperity process among the broader layers of society. With the accession of the Central European countries and the subsequent further enlargement of the European Union, it became possible for a cultural feeling, the so-called the realisation of a 'common European citizenship' or at least the possibility of it. An important indicator of its existence is the emergence and continuous strengthening of European identity, which we will demonstrate with our public opinion poll data. With the help of statistical data and the results of questionnaire surveys, we will seek answers to the question of what the identity of Central Europeans is, to what extent Hungarians feel themselves to be Central Europeans and Europeans and how they relate to other nations of the region, and to what extent and in what direction their opinions have changed during integration. We will deal with these in the rest of our study.

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5. Development of V4 in Economic and Social Spheres (2004–2022)

5.1. Economic and Social Performance of V4 Countries (2004–2024)

In the following, we will first look at how the competitive position of individual countries and the social situation of their citizens in Central Europe have developed in light of the data. The data in Table 2 show remarkable changes in several areas.

Order	Employment development		Earnings development		GDP/capita development		Consumption development		Pensions development	
	2004	2022	2004	2022	2004	2022	2004	2022	2004	2022
1.	Cz.	Cz.	Sl.	Pl.	Cz.	Cz.	Cz.	Cz.	Cz.	Cz.
2.	Sl.	Hu.	Cz.	Cz.	Hu.	Pl.	Hu.	Pl.	Hu.	Pl.
3.	Hu.	Sl.	Pl.	Hu.	Sl.	Ro.	Sl.	Ro.	Pl.	Sl.
4.	Pl.	Pl.	Hu.	Ro.	Pl.	Hu.	Pl.	Sl.	Sl.	Ro.
5.	Ro.	Ro.	Ro.	Sl.	Ro.	Sl.	Ro.	Hu.	Ro.	Hu.

Table No. 2[31]
Development of Central European countries from EU accession to the present day – Changes in the space of competition (2004–2022)

It is immediately apparent that the clear winners of the EU integration process in economic and social terms are two countries: the Czech Republic and Poland, because both countries have not only improved their previous economic situation, but have clearly started to catch up with the western EU countries. We could also say that the scissors have closed most in their case. However, the disadvantage of the Hungarians and the Slovaks has not decreased (e.g. compared to the Austrians), and it is some consolation that it has not increased either.

The Czech Republic – as it was throughout the 20th century and at the beginning of the 2000s, when accession began – was clearly the most developed country in the region. The Czech Republic has essentially maintained its competitive advantage, leading the way in GDP, employment, consumption and pension developments even after two decades. It was only in the subject of earnings developments that it was initially in second place and has remained so until now.[32]

Poles have performed better in all areas than they did two decades earlier. We could say that they were the big winners of integration (and regime change). Of the V4 countries, Polish workers were absorbed by the Western European labour market in the largest proportion, so the millions of euros they sent home also strengthened the country's economy. In terms of consumption, pensions, and GDP, they have risen from third to second place, while in terms of earnings, they also surpassed the Czechs and became the first (from the previous third place).

Slovakia's continuous loss of position is the most visible in the competition of the countries of the region, and this trend is ind ependent of governments. 20 years ago, the country was in third place in terms of GDP per capita, but today it has fallen to last place, and in terms of earnings it has moved from first to last place. The country's situation is particularly complicated by its vulnerability in the energy market, especially since the Russia Ukraine war cut the country off from cheap Russian oil

31 Based on multiple data sources: GKI, 2023; vosz.hu, 2025.
32 Lukáš and Mansfeldová, 2007.

and natural gas by virtue of the EU sanctions policy in the 20s. In terms of the performance of the social sphere, it has only managed to improve its position in terms of pensions (it moved from fourth to third), but this is more a consequence of the poorer performance of the Hungarians (who fell from second to fifth place), rather than due to the significant pension increases in Slovakia based on higher GDP.

The rapid increase in Romania's GDP may seem surprisingly positive at first glance. However, deeper analysis has revealed that this is not so much the result of increased productivity and can only be attributed in a lesser part to changes in internal production structures, and rather in a greater part to new foreign capital investments and remittances from Romanian guest workers working in the EU. On the one hand, in the past three decades, Romania has provided the largest group of people, along with Poles, who have gone to work in the West, and on the other hand, guest workers living there have now become embedded in the local economy, thus gaining significant market positions and receiving higher wages (e.g. compared to citizens of other Balkan or Central European countries). The millions of euros sent home not only increase domestic consumption in Romania, but also represent a significant investment volume, perhaps only comparable to the relatively high similar Polish incomes. Moreover, due to the size of the outflow of wages, Romania's public budget deficit and thus its indebtedness have increased dangerously, which the governments of the time should urgently address in the near future, for example with drastic austerity measures. In turn, demagogic forces, and radical, chauvinist parties can forge electoral capital for themselves from this, which could be dangerous for the already fragile Romanian democracy.[33] (We have noted that in our data analysis we include Serbia and partly Romania in the Central European region because historically Serbia has always been part of the Christian nations of Central Europe, as has Transylvania, which currently makes up the majority of Romania. Both countries are still strongly connected to Central Europe, culturally, politically and economically.)

5.2. The Performance of Hungary

5.2.1. Economic and Social Performance (2004–2024)

We will also look at the economic and social performance of Hungary in more detail. The table shows that at the turn of the millennium, the country was in second place in three out of four areas (GDP, consumption, pensions) in terms of its competitiveness. However, by 2022, it had fallen in all three areas, not just slightly but significantly. In GDP, they fell from second to fourth place, and in consumption and pensions, from second to last (ie: fifth) place. It may be some consolation for Hungarians that they have improved their position in the world of work and in the development of earnings by one place (they moved from third to second and from fourth

33 Pop and Pop, 2021, pp. 11–46.

to third place). However, the decline occurred in the years following accession, and so drastically that it took a long time to get out of that situation. Analyses show that Hungary's loss of ground began after the turn of the millennium, following the change of government in 2002, namely with the coming to power of the socialists, and the downward trend that began ended in a deep decline by the end of the first decade, which was only managed and stopped by the change of government in 2010, when the FIDESZ-KDNP (Orbán government) came to power. The country's development gained momentum from the middle of the decade and only became noticeable to the people in the 2020s. For example, in 2023, average wages in Hungary increased by 13%, which was the highest rate in Europe.[34]

On May 1st 2004, ten new member states joined the EU, and the majority of these countries have now clearly come closer to the EU average in terms of their economic development and welfare indicators, such as the Czech Republic, Estonia, Cyprus, Malta, Lithuania and Slovenia. When Hungary joined the EU, as a relatively developed country in the region, it also entered the EU with the hope that it would continue to grow, catch up with Austria in terms of economic development, and get closer to other Western European countries in terms of living standards. With these expectations, Hungarians supported the economic regime change and the privatisation of state property.[35]

Looking at the balance sheet of the last two decades, however, we must say that Hungary's catch-up was the slowest, that much less developed countries quickly accelerated and overtook them in several indicators. There are times when it is appropriate to measure a country's progress against its past performance, but now it is worth comparing the results with those of its competitors, and in this area, the Hungarian economy, its economic policy, and ultimately political leadership have not performed well in the past twenty years. In comparison, time-series statistical data show that while the value of GDP per capita, calculated at purchasing power parity, increased 2.2 times between 2004 and 2023, Hungary's relative position in Central Europe has nevertheless deteriorated.[36] In 2004, Hungary was in 19th place among the 27 EU countries, but by 2023 they had fallen back to 22nd place.

It is somewhat encouraging that since 2010, one of the main drivers of GDP/capita growth has been the change in economic structure, the essence of which is, on the one hand, the increase in so-called 'added values' and, on the other hand, the significant improvement in labour market activity. The latter is well illustrated by the change in the age distribution of the employed. While at the beginning of our EU accession, only 57% of Hungarians aged 15–64 were employed, in 2022 it was almost 75%, which places the country among the leaders in the EU and has helped Hungarians to embark on a more serious development path in the short and medium term. For example, the proportion of employed Hungarians aged 15–64 at the time

34 Becsey, 2022, pp. 539–550.
35 Bruszt and Simon, 1990.
36 GKI, 2023.

of the country's EU accession was only 57%, but by 2022 it had reached 74%. In this respect, Hungarians have surpassed the Slovaks in the region and are already among the leaders in the EU. (Between 2010 and 2012, one million new jobs were created, along with a very strong family support system.) At the end of 2024, the centre-right government announced a very ambitious series of measures for 2025-26, with an extremely strong social and welfare content, which could also be called a kind of 'welfare system change' that Hungarian society has long been waiting for. The Hungarian pension system also has several additional elements that ultimately put the age group in a better position compared to the average pension value (including a 13th month pension, the lowering the retirement age for women to 40 years of employment, tax-free employment opportunities, etc.).

At the same time, it should also be observed that in the case of Hungary, the relevant statistical data mask the actual situation, because it does not include additional elements, and benefits, which can be add up to a very significant proportion in the case of the country's citizens. According to some opinions, income not directly derived from earnings, which is the support due to the traditionally strong social network, increases the income and financial resources of individual families by about 30–50%. However, raw statistical data does not show this. If the government functions well and produces significant economic performance, then employees' incomes are supplemented with various benefits, and these are based on the world of work on the one hand, and on the family on the other. These include contributions, benefits (reductions in utility costs), social benefits for career starters and pensioners, as well as significant support applications for various groups of society (purchase of housing and cars, heating modernisation, etc.). On top of all this, a family-friendly, child-friendly tax system has also been built, having its own benefits, thanks to which, for example, Hungarian earnings calculated on purchasing power parity increased by 76% between 2004 and 2022, and in this respect, Hungarians not only entered a development path, but by the mid-20s they again overtook Slovakia. From February 2025, the government announced a family tax cut and salary increase unprecedented in Europe (including the fact that mothers who give birth to at least two children will receive a tax exemption for the rest of their lives).[37]

5.2.2. Political Changes: Orbán's Path Towards Ordo-Conservatism (2004–2025)

The economic policy changes that have taken place in the past two decades in Hungary have also been accompanied by a strong realignment of power relations. Let us look at the essence of this in chronological order. Four prime ministers have changed hands in twenty years, the first three of which were linked to the Socialist movement (2004–2010), while the fourth was linked to the Christian Democrat governments led by Viktor Orbán. At the time of accession in 2004 and for the six years that followed, an MSZP-SZDSZ coalition governed. In the first years, EU

37 Bita, 2025.

subsidies were not fully open to the accession countries, while the socialist governments pursued a loose budget policy. The forced investments brought with them a high budget deficit and, compared to the level of development and neighbouring countries, high public debt, inflation and household indebtedness. The collapse of the US mortgage and credit market in 2008 further accelerated the economic crisis and Hungary, like Greece, was on the verge of insolvency and required a significant IMF loan. The country, which had lost its previous competitive advantage, was only helped by the change of government in 2010.

The high level of dissatisfaction among the people is demonstrated by the fact that in the 2010 elections the opposition Fidesz-KDNP received two-thirds of the parliamentary seats from the voters, which was an unprecedented development in Europe. The Orbán government (Fidesz-KDNP) implemented a so-called 'unorthodox', non-liberal and anti-market economic policy with its crisis management during the period 2010–13. With strong state intervention and market regulations, the Orbán government earned the opposition of Western countries, while by 2013 it managed to stop the economic crisis and put the Hungarian economy on a growth path. The Orbán government's great popularity is demonstrated by the fact that between 2010 and 2022, in the parliamentary elections held every four years (2010, 2014, 2018, 2022), the centre-right party alliance won more than two-thirds of the seats in all four occasions. This is an unprecedented achievement in the history of multi-party parliamentary elections in Europe. It is so unprecedented that some political leaders of the European Union cannot even interpret this within the framework of democracy, and question the purity of the elections, and do not attribute it to the manifestation of the will of the people. They constantly refer to either electoral fraud or to the misleading of voters, which is why they still do not understand the background of the real processes.[38]

The international distrust of the Orbán government in the EU was increased by the fact that the right-centre Hungarian government received such a large electoral mandate that it was able to govern independently without a coalition partner. In practice, this also meant that it was not forced to compromise, i.e. without internal party political checks and balances, it was able to govern boldly in accordance with the interests and values of the voters, which in turn provoked countless conflicts in the European Parliament, which was basically led by the leftists, neoliberals and greens. Not only the political leadership of the EU, but also the majority of governments in Western countries did not support the so-called 'separate', often non-liberal policy of the Orbán government (see migration policy, family policy, gender policy, and later the Russia Ukraine war, opening to the East). In fact, because of this, conflicts intensified within its own party family, the PP, which brings together conservative right-centre forces, to the point that FIDESZ finally left the alliance in the spring of 2021.[39]

38 Simon, 2023b.
39 Zsíros, 2023.

Relative economic prosperity (4–6% GDP growth) lasted until the Covid pandemic and the outbreak of the Russian Ukraine war. The EU embargo imposed on Russian gas and oil imports drastically increased the price of imported raw materials, which burdened both production and household consumption. The government took over the latter from the population as part of its so-called 'utility reduction program'. EU politicians led by left-leaning liberals and greens, amended EU legislation, citing government corruption and the lack of rule of law guarantees, and citing the new rules, stopped a significant part of EU subsidies to Hungary, which potentially cost the country's economy several thousand billion euros. This forced the Orbán government to move closer to the American conservatives led by Trump. The 'Eastern opening' proved successful, and by the 20s the country was not only able to stay on its feet economically, but also made huge investments, the results of which became clearly visible from the middle of the decade in the demand for labour, the growth of production, and the rapid rise in living standards.

What does the policy of opening to the East mean? The Orbán government, which came to power in 2010, sought several opportunities to escape the IMF debt trap, of which the most important were the acquisition of cheap energy sources, the taking out of cheap loans and the receiving markets offering high purchasing power for Hungarian products. And the opportunity for this was not offered by Western Europe, but primarily by Eastern, Asian countries. The previously strong German economic orientation was thus increasingly supplemented and partly replaced by Orbán's so-called 'Eastern opening' policy. In terms of energy (oil, natural gas), in addition to the previous Russian partnership, cooperation with the Gulf Arabs was strengthened, and energy, economic and financial relations were established with Azerbaijan, Kazakhstan and other Caucasian countries rich in natural gas and oil. Moreover, Arab countries offered cheaper loans than Western European countries, while the Chinese, Japanese, Koreans, and Indians, in addition to purchasing Hungarian products, made significant capital investments in the country in the spirit of mutual benefits. China stands out in particular with its investments (car manufacturing, electrical industry, battery manufacturing). Half of all Chinese investments made in the EU between 2022 and 2025 came to Hungary. Thus, Asia has become very valuable for Hungarians, complementing the previous unilateral Western European (especially German) economic commitment. We can therefore say that the Orbán government's 'Eastern opening' policy was primarily driven by well-understood economic interests and has brought significant benefits to Hungarians in the long term. Thus, not only has the country's economic power increased significantly (GDP, reduced unemployment, low inflation rate), but the government's political room for manoeuvre has also increased significantly. However, the changes have caused unrest and fear in Western capitalist circles, as the country's sovereignty and the government's freedom of decision-making have increased significantly, which has had political consequences in the world of big politics as well, e.g. in the assessment of illegal migration or in the treatment of 'woke' ideologies, in the relationship to the Russian-Ukrainian war.

All these factors contributed to FIDESZ winning the 2022 elections, taking two-thirds of the parliamentary seats. If we look for the reason for the electoral success of the Orbán government, then on the one hand we must mention the high degree of flexibility and the pragmatic response to challenges, free from ideological bias, and on the other hand the strong social policy, the basis of which is the world of work and the aim of supporting families. Orbánism filled the conservative policy (non-neoliberal) with a very strong social content, family benefits, free benefits for pensioners, and easy-to-obtain career start-up programs for young people.[40]

In this way, it started a double process, because while it pulled the rug out from under the feet of left-wing voters, it also attracted materially driven voters. FIDESZ-KDNP, which emphasized values and performance instead of political ideologies, represented a broad coalition in its voter base, encompassing forces ranging from the political centre to the centre-right.

In my opinion, we can consider this a continuation of Adenauer's Christian-social course of the 20th century and call it 'ordo-conservatism', a deeper professional, sociological, and political description of which is still awaited.[41]

6. What Does 'Unity in Diversity' Mean?

The motto of the Union is 'Unity in diversity', which refers to both diversity and unity, but in a democratically functioning integration this does not mean that those who disagree should keep quiet, but that conflicts of interest within the alliance are resolved through debates and agreements, and that a unified position is always reached externally.[42] Before we deal with the topics of debate, we would like to state that despite partial differences of interest and conceptual disputes, the cohesive forces within the Union, which hold the Union together by relying on legally regulated interest advocacy and value representation, are much stronger than conflicts.

If we want to provide a fact-based answer to the main question of our study, to what extent the two-decade integration of the newly acceded countries has been successful or unsuccessful, we need to look specifically at the areas in which intra-EU conflicts and fault lines between the 27 member states are strong. In the following, we will highlight and examine in more detail some areas that we consider important, in which there are significant differences in the assessment and ongoing conflicts between the majority and minority of member states. The seven areas we will examine are as follows: (1) Different concepts of the EU development strategy; (2) The EU's controversial enlargement policy; (3) Different perceptions of illegal migration; (4)

40 Simon, 2024.
41 See more Simon, 2023, pp. 324–332.
42 Simon, 1996.

Collective identities: homeland, Central Europe and Europe; (5) Common European values; (6) Who loves whom? Central European interdependence; (7) Interpretation of homeland, nation, identity

6.1. Different Concepts of the EU Development Strategy

According to many researchers the governance structures of the European Union have long been determined by the relationship with American global imperial interests. Let us remember that the last time Europe tried to resist American efforts was in 2003, when the USA invaded Iraq. French President Jacques Chirac and German Chancellor Gerhard Schröder very strongly condemned the American imperial intervention as a step seriously threatening the balance of power in the world. However, it was somewhat surprising that the governments of the eight Central European countries that, at the time, were awaiting admission supported the American aggression in a joint memorandum.[43] Since the turn of the millennium, it has been clear that the governance structures of the European Union have already been determined by the relationship with American global imperial interests. The EU increasingly acts as a servile structure subordinated to the global interests of the USA.

In the 21st century, two different visions of integration have emerged about the present and future of Europe. Federalists (unionists) represent one trend in political science, the other by sovereigntists. The first trend aims to create an imperial-type state entity, the United States of Europe, while the other aims for cooperation based on a loose alliance of nation-states. The two competing forces have now become one of the main fault lines in EU politics, and the basic positions also determine the public policy decisions of individual countries and their politicians on many other issues, e.g. illegal migration, tax policy, the scope of legal regulations, national interests, collective nationality rights or social policy.[44]

For several decades, the relationship between Western European states was governed by concepts that were mainly based on prevalent rules related to common foreign policy and partial economic cooperation, and did not include, for example, the protection of the collective rights of national or religious minorities. However, after the accession of ex-Eastern European states, the role of nation-states and national minorities became more valued, so new challenges emerged, to which the founding 'core countries' should have adapted their concepts, but in our opinion this did not happen. In the event of conflicts, the founding countries, as core countries, treat the new member states that contradict them in the same way as the imperial centre treats its periphery: instead of dialogue and compromise, they either ignore the interests of the minority, or, as the colonialists did, they incite their internal opposition with their colonies and punish them.[45] Thus, the Western powers easily turn

43 Bogár, 2005.
44 Pokol and Simon, 2021; Minority SafePack 2020/2846; Willányi-Kovács, 2024, pp. 39–56.
45 Carteny, 2016, pp. 92–99.

the internal opposition into an opponent that delegitimises the ruling power, and the punishments they inflict undermine the country's economy and the social security of its citizens. (See the example of the Polish PIS governments, the Hungarian Orbán government, or the Slovak Fico government.).

It is also obvious that since the turn of the millennium, the EU's international competitiveness has weakened significantly, which has further intensified the struggle between the two major trends. The Union's left-liberal globalist political leaders (socialists, liberals, greens, leftists) want to respond by centralising power, by creating a kind of superstate (the United States of Europe), and want to limit the sovereignty of member states using a step by step process. They are opposed by the sovereigntists (patriots, national conservatives, nationalists, Eurosceptics), who seek common connecting forces based on the interests of nation states, refer to the principles of freedom and democracy, and insist on national-level interest representation in the most important areas of political decision-making, be it the judiciary, the tax system, migration policy, family policy, sanctions policy, or even economic policy as a whole.

In the ongoing struggle between the forces of centralisation and decentralisation, the two forces were almost in balance until Brexit. The British, together with the V4, were able to prevent any centralisation efforts, as together they were able to form a 'blocking minority'.[46] However, with the British withdrawal, the blocking power of the minority ceased, the supporters of decentralisation weakened, and the previous more or less balanced state was broken. Many believe that politics overtook law in the EU leadership, and from then on, centralisation efforts advanced at an unprecedented pace between 2016 and 2025, until Trump's second election (see rule of law procedures, conditionality, unprecedented financial penalties). Many believe that top leaders in EU positions 'circumvented the law, circumvented the charter'.[47]

Accordingly, the two schools also envision internal reforms within the EU in different directions. Federalists want to use the debates on internal reforms to increase the degree of centralisation, that is, to take powers away from the member states. A typical example is the German proposal to transform the previous 'unanimity decision' into 'majority decision' (QMV decision-making), which would essentially mean suppressing the opinions of countries with smaller populations. The sovereigntists who oppose them want to regain their autonomy in those areas that they believe centralists have stealthily taken from them in recent years, circumventing the EU Treaty. In other words, they want to regain powers from Brussels for the member states and even want to eliminate the sanctioning tools that the Brussels bureaucracy uses in the interests of centralisation (rule of law procedure, conditionality).

Let us add that both schools of thought have historical traditions. Many believe that centralists hark back to the traditions of the Roman Empire, which, based on a strong army and a sophisticated legal system, was able to create a powerful governing

46 Bogár, 2025; Lukáš and Mansfeldová, 2007, pp. 20–39.
47 Orbán, 2024.

force with a centralised infrastructure through the work of peoples, who were subject to Rome and deprived of their independence. Sovereigntists, on the other hand, fear the emergence of another Soviet Empire, where once free states were continuously stripped of their powers, their autonomy, and ultimately their freedom.

Of course, the internal reforms on the agenda are also being used by the parties arguing with each other within the Union for their own purposes. The big question is how to modernise the Union while maintaining the two main values, freedom and prosperity. In our opinion, the solution can be found in maintaining some kind of balance between the two trends and a series of continuous compromises between them. The first half of the past twenty years was essentially about this balance, because the French and Germans always wanted to centralise, while the British and the V4 countered this, because they wanted to strengthen their nation-state sovereignty. However, with Brexit, the previous balance was upset, and the forces blocking centralization, the V4, were in the minority.

It is a hotly debated and therefore still an open question as to what power the blocking minority will have in the future. Will it grow stronger, thus restoring the previous balance of power, or will the forces of centralisation finally break through, allowing the Union to move towards empire-building?

6.2. The EU's Controversial Enlargement Policy

It is also true in politics that there is no unfilled space in power struggles, because if one withdraws from somewhere, another will take its place. This is also the case with the Balkans, the space between Hungary and Greece, where there is a geopolitical hole because the EU has not been able to integrate its countries within the framework of a comprehensive enlargement concept for a long time.

They are right that if the EU does not integrate this region, others will invade. It is a fact that the Chinese have already appeared, and also partly in the background the Russians. For example, in Serbia, customs duties on more than 10 thousand items of goods are being abolished within the framework of the free trade agreement with China. Even short-term thinking requires that the Western Balkans become full members of the European Union as soon as possible.[48] That is why it would be worthwhile to support the Balkan candidate countries in accordance with the V4 initiative with growth loans and non-repayable grants for the period between 2025 and 2027, which would help develop their energy industries, infrastructure and transport network.[49]

Opinions on the Balkan enlargement vary considerably. While Central Europeans support it, Scandinavian countries, the French and Germans are strongly against it. The political arguments of the opponents include that the EU has already grown too big, and that 27 countries can hardly be managed as a unit, while 37 member

48 Manova, 1995, pp. 83–104.
49 Várhelyi, 2023, pp. 29–30.

states would already be a system. This is somewhat contradicted by the fact that with the British, the organisation was much larger in terms of both population and the expected number of representatives in the European Parliament than it would be with the new Balkan members. However, many of the old member states oppose the enlargement, saying that things are not going so well in the union because post-communist countries were admitted earlier.[50] Central European countries claim that when they had joined, the enlargement was successful, and that in the past five years (between 2020 and 2025) they, the Baltics and Central Europeans have produced their best economic and social performance, while the Western countries have shown almost no growth.

To summarise, the enlargement towards the Balkans should be seen as a potential source of energy, an excellent opportunity. We can say that there is no consensus on the future enlargement of the EU, and in fact there is a very large gap between the individual groups or parties of countries (Let's not talk about the inclusion of Ukraine, whose inclusion on the agenda would lead to even more serious conflicts).

6.3. Different Perceptions of Illegal Migration

One of the controversial issues is the perception of the problem of migration, especially illegal migration. In this regard, Europe has essentially become divided into two parts: one part is the attitude of the Western countries, the other is that of the Eastern, newly acceded countries. The roots of the differences lead us to the problem of the workforce, which is closely linked to population growth and family policy issues (We will avoid ideological explanations here again).

One position is that external resources should be brought into the labour market. Politicians in Western European countries, who believe that the low population growth rate and lack of children have caused a dramatic labour shortage, represent this. Guest workers from newly joined countries have proven to be insufficient to compensate for this, so migrants from the third world (mainly African and Arab countries) should be accepted, who could potentially be new workers. The concept is most strongly represented by left-wing and liberal politicians in Germany, France, and Sweden. The other position, on the other hand, wants to build on internal resources. This is the view of the majority of citizens of the newly integrating countries from the post-Soviet region, who believe that the labour shortage should not be solved with migrants settled from outside, but that the country should be strengthened from within, with population growth, by encouraging citizens to start families and have children with a much stronger family policy support system than previously. Hungarians adhere most consistently to this concept, but the majority of Poles and Slovaks also hold a similar view.[51] Let us add, however, that this latter view is held only by a weak and subordinate minority in the EU dominated by left-liberal

50 Devetak, 2023, pp. 31–50.
51 dorzeczy.pl, 2025.

politicians, since Western European countries have many more votes due to their size and are also dominant in terms of positions.[52]

	2015	2017	2021	Change (2015-2021)
1. Europe has been betrayed by letting in migrants, and if we Hungarians don't stand up for it, the migrants will take it from us.	63	69	77	+14
2. A border fence is needed to prevent migration.	79	80	88	+9
3. The V4 must unite to counter pressure from the West!	75	79	81	+6
4. The EU is not handling the problem of migration well.	87	90	90	+3
5. Nation states in Europe must be strengthened against global forces!	82	83	84	+2
6. Migration is a significant problem	96	93	90	-6

Table No. 3[53]
Opinion of Hungarians on the problem of migration (2015, 2017, 2021)
(% of respondents agree)

We need to clarify one more issue regarding migration, as political journalism often does not distinguish between immigrants with official documents and migrants arriving illegally, and the two are usually confused. Most countries accept both, while the countries on the eastern side of the EU's Schengen borders protect themselves from illegal immigrants with fences and gates. The latter are considered economic (subsistence) immigrants, and their right to immigration is not recognised, since illegal border violations between two peaceful countries are not considered human rights, and international law also considers this a violation. That is why illegal border violators are deported from Croatia, Hungary, Slovakia, Romania or Poland. The expulsions primarily caused significant conflicts between the Hungarian government and the EU authorities, which resulted in a heavy fine being imposed on the country, and Hungary appealed to an international court. The Orbán government's policy against illegal migration reflects the will of the voters, as public opinion polls show that the fight against illegal border crossings has a very significant social base in Hungary (regardless of party affiliation): more than three-quarters (77–90%) of Hungarians support the fight against illegal migration.[54]

Let us also add that in the thinking of Hungarians, refugee migration and illegal economic migration are separated, as 77% of respondents agreed with the statement that 'Refugees and economic immigrants should not be treated the same!'.[55]

52 Table No. 3.
53 Simon, 2022, pp. 188–191.
54 Table No. 3.
55 Simon, 2022, p. 190.

The Orbán government acted accordingly when it accepted more than a hundred thousand Ukrainian refugees after the outbreak of the Russia Ukraine war (accommodation, aid, education, job opportunities). But in connection with migration, it should be mentioned that in the past five years, many people have been granted asylum and then Hungarian citizenship for political reasons, including, for example, more than three thousand Venezuelans who were forced to flee dictatorship.

To summarise we can conclude that, unlike Western European practice, in Hungary there is legal migration, which is officially permitted, and illegal migration, which violates the border, violates the law and is not permitted. It causes conflict within the EU that general European practice does not think this way, but mixes the two and permits them, and expects the same from Hungarians.

6.4. Collective Identities: Homeland, Central Europe and Europe

Political culture is a collective quality that is carried at the group level in every country, essentially a historically formed cultural category, a set of knowledge, orientations, experiences, values, emotions and attitudes that determine the preferences of social groups and nations, their group-level relationship to public affairs, and their practical actions.[56] Political culture only changes in the long term, some of its elements are inherited through socialisation processes, which are also supplemented by individual experiences. Changes in attitudes, knowledge and opinions are measured by survey-type public opinion polls, by arranging data in chronological order.

Next, we will look at some characteristics of the political culture of Hungary in terms of identity and relations with other nations (We note that the culture of the political elite of each country plays a prominent role in the world of political changes, but this is not the subject of our current study). The issue of national identity is one of the most important fault lines within the EU. Several of the EU founders concluded that war is caused by conflict of interest between nations, that aggression is produced by national interests, and that, consequently, nation-states must be transcended, weakened by the withdrawal of powers, and a supranational construct, a United States of Europe, must be created. This controversial concept was most definitely formulated after the Second World War by Jean Monnet, then R. Schuman and W. Churchill, who believed that there would only be peace on the continent if we could achieve development that goes 'beyond nations'. Monnet is also referred to by today's federalists when they want to implement a supranational state.[57]

Opposing them are the sovereigntists, who emphasise one of the most important values of the Union, the protection of freedom, highlight the importance of the collective lifeworld, cultural and linguistic diversity, and fear superpowers

56 Simon, 2010; Verba and Flores, 2010.
57 European Commission, 2022.

and transnational corporations.[58] The sovereigntists in the minority formulated their position by referring to the will of the people. It is also important to see how strong people's identity and attachment to the nation, the Central European region, and the Union are. The data from public opinion polls provide the answer to this. Analyses conducted at the level of basic distributions also clearly show people's opinions, attitudes and values, and even, when arranged in chronological order, they make it possible to interpret the changes that have occurred during the integration process.[59]

Patriotism is based on an attachment to the nation. One of the first comparative data sets dates from the mid-1990s, when Austrian researchers used a questionnaire to examine the strength of patriotism in three Central European countries. They formulated statements and asked citizens whether they agreed with them or not. To measure patriotism, the following three questions were asked, and they could choose from the statements.[60]

Statements: (1) I love my country; (2) I am proud to be a (Hungarian) citizen; (3) Even if I don't agree with the government's decisions, I fully support my country.

Question: 'Do you agree or disagree with the following statements?'

Statement:	**Hungary**	**Poland**	**Czech Republic**
1. **I love my country**	78	50	50
2. **I stand on the side of my country**	66	44	44
3. **I am proud of it**	62	42	41

Table No. 4[61]
The proportion of patriotism in Czech, Polish and Hungarian contexts (in 1996, in % of yes answers)

Statement:	**2010**	**2015**	**2017**	**2021**	**Change 2010-2021**
Proud of him (very much + rather yes)	81	81	87	86	+5
Not proud (rather + not at all)	19	19	13	14	-5
Average = (1–4)	3.1	3.2	3.3	3.3	+0.2
N = in people	946	1044	1036	1031	

Table No. 5[62]
How proud are you to be Hungarian? (2010–2021)

58 For more on this, see the concept of complex interdependence introduced by Keohane and Nye, 2019; Juhász 2019, p. 33.
59 Table No. 1.
60 Table No. 4.
61 Magyar Nemzet, 1996.
62 Simon, 2022, p. 46.

Table No. 5 presents the results of the Central European comparative research, according to which the answers to all three questions show that Hungary has the highest proportion of patriotism (78%), national pride (66%) and standing up for the homeland (62%). We could also say that the spirit of patriotism is strongest among Hungarians in Central Europe. Anyone who knows the history of Hungary and the turbulent fate of the Hungarians in the 20th century will understand why national consciousness is the strongest in the entire region, and the feeling of national 'togetherness' and national solidarity is the highest.

It can be added that this measurement does not refer to radical nationalism or chauvinism, but to a strong attachment to the nation, since attachment to the homeland is a natural identity. We call this patriotic patriotism. We must consider this if we want to better understand Central Europe and the role of Hungarians in integration processes.

If we want to create a picture of the present, we need more recent data, and if we are also curious about the changes and want to see their direction, we need to use time series data. This writer has regularly examined the identity of Hungarians, how they relate to their own nation, the Central European region and Europe, using a nationally representative questionnaire survey between 1989 and 2021, using the same questions. Let's see how the patriotism of Hungarians has developed in a regional dimension and what changes it has undergone.[63]

Question: 'How proud are you that …?'

How proud he is that	Not at all	On a small scale	To a large extent	Fully	Average
Hungarian	2	12	36	50	3.4
Central European	3	12	50	35	3.1
European	1	13	49	37	3.2
Resident of his town (village)	2	2	75	21	3.1

Table No. 6a[64]
Strength of national and regional identity in 2021 (in %)

Tables 6a and 6b are very instructive, as they show, among other things, that only 2-3% of Hungarians are not proud of being Hungarian, Central European, and European. On the other hand, 77% of respondents are proud of being Hungarian and 78% of them are proud of being European. This is a very important indicator, indicating that Hungarians are both patriotic and European at the same time. It must be remembered that in the two world wars of the 20th century Hungary lost 70% of its territory, and nearly half of its Hungarian-speaking population were repatriated under the rule of other countries. Hungarians fought for centuries for their

63 Table No. 6a and Table No. 6b.
64 Simon, 2022, p. 46.

'Hungarianness', their sovereignty, which was connected to their Europeanness and Christianity. This was the case for centuries, against the Tatars, the Turks, and then against the Austrians, as well as in 1849 against the Russians, and 1956 against the Soviet Union, and in 1989, when they cut the barbed wire along the border so that East Germans could freely go to the West. In the Middle Ages and the modern era, there was a strong belief, a consciousness, that Hungarians had always defended Christian Europe from outside forces. Hungarians still say today that they are defending Europe when they stop illegal migration with a fence built at their border, 77% of them agreeing with the statement that 'Europe has been betrayed by letting in migrants, and if we Hungarians do not stand up for it, the migrants will take it from us'.

In Central Europe, strong Christian traditions have served as a force for identity formation, not only in the distant past, but also during the communist dictatorships of the 20th century. For historical reasons, the region had strong islands of freedom down to the family level, which preserved the national culture against external foreign powers. This is also why they show very serious resistance to ideologies and ideas that are foreign to them, and imposed on them from Western Europe. For example, most Hungarians are resentful of gender ideologies or Muslim migrants with different value systems imposed on them, as well as accusations and false claims of structural racism. As an outside observer, the astute Norwegian social scientist J. H. Matlary rightly warned the bureaucrats in Brussels that the countries of Central Europe had a dramatic recent common experience of external Soviet invasion and communist oppression, the memory of which is still vivid today, and for this reason they do not look kindly on being educated by outsiders. 'They feel the indoctrination of forty years of communism behind this, when people were told what the only permissible opinion was'.[65]

It is surprising that the proportion of those who identify with Central Europe is relatively high, with 71% of Hungarian citizens identifying as largely and entirely Central European. This can also be traced back to Hungary's history, on the one hand to the centuries-old friendly relations with the Poles, and on the other hand to the half-century of the multinational Austro-Hungarian Monarchy, which ensured the peaceful coexistence of the peoples of Central Europe.

65 Matlary, 2022, pp. 233–234.

	Not at all + to a small extent	To a great extent + not at all	Average
How proud he is to be **Hungarian**	14	86	3.34
How proud to be **European**	14	86	3.21
How proud he is to be **Central European**	15	85	3.17

Table No. 6b[66]
How proud are you that… (2021)

The connection and pride with the place of residence can also be said to be high, as only 4% of Hungarians claim to be 'a little' or 'not at all' proud of their city (or village), while 75% are 'very' proud, and 21% are completely proud of their place of residence. This latter proportion is half of those who are proud of to be Hungarian (Table No. 6b).

Identities are embedded in culture and reproduced by it. It is indeed true that 'every culture is necessarily the expression of a specific string of identities'.[67] Identity is part of the feeling of belonging to somewhere, and its strength also expresses the sense of security of society. The data (in Tables 6a, 6b, and 6c) shows that on the one hand, the Hungarian society has a relatively high level of national identity and pride, and on the other hand, this has strengthened in the past 10 years.

Proud (%)	2010	2014	2017	2021	Change 2010-2021
1. Very proud	42	42	51	**50**	+8
2. Rather proud	39	35	36	36	-3
3. I'd rather not proud	15	20	11	12	-1
4. Not at all not proud	4	4	2	2	-2
Average	3.2	3.1	3.3	3.4	-
N = (person)	946	1350	1036	1031	-

Table No. 6c
How proud are you that…? (2021)
How proud are you of being Hungarian?
Change in the strength of Hungarian identity (2010–2021 in %)

66 Simon, 2023, p. 79
67 Schöpflin, 2004, p. 258.

	2010	2018	2021	Change
Very + rather proud	81	84	84	+3
Average	3.1	3.3	3.3	+0.2
N= people	946	1036	999	

Table No. 6d
How proud are you to be Hungarian?
(4-point scale) the table includes the combined responses of very proud and rather proud, as well as rather proud and not proud responses in % (2010–2021)

The table clearly shows that a very high proportion of Hungarians are proud to be Hungarian, and in fact, their proportion has even increased somewhat over the past decade. This can also be called healthy patriotism, as it is not directed against other nations, while having strong historical and cultural roots that increase creativity.

To summarise, we can say that Hungarians have a very strong patriotic national consciousness even at Central European level. At the same time, they consider themselves both Central Europeans and Europeans, and therefore believe that by fighting illegal migration, they are not only protecting their homeland, but also the whole of Europe.

6.5. Common European Values: Freedom, Equality, Prosperity

Some claim that the West is deeply divided, that we have no common values, because the opposition between the two major political camps in Europe, the liberal forces linked to global forces and the non-liberal forces with national roots, is so great. In other words, in cultures dominated by forces that call themselves 'liberal left' and 'liberal progressive' (e.g. liberals, socialists, social democrats, greens), values such as homeland, homeland, national identity are not important, and thus in their thinking, human rights do not include collective rights such as the right to practice religion, the collective rights of national minorities to use their language and culture. Opposite them is the other side, liberal political and cultural forces that consider locality and the nation as the basic values of their entire existence and base their operations on this.

Moreover, it seems that the existence of common values is being questioned not only at a European level, but also between the old continent and the USA.[68] Let us look at Christoph Heusgen at the Munich Security Conference, when he practically cries that 'our values are not common' ('This conference started as a transatlantic dialogue, but after Vice President Vance's speech we must fear that our common

68 rte.ie, 2025.

values are not so common anymore', quotes Heusen's closing speech at the Munich Security Conference (MSC) by the Irish public service radio).[69]

Let us add that these ideas stem from the logic of thinking that values worthy of general acceptance cannot be other than the values held solely by the person expressing their opinion in this way. We believe that the 'unilinear' thinking that strives for exclusivity does not want or simply cannot take into account that the world is a much more complex set of cultural value chains. If someone considers their own creed to be exclusive in Europe, it breeds arrogance and leads to dangerous conflicts in a democracy that is called to protect freedom at all costs. It is obvious that in democratic systems, disputes between parties can only be resolved through dialogue between the parties, and this also applies to conflicts between fundamental values affecting the life world, be it migration, abortion or even the norms associated with the Woke ideology and the possible reinterpretation of history.[70]

In our opinion, the three common, so-called 'European core values' that hold the Union together are freedom, equality and prosperity. Let us take a brief look at them, in the light of opinion poll data. We are curious to see how Hungarians judge these values, and what changes have occurred in this area in the political culture of Hungarians during their membership.

The examination of these began in Hungary in the 1980s as part of the value research and political culture research of the time. In the Communist system, in addition to the strong paternalistic political culture, we saw that on the one hand, those who were satisfied with their lives attributed their success and happiness to their own personality, while dissatisfied people saw the cause of their failures not in themselves, but rather in the world around them, in external circumstances, in social constraints.[71] According to our questionnaire survey on political culture conducted in the spring of 1989,[72] Hungarians still felt that among the Soviet systems, they had the most say in 'public affairs' (freedom), while in ours there was a 'goulash communism' (welfare), and in theirs there was the greatest 'equality between people', which is why they lived in the 'cheeriest barracks' of the Eastern bloc.[73]

69 Takács, 2025.
70 Simon, 2024.
71 Hankiss, 1985; Pataki and Molnár, 1987, pp. 29–46; Bruszt and Simon, 1989; Bruszt and Simon, 1990.
72 Bruszt and Simon, 1989.
73 Bruszt and Simon, 1989; Bruszt and Simon, 1990.

	The possibility of having a say in public affairs		Equality before the law		Where do people live better?	
	1989	**1999**	**1989**	**1999**	**1989**	**1999**
1. Austria	1.7	1.7	1.9	1.5	1.2	1.4
2. Hungary	2.1	3.5	2.3	3.4	2.3	3.7
Czech-Slovakia	3.7	–	3.2	–	3.5	–
3. Czech Republic	–	3.7	–	3.7	3.2	–
4. Poland	–	4.1	–	4.0	3.7	4.1
5. Slovakia	–	5.1	–	5.1	–	4.2
6. Bulgaria	–	6.2	–	6.1	–	–
7. Romania	5.9	6.9	5.7	7.2	5.9	7.3
8. SU-Russia	3.9	7.2	3.7	7.4	4.3	7.8

Table No. 7[74] *Hungarians' opinion before EU accession about…*
(before EU membership 1989, 1999) (scale 1-best to 9-worst)
1. Where do people have greater opportunities to have a say in public life?
2. Where is legal equality greater?
3. Where do people live better?

Let us add that in Hungary, the 'communist-spirited' egalitarianism of the state socialist system meant that better abilities and greater knowledge were suppressed in the name of levelling, in order to equalise the differences between people. This type of equality concept made its impact felt for a long time, especially in the so-called 'collective envy' attitude expressed by left-wing voters. For example, our 2021 survey also showed that the desire for freedom was very important among the middle and upper classes. The more educated the social group, the higher the desire for well-being, especially among those who considered themselves workers, while the idea of equality suffered greatly from the 1950s for the villagers, the peasantry.[75]

74 Simon, 2022, pp. 195–196.
75 Table No. 7 and No. 8.

1.	**Freedom**	**Equality**	
	61%	34%	5%
2.	**Freedom**	**Wealth**	Name.
	40%	54%	6%

Table No. 8a[76]
Question 'If you had to choose, which one would you choose?' (2021, in %)
1. freedom or equality?
2. freedom or prosperity?

	peasantry	**labour**	**lower middle class**	**middle class**	**upper middle class**	**Average**
He chose **freedom**	46	36	46	47	**51**	43%
He chose **prosperity**	54	**64**	54	53	49	57%
Total	100%	100%	100%	100%	100%	100%
He chose **freedom**	40	64	70	64	**72**	65%
He chose **equality**	**60**	36	30	36	28	35%
Total	100%	100%	100%	100%	100%	100%

Table No. 8b[77]
Freedom choice by subjective class position (in 2021%)
(Remarkably high rates are marked in bold)

6.6. Who Loves Whom? Central European Interdependence

The motto of the Union is 'Unity in diversity', which refers to both diversity and unity, but in a democratically functioning integration this does not mean that those who disagree should keep quiet, but that conflicts of interest within the alliance are resolved through debates and agreements, and that a unified position is always reached externally.[78] Before we deal with the topics of debate, we would like to state that despite partial differences of interest and conceptual disputes, the cohesive forces within the Union, which hold the Union together by relying on legally regulated interest advocacy and value representation, are much stronger than conflicts.

If we want to provide a fact-based answer to the main question of our study, to what extent the two-decade integration of the newly acceded countries has been

76 Simon, 2022, p. 158.
77 Simon, 2022, pp. 23–25.
78 Simon, 1996.

successful or unsuccessful, we need to look specifically at the areas in which intra-EU conflicts and fault lines between the 27 member states are strong. In the following, we highlight and examine in more detail some areas that we consider important, in which there are significant differences in the assessment and ongoing conflicts between the majority and minority of member states.

The European Parliament is divided into party families, which are federal systems, and thus affiliation to them also offers opportunities for consultation between parties, helps individual national parties to dialogue with other parties, and moderates extremism in times of conflict. In this way, it also counteracts potential tensions between individual governments (and countries).

Now, examine how Hungarians relate to other Central European nations, who they consider their friends and their enemies; and how the image of Hungarians as friends and enemies has changed during the integration process. One important positive consequence and concomitant of the integration process is that the feeling of fear of other nations has decreased, which has several manifestations. This appears, for example in connection with migration, when, in contrast to the concept of Western countries that enforce (illegal) migration, 81% of Hungarians trust the V4 more and emphasise the importance of regional cooperation. This is increasingly the case.[79]

	2015	2017	2021	Change (2015–2021)
The V4 must unite to counter pressure from the West	75	79	81	+6 !!!

Table No. 9[80]
Opinion of Hungarians on the management of the migration problem (2015, 2017, 2021)
(% of respondents agree)

Another instructive dimension also shows the growing trust towards Central European countries, i.e. the distrust is decreasing. According to the data, the friendship index between people has clearly increased at an international level, which means that the Hungarians have increased their trust and sense of friendliness towards all countries, i.e. the feeling of hostility based on distrust has decreased. This is largely due to the efforts made to strengthen the relations of the V4 (e.g. intergovernmental economic relations, political relations between parties or the work of the International Visegrad Fund for civil society organisations), and on the other hand, media news and tourism have also contributed to a better understanding of the other party, to building relationships, dialogue and practical cooperation. In our opinion, this can

79 Table No. 9.
80 Simon, 2022, pp. 188–191.

also be assessed as the acceptance of common European values, which undoubtedly exhibits one of the successes of integration.[81]

	1999	2010	2021	Change (1999–2021)
	They are friendly with us.			
Poland	3.9	3.7	4.0	+0.1
Czech Republic	3.0	3.1	3.5	+0.5
Slovakia	2.3	1.7	3.3	+1.1
Serbs	1.7	2.4	3.2	+1.6
Romania	2.2	2.1	2.8	+0.6
Ukrainians	2.6	2.8	2.8	+0.2
	They are hostile to us.			

Table No. 10[82]
Growth of trust between friends over two decades (1999–2021)
How friendly (5) or hostile (1) are the following countries towards us?
(Five-point scale).

We consider it an important consequence of the integration process that over the past two decades Hungarians consider the citizens of all Central European countries have become somewhat friendlier to us. Hungarians have experienced the greatest change in their relations with Serbs and Slovaks, where they feel that the trust they have in them has increased significantly. The reservations towards Ukrainians are clearly a consequence of the restrictions on the freedoms of the hundreds of thousands of Hungarians living there. All measurements show the traditional friendship of Poles towards Hungarians. Behind this lies the centuries-old Polish-Hungarian friendship of arms, tempered in common historical struggles, which appears to be lasting. The 'friendship index' of the Czechs is constantly increasing. Among the V4 countries, the biggest change occurred among Slovaks, where the feeling of friendliness increased by 1.1 points over 22 years, but in the case of the Hungarians' southern neighbours, the Serbs, this indicator shows an even greater increase: 1.6 index points.

Therefore, in the integration era, according to the perceptions of Hungarians, trust between nations has grown in the region, and common European values have strengthened, which is an important pillar of democratic political culture guaranteeing freedom. In Central Europe, fear is no longer the determining factor, but rather cooperation. After great efforts and investing a lot of energy, the peoples of the region have now reached the point where in Central Europe they are no longer

81 Table No. 10.
82 Simon, 2022, pp. 197–201.

ominated by a fear of each other, or a sense of danger, but by the spirit of cooperation, the culture of cooperation of the peoples of the Carpathian Basin. Since the 2020s, the majority of peoples speaking different languages in the region, Serbs, Slovaks, Romanians, Hungarians, no longer feel threatened by their neighbours, and do not see the future in the isolation of others, as in the 20th century, but in dialogue, in the search for common values and in the acceptance of common goals. All this has required politicians to realise that Central European nations could do better by cooperating and through projects that connect nations rather than by fighting against each other.

To summarise this opinion, the growth of trust between peoples and the cooperation based on this is one of the successes of the European integration process, and if it remains lasting, it will also be a great historical achievement.

6.7. The Hungarian Patriotism, Homeland, Nation, Identity

We were curious about how strong the attachment of Hungarians to their homeland is. We asked the conditional question whether they would still choose Hungary as their homeland if they had the chance. We have collected data on the answers to this question for 25 years, which provides us with a rare opportunity to form a picture of the change in attachment to the homeland over time in Hungary.[83]

Question: If you could choose, would you choose Hungary as your country or not? (1989–2021).

	1989	1993	1999	2015	2017	2021	Change (1989–1921)
Not at all	1	2	4	5	4	4	+3
Probably not.	5	6	9	17	11	11	+6
Probably yes	20	20	32	34	38	38	+18
Absolutely yes	74	72	55	44	47	47	-27
N=	981	1142	1046	1051	1036	1021	

Table No. 11[84]
Attachment to homeland (changes in time series 1989–2021 in %)

The data in Table 11 shows the development of attachment to one's homeland over a period spanning a quarter century. The figures present a remarkable trend, according to which the proportion of those who would not or probably would not choose Hungary as their homeland has increased nearly fourfold from the beginning of the regime change to the present day, from 6% to 23%. This is certainly a significant

83 Table No. 11.
84 Simon, 2022, pp. 197–201.

increase, the reason for which we cannot clearly state, but we can only speculate that the hope of a better financial life would tempt them to another homeland. Whether this is the case can be measured with another question.[85]

	1989	1999	2015	2021	Change 1989–2021
took it further would have	68	66	62	56	-12
it would have taken the same amount	28	32	35	49	+21
would have taken it for less	4	2	3	5	+1
N = people	879	845	895	887	

Table No. 12[86]
'What do you think, if you lived in a Western country, you would …?'

Table 12 shows that the proportion of those who say that they would have been paid more in the West has not increased but rather has decreased somewhat (by 9%). This means that we could neither confirm nor refute our assumption. We can only give one explanation for this, namely that a significant number of those who stated in 1989 or 1999 that they would have been paid more had already emigrated and taken up work abroad, so their answer is no longer among the 'would have been paid more' answers.

Of course, we do not rule out the possibility that we have arrived at the end of a historical era through post-globalisation, where identities and institutions protected by citizenship are continuously crumbling, common symbolic values are being diluted and disintegrated, while perhaps elsewhere 'new-type identities' are being built in a different dimension. Signs of the latter are still only sporadically visible, and this does not provide a basis for sufficient certainty. In Europe, and thus in Hungary as well, the historical frameworks of state sovereignty seem to have been fragmenting by the beginning of the 21st century (migration, taxes, customs, international laws, technological changes), and new forces are emerging to control and influence the power of the time. Therefore, it is not unimportant whether there is a renaissance of civil society, a strengthening of its sense of national identity, its power to preserve the nation, and its ideology.[87]

To summarise what has been explained above, according to our concept, a well-functioning, nationally conscious society is characterised by inclusive-defensive

85 Table No. 12.
86 Simon, 2022, p. 43.
87 Simon, 2013a.

adaptivity, in other words, a coherent and healthy national consciousness. This is what a nation that aspires to success must achieve.

7. In Conclusion

In this study, we have analysed the pillars of the democratic political culture of civil society in their historical changes and comparisons, relying on statistical and public opinion poll data. We paid special attention to the most controversial topics that represent the cleavage and fault line within the EU: such as for example: centralisation, the non-democratic decision-making process, the blocking of the membership of smaller countries, illegal migration, a lack of respect for national sovereignty, patriotism, national identity, and the collective rights of minorities.

We sought to answer the question of how successful or unsuccessful the two-decade integration process could be. We believe that it would be unprofessional to give a simple short answer to the question, namely, whether it was successful or unsuccessful. Perhaps we could say that the process of integration is often successful and often unsuccessful, but the people living here definitely have a great need for a common Europe.

During European integration, the development of Hungarian society and the economy in the past twenty years was not a linear process, but took place in an irregular manner, with shock waves, where strengthening was mixed with weakening, growth with decline and interferences further complicated the development. Undoubtedly, significant geostrategic changes, as well as the unpredictable development of the favourable and unfavourable international environment, played a major role in this. Development in Europe can also be achieved in the constant political struggle for powers, interests and values, where tailwinds are often stronger than headwinds. If it is true that the European Union already defined its own governance structures as a function of American global imperial interests twenty years ago (wok culture, etc.), then a fundamentally new era will begin for the EU from 2025, that is, from the time the Trump administration comes to power. The big question for the EU in the future will be whether it will be able to create a fundamentally new strategy, which will give Europe its own independent room for manoeuvring in the global space, in which it can already unanimously undertake to represent its historical and cultural self-identity and its own interests. Understanding this is a matter of political struggle within the Union and a condition for the future success of integration.

While we see how vulnerable some of the pillars of the EU, which comprises 27 member states, are, overall, we can say that Hungary is interested in the existence and maintenance of a democratically functioning European Union for historical and strategic reasons. We agree with those who believe that the goal of EU integration cannot be to transcend the idea of nationhood or to eliminate the sovereignty of

the member states. The concept of EU leadership must make it clear that the idea of Europeanness will not be able to erase or transcend the feeling of belonging to the nation, because it has deep cultural, linguistic and historical roots that are passed on through socialisation. Instead, it would be more appropriate to accept the co-existence of the two in a common system, where both the idea of nationhood and Europeanness carry complementary values. If we see this, then the common feeling of Europeanness, freedom, equality and prosperity can be fulfilled primarily in experiencing a common European culture and way of life. This is also in the interest of the Central European states.

The common House of Europe must be built together, and then a new centralised empire will not be built, but a free homeland of free people of free nations. For Hungary, the existence of the EU is very important, and even constitutes a fundamental national interest in the 21st century, namely to have a well-functioning EU that integrates the European peoples based on their common interests. This was clearly expressed by the statement of László Kövér, the President of the Hungarian Parliament, when he said: if the structure were to start to crumble and result in the collapse of the EU, we would be the first to stand under the main beam to hold it up, with our shoulders for as long as possible.

References

Bibliography

Barnes, S.H., Simon, J. (1998) 'Popular Conception of Democracy' in Barnes, S.H., Simon, J. (eds.) *The Postcommunist Citizen.* Budapest, Washington: MTA PTI, Washington Georgetown University, pp. 79–116.

Beck, U. (2008) *Világkockázati társadalom. Az elveszett biztonság nyomában.* Szeged: Belveder – Meridionale Kiadó.

Becsei, Zs. (2022) 'A magyar gazdasági versenyképesség és az uniós felzárkózás' in Simon, J. (ed.) *30 Éve Szabadon Közép-Európában.* Budapest: Ludovika, pp. 539–550.

Benini, R. (2024) 'The Process of Social Convergence in the European Union in the Comparison between Mediterranean Europe and Central Europe', *Central European Political Science Review*, 25(97), pp. 11–42 [Online]. Available at: https://hdl.handle.net/20.500.14085/19323 (Accessed: 15 February 2025).

Bita, D. (2025) 'Orbán: Adómentességet kapnak a legalább két gyermeket nevelő nők' [Online]. Available at: https://24.hu/belfold/2025/02/22/orban-viktor-evertekelo-2025-beszed/ (Accessed: 29 March 2025).

Bogár, L. (2024) 'Húsz év EU', *Magyar Hírlap*, 6 May 2024 [Online]. Available at: https://www.magyarhirlap.hu/velemeny/20240505-husz-ev-eu (Accessed: 15 February 2025).

Bruszt, L., Simon, J. (1990) *Lecsendesített többség.* Budapest: Társadalomtudományi Intézet.

Bruszt, L., Simon, J. (1992) 'The Great Transformation in Hungary and Eastern Europe', in Bruszt, L., Simon, J. (eds.) *Flying blind.* Budapest: Hungarian Political Science Association, pp. 177–203.

Carteny, A. (2016) 'The Protection of Minorities and the V4 Group as Framework for International Cooperation' in Simon, J. (ed.) *25 Éve Szabadon Közép-Európában.* Budapest: CEPoliti Kiadó, pp. 92–99.

Colomer, M.J. (2024) 'Notes on the Democratic Half of the World', *Central European Political Science Review*, 25(98), pp. 11–18 [Online]. Available at: https://ricerca.unich.it/bitstream/11564/846653/2/C98_beliv_C-VV.pdf (Accessed: 15 February 2025).

Cservák, Cs. (2015) 'A kétkamarás parlamentek egykor és ma' in Simon, J. (ed.) *25 Éve Szabadon Közép-Európában – Gazdaság, politika, jog.* Budapest: CEPoliti Kiadó, pp. 465–475.

Devetak, S. (2023) 'Reconciliation – a Prerequisite for the Success of the European Union's Policy Towards the Western Balkan', *Central European Political Science Review*, 24(94), pp. 31–40.

dorzeczy.pl (2025) 'Matki dwojga i trojga dzieci będą zwolnione z podatku. Ambitna zapowiedź Orbana' [Online]. Available at: https://dorzeczy.pl/opinie/694822/orban-matki-dwojga-i-trojga-dzieci-beda-zwolnione-z-podatku.html (Accessed: 24 February 2025).

Fricz, T. (2016) 'A demokrácia 21. századi arculatai' Simon, J. (ed.) *25 Éve Szabadon Közép-Európában – Gazdaság, politika, jog.* Budapest: CEPoliti Kiadó, pp. 428–438.

Fricz, T. (2025) 'Óriási veszélyt jelent a brüsszeli elit', *Magyar Nemzet*, 3 March 2025 [Online]. Available at: https://magyarnemzet.hu/velemeny/2025/03/brusszel-elit-globalista-birodalom-nemzet-szuverenitas (Accessed: 15 September 2025).

Galló, B. (2007) 'World Order, Transition, Transatlantic Relation' in Hankiss, E. (ed.) *From Transition to Globalization.* Budapest: MTA PTI, pp. 225–236.

GKI (2023) 'How has the situation in Hungary changed...' [Online]. Available at: https://vosz.hu/gazdaság/hogyan-valtozott (Accessed: 15 September 2025).

Hankiss, E. (2014) *A befejezetlen ember.* Budapest: Helikon Kiadó.

Juhász, K. (2019) 'Fundamentals of neoliberal institutionalism' in Balogh, E. (ed.) *Interstate Relations*. Szeged: Iusperitus.

Hull, C. (2011) 'Hulls's Theory' [Online]. Available at: https://www.igntu.ac.in/eContent/IGNTU-eContent-693979561501-B.Ed-2-Dr.ShikhaBanerjee-TeachingandLearning-Unit-3.pdf (Accessed: 15 September 2025).

Kaase, M. (1999) *Eine lernende Demokratie. 50 Jahre Bundesrepublik Deutschland (zusammen mit Günther Schmid).* Budapest: Sigma.

Káncz, Cs. (2015) 'Egyre feszültebb az ukrán helyzet - Európa háborúba megy?', *Privátbankár*, 21 January 2015 [Online]. Available at: https://privatbankar.hu/cikkek/makro/egyre-feszultebb-az-ukran-helyzet-europa-haboruba-megy-276976.html (Accessed: 15 February 2025).

Keohane, R., and Nye, J. (2019) *Power and interdependence*. London: Palgrave.

Kövér, L. (2025) 'Polgári értékek a XXI. században', *MPEE megalakulásának 29. évfordulója címmel tartandó konferencia*, 27 February 2025, Magyar Országgyűlés, Budapest.

Linek, L., Mansfeldová, Z. (2007) 'The Impact of the EU on the EU accession in the Czech Republic' in Lewis, P.G., Mansfeldová, Z. (eds.) *The European Union and the Party Politics in Central Europe*. London: Palgrave, Macmillan; https://doi.org/10.1057/9780230596658_2.

Manova, A. (2024) 'Minority Groups in Bulgaria in the New Age', *Central European Political Science Review*, 25(95), pp. 83–104.

Matlary, J.H. (2022) *Demokratiets langsomme dod. Den nye intoleransen.* Oslo: Kagge Forlag AS.

Morlino, L. (2011) 'A demokratikus minőség elemzése' in Simon, J. (ed.) *Húsz éve szabadon Közép-Európában.* Budapest: KAS, MPE, pp. 57–81.

Myrdal, G. (1970) *The Challenge of World Poverty.* London: Allen Lane The Penguin Press.

Neumann, V.J., Morgenstein, O. (1944) *The Theory of Games and Economic Behavior.* Princeton: Princeton University Press.

Nyilas, L., Stepper, P. (2023) 'A visegrádi partnereink stratégiai gondolkodása I. Csehország és Szlovákia', *MKI Elemzések*, 2023/40–41, pp. 1–12 [Online]. Available at: https://doi.org/10.47683/KKIElemzesek.KE-2023.40 (Accessed: 19 February 2025).

Petrusek, M. (1993) *Teorie a metoda v moderni sociologii.* Prague: Karolinum.

Pop, L., Pop, L.M. (2020) 'Xenophobia in 2020 Europe', *Central European Political Science Review*, 21(82), pp. 11–46.

Pokol, B., Simon, J. (2021) 'Sovereigntists and Integrationists in the New European Parliament', *Central European Political Science Review*, 20(75), pp. 15–53.

rte.ie (2025) 'Emotional Munich security chair tears up at event' [Online]. Available at: https://www.rte.ie/news/world/2025/0216/1497090-munich-chair/?fbclid=IwY2xjawIfzpZleHRuA2FlbQIxMAABHclEES0mCImVQ7KfMqoj5xJVv (Accessed: 19 February 2025).

Sampedro, J.L. (2006) *Sobre política, mercado y convivencia.* Barcelona: Ed. Catarata.

Schöpflin, Gy. (2004) *Az identitás dilemmái. Kultúra, állam, globalizáció.* Máriabesnyő – Gödöllő: Attraktor Kiadó.

Simon, J. (1997) 'Kifelé integráció, befelé dezintegráció' in Sándor, P., Vas, L. (eds.) *Magyarország Politikai Évkönyve.* Budapest: DKMKA, pp. 669–685.

Simon, J. (2010) 'Mass Political Culture and Political Participation in Hungary' in Verba, S., Flores, J.I. (eds.) *A cincuenta anos de la Cultura Cívica. Pensamientos y reflexiones.* México: Instituto de Investigaciones Jurídicas, UNAM-Tribunal Electoral del Poder Judicial de la Federación, pp. 87–112.

Simon, J. (2013) *Puccs vagy összeomlás. Nyolc interjú az MSZMP PB tagjaival.* Lakitelek: Antológia Kiadó.

Simon, J. (2014) 'Demokrácia és jólét' in Hervainé Szabó, Gy., Folmeg, M. (eds.) *Társadalmi válságok, konfliktusok, a jól-lét kontextusában.* Székesfehérvár: Kodolányi János Főiskola, pp. 229–267.

Simon, J. (2015a) *Közvélemény a magyar demokrácia 25 évéről. Codebook. 1989–2015.* Budapest: RETÖRKI.

Simon, J. (2015b) *Globalizáció és nemzet.* Budapest: CEPOLITI és L'Harmattan.

Simon, J. (2016) *Codebook. Hungarians and Democracy in the Era of Post-Globalization.* Budapest: CEPoliti.

Simon, J. (2021) *Egy játékos elme ésszerűsége. Harsányi János élete és munkássága III. kötet.* Budapest: CEPoliti Kiadó.

Simon, J. (2022a) *Közvélemény a magyar demokrácia 33 évéről. Codebook 1989–2021.* Budapest: CEPoliti Kiadó.

Simon, J. (2022b) 'The Collapse of Communist Regimes and the Role of International Factors (1985-1992)', *Taiwan Journal of Democracy,* 18(1), pp. 145–161.

Simon, J. (2023a) *A demokrácia sokszínű elmélete és gyakorlata – Liberalizmus, konzervativizmus.* Budapest: CEPoliti Kiadó.

Simon, J. (2023b) 'Porque gana siempre Orbán?', *La Razón Española*, 2023, pp. 324–332.

Simon, J. (2025a) 'Viktor Orbán y el 'Ordoconservativismo'', *Confines Políticos*, Mexico [Online]. Available at: https://www.confinespoliticos.com/viktor-orban-y-el-ordoconservadurismo-janos-simon/ (Accessed: 15 September 2025).

Simon, J. (2025b) *Populizmus régen és most.* Budapest: CEPoliti Kiadó.

Simon, J., Kossuth, B. (2015) 'A demokratikus állam szerepének változatai Európában és Magyarországon' in Hervainé Szabó, Gy. (ed.) *A 21. század eleji államiság kérdőjelei.* Székesfehérvár: KJF, pp. 97–154.

Stepper, P. (2022) 'A V4-együttműködés politikaelméleti magyarázata(K). A funkcionalista integrációelmélet strukturalista alternatívája', *Külügyi Szemle*, 2022/1, pp. 3–34 [Online]. Available at: https://doi.org/10.47707/Kulugyi_Szemle.2022.1.1 (Accessed: 15 September 2025).

Szmolka, I. (2022) 'A Theoretical and Methodological Proposal for Analyzing the Effect of Political Change' in Simon, J. (ed.) *30 Éve Szabadon.* Budapest: Ludovika, pp. 71–82.

Takács, L. (2025) 'Müncheni biztonsági konferencia: új seriff jött a városba, de Európát már nem védi meg' [Online]. Available at: https://444.hu/2025/02/17/muncheni-biztonsagi-konferencia-uj-seriff-jott-a-varosba-de-europat-mar-nem-vedi-meg?utm_source=rss_feed&utm_medium=rss&utm_campaign=rss_syndication (Accessed: 17 February 2025).

Toots, A. (2022) 'Transformation of the Estonian Welfare State in the 21th Century' in Simon. J. (ed.) *30 Éve Szabadon.* Budapest: Ludovika, pp. 101–118.

Várhelyi, O. (2023) 'Written message for ANETREC concluding conference', *Central European Political Science Review*, 24(94), pp. 29–31.

Verba, S., Flores, J.I. (eds.) (2010) *A cincuenta anos de la Cultura Civica. Pensamientos y reflexiones.* México: Instituto de Investigaciones Jurídicas, UNAM-Tribunal Electoral del Poder Judicial de la Federación.

Verba, S., Nie, N.H., Kim, J. (1978) *Participation and Political Equality: A seven-nation comparison.* New York: Cambridge University Press.

Veress, J. (2009) *Gazdaságpolitika a globalizált világban.* Budapest: Typotex.

vosz.hu (2025) 'Hírek, aktualitások: Gazdaság' [Online]. Available at: https://vosz.hu/gazdaság/hogyan-valtozott (Accessed: 15 February 2025).

Whitehead (2016) 'Twenty-five Years of Freedom, and Various Shades of Grey' in Simon, J. (ed.) *25 Éve Szabadon Közép-Európában.* Budapest: CEPoliti Kiadó, pp. 15–29.

Willányi-Kovács, I. (2024) 'How to Influence Decision-making in the European Union?', *Central European Political Science Review*, 25(98), pp. 39–56.
Wiatr, J.J. (2022) 'National Security in an Unsafe World' in Simon, J. (ed.) *30 Éve Szabadon*. Budapest: Ludovika, pp. 29–36.
Zsíros, S. (2021) 'Kilépett a Fidesz a Néppártból' [Online]. Available at: https://hu.euronews.com/2021/03/18/novak-katalin-megirta-kilep-a-fidesz-a-neppartbol (Accessed: 15 February 2025).

Legal sources

Resolution of the European Parliament of 17 December 2020 on the European Citizens' Initiative 'Minority SafePack – One million signatures for a diverse Europe' (2020/2846[RSP]).
White Paper on the Future of Europe, 1 March 2017.

Chapter II.5

Conclusion



Michal Petr

The combined findings of the three chapters contained in this Part allow us to formulate a comprehensive answer to the second research question: How successful was the integration of the new Member States after accession? The analysis reveals that the integration process of the 2004, 2007 and 2013 enlargements was both remarkably successful in many respects and structurally constrained or contested in others, leading to an overall picture best described as complex, multifaceted and uneven.

Regarding the legal alignment, Gregorz Pastuszko's chapter clearly demonstrates that the new Member States have, by and large, achieved a high degree of legal alignment with EU law. The number of infringement proceedings they face is broadly comparable to that of the EU-15, indicating that compliance problems are not uniquely or disproportionately concentrated in Central and Eastern Europe.

However, the nature of infringements has evolved. Whereas early years saw cases primarily concerning the non-transposition of directives (e.g., hundreds of non-communication cases in Czechia, Hungary and Poland), the last decade witnessed a dramatic increase in cases touching upon core constitutional values: judicial independence, minority rights, asylum policy, media freedom and anti-discrimination. These issues have generated deeper conflicts between such Member States and EU institutions, revealing that while formal legal alignment may be strong, the substantive constitutional commitments required by EU membership remain contested in some national contexts. This shift also underscores the fact that EU law has become a constitutional framework, not merely a regulatory one. Infringements now often concern the very foundations of democratic governance – separation of powers, checks and balances, and adherence to the rule of law. Member States that adopted the *acquis* during the accession process now face the challenge of sustaining alignment in the face of domestic political pressures. Where governments pursue illiberal reforms,

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this often triggers systemic infringement actions or other mechanisms such as the Article 7 TEU procedure.

Thus, the legal integration of the new Member States can be summarised as a success in terms of compliance capacity, but one increasingly constrained by political contestation. What is being tested now is not the ability to align the legal orders but the willingness to maintain the constitutional commitments accepted upon accession, as interpreted by the CJEU.

The economic outcomes of integration, as analysed by Cristina Procházková Ilinitchi, are one of the clearest success stories of enlargement. The new Member States, and especially the Visegrad group, experienced notable GDP growth, increasing competitiveness, enhanced trade economic integration and significant convergence toward EU-15 income levels. Detailed quantitative analysis shows that the Visegrad economies increased their average growth rates from 3.2% (pre-accession) to 5% (post-accession); Slovakia and Poland in particular demonstrated extraordinary improvements, with Slovakia achieving an average post-accession growth of 7.4%. Trade with the EU increased rapidly, with Visegrad exports to the EU reaching 80% of total exports by 2004 and strengthening further thereafter.

These gains were facilitated not only by internal market access but also by massive EU structural and cohesion funds, which financed infrastructure, innovation and public administration reforms, as well as regional development initiatives. Yet the extent to which these funds translated into sustainable growth varied significantly across countries. Effective absorption required competent administrative structures, transparent governance, and coherent strategic planning, all of which differed among the new Member States. The money coming from the EU funds also need to be effectively targeted, as economic convergence may be accelerated by prioritising infrastructure development, innovation and export sophistication, critical for sustainable growth. In summary, economic integration has been highly successful where national governance and administrative capacity were strong, and less effective where such capacity was limited. Integration provided opportunities, but the exploitation of these opportunities was uneven.

Finally, the political dimension of integration reveals a picture of both consolidation and contestation. János Simon's chapter demonstrates that EU membership significantly contributed to strengthening democratic norms, increasing the sophistication of political culture and expanding regional cooperation among Visegrad countries. Public opinion data illustrate growing levels of trust and cooperation within the region, as well as a strong sense of dual identity, where citizens increasingly identify as both national and European. By 2021, 86% of Hungarians, for example, reported pride in being European, alongside similarly high levels of national pride.

However, political integration remains contested in areas involving sovereignty, national identity, migration and constitutional pluralism. Value conflicts between Western European liberalism and Central European conservatism have emerged as a central axis of political differentiation within the EU. These fault lines are not simply institutional; they derive from historical memory, cultural outlook, and collective

identity, making them more resistant to rapid convergence. Migration policy, in particular, has become a symbolic battleground, with Visegrad nations showing overwhelming resistance to mandatory relocation schemes and to the broader liberal migration approach associated with Western states.

Thus, political integration cannot be reduced to institutional reforms; it is also a matter of deep sociocultural adaptation, shaped by historical experiences and normative preferences. The data that Simon managed to collect reveal convergence in democratic behaviour but divergence in value orientations, pointing to a form of pluralistic integration that is stable yet not uniform.

The principal insight arising from the combined analyses is that integration is most successful where legal compliance, economic development and political culture reinforce each other. When one dimension is weak, the others may compensate, but only to a point. Strong economic growth can reinforce political legitimacy and promote acceptance of EU norms. Robust legal institutions can compensate for fluctuations in politics and make the disbursement of economic assistance more effective, preventing corruption in particular. Moreover, a supportive political culture can strengthen compliance and facilitate structural reforms. At the same time, the weakening of one dimension, e.g., political contestation in the rule-of-law area, can disrupt the balance, leading to tensions with the EU that spill over into other domains, such as fund absorption or judicial cooperation.

The chapters in this Part demonstrate that EU integration is not simply a technocratic process but a profound transformation of states, societies, and identities. The new Member States have undergone extensive changes since accession, reshaping their legal orders, economies and political cultures. Yet integration is never 'complete'. It is a continuous, evolving relationship between national sovereignty and supranational authority, between economic opportunity and institutional discipline, between national identity and European belonging. The experiences of the 2004–2013 enlargements highlight both the promise and the challenges of deepening the European Union. Their successes show that integration can work remarkably well; their difficulties reveal where future reforms – of both the EU and national political systems – will be needed to maintain cohesion in an enlarged Union.

Thus, in order to answer the second research question, the following observations may be made:

First, for the post-accession integration to be successful, a robust pre-accession assistance is necessary. This needs to concern both legal and economic alignment. This not only needs the legal order of a candidate country to be in line with the *acquis*, but the candidate also needs to create capacity to implement the EU law effectively after the accession. This proved to be a problem for many 'new' Member States; the Czech Republic may serve as an example in this regard. Similarly, economic integration even before the accession proved to be helpful.

Second, transitory periods may help both the candidate country and the 'rest' of the EU. Their usage in the past has been relatively rare, but they might be employed more frequently in the future. Conversely, the experience with permanent

derogations from EU law is very limited. This is to be expected in today's concept of 'universal' one-size-fits-all membership, it may nonetheless need to change in the future, as we will discuss in Part IV.

Third, even though accession is a lengthy process, leading to profound changes to the laws and economy of the candidate country, the fundamental perceptions of its population, particularly concerning the 'axiomatic' issues of values and national identity, take even longer to evolve, if at all. Too much pressure in this regard may lead to disenchantment and diminishing support for EU integration. Admittedly, not much attention has been devoted to these issues in the past accession processes, but it may need to become central in the future.

Overall, it appears that 'gradual' integration, during which candidates and the EU become more and more intertwined, is effective since the actual accession does not result in an acute 'shock' for either party. This leads us directly to the next part of the book, in which we will analyse the approach adopted by the EU to the current candidate countries.

Part III

THE CANDIDATES: HOPES, FEARS AND EXPECTATIONS

Chapter III.1

Introduction



Michal Petr

The third part of this book turns from the retrospective (Part I) and evaluative (Part II) vantage points to a distinctly prospective task: it examines the current state and plausible trajectories of candidate countries in two strategic theatres of the European project, the Western Balkans and the eastern neighbourhood of the post-Soviet space. The analytical objective is twofold. First, to contextualise the political, legal and socio-economic conditions in which aspirants are preparing for membership, in particular how they position themselves with respect to the Copenhagen criteria, adapt to the EU's evolving accession methodology and navigate the increasingly salient paradigm of 'gradual integration'. And second, to identify the integration risks and opportunities that follow from this preparation and to distil the specific conditions under which these countries might achieve not merely formal accession but a sustained, high-quality post-accession integration. In this way, this Part shall provide answers to the third research question: how do the current candidate countries prepare themselves for the future membership?

Part III is organised around two regional clusters of candidates: the Western Balkans and the post-Soviet republics now (more or less) on a European course. Within each cluster, the contributions contained in this Part combine a broad political overview with deep legal case-studies that translate general dynamics into specific accession-law problems. Specifically, the Part presents an overarching political analysis of the Western Balkans by Jakov Žižić, a doctrinal legal analysis of Serbia's accession path by Dalibor Đukić, a political overview of the eastern neighbourhood by Ondřej Filipec and a legal case study on Georgia's approximation with EU law by Tamara Aleksidze and Maka Nutsubidze. Coherent with the book-wide methodology, Part III maintains the three-level lens – economic, legal and political – in order to analyse the state-of-play and prospects of these two regions. This architecture operationalises the book's guiding idea: integration quality cannot be projected from a single metric. Rather, it emerges from the interaction of political

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will, legal approximation, administrative capacity, economic viability and societal consent.

The accession path of the Western Balkans countries is very long, starting with Montenegro applying for EU membership already in 2008. Still, after more than a decade, none of these counties (with the exception of Montenegro itself) is facing any meaningful possibility to join the EU in the foreseeable future. Albania has recently opened all negotiating chapters but closed none of these; Serbia advances with a notable deceleration in reforms and waning domestic enthusiasm; North Macedonia faces constitutionally conditional openings; Bosnia and Herzegovina has not yet reached the full negotiations phase. Kosovo does not even enjoy universal recognition among all the current Member States and cannot therefore achieve even the status of a candidate. Such diversity makes the Balkans a laboratory for both the promises and frictions (and disillusions) of gradual integration.

The Western Balkans remain the EU's most mature enlargement theatre and, paradoxically, the most politically elastic one. Despite the Commission's renewed political commitment to the enlargement, any actual accession still appears distant. At the same time, as Žižić observes in his Chapter, the 'transformative influence of the EU' remains limited. He further notes that the 'EU's conditionality of the integration process with political and economic reforms proved to be both ineffective and inconsistent in the case of the Western Balkans'. We concluded in the previous Chapter that successful integration needs time; but if a long time had passed without there being any realistic prospect of actually acceding the EU within a foreseeable timeframe, the support for accession fades, both in the candidate country and the EU as a whole, resulting in eroding domestic support and diluted reform incentives, as the Serbian case particularly illustrates.

The 'gradual integration' method attempts to counteract reform fatigue by front-loading tangible benefits (policy phasing-in, market access increments, participation in EU programmes) proportionally to verified progress. Part III explores how far this logic can realign incentives in the Western Balkans. Still, from the perspective of political alignment, public attitude vis-à-vis the EU has drifted downward in parts of the region. Meanwhile, on the EU side, external acceptance varies widely by candidate and by Member State, with only Montenegro registering majority support EU-wide. These asymmetries are not technicalities; they are core constraints on the credibility and pace of the process.

Concerning legal alignment, it is interesting to note that the process of approximation is often linked to constitutional changes that the candidates have difficulties conducting, as can be demonstrated by the example of Serbia or Northern Macedonia. The fact that these changes have not yet been made even after so many years of accession negotiations epitomises the frustration stemming from the process. The same may be observed with regard to economic alignment, where the process of regional economic integration is tediously slow.

Looking at the post-Soviet countries on the EU's boarder, these, for a long time, have not been treated as candidates at all. They only cooperated with the EU

within the Eastern Partnership, which was for many years regarded as an effective framework. The geopolitical changes nonetheless enabled Ukraine and Moldova to rapidly secure the candidacy status in 2022 and to open the negotiations. Georgia, on the other hand, obtained candidacy a year later but suspended its application process until the end of 2028.

This cluster of countries is also far from homogeneous: it juxtaposes war-time resilience and reform acceleration (Ukraine), state-capacity-driven pragmatism (Moldova) and strategic temporisation (Georgia). While all three share the strategic horizon of membership, they are differentiated by security context, state capacity, judicial-governance baselines and domestic politics and economy. This sub-region therefore stress-tests the limits of uniformity and conditionality: what the EU must ask candidates to do before accession, and what the EU must do itself, in particular if more differentiation becomes the likely price of keeping the door open without eroding integration quality. This crystallises the key proposition of this book: enlargement and internal EU reforms are interdependent.

The 'gravity' of this region is enormous. If Ukraine were to join the EU eventually, it would become the largest and at the same time the poorest Member State. It would have to substantially overhaul its legal order and economy. The same applies to the other two candidates. In order to avoid the 'fatigue' brought about by 'never-ending' negotiations, reliable gradation of pre-accession alignments, including the phasing-in of certain EU policies, segments of the internal market and some EU programmes, may be indispensable to sustain momentum without compromising integration quality.

Part III thus explicitly builds on the thesis that enlargement and internal EU reform are two sides of the same coin. The question 'what will the EU look like when candidates accede?' is not rhetorical; it is an accession condition *de facto*. The Western Balkans and the post-Soviet republics thus push the EU toward institutional clarity: either full membership with credible transitional arrangements, or dense associative regimes that respect the CJEU's jurisprudence on mutual trust and preserve the distinctiveness of EU membership.

Chapter III.2

Support for EU Membership in Western Balkans: What Is Expected?

Jakov Žižić

Abstract

This paper addresses the situation with the EU accession progress and membership from the perspective of five Western Balkans candidate countries (Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia). It examines the slow pace of EU enlargement to the Western Balkans and the absence of the EU's transformative influence on the political and economic structures of Western Balkan countries. The paper explains recent geopolitical shifts that led to the revitalisation and acceleration of EU enlargement into the Western Balkans. It presents a gradual integration approach envisaged to establish a concrete link between conducting structural reforms and gradual EU integration. This paper examines institutional obstacles and political challenges of the future accession process and analyses limitations of gradual integration into the EU single market.

Keywords: Western Balkan candidate countries, European Union enlargement, gradual integration approach, European Union institutional reform, integration to the EU single market

1. Introduction

The Western Balkans is a geopolitical term coined by the governing bodies of the European Union (EU) in the early 2000s and refers to those countries in South-Eastern

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Europe that were not EU members or candidates at that time, but which could aspire to join the EU.[1] The Western Balkans region comprised the territory of the former Communist Yugoslavia, but without Slovenia which started accession negotiations in 1998 and joined the EU in 2004. The Western Balkans region includes Bosnia and Herzegovina, Croatia, Kosovo, Montenegro, North Macedonia, Serbia and Albania as the only country that was not part of Yugoslavia. Croatia entered the EU in 2013 and effectively left the Western Balkans region.

Five Western Balkan countries are currently recognised as candidates for EU membership status (Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia).[2] All these countries have gone through the negotiation, signing and ratification of the Stabilisation and Association Agreement (SAA), applying for EU membership and obtaining EU candidate status. Four countries are currently engaged in accession negotiations (Albania, Montenegro, North Macedonia and Serbia), while Bosnia and Herzegovina has not yet received a negotiating framework. The absence of substantial progress in fulfilling the political, legal and economic criteria of EU membership is a common theme with all five countries. However, there are considerable differences amongst Western Balkan candidate countries regarding phases of the accession process, implementation of structural reforms, complying to EU requirements, popular support for EU accession, and the perspective of achieving full membership status.

2. EU Enlargement to the Western Balkans

In the aftermath of the war in the former Yugoslavia, EU integration was considered a guarantee of peace, political stability and economic prosperity in the Western Balkans. EU membership perspective was supposed to consolidate democratic institutions, rule of law and respect for human rights, and foster socio-economic development in the Western Balkan countries. In June 1999, a genuine institutional link was generated by the introduction of the Stabilisation and Accession Process (SAP) that had three main objectives: (1) ensuring the stability of Western Balkan countries; (2) supporting their transition to democracy and a market economy; and (3) establishing regional collaboration.[3] In June 2003, the Thessaloniki European Council declared

1 Dabrowski and Moffat, 2024, p. 2.

2 Kosovo is the only Western Balkan country without EU candidate status. Kosovo aspires to become EU member state, but the membership process is hardened by the fact that their statehood is not recognized by five EU member states (Spain, Greece, Slovakia, Cyprus and Romania). Kosovo submitted a membership application in December 2022, and it is officially considered as a potential candidate.

3 Yariş, 2024, p. 129.

for the first time that Western Balkan countries were eligible to become EU members in the future.[4]

The first Western Balkan countries in which SAAs entered into force were North Macedonia in 2004 and Croatia in 2005. They submitted their membership application even before the SAAs entered into force, Croatia in 2003 and North Macedonia in 2004. The slow pace of EU enlargement of Western Balkan countries already began in the first phases of the integration process. After the SAAs entered into force, the Western Balkan countries had to wait for the EU's approval of candidate status in the range from one (Croatia and North Macedonia) to six years (Bosnia and Herzegovina). The following phases of integration process have lasted even longer. In the 2004 and 2007 enlargements of the EU, obtaining EU candidate status was equal to starting membership negotiations.[5] For the Western Balkan countries these two phases were split in the range from one (Croatia and Serbia) to sixteen years (North Macedonia). Generally, the Western Balkan accession process has happened slowly compared to the Central and Eastern European countries that joined the EU in 2004 and 2007.[6]

2.1. Limited Transformative Influence of the EU

The process of integrating the Western Balkans into the EU was not only slow, but its transformative influence turned out to be very limited (except for Croatia), particularly as compared to the EU's influence on Central European countries.[7] The EU's conditionality of the integration process with political and economic reforms proved to be both ineffective and inconsistent in the case of the Western Balkans. The EU's policy towards Western Balkan countries often preferred security and governability over democratisation and rule of law. By prioritising, for security reasons, effective government instead of democratic governance in the Western Balkans, the EU has helped stabilise non-democratic and corrupt regimes rather than transform them.[8] Western Balkan countries are currently faced with substantial deficits in democratic governance, independence of judiciary and media freedom. Since 2019, all Western Balkan countries have been rated as Transitional or Hybrid Regimes by the Freedom House Nations in Transit (FHNiT).[9] The Western Balkans is also facing deteriorations in good neighbourly relations, reconciliation and regional cooperation. Autocratic states such as Russia, China, Turkey and Iran have significantly increased economic, political and cultural influence in the Western Balkans.

4 Dabrowski and Moffat, 2024, p. 3.
5 Ibid.
6 Ibid.
7 Yariş, 2024, p. 130.
8 Kovačević, 2022, p. 341.
9 Dabrowski and Moffat, 2024, p. 14.

2.2. Stalled Enlargement Process

The responsibility for the long-term and limited transforming process of EU integration lies with both Western Balkan candidate countries and EU Member states. The stalling of the EU accession of the Western Balkans is due to two interconnected and mutually reinforcing factors: enlargement fatigue on the side of the EU, and loss of momentum on the side of the Western Balkan countries.[10] After the admission of Croatia in 2013, the EU became sceptical about further expansion and focused more on internal issues. In his political guidelines for the European Commission's mandate 2014–2019, Jean-Claude Juncker stated that the EU needs to absorb the accessions waves that had taken place in the previous decade, adding that 'the EU needs to take a break from enlargement'.[11] Juncker announced the continuation of ongoing accession negotiations, emphasising that 'notably the Western Balkans will need to keep a European perspective, but no further enlargement will take place over the next five years'.[12]

Recognising the danger of leaving the Western Balkans region empty-handed with such discouraging discourse at play, while accounting for the potential of third, non-EU actors' influence to grow, German chancellor Angela Merkel in August 2014 launched the Berlin Process.[13] This aimed to maintain the dynamics of Western Balkans integration process by enhancing regional cooperation and economic integration. Some of the most important goals of the Berlin Process, such as the infrastructure connectivity of the region and resolution of bilateral disputes, were intended to act as a preparation for the Western Balkan countries to join the EU and participate in the EU single market.[14] The Berlin Process delivered certain economic benefits for the Western Balkan countries and brought them closer to the EU single market. However, the Berlin Process did not manage to establish a regional economic area as its core project. The reason for the countries' lack of will to fully implement Common Regional Market (CRM) was an absence of a direct link between the Berlin Process and EU membership as the ultimate goal.[15]

2.3. Geopolitical Shift and Revitalisation of the Enlargement Process

As the Berlin Process was largely unsuccessful, the Western Balkans accession process mostly remained at a standstill for the period from 2014 to 2019. The standstill started to shift slightly in July 2020 when the EU approved the start of membership negotiations with Albania and North Macedonia. The tangible activation of the stalled integration process came only in 2022 with the Russia's full-scale invasion

10 Scazzieri, 2021, p. 4.
11 European Commission, 2014.
12 Ibid.
13 Marković, 2023, p. 2.
14 Ibid, p. 3.
15 Ibid.

of Ukraine. Russia's aggression against Ukraine which started in February 2022 dramatically altered the EU's geopolitical and security landscape, causing a change of the EU's position towards enlargement into the Western Balkans. The concern that Western Balkan countries could become a second battleground and the new arena for geostrategic rivalry prioritised enlargement on the EU's agenda.[16] Prioritising and speeding up Western Balkan integration became the EU's strategic instrument in reducing Russia's influence in the region.

Revitalisation of EU enlargement into the Western Balkan begun with the official start of membership negotiations with Albania and North Macedonia in July 2022. Bosnia and Herzegovina obtained candidacy status in December 2022 and received conditional approval for membership negotiations in March 2024. In June 2024 the EU reported tangible progress in membership negotiations with Montenegro which had started in 2013 and later stalled. The sixteenth meeting of the Accession Conference with Montenegro at ministerial level noted that the country 'has, overall, met the interim benchmarks set for Chapters 23 and 24' which 'paves the way for Montenegro to start the process of closing chapters in the accession negotiations'.[17] Serbia, which had started membership negotiations in 2012, remains the only Western Balkans candidate country without any visible accession progress during the enlargement momentum enacted by Russia's invasion of Ukraine.

2.4. Citizens' Attitudes About EU Accession and Real Prospects of EU Membership

According to the public opinion poll conducted by the International Republican Institute (IRI) between February and March 2024, citizens in five of six Western Balkan countries overwhelmingly support the EU accession. In Albania 92% of the citizens would vote for EU accession in a referendum, in Kosovo that percentage is 89%, in Montenegro 79%, while in North Macedonia and Bosnia and Herzegovina 68% of citizens support EU accession. In Serbia only 40% of the population would vote in favour of joining the EU, while 34% would oppose joining the EU.[18]

The situation is somewhat different regarding citizens' attitudes about real prospects of obtaining EU membership. In Serbia, 54% of citizens believe that the EU is not serious in its intention to offer membership status, while in North Macedonia that percentage is 47%, compared to 34% of citizens who believe that the EU is serious about enlargement. In Bosnia and Herzegovina 44% of population believe that EU is serious about membership perspective compared to 42% who believe the opposite. In Albania, Montenegro, and Kosovo majorities of population – between 54%

16 Başak Yariş, 2024, p. 126.
17 Council of the European Union, 2024a.
18 European Western Balkans, 2024.

and 62% – believe that the EU is serious about offering membership to the Western Balkan countries.[19]

3. Gradual Integration Approach

As part of the new dynamics of integrating Western Balkan countries, in November 2023 the European Commission adopted the Growth Plan for the Western Balkans for the period of 2024 to 2027. The Growth Plan is the policy instrument of the new enlargement approach that was posited by the European Council in June 2022. The EU leaders' summit in June 2022 called for a further advancement of 'the gradual integration between the European Union and the region (Western Balkans) already during the enlargement process itself in a reversible and merit-based manner'.[20] The aim of the new gradualist enlargement policy is to advance a country's political association and economic integration as far as possible before its formal accession.[21] Overall, the new gradualist policy gives both the Western Balkan states and EU more flexibility and prioritises effective progress in integration over rapid membership for geopolitical reasons.[22] Gradual integration approach establishes concrete link between implementation of necessary reforms and benefits of EU integration.

The Growth Plan aims to enhance the integration of the Western Balkans into the EU's single market, advancing the regional economic integration through the CRM, accelerating fundamental reforms and increasing financial assistance to support fundamental and socio-economic reforms.[23] The Reform and Growth facility for financing the Growth Plan is worth six billion Euros, consisting of two billion Euros in grants and four billion Euros in concessional loans, with payments conditioned on the Western Balkans' partners fulfilment of structural reforms. Regarding the structure of the Growth Plan, the proposed areas of partial integration into the single market are rather selective (including inclusion in the Single Euro Payments Area – SEPA, the establishment of a voluntary roaming agreement and the recognition of professional qualifications) and no comprehensive access to the single market for an entire industry or sector has yet been offered.[24]

19 European Western Balkans, 2024.
20 European Council, 2022, p. 5.
21 Lippert, 2024, p. 5.
22 Ibid, p. 8.
23 European Commission, 2023.
24 Becker and Lippert, 2024b, p. 7.

3.1. Reform Agendas

To receive payments from the six billion Euro Reform and Growth Facility, Western Balkan states must first prepare and submit its Reform agenda, which is approved by the Commission following positive assessment by the EU Member states. In October 2024 the European Commission approved the Reform Agendas of Albania, Kosovo, Montenegro, North Macedonia and Serbia, paving the way for the allocation of funds. In December 2024 the Council concluded that the integration dynamics of Bosnia and Herzegovina had been stalled and urged the country to adopt and submit its Reform Agenda. The Council also called Bosnia and Herzegovina to appoint a chief negotiator and a national Instrument for Pre-Accession (IPA) coordinator and develop a national programme for the adoption of the EU legislation.[25]

Conditions for approving the payments from Reform and Growth Facility include upholding democratic mechanisms, rule of law and respect for human rights. A specific pre-condition applies to Serbia and Kosovo who must engage constructively in the normalisation of their relations, including the implementation of all Dialogue agreements.[26] There were concerns that the implementation of a Growth plan would come at the expense of fundamental political, legal and economic criteria of EU membership. These concerns proved unfounded because the EU set the fundamental political, legal and economic reforms as one of the pillars of the Growth plan and a condition for the disbursement of funds. Council conclusions on enlargement from December 2024 stated that

> sustained and irreversible reform achievements on the fundamentals, including the rule of law and fundamental rights, the functioning of democratic institutions, public administration and the economic criteria continue to be the key benchmarks against which progress towards EU membership is assessed.[27]

By insisting on meeting the fundamental criteria, the EU demonstrated its strong and consistent preference for the democratic governance and rule of law over authoritarian stability in the Western Balkans.

3.2. Revised Enlargement Methodology

A gradualist integration approach was preceded by the Council's adoption of a revised enlargement methodology in February 2020. The revised enlargement methodology grouped accession chapters into six thematic clusters: (1) Fundamentals, (2) Internal market, (3) Competitiveness and inclusive growth, (4) Green agenda and sustainable connectivity, (5) Resources, agriculture and cohesion, and (6) External

25 Council of the EU, 2024b, p. 21.
26 European Commission, 2024.
27 Council of the EUb, 2024, p. 3.

relations. Negotiations on each cluster would be opened as a whole, instead of opening chapter by chapter.

New methodology for accession negotiations strongly emphasised the political and legal criteria which were placed in a cluster called 'Fundamentals'. Under the new methodology, accession negotiations would begin with the 'Fundamentals' cluster which will not be closed until the end of negotiations. Meeting the fundamental reforms would dictate the pace of the entire negotiation. The political criteria from Chapter 23 ('Judiciary and fundamental rights') and the legal criteria from Chapter 24 ('Justice, freedom and security') from the 'Fundamentals' cluster are set as the interim benchmarks. The time limit for the opening and closing of the individual chapter would be within a year, depending on the progress of the reforms.[28]

New methodology brought the opportunity for regular EU-Western Balkans summits and intensified ministerial contacts. According to the new methodology, if a country manages to make sufficient progress in the reform priorities that were agreed during the negotiations, this could lead to its closer integration with the EU and its accelerated integration and 'phasing-in' of EU policies, markets and programmes, as well as to increased financial support and investments.[29] New methodology changed the requirements for the activation of the balance clause and suspension of the negotiations. Regarding the new procedure, the Commission may submit a proposal for the activation of the balance clause at any time, on its own or at the request of any (one) EU Member State to ensure a quick response to the situation by use of – where relevant – simplified procedures, including Reverse qualified majority voting (RQMV).[30] In RQMV, a proposal is approved if it is not blocked by a Qualified majority voting (QMV) that requires the votes of 15 out of 27 Member states representing 65% of the EU population.

3.3. Gradual Integration Into the EU Single Market

The new enlargement approach enables candidate countries gradual and early access to specific EU policies, with an emphasis on the EU single market. Inclusion in the EU single market promises candidate countries access to the European goods and labour markets as well as integration into international supply chains and the facilitation of trade in goods and services, as well as also attracting investors and foreign direct investment[31] To receive the benefits of gradual integration into the EU single market, candidate countries must adopt single market legislation – i.e., develop a functioning market economy capable of withstanding the competitive pressures within the single market. However, adopting the *acquis Communautaire* with respect to single market legislation is the most difficult challenge in any accession

28 European Commission, 2020.
29 Kovačević, 2022, p. 347.
30 Ibid.
31 Becker and Lippert, 2024, p. 2.

process.[32] Among the Western Balkan candidate countries, Montenegro, Serbia and Albania have opened chapters of Cluster 2 ('Internal market') with Montenegro and Albania opening all nine chapters and Serbia opening four chapters. Montenegro has provisionally closed one chapter, while Serbia and Albania have not closed any of the chapters from the 'Internal market' cluster. No candidate country in the Western Balkans currently fulfils the criterion of a functioning market economy.[33]

	Albania	Bosnia and Herzegovina	Montenegro	North Macedonia	Serbia
SAA entered into force	2009	2015	2010	2004	2013
Membership application	2009	2016	2008	2004	2009
EU candidate status	2014	2022	2010	2005	2012
Decision to open accession negotiations	2020/2022	2024	2012	2020/2022	2013
Status of negotiations	24 out of 33 chapters opened, no chapter closed	Negotiating framework not adopted	All 33 chapters opened, and 6 chapters provisionally closed	None out of 33 chapters opened	22 out of 35 chapters opened and 2 chapters provisionally closed
Internal Market chapters	All 9 chapters opened, none closed	–	All 9 chapters opened, 1 provisionally closed	–	Four out of 9 chapters opened, none closed
Reform Agenda	Approved	Not adopted	Approved	Approved	Approved

Table No. 1[34]
Western Balkan candidate countries integration progress (as of June 2025)

32 Becker and Lippert, 2024, p. 2.
33 Ibid., p. 5.
34 Dabrowski and Moffat, 2024, p. 3; European Council and the Council of the EU, 2025a, 2025b, 2025c, 2025d.

4. The Obstacles and Challenges of Gradual Integration

Russia's full-scale invasion of Ukraine brought the impetus for the EU enlargement, but the effectiveness of the geopolitically incentivised enlargement is potentially constrained by the rules of decision-making in the Council (under the General Affairs Council configuration) which decides on enlargement process. The EU has historically sustained the integration project based on an intricate balance between deepening and widening, but the geostrategic enlargement presents an important challenge to the EU in terms of maintaining an institutional balance between widening and deepening.[35] The EU has renewed its interest in further enlargement and introduced a new integration approach, but has not resolved possible blockages in the accession process by individual Member states. All decisions related to the EU enlargement process require unanimity between all the Member states. Some EU member states used unanimity requirements in the enlargement decision-making process to meet their national interests or other domestic political goals, with North Macedonia being the biggest victim of such practices.[36]

One of the options for avoiding the individual Member states' blockage of the enlargement process is to transfer enlargement related decisions from unanimity to QMV. A report of the Franco-German working group on EU institutional reform from September 2023 stated that 'every accession to the EU adds more potential veto players, making unanimity exponentially harder to reach'.[37] As a solution to potential veto blockages, the report proposed that decisions on each negotiation chapter should be voted on under QMV, with the final ratification of an accession treaty remaining subject to a unanimity vote. In November 2023, the European Parliament adopted a resolution on proposals for the reform of the EU institutional structure and the decision-making process in the Council, thus initiating the procedure to amend the Treaties. The Resolution affirmed proposals that decisions on interim steps in the enlargement process should be taken by QMV.[38] The resolution was adopted by a slim majority of 291 votes to 274, with 44 abstentions. It was backed by an overwhelming majority of MEPs from the Progressive Alliance of Socialists and Democrats, Renew Europe and Greens/European Free Alliance, while the majority of MEPs from the European People's Party and almost all MEPs from European Conservatives and Reformists and Identity and Democracy voted against the Resolution.[39]

The next step in the procedure to amend the Treaties, is the European Council's decision on examining the proposed amendments. The European Council discussed the reform of EU institutions in December 2023 and committed to address the issues in its upcoming meetings, with a goal of adopting conclusions on a roadmap for

35 Başak Yariş, 2024, p. 132.
36 Dabrowski and Moffat, 2024, p. 5.
37 France Diplomatie, 2023, p. 20.
38 European Parliament, 2023.
39 HowTheyVote, 2023.

future work by summer 2024.[40] In June 2024, EU leaders adopted a roadmap on future work of internal reforms and invited the Commission to present in depth policy reviews on the EU institutional reform by the spring of 2025. The European Council affirmed that the work on internal reforms 'should advance in parallel with the enlargement process, as both the Union and future Member States must be ready at the time of accession'.[41] At their meeting in June 2024, EU leaders did not consider the European Parliament's proposal to amend the Treaties.

4.1. European Integration in Four Tiers

Another potential EU' s institutional novelty regarding Western Balkan candidate countries is dividing of European integration into distinct tiers. The Franco-German working group proposed future European integration with four distinct tiers, each with a different balance of rights and obligations.[42] The first tier ('The inner circle') would consist of EU members states that belong to the Eurozone and Schengen Area. The second tier ('The EU') would comprise current Member States that are not part of Eurozone and future Member states. The third tier ('Associate Members') would include countries integrated into the EU's single market, but not participating in the EU's decision-making processes. It would still require compliance with the EU's common principles and values, including democracy and the rule of law.[43] The fourth tier ('The European Political Community') would not include any form of integration with EU or access to its single market but would focus on geopolitical convergence and political cooperation in policy areas of mutual importance and relevance such as security, energy or environment and climate policy.[44] A minimum normative criteria for joining the fourth tier would be membership in the Council of Europe and the European Convention of Human Rights. According to the proposed model of integration, Western Balkan countries could be placed in the outer circles for a while and would thus have a relaxed form of relationship with the EU and still have explicit integration perspectives.[45] Yet the multi-tier integration could demotivate Western Balkan states to complete all fundamental political, legal and economic reforms if they would lose interest in advancing from one of the outer circles. The reform impetus might also be slowed down by a new wave of EU-scepticism in the Western Balkans whose political and societal elites hold in disdain the idea of integration falling behind full membership.[46]

40 European Council, 2023, p. 6.
41 European Council, 2024, p. 12.
42 France Diplomatie, 2023, p. 35
43 Ibid.
44 Ibid.
45 Başak Yariş, 2024, p. 133.
46 Başak Yariş, 2024, p. 134.

4.2. EU Citizens' Views on the Future Path of the EU and Accession of Candidate Countries

According to the recent survey conducted across all EU Member States, a Europe of different speeds and topic-specific flexible alliances more closely reflects the vision of the majority of EU citizens.[47] The same survey revealed that an absolute majority of EU citizens do not support accession of the current candidate countries. Ukraine gained the largest support to enter the EU with 41%, followed by the support for accession of Western Balkan countries with 35%.[48] Almost one-third of citizens of the EU Member States (32%) are opposed to the accession of Western Balkan countries.[49]

Scepticism about Western Balkans region is deeply rooted mainly in Northern and Western EU countries where security and economic concerns, as well as fears about negative impacts on the efficient functioning of the EU, dominate these unfavourable attitudes.[50] According to the survey, EU citizens strongly insist on democratic and economic stability as the conditions for joining the EU. There is an overwhelming consensus (91%) that internal political stability, good governance, expressed by democratic procedures and institutions, independent justice, and the rule of law matter first and foremost in accepting new EU Member states.[51] The criteria of a strong and resilient economy is essential or important to 86% of EU citizens.[52] The research also revealed that a significant majority of EU citizens (65%) are in favour of having a direct say on which countries should be allowed to join the EU.[53]

4.3. Compliance With the EU's Foreign and Security Policy

Besides implementing political and economic reforms in alignment with EU legislation, the EU expects Western Balkan candidate countries to align with its Common Foreign and Security Policy (CFSP). The main indicator of harmonisation with the CFSP 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.[54] In the light of Russia's ongoing full-scale war against Ukraine, Western Balkan candidate countries are expected to fully comply with the EU's restrictive measures that were adopted in response to Russia's invasion of Ukraine. Complying with the EU's position towards Russia's aggression is considered 'a key aspect of the

47 Martens Centre, 2024, p. 5.
48 Ibid., p. 7.
49 Ibid., p. 17.
50 Ibid., p. 7.
51 Ibid., p. 6.
52 Ibid., p. 17.
53 Ibid., p. 8.
54 Lippert, 2024, p. 4.

EU integration process and a strong expression of a partner's strategic choice and place in a community of values'.[55]

According to the Council's conclusions from December 2024, Montenegro, Albania and North Macedonia are in full alignment with CFSP, including the EU's restrictive measures. Bosnia and Herzegovina is in full alignment with CFSP but not fully implementing the EU's restrictive measures. Adoption of the EU's restrictive measures is blocked by the political representatives of the Serb constituent people in Bosnia and Herzegovina. Serbia is the only Western Balkan candidate country that is not fully aligned with the CFSP and that has not joined the EU's sanctions against Russia and Belarus. Among the Western Balkan countries, Serbia is most exposed to trade with Russia.[56] Serbia also has strong cultural, religious and political ties with Russia. In December 2024, the Council reiterated 'its strong expectation of Serbia to step up its efforts towards full alignment with EU CFSP positions and restrictive measures, including on Russia and Belarus, as a matter of utmost priority'.[57]

4.4. The Limitations of Partial Single Market Integration

The EU has secured financial support for the Western Balkan states' demanding tasks of adopting to single market legislation and creating necessary structures. However, it is not certain whether the Western Balkan countries will be able to fulfil the standards of a functioning market economy. This will depend on how the governments of the Western Balkan countries weigh the potential (and usually future) advantages of partial single market integration against the (current) political and financial costs of far-reaching structural reforms.[58] So far, Western Balkan candidate countries have made very limited progress in adopting single market legislation. It remains to be seen whether the Western Balkan candidate countries will be determined to fulfil democratic and governance criteria within a gradual accession process. If the acceding countries' elites are not prepared to adopt the EU's political, economic and social model, access to the EU single market will only be open to them without formal EU membership where they would still need to comprehensively fulfil the legal obligations, but not necessarily the political and normative conditions.[59]

55 Council of the EU, 2024b, p. 5.
56 Dabrowski and Moffat, 2024, p. 11.
57 Council of the EU, 2024b, p. 11.
58 Becker and Lippert, 2024, p. 6.
59 Becker and Lippert, 2024, p. 8.

5. Conclusion

The accession process of the Western Balkan countries is characterised by slow pace, a lack of the EU's transformative influence and limited progress in fulfilling the political, legal and economic criteria of EU membership. Despite the ongoing stagnation of the accession process, the EU remains firmly committed to its enlargement into the Western Balkans. The EU's support for the integration of the Western Balkan countries has been solidified following Russia's full-scale aggression on Ukraine and dramatic alteration of EU's geopolitical and security circumstances. The EU's commitment to the membership perspective of the Western Balkan countries was reaffirmed with the introduction of a gradual integration approach which rewards reform progress with quicker access to the EU single market. A gradual integration approach poses demanding requirements to be fulfilled, and bears certain weaknesses but offers concrete benefits for conducting structural reforms. Despite the absence of substantial progress in the EU accession process, popular support for joining the EU remains significant in almost all Western Balkan candidate countries. However, many citizens in Western Balkan candidate countries do not believe in the real prospects of EU membership status.

The further pace and outcome of Western Balkan countries' accession process will be determined by the two mutually connected factors. The first factor is the further development of internal political processes in the EU regarding the reform of its institutional framework and forms of integration. This will largely depend on the attitudes of EU citizens towards a deeper and larger EU. A majority of EU citizens prefer a Europe of different speeds and a topic-specific flexible alliance. Also, the vast majority of EU citizens strongly insists on democratic governance and a strong and resilient economy as the criteria for accepting new EU member states. In this sense, some form of associate membership and access to the single market seems the most realistic perspective for Western Balkan candidate countries.

The second factor is the Western Balkan countries' willingness and capability to conduct necessary political and economic reforms. Not all Western Balkan countries have institutional capacities, political willingness and popular support to implement fundamental reforms. The interplay between the two aforementioned factors will not result in full EU membership for all current Western Balkan candidate countries. It can be expected that some of the Western Balkan candidate countries will become full Member states, while the others will enter some form of associate arrangement with the EU.

References

Becker, P., Lippert, B. (2024) 'Acceding Countries' Gradual Integration into the EU Single Market: Prerequisites, Opportunities and Hurdles', *SWP Comment*, 2024/42, pp. 1–8 [Online]. Available at: https://doi.org/10.18449/2024C42 (Accessed: 4 February 2025).

Council of the European Union (2024a) 'Sixteenth meeting of the Accession Conference with Montenegro at Ministerial level' [Online]. Available at: https://www.consilium.europa.eu/en/press/press-releases/2024/06/26/sixteenth-meeting-of-the-accession-conference-with-montenegro-at-ministerial-level/ (Accessed: 4 February 2025).

Council of the European Union (2024b) 'Council conclusions on enlargement, 17 December 2024', *Council of the European Union* 17 December 2024 [Online]. Available at: https://data.consilium.europa.eu/doc/document/ST-16983-2024-INIT/en/pdf (Accessed: 5 February 2025).

Dabrowski, M., Moffat, L.L. (2024) 'The changing dynamics of the Western Balkans on the road to European Union membership: An update', *Bruegel Policy Brief,* 2024/17, pp. 1–19.

European Commission (2014) 'A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change', *European Commission*, 15 July 2014 [Online]. Available at: https://commission.europa.eu/system/files/2019-09/juncker-political-guidelines-speech_en.pdf (Accessed: 3 February 2025).

European Commission (2020) 'A more credible, dynamic, predictable and political EU accession process - Commission lays out its proposals' [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_20_181 (Accessed: 7 February 2025).

European Commission (2023) 'Commission presents a new Growth Plan for the Western Balkans including €6 billion in grants and loans to accelerate economic convergence with the EU' [Online]. Available at: https://enlargement.ec.europa.eu/news/commission-presents-new-growth-plan-western-balkans-including-eu6-billion-grants-and-loans-2023-11-08_en (Accessed: 5 February 2025).

European Commission (2024) 'Reform and Growth Facility for the Western Balkans' [Online]. Available at: https://enlargement.ec.europa.eu/funding-and-technical-assistance/reform-and-growth-facility-western-balkans_en (Accessed 6 February 2025).

European Council (2022) 'European Council conclusions, 23-24 June 2022', *European Council,* 24 June 2022 [Online]. Available at: https://www.consilium.europa.eu/media/57442/2022-06-2324-euco-conclusions-en.pdf (Accessed: 4 February 2025).

European Council (2023) 'European Council conclusions, 14 and 15 December 2023', *European Council,* 15 December 2023 [Online]. Available at: https://www.consilium.europa.eu/media/68967/europeancouncilconclusions-14-15-12-2023-en.pdf (Accessed: 10 February 2025).

European Council (2024) 'European Council conclusions, 28 June 2024', *European Council,* 27 June 2024 [Online]. Available at: https://www.consilium.europa.eu/media/qa3lblga/euco-conclusions-27062024-en.pdf (Accessed: 10 February 2025).

European Council and the Council of the European Union (2025a) 'Albania' [Online]. Available at: https://www.consilium.europa.eu/en/policies/albania/ (Accessed: 2 June 2025).

European Council and the Council of the European Union (2025b) 'Montenegro' [Online]. Available at: https://www.consilium.europa.eu/en/policies/montenegro/ (Accessed: 7 February 2025).

European Council and the Council of the European Union (2025c) 'North Macedonia' [Online]. Available at: https://www.consilium.europa.eu/en/policies/republic-north-macedonia/ (Accessed: 7 February 2025).

European Council and the Council of the European Union (2025d) 'Serbia' [Online]. Available at: https://www.consilium.europa.eu/en/policies/serbia/ (Accessed: 7 February 2025).

European Parliament (2023) 'Proposals of the European Parliament for the amendment of the Treaties' [Online]. Available at: https://oeil.secure.europarl.europa.eu/oeil/en/document-summary?id=1767191 (Accessed: 8 February 2025).

European Western Balkans (2024) 'IRI poll: Most Western Balkan countries support EU membership, but many citizens are sceptical of EU's seriousness' [Online]. Available at: https://europeanwesternbalkans.com/2024/05/16/iri-poll-most-western-balkan-countries-support-eu-membership-but-many-citizens-are-sceptical-of-eus-seriousness/ (Accessed: 13 March 2025).

France Diplomatie (2023) 'Report of the Franco-German Working Group on EU Institutional Reform. Sailing on High Seas: Reforming and Enlarging the EU for the 21st Century' *France Diplomatie,* 19 September 2023 [Online]. Available at: https://www.diplomatie.gouv.fr/IMG/pdf/20230919_group_of_twelve_report_updated14.12.2023_cle88fb88.pdf (Accessed: 8 February 2025).

HowTheyVote.eu (2023) 'Proposals of the European Parliament for the amendment of the Treaties' [Online]. Available at: https://howtheyvote.eu/votes/160487 (Accessed: 8 February 2025).

Kovačević, M. (2022) 'EU's Revised Enlargement Methodology: Emperor's New Clothes As the New Iron Curtain Falls in Europe', *Međunarodni problemi,* 74(3), pp. 339–365 [Online]. Available at: https://doi.org/10.2298/MEDJP2203339K (Accessed: 8 February 2025).

Lippert, B. (2024) 'EU Enlargement: Geopolitics Meets Integration Policy. The EU is Set to Add Gradualist Elements to its Enlargement Doctrine', *SWP Comment*, 2014/1, pp. 1–8 [Online]. Available at: https://doi.org/10.18449/2024C01 (Accessed: 8 February 2025).

Martens Centre (2024) 'Keeping the European Momentum: A Pan-European Study on EU Enlargement and Deepening' *Martens Centre*, 21 October 2024 [Online]. Available at: https://www.martenscentre.eu/publication/keeping-the-european-momentum-a-pan-european-study-on-eu-enlargement-and-deepening/ (Accessed 14 March 2025).

Mitrović, S. (2023) 'Unlocking the Regional Initiatives' Full Potential with the Staged Accession Model to the EU', European Policy Centre.

Scazzieri, L. (2021) 'Reviving European policy towards the Western Balkans', Centre for European Reform.

Yariş, Z.B. (2024) 'The Challenges Of 'Renewed' Enlargement to the Western Balkan Countries', *Studia Europejskie*, 28(3), pp. 125–141 [Online]. Available at: https://doi.org/10.33067/se.3.2024.7 (Accessed 14 March 2025).

Chapter III.3

Western Balkans: The Desire for Exemptions

Dalibor Đukić

Abstract

All five Western Balkan nations have officially obtained the status of candidate states for full EU membership. However, the pace of their EU integration varies, as some obtained candidate status over a decade ago, while others have achieved this status more recently. Formal membership negotiations have commenced with all countries, yet some have not opened any negotiation clusters to date. This paper examines the legal aspects of the European integration of Western Balkan states, with a particular focus on exceptions to the EU *acquis* requested officially by these countries. Negotiation positions for each open chapter are analysed, as they typically include requests for exemptions (derogations) from specific EU regulations or transitional periods for the full implementation of the *acquis* following accession. Such requests must be clearly defined in terms of objectives and timelines and are granted only in exceptional cases. A key challenge in this analysis lies in the fact that most Western Balkan countries have not yet opened or closed all negotiation chapters, leaving them with limited opportunities to negotiate exceptions or derogations thus far.

Keywords: EU law exemptions, transitional periods, EU enlargement, Western Balkans, candidate countries

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1. Theoretical Introduction on Transitory Periods and Derogations (Exceptions) From EU Law in the Light of EU Enlargement

The European Union has been described as a *sui generis* international organisation or supranational organisation,[1] whose features differentiate it from other subjects of international law.[2] As an international organisation, the European Union constitutes an association of its members, which continue to retain their status as subjects of international law. Since membership and representation are common features among international organisations,[3] the EU has established its own specific criteria for admission to membership with a 'stringent and procedurally complex accession process grounded in technocratic assessments'.[4] Criteria for admission, as with many other international organisations, are governed by the organisation's constitutive acts and treaties.[5] The *sui generis* nature of the EU resulted in specific membership procedures and criteria different from other international organisations. Accession to the EU is a process that formally involves the EU member states and the candidate country. Over time, however, this process has evolved with EU institutions driving the enlargement policy.[6] Nevertheless, member states have reasserted their influence over various stages of the accession process, largely in response to growing public scepticism and political resistance to further enlargement within some member states.[7] Be that as it may, in the case of the EU, the membership criteria set out in its treaties are supplemented and operationalised through the established practices of EU institutions and bodies responsible for overseeing the enlargement process.

Accession of new countries to the EU is regulated by the Treaty on European Union (TEU) which stipulates in Art. 49 that any European state may apply for membership if it respects and promotes the values set out in Art. 2. These values include 'respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities'.[8] In addition to adherence to the values underpinning European identity and commitment

1 Bordin, 2022, pp. 48–65. Lindseth considers the EU as the leading exemplar of supranational organisations, while Mazur insists that the term 'supranational organisation' has not acquired a distinct legal meaning and was even rejected by some scholars. Mazur, 2024, p. 109; Lindseth, 2017, p. 152.
2 Mazur, 2024, p. 109.
3 Amerasinghe, 2005, p. 105.
4 Mazur, 2024, p. 110.
5 Mathias and Trengoveln, 2017, p. 968.
6 After accession, EU law is enforced and develops within the new member state. The supremacy of EU law should be also considered as one of the results of the integration process. Metzinger, 2022, p. 26.
7 Hillion, 2015, p. 132.
8 Consolidated Version of the Treaty on European Union (hereinafter referred to as: TEU).

to the values enshrined in Art. 2 TEU, some scholars added statehood as a precondition for EU membership.[9]

Art. 49 TEU prescribes a two-stage process of accession of new countries. In the first stage, the aspirant country submits a formal application to the rotating EU Council Presidency. The European Parliament and national parliaments should be notified of this application. The Council then assesses the admissibility of the application and forwards it to the European Commission and the European Parliament. The Commission conducts a thorough analysis of the applicant's legal and institutional framework, using a detailed questionnaire to assess, *inter alia*, the country's capacity to adopt and implement the body of EU law (the *acquis communautaire*). Following a positive opinion from the European Commission and the consent of the European Parliament, the European Council may grant the applicant candidate status, without giving it the automatic right to join the EU. Furthermore, after receiving the recommendation of the European Commission, the Council decides unanimously to open accession negotiations with the candidate country.

The second stage of EU accession involves the negotiation of a treaty between the candidate country and the Member States, aimed at agreeing on 'the conditions of admission and the adjustments to the Treaties on which the Union is founded'.[10] The accession process implies that the candidate countries are undergoing deep reforms in order to ensure:

> stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.[11]

These conditions have become known as the 'Copenhagen criteria', since they were laid down by the European Council in Copenhagen in 1993. However, the accession does not depend only on the candidate countries fulfilment of requirements, but also on the EU's ability to absorb new members.[12] The European Council held in Madrid in 1995 added another criterion providing that 'the candidate country must be able to apply EU law and must be able to ensure that the EU law transposed into national legislation is implemented effectively through appropriate administrative

9 Hillion, 2015, p. 127.

10 Art. 49(2) TEU.

11 European Parliament, 1993.

12 The Copenhagen European Council stated that 'the Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries'. See for more: Hillion, 2004, p. 2; Marktler, 2006, pp. 344–345.

and judicial structures'.[13] Applicant countries are required to meet political, economic, and legal criteria; the legal criterion entails the adoption of the *acquis communautaire* and the establishment of administrative structures necessary for its effective implementation. This is closely connected to the process of approximation of laws in order the candidate country to align its legal system with the EU *acquis* that is 'a lengthy legal reform process consisting of adopting new and amending existing legislation so that it allows for the EU legal rules to be applicable in the country in question'.[14] Certain transitional periods may depend on the envisaged approximation of laws and their implementation.

Since all state members are expected to apply the full *acquis communautaire*, permanent derogations should be generally deemed incompatible with EU membership. The rationale is straightforward: if a candidate country cannot eventually adopt the entire *acquis*, its suitability for EU membership is questionable. This stance is reflected in the Commission's criteria for the provisional closure of negotiation chapters, which, among others, include the absence of requests for transitional periods.[15] It is also important to highlight that states does not negotiate the *acquis communautaire* itself, but rather the conditions of its full adoption and implementation.[16] However, this strict interpretation overlooks the European reality that 'no country has ever been able to apply all the rules on the date of entry into the Union'.[17] Economic disparities, political sensitivities, and legal complexities may justify the negotiation of transitional arrangements. For instance, past accessions permitted temporary exceptions in areas such as environmental regulations and market liberalisation, often mirroring phased compliance timelines granted to existing members. However, prospective members are more likely to seek and obtain temporary derogations and transitional periods than permanent exceptions.

During the accession negotiations, states may sought transitional periods and derogations from EU law under certain conditions. Transitional periods for the full implementation of the *acquis* after the accession date must be clearly defined in terms of time, scope, nature and objectives.[18] For areas linked to the extension of the internal EU market transitional periods must be 'short and few'.[19] Derogations are also requested by the candidate country regarding the application of a specific EU regulation or part of a regulation.[20] Therefore, derogations must be limited in time and scope, narrowly defined, and applied in a non-discriminatory manner.[21] They must be accompanied by a clearly defined plan for application and full alignment

13 European Union, 2020.
14 Vlajković and Tasev, 2021, p. 86.
15 European Commission, 1999.
16 Uljarević, 2013, p. 11.
17 Nicolaides, 1998, p. 8.
18 Nicolaides, 1998, p. 9.
19 Çalı, 2006, p. 85.
20 Božović et al., 2022, p. 45.
21 Nicolaides, 1998, p. 11.

with the *acquis*. Transitional periods and derogations, including safeguard clauses, may be agreed also in the interest of the EU, in line with the European Council conclusions of 16/17 December 2004.[22]

Both, the transitional periods and derogations are approved only in exceptional circumstances and consider the needs of the candidate country and its ability to comply with the *acquis* in the future. Furthermore, they must not undermine or affect the functioning of the Community's internal market or lead to undue distortion of competition. It is obviously not likely that states could obtain derogations from fundamental Community principles and rules because these kinds of exceptions could change the character of the Union.[23] On the other hand, it is more likely that they will obtain derogations that do not have significance for the EU but have great social importance for candidate countries, as well as if the exceptions are applied on existing members and have been provided in primary and secondary EU legislation. However, in both cases, the candidate countries have to structure and present convincing and persuasive argumentation for transitional periods and derogations, which could be based on the existing exceptions provided by the EU legislation, the jurisprudence of the Court of Justice of the European Union, the practice in past accession negotiations, and their unique circumstances and needs. The candidate country must provide credible arguments demonstrating that the requested derogation does not conflict with the fundamental principles of the European Union, that there are no alternative means to avoid substantial costs that could cause irreparable damage or reduce its welfare, and that 'the requested derogation does not have an appreciable effect on intra-EU trade and competition'.[24]

From previous accessions, another type of derogation can be identified, described as 'hidden derogations'. These can be agreed upon informally and later implemented through EU regulations and domestic legislation. A prominent example is the exemption from market-based allocation of network capacities for cross border exchanges in electricity in Slovenia. While the EU had adopted Regulation (EC) 1228/2003, which aimed to end the administrative allocation of cross-border capacities, the Commission included a provision in the Regulation that allowed the states to maintain or introduce measures with more detailed provisions. This enabled Slovenia to enact new regulations that allowed the allocation of cross-border capacities

22 Presidency Conclusions – Brussels, 16/17 December 2004, Council of the European Union, 6238/1/04 REV 1, 1 February 2005.

23 As stated in the General EU Position on the Accession of Montenegro to the European Union, 'Transitional arrangements must not involve amendments to the rules or policies of the Union, disrupt their proper functioning, or lead to significant distortions of competition. In this connection, account must be taken of the interests of the Union and of Montenegro'. General EU Position Ministerial meeting opening the Intergovernmental Conference on the Accession of Montenegro to the European Union, Brussels.

24 Nicolaides, 1998, p. 11.

to the state-owned electricity generating holding. This regime was maintained for four years after the accession of Slovenia to the EU.[25]

According to the 2020 revised enlargement methodology for the Western Balkans, the *acquis Communautaire*, previously divided into 35 negotiating chapters, is grouped into six thematic clusters, each covering a specific policy area or set of related laws that candidate countries must align with to join the EU.[26] The Negotiating Framework is set in the EU General Position for each candidate state. Before negotiations on a specific chapter of the *acquis* can begin, the candidate country must submit Negotiation Position for that specific chapter.[27] The basic negotiation position is, obviously, that the candidate country will adopt and apply the whole *acquis* as it stands at the time of accession.[28] However, in all past accessions, candidate countries presented requests for transitional periods and derogations. Furthermore, the EU adopts a common negotiation position, outlining its expectations and requirements for each chapter. Be that as it may, the official documents in which Western Balkan candidate countries express their requests for transitional periods and derogations are their negotiation positions for each of the 35 chapters of the European *acquis*.

2. EU Enlargement and Western Balkans

The accession of Western Balkans countries to the EU has been among the strategic goals of the EU's external policy for over 25 years.[29] However, the easiest way to define the Western Balkans is to describe it as a region that consists of Balkan countries that have not become members of the EU. This does not mean that the policy of EU enlargement towards Western Balkans has failed, but it implies that the region is facing obstacles on its path towards the full membership in the Union. Countries of the region have varying histories of relations with the EU and different paces of integration. This section provides a brief overview of the European integration process of the Western Balkans countries and the current state of affairs. Such an approach is deemed necessary to provide the wider context of the presence or absence of certain requests for transitional periods and exemptions from EU law.

Most countries in the Western Balkans region emerged from the breakup of the Socialist Federal Republic of Yugoslavia (SFRY). From the 1960s, the SFRY sought to establish economic ties with Western countries, leading to the signing of the Declaration on Relations between SFR Yugoslavia and the European Economic

25 Kopač and Kulaga, 2024.
26 Ministry of European Integration, no date.
27 European Commission, no date.
28 Mayhew, 2007, p. 25.
29 European Commission, 2018, p. 2.

Community (EEC), followed by two trade agreements in 1970 and 1973.[30] However, the dissolution of the country and the subsequent wars delayed the integration of the post-Yugoslav states into European communities. Despite these challenges, the EU maintained its interest in the region, as reflected in the conclusions of the Presidency of the European Council, which continued to monitor the situation in the Western Balkan countries.[31] Furthermore, the French proposal for a Pact on Stability in Europe, submitted to the Copenhagen European Council in June 1993, included Albania as a possible participant, while stating, 'The countries of ex-Yugoslavia will be associated in terms of developments of the London Conference and of the situation on location'.[32] However, Before the 1995 Deyton Peace Agreement the EU had not established policy of relations with Western Balkans, being focused, as many other international organisations, on preventing and ending the violent conflicts that engulfed the region.

The elements of the coherent EU policy introduced after the 1996 Rome conference, which consolidated the Deyton Peace Agreement, were the 'Royaumont Process for Stability and Good Neighbourliness in South-East Europe',[33] the EU's Regional Approach that, for the first time, coupled countries of former Yugoslavia and Albania, and the Council Regulation (EC) No 1628/96 of 25 July 1996 relating to aid for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia, and the former Yugoslav Republic of Macedonia (the so-called 'OBNOVA' regulation), which introduced principles of conditionality in EU relations with the countries of the region.[34] These principles were further elaborated in 1997 Council conclusions on the principle of conditionality governing the development of the European Union's relations with certain countries of Southeast Europe,[35] stipulating specific condition that applied to each country of the region.[36]

With the aim of securing stability and prosperity in Central and Eastern Europe, the EU launched the Stability Pact for Southeastern Europe in 1999 as part of its Common Foreign and Security Policy (CFSP). The Pact was officially adopted on 10 June 1999 at the EU-led conference in Cologne and subsequently solemnly reaffirmed at the Sarajevo Summit on 31 July 1999. In its Common Position concerning the Stability Pact, the Council referred for the first time to the perspective of full EU membership for the countries of the region, stating:

30 Commission of the European Communities, 1979, p. 3.
31 E.g. the 1993 European Council in Copenhagen made statements and recommendations regarding the situation in Bosnia and Herzegovina and Albania. European Parliament, 1993, pp. 16 and 35–36.
32 Agence Europe S.A., 1993, p. 6.
33 Ehrhart, 1998, pp. 327–346.
34 Council Regulation (EC) No 1628/96 of 25 July 1996 relating to aid for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia, Official Journal L 204, 14/08/1996, pp. 1–5.
35 Bulletin of the European Union, 1997, pp. 132–134.
36 Delevic, 2007, p. 41.

> the European Union will draw the region closer to the perspective of full integration of these countries into its structures through a new kind of contractual relationship, taking into account the individual situation of each country, with a perspective of European Union membership on the basis of the Treaty of Amsterdam and once the Copenhagen criteria have been met.[37]

This statement marked a fundamental shift in the EU's strategy towards the Western Balkans, recognising that full EU membership could address the challenges faced by the countries in the region. Since then, the question has no longer been whether, but when and how these countries will join the EU.[38] The Stability Pact for South Eastern Europe in 2008 was transformed into Regional Cooperation Council, which 'has inherited the mandate of the Stability Pact to oversee the process of cooperation in South East Europe and to support European and Euro-Atlantic integration of the region'.[39]

The accession remained linked to the fulfilment of Copenhagen criteria which is a long-term process that requires commitment of both sides: the EU and Western Balkans countries. Therefore, the EU responded by establishing more sophisticated instrument for supporting these countries on their European path. The Regional Approach was transformed into the Stabilisation and Association process (SAP) which introduced new tailor-made agreements-the Stabilisation and Association Agreements (SAAs).[40] The 2000 Santa Maria da Feira European Council confirmed that Council's 'objective remains the fullest possible integration of the countries of the region into the political and economic mainstream of Europe through the Stabilisation and Association process, political dialogue, liberalisation of trade, and cooperation in Justice and Home Affairs'. Furthermore, the Council stated that all the SAP countries are concerned as potential candidates for EU membership.[41] The same was confirmed by the 2003 European Council in Thessaloniki, which underscored the perspective of the countries of the region to become members of the EU.[42] Since then, the EU has continued to provide financial, political, and technical support to Western Balkans countries on their path towards full membership in the EU.

In February 2020, the European Commission adopted a new enlargement methodology aimed at making the accession process for Western Balkans countries more credible, predictable, and dynamic. This methodology was designed to reinvigorate the enlargement process by introducing a stronger political steer, clustering negotiation chapters thematically, and linking progress to tangible reforms, particularly

37 1999/345/CFSP: Common Position of 17 May 1999 adopted by the Council on the basis of Art. 15 of the Treaty on European Union, concerning a Stability Pact for South- Eastern Europe, Official Journal L 133, 28/05/1999, pp. 1, preamble, para. 7.
38 Friis and Murphy, 2000, pp. 767–786.
39 Racaj and Danevski, 2023, p. 36.
40 Pippan, 2004, p. 229.
41 European Parliament, 2000.
42 Council of the European Union, 2003.

in the rule of law and democratic institutions.[43] Building on this momentum, in November 2023 the Commission adopted the Growth Plan for the Western Balkans, which seeks to 'integrate the Western Balkan partners into the EU's single market, advance regional economic cooperation, deepen EU-related reforms and increase pre-accession funding in view of accelerating socio-economic convergence of the Western Balkans to the EU'.[44] Additionally, visa-free travel to the Schengen area has been granted to citizens of all Western Balkans countries, further facilitating closer ties and mobility between the region and the EU.

As was evident from the outset, the pace of European integration among Western Balkans countries was different and even a quarter of a century after the establishment of the Stabilisation and Association Process (SAP), the exact timing of each Western Balkan country's accession to the EU remains uncertain.

Montenegro gained independence in 2006 and subsequently signed the SAA, which entered into force on 1 May 2010. The country applied for EU membership in 2008 and was granted candidate status in 2010. Accession negotiations began in June 2012, and in June 2025, all 33 negotiating chapters have been opened, with seven provisionally closed.[45] As the frontrunner in the EU accession process, Montenegro has prepared negotiation positions for all chapters, which will be analysed in the next section of this chapter alongside the EU's common positions.[46]

Albania signed the SAA in 2006, which entered into force in 2009. In the same year, Albania submitted its application for EU membership and was granted candidate status in 2014. Accession negotiations were opened in 2022. Albania has opened negotiations on clusters 1, 2, 3, and 6, covering a total of 24 out of 33 negotiating chapters.[47]

The Republic of Serbia signed the SAA with the European Union in 2008, which came into force in 2013. Serbia submitted its official request for EU membership in 2009 and was granted candidate status in 2012. The European Council decided to open accession negotiations in June 2013. As of early 2025, Serbia has opened 22 negotiating chapters, with expectations that cluster 3 will be opened during the year.[48] The southern Serbian province of Kosovo[49] has been under international protection since 1999. It has signed the specific SAA with the European Union and the European Atomic Energy Community, which contains numerous noticeable differences compared to other SAAs signed with Western Balkan candidate countries. The Agreement entered into force in 2016.[50]

43 European Parliamentary Research Service, 2022.
44 European Commission, 2024.
45 EU and Montenegro provisionally close public procurement chapter in accession negotiations.
46 European Commission, 2025d.
47 European Commission, 2025a.
48 European Commission, 2025f.
49 This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.
50 European Commission, 2025c.

The Republic of North Macedonia was the first Western Balkans country to sign the SAA in 2001. The agreement came into force on 1 April 2004, and North Macedonia applied for EU membership in March of the same year. Candidate status was granted in December 2005. However, accession negotiations were delayed due to the name dispute with Greece and issues connected with identity, language, and history with Bulgaria. Finally, negotiations were opened in 2022, and screening sessions for all six negotiating clusters were completed in 2023, although no clusters or chapters have yet been officially opened.[51]

Bosnia and Herzegovina signed the SAA with the EU in June 2008, but due to delays in implementing European Court of Human Rights (ECHR) rulings, it only came into force in 2015. The following year, Bosnia and Herzegovina submitted its application for EU membership. After the outbreak of the war in Ukraine and the decision of the EU to grant candidate status to Moldova and Ukraine, in December 2023 the Council granted candidate status to Bosnia and Herzegovina. Accession negotiations were formally opened in March 2024, but there was no substantial progress.[52]

The progress of the countries of the Western Balkan region remains unsatisfactory, even though Montenegro has made significant progress in comparison to other candidate countries. Two countries have not made any progress for years and have yet to start the most substantial and challenging part of the accession process: negotiations on *acquis* chapters. Since Bosnia and Herzegovina and North Macedonia are still in the early stages of integration, they have not had the opportunity to officially request transitional periods, derogations, or exemptions from EU law. Conversely, Montenegro, Albania, and Serbia have submitted negotiation positions on opened chapters and clusters, which include requests for transitional periods and derogations. Therefore, the next section of this chapter focuses on these requests and the responses of the EU published in its common positions on the negotiating chapters and clusters.

3. Transitional Periods and Derogations in Certain Negotiating Positions of Western Balkans Countries

3.1. Montenegro

In its negotiation positions, Montenegro has generally not requested transitional periods or derogations for most of *acquis* chapters. In the summaries of these positions, Montenegro accepts the full *acquis* under the respective chapters and declares

51 European Commission, 2025e.
52 European Commission, 2025b.

its readiness to implement it from the date of its accession to the EU. Furthermore, Montenegro explicitly declares that it does not seek any permanent exemptions or transitional periods for the implementation of the *acquis* covered by those chapters.

There are few significant exceptions. In the negotiation position for Chapter 33 – Financial and budgetary provisions, Montenegro indicated that it expects financial support from the EU and that

> during the transitional period following accession to the Union, the use of temporary budget compensation and the receipt of cash flow assistance will be approved, meaning that the amount of funds allocated from the European Union budget to Montenegro will be equal to or greater than the amount Montenegro will be paying to the European Union.[53]

In the negotiation position for Chapter 24, the Montenegrin government stated that the country does not expect that it will enter the Schengen Area on the day of its accession to the EU.[54] Like many other recent EU member states, Montenegro is unlikely to join the Schengen Area immediately upon EU accession, as Schengen membership requires meeting specific criteria that go beyond the general alignment achieved through accession negotiations.

Montenegro has requested transitional periods for the implementation of several EU environmental directives under Chapter 27 – Environment and Climate Change. The EU rules for which Montenegro requested transitional periods for implementation are: the Clean Air For Europe Directive 2008/50/EC,[55] Waste Framework Directive 2008/98/EC (requested period until full implementation: 31 December 2030), Directive 1999/31/EC on the landfill of waste (requested period until full implementation: 31 December 2030), Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (requested period until full implementation: 31 December 2030), Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) (requested period until full implementation: 31 December 2030), Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators (requested period until full implementation: 31 December 2027), Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (requested period until full implementation: 31 December 2025), Directive 2000/60/EC establishing a framework for Community action in the field of water policy (requested period until full implementation: 31 December 2025), Directive 2007/60/EC on the assessment and management of flood risks (requested period until full implementation: 31 December 2035), Directive 91/271/EEC concerning urban wastewater treatment (requested period until full implementation: 31 December 2035), and

53 eu.me, no date a.
54 Ibid.
55 Art. 13, para. 1, requested period until the full implementation 31 December 2027.

Directive 2010/75/EU on industrial emissions (requested period until full implementation: 1 January 2030).[56]

Transitional periods have been granted during the accession negotiations of new EU member states in complex areas such as waste management and air quality. It is estimated that Montenegro will require over one billion euros to achieve full alignment with the *acquis* in the field of environmental protection.[57] Given the lengthy transitional periods previously granted by the EU in this area, it is anticipated that Montenegro will also be granted transitional periods, especially considering the substantial costs and time necessary for complete compliance with the EU environmental *acquis*.

3.2. Republic of Serbia

Like Montenegro, the Republic of Serbia has not requested any transitional periods or derogations in its negotiation positions for most of the officially opened chapters. In these positions, Serbia accepts the European Union *acquis* covered by each respective Chapter and confirms that it 'will be in a position to implement it fully by the date of accession to the European Union'. Furthermore, Serbia explicitly states that it does not seek any specific derogations or transitional periods for the implementation of the EU *acquis* under these chapters.

In its negotiation position on Chapter 15 – Energy, the Republic of Serbia requested a transitional period of 20 years from the date of accession for the full implementation and adoption of Council Directive 2009/71/Euratom of 25 June 2009, which establishes a Community framework for the nuclear safety of nuclear installations.[58] Additionally, Serbia requested a transitional period of 30 years from accession for the full implementation and adoption of Council Directive 2011/70/Euratom of 19 July 2011, which establishes a Community framework for the responsible and safe management of spent fuel and radioactive waste.[59] In its Common Position, the EU invited Serbia to provide further information to substantiate these requests, as it assessed that there are no grounds for granting such extended transitional periods.[60] This proves that derogations must be justified with clear and reasonable explanations.

Similar to Montenegro, Serbia has requested several transitional periods in its negotiation position for Chapter 27-Environment and Climate Change. The requested transitional periods cover various EU directives including: Directive 2007/2/EC Chapter II, Chapter III, Chapter IV and Chapter V (transitional period of 2 years and

56 eu.me, no date b.
57 eu.me, no date c.
58 Art. 1.
59 Government of the Republic of Serbia, 2021.
60 Council of the European Union, 2025.

4 months following the date of accession to the EU),[61] Directive 2008/50/EC (transitional period to be specified in the Directive Specific Implementation Plan), Directive 2016/802 (transitional period to be specified by the Directive Specific Implementation Plan), Directive 94/63/EC (VOC Petrol stage I) and Directive 2009/126/EC (transitional period of 2 years following the date of accession to the EU and will be specified in Implementation Plan), Directive 2016/2284/EU on the reduction of national emissions of certain atmospheric pollutants (transitional period depends on the results of negotiations on different emission reduction), Waste Framework Directive 2008/98/EC, Art. 11, (transitional period of 15 years following the date of accession), Packaging and Packaging Waste Directive 94/62/EC Art. 6, para. 1, points b, d and e (transitional period of 4 years following the date of accession), Landfill Directive 1999/31/EC Art. 5(2), points a, b and c of the first subpara. and Art. 14, point c (transitional period of 15 years and 7 years, accordingly),[62] WEEE Directive 2012/19/EU Art. 7, para. 1, subpara. 1 (transitional period of 11 years following the date of accession), Waste Batteries Directive 2006/66/EC Art. 10 (transitional period of 11 years following the date of accession), Water Framework Directive 2000/60/EC Art. 4, (transitional period of 21 years following the date of accession), Urban Waste Water Treatment Directive 91/271 EEC Arts. 3, 4, 5 and 7 (transitional period of 20 years following the date of accession), Environmental Quality Standards Directive 2008/105/EC Art. 3 (transitional period of 21 years following the date of accession to the EU), Groundwater Directive 2006/118/EC Art. 6 (transitional period of 5 years following the date of accession), Nitrates Directive 91/676/EEC Art. 5 para. 4, (transitional period of 16 years following the date of accession), Drinking Water Directive 98/83/EC (transitional period of 20 years following the date of accession), Industrial Emissions Directive 2010/75/EU (1 to 8 years following the date of accession according to the Directive Specific Implementation Plan), EU Emissions Trading System (EU ETS) Directive 2003/87/EC (transitional arrangements will be requested after the Directive Specific Implementation Plan is developed), Fuels Quality Directive 98/70/EC (transitional period according to the Directive Specific Implementation Plan).[63]

In its Common Position on Chapter 27, the EU reaffirmed its general position regarding transitional periods and derogations, acknowledged Serbia's requests for transitional periods and indicated that these issues will be revisited during the course of the accession negotiations.[64]

61 It has been clarified that 'Final indication regarding number of years required for the transition period for the full implementation of the INSPIRE Directive will be provided in accordance to the Specific Implementation Plan for the INSPIRE Directive that is under development'.

62 Furthermore, for purposes of implementation of the Art. 5(2) it has been requested to consider year 2008 as a reference year.

63 Government of the Republic of Serbia, 2019.

64 European Union, no date.

The distinction between Montenegrin and Serbian requests for transitional periods in Chapter 27 lies in the specificity of their timelines. Montenegro's requests set out exact future dates for the expiration of transitional arrangements, while Serbia has proposed transitional periods that would begin on the date of its accession to the EU. Given that the accession date remains uncertain, the precise timeline for Serbia's full alignment with the environmental *acquis* is also uncertain. However, Serbia must adopt Detailed Plans for the Implementation of Directives, which should substantiate and justify its requests for transitional periods.[65]

Serbia has also requested a transitional period in its negotiation position on Chapter 33 –Financial and Budgetary Provisions. In a general statement, Serbia seeks 'transitional corrective measures related to payments of the Republic of Serbia to the EU budget' which duration will be specified during the accession negotiations.[66] The rationale is given in the same Negotiating Position: 'Republic of Serbia expects application of corrective factors in the transitional period after accession to the European Union in order for the payments to the EU budget to be lower than the transfers from the EU budget'.[67] In its Common Position on Chapter 33 the EU noted that 'this request will be addressed at a later stage of the negotiations'.[68]

3.3. Albania

As previously noted, Albania has officially opened negotiations on Clusters 1, 2, 3, and 6. Its negotiation positions for Clusters 1 and 6 did not include requests for transitional periods or derogations. However, requests for transitional periods have been identified within Clusters 2 and 3. Specifically, Albania has requested transitional periods for Chapters 4, 9, and 28 within Cluster 2, and for Chapters 16 and 19 within Cluster 3.

Regarding Chapter 4 *acquis* Albania has requested to maintain existing restrictions on the acquisition of agricultural and forestry land by EU/EEA and third-country nationals for seven years following its accession to the EU, or until 31 December 2037, with a safeguard clause allowing a possible 3-year extension. While the EU has taken note of the supporting information provided, it has invited Albania to supply further details on the current status and planned improvements regarding legal certainty of agricultural land ownership, including the harmonisation of land registry and cadastral data; the size and distribution of agricultural holdings; the ownership structure, particularly foreign ownership or leasing; plans for privatising state-owned agricultural land; and any current or planned post-accession restrictions on land acquisition by EEA and third-country nationals. These requests reflect Albania's partial alignment with the EU *acquis* on free movement of capital and the

65 Drenovak Ivanović, 2019, p. 101.
66 Government of the Republic of Serbia, 2017.
67 Ibid.
68 European Commission, 2017.

need to ensure equal treatment of EU nationals and Albanian citizens in real estate acquisition, as stipulated by the Stabilisation and Association Agreement. The EU emphasises that more detailed information is required before it can take a position on Albania's request.[69]

In Chapter 9, Albania has requested to exclude Savings and Loans Associations (SLAs) from the application of all EU provisions related to credit institutions through an amendment of Art. 2 of the Capital Requirements Directive. While the EU has reviewed the information provided in support of this request, it requires more detailed data before taking a definitive position. Specifically, the EU seeks further information on the capital requirements and current supervisory practices for SLAs, the range of financial products they offer, the types of clients they serve, and their territorial presence within Albania.[70]

Regarding Chapter 28, Albania has requested a transitional period of three years following its accession to the EU, until 31 December 2033, to comply with the requirements set out in Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use. In its Common Position, the EU noted that no transitional period has been requested for veterinary medicinal products and emphasised that Albania's request extends beyond authorisation requirements to include other aspects regulated by EU law on medicinal products.[71] Regarding this request, the EU has highlighted that 'any transitional period should not compromise safety of medicinal products available in other EU member states and that proper guarantees, such as exclusion of incompliant medicines from mutual recognition in other EU Member State, are to be considered'. Furthermore, the EU invited Albania to provide additional information regarding the estimated impact of EU pharmaceutical regulations on its domestic industry, including the number of medicinal products registered in Albania but not authorised in the EU, those authorised centrally by the EU, and those authorised under national procedures of EU Member States, with projections for the accession date. Albania is also requested to explain how it has considered the complexity of different EU authorisation routes in assessing impacts on its industry and administration. Further information is sought on the availability of critical medicines to patients in Albania and the EU, the similarity of compositions between domestically and non-EU sourced medicines authorised in Albania and those authorised in the EU single market, and Albania's veterinary medicinal products market and authorisation procedures, which must align with EU *acquis*.[72]

As previously noted, transitional periods and derogations may be established not only in the interests of the candidate country but also in the interests of EU member states. In its Common Position on Cluster 2-Internal Market, the EU stated

69 Council of the European Union, 2025a.
70 Ibid.
71 Ibid.
72 Ibid.

that Member States will be allowed to 'apply measures restricting access to their labour markets for workers from Albania as well as in relation to the freedom to provide services involving temporary movement of workers'.[73]

In its negotiation position on Chapter 16 – Taxation, Albania requested various transitional derogations from the VAT *acquis*. This is because VAT contributes approximately 33–34% to the total budget revenues of Albania.[74] These include exemptions without the right of deduction for certain agricultural inputs until 2035, and exemptions with the right of deduction for battery electric and plug-in hybrid vehicles until 2036. The EU has encouraged Albania to reconsider these requests due to adverse cross-border effects and has suggested different measures, such as flat-rate compensations percentages under the common flat-rate scheme for farmers. This is because 'any deviation from the EU's VAT system in respect of the tax base could have an effect on the Union's own resources for which the basis of assessment would have to be adjusted in accordance with the relevant *acquis*'.[75] Furthermore, Albania requested exemptions with the right of deduction until 31 December 2036 for the importation, intra-community acquisition, and supply of goods and services intended for use or placement in technological and scientific parks, as well as in technology and economic development zones. The EU has insisted that Albania provide more detailed information regarding the scope of these derogations and their financial impact before taking a position.

Albania has also requested to apply a reduced VAT rate of 6% until 31 December 2036 on the supply of services in three Albanian marinas. However, the EU appears reluctant to accept this derogation, because of the fear that such derogation would undermine fair competition within the single market.[76]

Albania does not seek only transitional periods, but also permanent derogations from the VAT *acquis*. The first aims to exempt (with a right to deduct) the international transport of passengers. However, the EU considered the request unnecessary in view of Art. 98, para. 2 letter a) and Annex III point (5) of Directive 2006/112/EC. Another requested permanent derogation would exempt from taxation (without the right to deduct) the supply of buildings or parts of buildings and the land on which they stand, while allowing legal persons purchasing buildings not intended for residential use to opt for taxation. The EU has requested Albania to provide further information on the current legislation in this area and on the details of the requested permanent derogation.[77]

In addition to transitional periods and permanent derogations, Albania has requested transitional derogations concerning cigarette excise and the minimum excise levels, as well as the minimum excise requirements for LPG and natural gas. The EU

73 Ibid.
74 Asllani Ndreka, 2016.
75 Council of the European Union, 2025b.
76 Ibid.
77 Ibid.

has requested more detailed information on the scope and rationale of these exceptions. Furthermore, Albania has requested to allow the maintenance of the annual production limit of 100 litres for fruit spirits exempted under Art. 22(8) of Directive 92/83. However, the EU appears reluctant to accept this proposal, as it could undermine EU policy objectives.[78]

In direct taxation, Albania seeks to continue taxing interest and royalty payments to associated companies in other Member States until 2036, with the EU inviting reconsideration of the interest taxation and requesting details on the phase-in of EU rules on royalties. In all common opinions, the EU emphasises the need for detailed justifications of requested derogations, and the plan of future alignment with EU *acquis* before taking definitive positions on these requests.[79]

Within Chapter 19 – Social Policy and Employment, Albania has requested a transitional period until 31 December 2032 to implement limit values for nitrogen monoxide, nitrogen dioxide, and carbon monoxide in underground mining and tunnelling facilities, as specified in Commission Directive 2017/164 under the framework of Council Directive 98/24/EC on worker health and safety. Before taking a position, the EU has requested further information on the current health and safety measures related to these substances at the relevant worksites, details about the affected companies and industries, the impact of applying the directive upon accession, and the industries' plans for gradual compliance with the directive's requirements.[80]

4. Conclusions

A brief analysis of the evolution of the EU's approach toward the Western Balkans shows that the region's integration prospects emerged largely in response to the wars and conflicts that followed the breakup of the former Yugoslavia. However, unresolved ethnic, national, religious, linguistic, and identity-related disputes continue to affect the pace of accession processes of certain Western Balkan states. This is especially the case with countries facing territorial, identity, or historical disputes with their neighbours or within their own borders, such as Bosnia and Herzegovina and North Macedonia. Both countries have yet to begin the substantive phase of accession negotiations and, as a result, have not started discussions on transitional periods and derogations. Taking into account all similarities between the countries of the region, it is likely that both mentioned states will submit requests for transitional periods and derogations similar to those of other Western Balkans neighbours.

78 Ibid.
79 Ibid.
80 Ibid.

In contrast, Montenegro, Albania, and Serbia have made progress in accession negotiations, having opened most negotiation chapters. Nevertheless, they have formally requested transitional periods and derogations in only a limited number of negotiation positions. Serbia and Montenegro have stated in most chapters that they will adopt and implement the full *acquis* by the date of accession, without requesting transitional periods or derogations. A few reasons for this approach can be identified. First, there is political signalling, as such requests might be seen as undermining the credibility of a country's commitment to reforms and harmonisation with the *acquis* and indicating a lack of readiness and seriousness in fulfilling obligations. Second, candidate countries focus on areas where the immediate application of EU legislation would, according to them, have disruptive effects. Moreover, they are aware of precedents set by previous enlargement waves. Croatia used transitional measures sparingly, and EU institutions now closely scrutinise such requests, particularly under the new methodology. This encourages newer candidates to conform to the norm of minimal derogations, unless critical. This does not preclude the use of hidden derogations that will be agreed during the course of accession negotiations. Despite this, both the EU and these candidate countries expect that negotiations on transitional periods and derogations will take place as the accession process advances.

All requests for transitional periods and derogations are sector-specific because they focus and affect complex areas of EU acquis such as the environmental protection, budgetary, and financial relations with the EU. Although Albania has not yet opened Chapter 27-Environment and Climate Change, it can be anticipated that it will seek transitional periods and derogations similar to those requested by other Western Balkan countries.

The requests for transitional periods and derogations submitted by the three Western Balkan countries have generally lacked convincing argumentation based on the existing exceptions provided by the EU legislation or the practice in past accession negotiations. Furthermore, these countries have not presented detailed plans for gradual alignment with the *acquis* to ensure eventual full compliance. Therefore, in the later stages of accession negotiations, Western Balkan countries should provide arguments and justifications for all requested exceptions from EU law and provide plans for progressive alignment with the *acquis*. Furthermore, the specific characteristics of the region should be emphasised during negotiations and used as a basis for requests for transitional periods and derogations.

References

Bibliography

Agence Europe S.A. (1993) 'French proposal for a stability pact in Europe (Copenhagen, 21 and 22 June 1993)', Brussels: Agence Europe S.A. [Online]. Available at: https://www.cvce.eu/content/publication/1999/1/1/83dcbde9-a916-478c-a977-b1116ed83c56/publishable_en.pdf (Accessed: 19 June 2025).

Amerasinghe, C.F. (2005) *Principles of the Institutional Law of International Organizations*. 2nd edn. Cambridge: Cambridge University Press, https://doi.org/10.1017/CBO9780511614224.

Asllani Ndreka, D. (2016) 'Albania changes VAT exemption rules', International Tax Review' [Online]. Available at: https://www.internationaltaxreview.com/Art./2a68rfy5bw2ycq0qbjkkb/albania-albania-changes-vat-exemption-rules (Accessed: 5 October 2025).

Bordin, F.L. (2022) 'Is the European Union a Sui Generis International Organization?' in Bordin, F.L., Müller, A.T., Pascual-Vives, F. (eds.) *The European Union and Customary International Law*. Cambridge: Cambridge University Press, pp. 48–65; https://doi.org/10.1017/9781108966535.003.

Božović, D., Babić, J., Popović, M., Pavlović, M. (2022) *Vodič za praćenje procesa pregovora o pristupanju Srbije Evropskoj uniji*. 2. izmenjeno i dopunjeno izdanje. Beograd: Beogradska otvorena škola.

Çalı, B. (2006) *Legal Constraints on EU Member States in Drafting Accession Agreements: The Case of Turkey*. Leiden: Martinus Nijhoff Publishers.

Council of the European Union (2003) 'Presidency Conclusions – Thessaloniki European Council, 19 and 20 June 2003', Brussels: Council of the European Union [Online]. Available at: https://www.consilium.europa.eu/media/20847/76279.pdf (Accessed: 20 May 2025).

Council of the European Union (2025) 'European Union Common Position – Chapter 15: Energy – Serbia', Brussels, 8 May 2025 [Online]. Available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/15_european_union_common_position.pdf (Accessed: 24 June 2025).

Council of the European Union (2025) 'European Union Common Position-Cluster 2: Internal Market-Albania', Brussels, 11 April 2025 [Online]. Available at: https://data.consilium.europa.eu/doc/document/AD-4-2025-INIT/en/pdf (Accessed: 24 May 2025).

Council of the European Union (2025) 'European Union Common Position – Cluster 3: Competitiveness and inclusive growth-Albania', Brussels, 8 May 2025 [Online]. Available at: https://data.consilium.europa.eu/doc/document/AD-6-2025-INIT/en/pdf (Accessed: 24 May 2025).

Delevic, M. (2007) 'Expectations' in Delevic, M. (ed.) *Regional Cooperation in the Western Balkans*. Paris: European Union Institute for Security Studies, pp. 31–46.

Drenovak Ivanović, M. (2019) 'Serbian Experiences in The Preparation of a Negotiating Position in the Field of Environmental Protection and Climate Change' in Ćemalović, U., Duić, D. (eds.) *EU Integration and Environmental Law*. Belgrade: Institute of European Studies and Hanns Seidel Foundation, pp. 89–102.

Ehrhart, H.-G. (1998) 'Prevention and Regional Security: The Royaumont Process and the Stabilization of South-Eastern Europe', *OSCE Yearbook*, 1998/4, pp. 327–346.

eu.me (no date a) 'General EU Position Ministerial meeting opening the Intergovernmental Conference on the Accession of Montenegro to the European Union', Brussels [Online]. Available at: https://www.eu.me/biblioteka/#1583-1603-opste-pozicije-evropske-unije-i-crne-gore (Accessed: 19 October 2024).

eu.me (no date b) 'Pregovaračka pozicija Crne Gore za Međuvladinu konferenciju o pristupanju Crne Gore Evropskoj uniji za Poglavlje 33 – Finansijske i budžetske odredbe' [Online]. Available at: https://www.eu.me/biblioteka/#1583-1672-33-finansijske-i-budzetske-odredbe (Accessed: 20 May 2025).

eu.me (no date c) 'Poglavlje 27 – jedno od najtežih, trebaće najmanje milijardu eura za zaštitu životne sredine' [Online]. Available at: https://www.eu.me/poglavlje-27-jedno-od-najtezih-trebace-najmanje-milijardu-eura-za-zastitu-zivotne-sredine/ (Accessed: 22 June 2025).

European Commission (1999) 'Composite Paper. Reports on progress towards accession by each of the candidate countries' [Online]. Available at: https://aei.pitt.edu/44637/1/composite_1999.pdf (Accessed: 19 October 2024).

European Commission (2017) 'Draft Common Position of the European Union for Chapter 33: Financial and Budgetary Provisions-Serbia', Directorate-General Neighbourhood and Enlargement Negotiations [Online]. Available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/33_ch_eu_position.pdf (Accessed: 24 May 2025).

European Commission (2018) 'A Credible Enlargement Perspective for and Enhanced EU Engagement with the Western Balkans' [Online]. Available at: https://enlargement.ec.europa.eu/document/download/5b911e64-9d7b-405d-8be7-d7060f30c169_en (Accessed: 19 September 2025).

European Commission (2024) 'Growth Plan for the Western Balkans' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/growth-plan-western-balkans_en (Accessed: 20 May 2025).

European Commission (2025a) 'Albania and the EU' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/albania_en (Accessed: 24 May 2025).

European Commission (2025b) 'Bosnia and Herzegovina and the EU' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/bosnia-and-herzegovina_en (Accessed: 24 June 2025).

European Commission (2025c) 'Kosovo and the EU' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/kosovo_en (Accessed: 24 June 2025).

European Commission (2025d) 'Montenegro and the EU' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/montenegro_en (Accessed: 24 May 2025).

European Commission (2025e) 'North Macedonia and the EU' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/north-macedonia_en (Accessed: 24 June 2025).

European Commission (2025f) 'Serbia and the EU' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/serbia_en (Accessed: 24 June 2025).

European Commission (no date) 'Steps towards joining' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/steps-towards-joining_en (Accessed: 19 June 2025).

European Council (2025) 'EU and Montenegro provisionally close public procurement chapter in accession negotiations' [Online]. Available at: https://www.consilium.europa.eu/en/press/press-releases/2025/06/27/eu-and-montenegro-provisionally-close-public-procurement-chapter-in-accession-negotiations/ (Accessed: 24 June 2025).

European Parliament (2000) 'Santa Maria Da Feira European Council 19 and 20 June 2000', Conclusions of the Presidency [Online]. Available at: https://www.europarl.europa.eu/summits/fei1_en.htm (Accessed: 19 June 2025).

European Parliamentary Research Service (2022) 'The EU's new enlargement methodology: A framework to support the Western Balkans' European perspective', Brussels: European Parliament. [Online]. Available at: https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/738205/EPRS_ATA(2022)738205_EN.pdf (Accessed: 20 May 2025).

European Union (no date) 'Common Position of the European Union for Chapter 27: Environment and Climate Change – Serbia' [Online]. Available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/27_eu_common_position.pdf (Accessed: 24 May 2025).

European Union (2020) 'Treaty on European Union – Joining the EU' [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=legissum%3Al14536 (Accessed: 19 May 2025).

Friis, L., Murphy, A. (2000) 'Turbocharged negotiations: the EU and the Stability Pact for South Eastern Europe', *Journal of European Public Policy*, 7(5), pp. 767–786 [Online]. Available at: https://doi.org/10.1080/13501760010014948 (Accessed: 04 January 2025).

Government of the Republic of Serbia (2017) 'Negotiating Position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Chapter 33 'Financial and Budgetary Provisions'', Belgrade: Government of the Republic of Serbia [Online]. Available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/negotation_position_33.pdf (Accessed: 24 May 2025).

Government of the Republic of Serbia (2019) 'Negotiating Position of the Republic of Serbia for the Intergovernmental Conference on Accession of the Republic of Serbia to the European Union: Chapter 27 – Environment and Climate Change' [Online]. Available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/ng_position_ch27.pdf (Accessed: 24 May 2025).

Government of the Republic of Serbia (2021) 'Negotiating position of the Republic of Serbia for the Intergovernmental Conference on the accession of the Republic of Serbia to the European Union for Chapter 15 'Energy'', Belgrade: Government of the Republic of Serbia. [Online]. Available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/15_negotiating_position_of_the_republic_of_serbia.pdf (Accessed: 24 June 2025).

Hillion, C. (2004) 'The Copenhagen Criteria and Their Progeny' in Hillion, C. (ed.) *EU Enlargement: A Legal Approach*. Oxford: Hart Publishing, pp. 1–22.

Hillion, C. (2015) 'Accession and Withdrawal in the European Union Law' in Chalmers, D., Arnull, A. (eds.) *The Oxford Handbook of European Union Law.* Oxford: Oxford University Press, pp. 126–152.

Kopač, J., Kulaga, D. (2024) *Chapter 15 (Energy): What can Ukraine learn from other EU Member States and candidate countries?* [Online]. Available at: https://greendealukraina.org/assets/images/reports/what-can-ukraine-learn-from-other-eu-member.pdf (Accessed: 5 June 2025).

Lindseth, L. P. (2017) 'Supranational Organizations' in Cogan, J.K., Hurd, I., Johnstone, I. (eds.) *The Oxford Handbook of International Organizations.* Oxford: Oxford University Press, pp. 152–170; https://doi.org/10.1093/law/9780199672202.003.0007.

Marktler, T. (2006) 'The Power of the Copenhagen Criteria', *Croatian Yearbook of European Law and Policy*, 2/2006, pp. 343–364 [Online]. Available at: https://doi.org/10.3935/cyelp.02.2006.23 (Accessed: 5 June 2025).

Mathias, S., TrengoveIn, S. (2017) 'Membership and Representation' in Cogan, J.K., Hurd, I., Johnstone, I. (eds.) *The Oxford Handbook of International Organizations*. Oxford: Oxford University Press, pp. 962–984.

Mayhew, A. (2007) 'Enlargement of the European Union: An analysis of the negotiations for countries of the Western Balkans', *SIGMA Paper*, 2007/ No. 37, Paris: Organisation for Economic Co-operation and Development (OECD) [Online]. Available at: https://www.sigmaweb.org/content/dam/sigma/en/publications/reports/2007/01/enlargement-of-the-european-union_g17a1df0/5kml60qztg21-en.pdf (Accessed: 19 May 2025).

Mazur, S.K. (2024) 'On the Verge of the Next EU Enlargement. Accession Legal Framework: Conceptual Overview', *Croatian Yearbook of European Law and Policy*, 20/2024, pp. 105–126 [Online]. Available at: https://doi.org/10.3935/cyelp.20.2024.599 (Accessed: 19 October 2024).

Metzinger, P. (2022) 'In the Shadow of Legal Imperialism: The Supremacy of EU Law Over the Member States' in Osztovics, A., Bóka, J. (eds.) *The Policies of the European Union from a Central European Perspective*. Miskolc–Budapest: Central European Academy Publishing, pp. 13–54; https://doi.org/10.54171/2022.aojb.poeucep_1.

Ministry of European Integration (no date) 'Negotiation Clusters' [Online]. Available at: https://www.mei.gov.rs/eng/documents/negotiations-with-the-eu/negotiation-clusters/ (Accessed: 19 June 2025).

Nicolaides, P. (1998) 'Negotiating effectively for accession to the European Union: realistic expectations, feasible targets, credible arguments' [Online]. Available at: https://aei.pitt.edu/778/1/scop98_1_2.pdf (Accessed: 19 October 2024).

Pippan, C. (2004) 'The Rocky Road to Europe: The EU's Stabilisation and Association Process for the Western Balkans and the Principle of Conditionality', *European Foreign Affairs Review*, 9(2), pp. 227–244 [Online]. Available at: https://doi.org/10.54648/EERR2004014 (Accessed: 19 October 2024).

Racaj, M., Danevski, I. (2023) 'Stability Pact – Reflection of the Political Will of the International Community', *Sovremena Makedonska Odbrana*, 14(27), pp. 33–43.

Uljarević, D. (2013) 'Pregovarački proces', in Uljarević, D. (ed.) *O čemu pregovaramo i što nam pregovori sa EU donose?* Podgorica: Centar za građansko obrazovanje (CGO).

Vlajković, M., Tasev, J. (2021) 'The Challenges of the Approximation of National Law with The EU Acquis in the Western Balkans in Light of the New Enlargement Tendencies', *South Eastern Europe and the European Union – Legal Transformations*, 2021/6, pp. 85–100.

Legal sources

Consolidated Version of the Treaty on European Union, Official Journal of the European Union.

European Council in Copenhagen 21–22 June 1993, Conclusions of the Presidency', Copenhagen, 22 June 1993, SN 180/93.

European Council in Copenhagen 21–22 June 1993, Conclusions of the Presidency, Copenhagen, 22 June 1993, SN 180/93.

Council Regulation (EC) No 1628/96 of 25 July 1996 relating to aid for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia, Official Journal L 204, 14/08/1996.

Presidency Conclusions – Brussels, 16/17 December 2004, Council of the European Union, 16238/1/04 REV 1, 1 February 2005.

1999/345/CFSP: Common Position of 17 May 1999 adopted by the Council on the basis of Art. 15 of the Treaty on European Union, concerning a Stability Pact for South- Eastern Europe, Official Journal L 133, 28/05/1999.

Chapter III.4

Ukraine, Moldova, and Georgia: Political Vision of Their EU Membership

Ondřej Filipec

Abstract

The Russian invasion of Ukraine has rapidly changed political visions regarding the future EU membership of Ukraine, Moldova, and Georgia. This chapter analyses and compares ways by with these countries may attain EU candidate status, tracing these paths from the initial conditions set by the dissolution of the Soviet Union. It further examines the challenging democratic transition and problematic institutional consolidation required for the participation of the countries in designed EU projects, notably the Partnership and Cooperation Agreement, Eastern Partnership or Association Agreement. Various perspectives on the evolution of European integration over time are analysed from the position of key member states, European Institutions or governments, and representatives of Ukraine, Moldova, and Georgia. Thus, this chapter provides a better understanding of the causes and factors behind the European aspirations of these countries and their evolving expectations regarding future EU membership, EU countries, EU institutions, and Russia.

Keywords: Ukraine, Moldova, Georgia, enlargement, candidate, EU, membership

1. Introduction

On 23 June 2022, the European Council granted EU candidate status to Moldova and Ukraine, and recognised Georgia for possible EU membership. It was not only a

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formal and symbolic step in the history of these three Eastern European countries but a strategic turning point for the European integration project. From a historical perspective, granting EU candidate status to the three former Soviet countries is a logical and inevitable result of a series of preceding events, stemming primarily from the EU's reaction to Russia's revisionist aspirations and need to secure its 'near abroad' to satisfy imperialist ambitions. However, from the political science perspective, there are many unique factors behind this breaking decision of the European Council, including the unique composition of political forces that enabled previously unthinkable steps. Indeed, for decades – even centuries – controlling territories of Georgia, Moldova, and Ukraine was of key interest for the Russian state, to enhance its security and gain prosperity.

This chapter aims to explore and discuss the paths of Ukraine, Moldova, and Georgia to EU candidate status, including a political vision of their future membership, support among political actors, and their expectations. The objective is to map the political factors that provided EU membership prospects to these three countries that just a few years ago were considered far from EU membership. Their candidacy was perceived as a rather unrealistic adventure owing to the historical inheritance of many social, economic or political problems and underdevelopment in many areas. The chapter adopts a chronological approach with an analytical focus on the period between the 1990s and 23 June 2022, beginning with the dissolution of the Soviet Union and rebirth of the independent states, and concluding with the European Council decision granting EU candidate status. It also offers a comparative perspective of the three countries with some future expectations. On the one hand, the comparison is aimed at domestic political forces and developments which shaped these countries' attitude towards the EU; on the other hand, it provides the perspective of the EU and its member states towards future EU enlargement by including Ukraine, Moldova, and Georgia. In other words, via a chronologically driven comparison, two perspectives meet: the perspective of the states on the EU and that of the EU towards the individual states. Several sources are available on the possible EU membership of selected countries; however, these studies often deal with specific aspects of individual countries. Hopefully, this chapter will provide a better understanding of the causes and factors behind the European aspirations of these countries and their expectations of future EU membership. It takes a comprehensive view of the issue and, to some extent, enables comparison of possible integration prospects.

The selected countries are comparable as they share many similarities. Notably, all three were strongly influenced by the post-Soviet legacy, their transition characterised by political and economic upheaval following the Soviet Union collapse in 1991. All three faced challenges in establishing stable governance and transition to market economies. Each country has had to deal with conflicts and ongoing challenges related to Russian influence and territorial disputes, and all three pursued EU membership as a strategic, and to some degree, ultimate goal, which often required problematic implementation of domestic reforms related to governance, rule

of law, anti-corruption and economy – areas at the heart of the Copenhagen criteria. However, these countries also have noticeable differences related to political stability, conflict intensity or reform progress. While Ukraine has experienced significant political movements such as the Orange Revolution or Euromaidan, leading to continuous political changes, Moldova is known for frequent changes in government and intensive oscillation between pro-Russian and pro-European orientations. Additionally, the conflict in Ukraine is more intense and prolonged than in Georgia or Moldova, where conflicts have been localised. In the case of Ukraine, significant reforms were conducted in the post-2014 period; in Georgia, reforms are linked mainly to President Saakashvili; and in Moldova, progress is generally slower and more inconsistent owing to political instability and oscillations.

Regarding the method, it is necessary to define variables subject to comparison. The study is strongly inspired by the most similar system design (MSSD) as it is based on similarity in variables, assesses different outcomes, and attempts to identify different factors that influence the outcomes. The adopted approach allowed for focused analysis built mainly around the fulfilment of political criteria for potential EU membership in the selected countries. Naturally, MSSD has limits as it is not possible to generalise to dissimilar cases. However, other EU candidate countries in Western Balkans share similarities with Ukraine, Moldova, and Georgia, including the struggle in conducting reforms, weak institutions, and political instability, often linked to Russian interference. Consequently, analysis of complex factors behind the selected countries being included in the EU is of significant value and may contribute to better understanding of other candidate countries.

This chapter is divided into four parts. The first deals mainly with the attempts of democratic transformation in the 1990s, and the relationship between Ukraine, Moldova, and Georgia, and the EU. This part helps in understanding the context that contributed to the future aspirations of these countries, and analyses the relationships between the EU and these three countries in post-Soviet Europe in relation to their transformation. The second part analyses the changes that led to the inclusion of Ukraine, Moldova, and Georgia in structured, more consolidated cooperation, including the European Neighbourhood Policy and Eastern Partnership, which shaped the expectations of the involved countries and provided significant experience with conditionality. It analyses relations between the EU, its member states, and the three countries, especially regarding their political and economic proximity to EU integration. The third part analyses actual development, marked by the post-Euro Maidan development in Ukraine, and the increasing importance of these countries for the security of Europe. Finally, the fourth part is dedicated to the expectations from EU membership, both from the perspective of key political actors in Ukraine, Moldova and Georgia, and from the EU and its Member States.

2. 'Our Goal: Europe'

The end of the Cold War and the fall of the Soviet Union had a significant impact on Central and Eastern Europe, but also on the European Communities that, under the indefatigable leadership of Jacques Delors, were focused on building the single market with the aim to establish a common currency. Political changes in early 1990s – mainly the re-unification of Germany – contributed to the acceleration of the integration process. The vital partnership of French President Francois Mitterrand and German Chancellor Helmut Kohl led to the signature of the Maastricht Treaty, establishing the EU with its Common Foreign and Security Policy within a strictly inter-governmental pillar. While the Soviet Union disintegrated, and eastern markets with it, European integration gained new momentum and attracted the attention of Central and Eastern Europe countries, which found themselves in a political vacuum. The newly established Russian Federation, struggling with internal political and economic problems, had limited interest and resources to influence development in its former empire. Simultaneously, increasing ethnic tensions in the Balkan peninsula urged the need for economic, political, and democratic consolidation of countries that had newly acquired freedom. Offering a clear prospect of future EU membership and integration within western security structures associated mainly with NATO became imperative. 'Return to Europe' became a political priority of many Central and Eastern European countries facing uncertainty linked to their new freedom. However, the situation and development in Ukraine, Moldova, and Georgia were slightly different, despite these countries having similar aspirations.

Among this trio, Ukraine played the most important role, mostly due to its size and geographic position. On the 1 December 1991, 92% of voters supported the Act on Declaration of Independence, leading to the establishment of independent Ukraine. Notably, the 'Ukrainian Soviet Socialist Republic' had already declared its European future in the Declaration on State Sovereignty by expressing willingness to 'participate in European process and European structures'.[1]

The first years of the reborn state were characterised by economic instability borne of transformation and the search for stable relations with the international community and the Russian Federation. In this regard, the birth of Ukraine as an actor in international relations is linked to the government of Leonid Kravchuk (President of Ukraine, 1991–1994) who defined the country's reliable attitude towards the international community and expressed pro-Western orientation: '*Nasha meta: Evropa!*' (Our goal: Europe) was one of his mottos. The official intention to participate in European integration was approved by the Ukrainian Parliament (Verkhovna Rada) on 2 July 1993 in the Resolution on 'Main directions of foreign policy of Ukraine',[2] wherein membership in the European Communities was set as one of the foreign policy aims. This indicates that interest in a pro-European future was demonstrated in the early

1 Section X, Declaration on State Sovereignty of Ukraine.
2 Verkhovna Rada, 1993, Resolution on main directions of foreign policy of Ukraine.

stages of Ukrainian independence, when Ukraine was searching for solutions to inherited Soviet era problems, including possession of former Soviet nuclear weapons left on Ukrainian territory – a key focus of the international community.

A responsible attitude and willingness to be accepted by the international community was demonstrated by the signature of the Budapest Memorandum[3] in 1994, wherein Ukraine decided to voluntarily give up a Soviet-era nuclear arsenal[4] left on its territory in exchange for security guarantees, including the respect of territorial integrity, the inviolability of borders, the peaceful settlement of disputes, the non-use of force or threat of force, and so on. However, it is worth noting that international pressure on Ukraine was strong and refusal to get rid of the nuclear weapons may have resulted in sanctions and isolation, similar to the status of North Korea.

During Kravchuk's presidency, Ukraine cut off several inherited links from the Soviet Union. For example, Kravchuk signed on behalf of the Ukraine Belavezha Accords leading to the establishment of the Commonwealth of Independent States (CIS). However, Ukraine never fully ratified the accords and Kravchuk opposed the idea of a common currency and military.[5] Conversely, Kravchuk had a warm attitude towards Western Europe and NATO, while having many disagreements over Russian military presence in Ukraine, especially regarding naval bases in Crimea and docking of the Russian Black Sea Fleet. From the beginning, Crimea and Kravchuk's attitude towards NATO provoked Russian interest in the region, and in May 1992, the Supreme Soviet of the Russian Federation voted that the Soviet grant of Crimea from 1954 was illegal and the status of the Russian fleet unresolved, making it a permanent thorn in Russo–Ukrainian relations.

Kravchuk's positive attitude also reflected in the relations towards the United States, as George H. W. Bush provided Ukraine credit line support to purchase US goods worth 110 million USD in exchange for the denuclearisation of Ukraine – money that was essential for an economy suffering from poor nationalisation and corruption. For example, under just the presidency of Kravchuk, Ukraine lost an estimated 40% of its GDP and struggled with massive inflation; in 1993, inflation was calculated at 10 155%.[6] Notably, the denuclearisation of Ukraine helped open doors for their membership in the NATOs Partnership for Peace, which was a significant step towards friendly relations with NATO (and departure from Russian security interests); however, denuclearisation itself was a relatively long process, blocking Ukraine from further access to US economic help in crucial years.[7] Accumulated economic problems contributed to the fall in Kravchuk's popularity and to political

3 Budapest memorandum. In full: Memorandum on security assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons from 05.12.1994.

4 The 46 solid propellant missiles with 10 nuclear warheads on each (460 warheads) and 1150 warheads in storage made Ukraine the third largest nuclear arsenal country in the 1990s, after the Russian Federation and the United States.

5 Donaldson, 2005.

6 Aslund, 1999.

7 D'Anieri, 2012, p. 448.

changes. Consequently, Leonid Kuchma assumed office in 1994 and remained till 2005.

In many ways, Kuchma followed Kravchuk; however, his position towards Russia was slightly more open. The softer pro-Russian attitude was already reflected in the presidential elections: while Western Ukraine voted mainly for Kravchuk, Kuchma received more support in Eastern and Southern Ukraine because of his advocacy of rapprochement with Russia.[8] This internal division of Ukraine – also visible during the independence referendum vote – is a characteristic feature influencing internal politics and was reflected in the country's foreign policy until 2014. Kuchma sustained Kravchuk's aspirations of making Ukraine similar to other Central European countries, but simultaneously tried to balance relations with Russia.

Leonid Kuchma's presidency (1994–2004) is associated with 'vector politics', balancing the pro-Western orientation of the country with Russian interests. Kuchma initially opposed NATO enlargement, allegedly out of fear of intensifying Russian pressure on Ukraine. However, increased Russian rhetoric about the possible reintegration of former Soviet republics was not very welcome in the newly independent Ukraine, and led to the position of silently accepting NATO enlargement to Central Europe.[9] Another important influence was related to bilateral relations with other countries. For example, Czech President Václav Havel and Czech Minister Václav Klaus promised Ukraine a seat in the Council of Europe for not opposing NATO enlargement. Similarly, promoting friendly relations with Poland and Romania, which had territorial disputes with Ukraine, created a space for a 'special partnership' with NATO.[10] Ukraine managed to enter the Partnership for Peace Programme in 1994 and was promoted on 9 July 1997 by the signing of the Charter on a Distinctive Partnership during the NATO summit in Madrid. Notably, establishing closer relations with NATO was possible because of the reduced fear of direct Russian intervention, despite general expectations that Russia would soon recover and might push for regaining dominance in the near abroad, which would be a great danger to Ukraine's independence. However, the risk was considered acceptable by the Ukrainian elites.

Proximity to NATO might be well seen in the context of securing Ukrainian independence against Russian aspirations. The first Chechen war (1994–1996) demonstrated that Russia will not hesitate to use military force to promote its interests, and closer relations with NATO might have served as a counter-balance to the extension of Russian power. Developing relations with NATO was seen as a unique historical opportunity. During the Western European Union summit in June 1996, President Kuchma said: 'Supporting Ukraine in this decisive stage of her development is a strategic investment in securing Western European interests'.[11] Thus, the West slowly approached Ukraine. During the September 1996 visit, the president of the North

8 Bukkvoll, 1997.
9 Ibid.
10 Ibid.
11 Kuchma, 1996, cited in Bukkvoll, 1997.

Atlantic Assembly, Karsten Voight, stated that 'The West is not interested in Ukraine developing under the domination of other countries, especially Russia'.[12] The positions of Ukraine and the West were converging at the normative dimension; however, the practical dimension lagged behind.

Kuchma partially succeeded in joining the political West in the security context. However, he refrained from deeper economic integration, which required complex domestic reforms under the notion of economic liberalisation. In other words, Ukraine did not want to undergo an economic transformation, which was necessary to comply with EU entry requirements represented by the Copenhagen criteria. Consequently, there was no intention of EU enlargement to include Ukraine or the other countries that demonstrated willingness to conduct domestic reforms. Thoughts about the future enlargement of the EU to include Ukraine were not realistic in the 1990s as the EU was preoccupied with the integration of Central European countries.

Regarding Russia, in May 1997, Kuchma succeeded in concluding a Treaty of Friendship, Cooperation and Partnership.[13] In the 'big treaty', Russia acknowledged the territorial integrity of Ukraine, including the possession of Sevastopol as the home of the Black Sea Fleet, in exchange, Russia was granted a lease of the base. The signing of this act removed a big burden from mutual relations; however, the issue of security guarantees and relations with NATO were repeatedly raised by all actors. Kuchma was appreciated for his achievements towards NATO and Russia. Nevertheless, acceptance in the EU was limited by his unwillingness to conduct domestic reforms, and his image was further damaged by the murder of the journalist Georgiy Gongadze in 2000 – a well-known critic of Kuchma's government.

The end of Kuchma's rule is characterised by democratic decline, corruption scandals, and electoral fraud. For example, the Organisation for Security and Cooperation in Europe (OSCE) had already concluded during the 1999 presidential elections that 'the International Election Observation Mission reported the first round of the Ukrainian Presidential Election failed to meet a number of OSCE commitments', especially in the media's campaign coverage.[14] The country continued its economic struggle as privatisation did not provide for reforms not fulfil the promise of economic stability. Instead, it supported the growing oligarchising of the state, and various indexes on democratic performance show a remarkable decline from 1997 to approximately 2003.[15] This suggests that, in reality, Ukraine departed from complying with the Copenhagen criteria and future EU membership while aiming for the opposite.

Despite being a difficult issue, it was the nuclear deal that enabled Ukraine to develop friendly relations with the West. The situation in Moldova turned similarly

12 Voigt, 1996, cited in Bukkvoll, 1997.

13 Treaty on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation from 31.05.1997.

14 OSCE, 1999.

15 Herron, 2023.

problematic, as the country with 3 million inhabitants seemed less important and more peripheral than its northern neighbour. After the failed Soviet coup to reclaim the country on 19–22 August 1991, Moldova declared independence on 27 August and soon signed the constitutive act of the CIS. Unlike Ukraine, Moldova declared itself a neutral state, not to take part in military activities within the CIS. However, unlike Ukraine and Georgia (and the Russian Federation), Moldova has been part of the NATO's Partnership for Peace Programme since 1994.

Similar to Ukraine, the 1990s in Moldova were turbulent because of the challenging and rather chaotic economic transformation. The country suffered rapid inflation, which led to the introduction of a new currency in 1993 – the Moldovan leu. Alongside the dramatic economic developments – marked by poverty, corruption, and failed privatisation – the country also faced many internal political problems. Among them were Transnistria – an international breakaway quasi-state with pro-Kremlin government – and Gagauzia – an autonomous area in southern Moldova. The status of Gagauzia was unresolved till 1995, when the Law on the Special Legal Status of Gagauzia entered into force.

The relationship between Moldova and Russian-backed Transnistria (located around the river between Moldova and Ukraine) remains unresolved, and a de facto ceasefire signed on 21 July 1992 is still in force. Despite the conflict being labelled 'frozen' for almost three decades, there is a legitimate fear that the 'Transnistrian card' might be played by the Russian Federation to destabilise the region and put pressure on Ukraine or Moldova. The legitimacy of this fear is supported by separatists having already demanded Russian intervention for the 'protection' of the people in Transnistria.[16] This might be read as an invitation to strengthen Russian military presence or preparation for future annexation, similar to Ukrainian territories occupied by Russia. Because of their geographical location, shared problems of Transnistria, and economic and political links, we can claim a special relationship between Ukraine and Moldova. In other words, developments in Ukraine may significantly determine developments in much smaller Moldova, which suffers from internal cultural and political division.

Because of the division between pro-Western (or pro-European) and pro-Russian forces, Moldova position towards the EU was not always clear. Furthermore, the relatively small size of the country and its location on the European periphery meant that the attitude of the EU towards it was sometimes ambivalent. In the 1990s, the EU focused on northern enlargement through Austria, Finland, Sweden, and potentially Norway; since the mid-1990s, its focus extended to prospective candidates from Central and Eastern Europe. Since 1999, the EU has negotiated future membership with 12 countries, including Bulgaria and Romania, which brought in other post-communist countries that were on track to fulfil the Copenhagen criteria. However, deepening relations with Moldova was merely a second-order issue, and considered dependent on the future membership of other countries (especially Romania) and the

16 France24, 2024.

moving of the EU's geographic borders in the eastern direction. Similar to Ukraine, Moldova was not also economically and politically prepared for the accession.

Among the three countries, Georgia is unique in many aspects. Problematic and bloody moves towards independence, a peripheral position beyond the Black Sea, under the hills of Greater Caucasus, together with strong Soviet/Russian influence made the country the least appropriate candidate for Europeanisation. Similarly to Ukraine and Moldova, Georgia inherited severe economic and political problems from the collapse of the Soviet Union, including weak institutions, corruption, and political division, fuelled by Russian-backed separatism. The situation between 1991 and 1993 resulted in a civil war, fought in parallel to conflicts with separatist Abkhazia and South Ossetia. This violence and instability meant that Georgia was not considered part of the European Community in the 1990s, despite the EU maintaining some relations since 1992. Practically, in the early 1990s Georgia was a failed state without European prospects.

The situation in Georgia slowly started to change when Zviad Gamsachurdia was replaced by Eduard Shevardnadze, who pleased Russia by entering into the CIS, while simultaneously pursuing closer relations with the EU and NATO. Notably, Shevardnadze gained fame as Mikhail Gorbachev's foreign minister who served between 1985 and 1991. Thus, Shevardnadze influenced many European affairs, including negotiations for the peaceful reunification of Germany or Soviet attitudes towards Central Europe, and was well known in Western diplomatic circles. As the political leader of Georgia, Shevardnadze had opened doors to the West and during his presidency, Georgia joined the Council of Europe and was, at least superficially, aspiring to the EU membership. In 2002, Shevardnadze said: 'Since restoration of our independence, joining the EU became [Georgia's] goal' and added the joke that 'I could not make him [Javier Solana] tell when the EU would accept Georgia', but added also that Georgia's accession to the EU 'is not too far away either'.[17] While this statement is indicative of a pro-European orientation, it is also accepting of the fact that Georgia is not ready for EU candidacy. Indeed, the economic aspects of integration were secondary to the security issues, as Georgia's relationship with the Russian Federation played a crucial role in ensuring its security and stability.

Shevardnadze was aware of Russian sensitivity towards Georgian security assurances but tried to promote close cooperation with NATO nonetheless. For this attitude, he received high recognition from NATO leaders. For example, NATO Secretary General Lord George Robertson labelled Georgia one of the most crucial countries in the Southern Caucasus, very advanced in the modernisation of its armed forces, which would be helpful in combating terrorism.[18] The Russian Federation cautiously observed such developments, and when Georgia refused to provide its military bases for Russian armed forces to bombard Chechen rebels, it had a strong impact on mutual relations and the 'reliability' of Georgia regarding Russian security

17 Shevardnadze, cited in Sepashvili, 2002.
18 Sepashvili, 2002.

interests. Moreover, on 22 November 2002, the Georgian president officially requested an invitation to join NATO at the Prague NATO summit:

> NATO membership means security for Georgia. It means that we will have final security guarantees. Throughout our history, we have seen a lot of hardship, and I think that today the only right decision is to become a member of NATO.[19]

This request, elevated tensions between Russia and Georgia, especially after April 2008, when NATO promised to consider Georgia's request to join. On 1 August 2008, the Russian-backed South Ossetian forces began shelling Georgian villages, breaking the 1992 ceasefire agreement.[20] In response, the Georgian army was sent to the conflict zone and, for a while, captured the regional capital Tskhinvali from Russia-backed separatists who soon received support from the Russian military. A full-scale Russian invasion followed, resulting in Russian strategic and military dominance in the country, and paralysis of Georgia caused by approximately 200 thousand refugees fleeing their homes.

In all three countries, security relations with NATO were prioritised over economic relations with the EU. Gaining independence from the former Soviet Union/Russia had caused tension and polarisation in mutual relations that, in the case of Moldova, resulted in separatist conflict and in the case of Georgia, in civil war connected with the separatist conflict. Ukraine also suffered from potential conflict owing to the unclear status of Sevastopol and Crimea; the country's politico-geographical division was reflected in their vector foreign policy of trying to approach the West without upsetting Russia. All three countries struggled to implement effective economic reforms – part of the EU normative agenda. While all three expressed interest in being part of the EU in the future, without reforms, the EU showed little to no interest in enlargement beyond its close horizon. This indicated certain disappointment. As put realistically by Leonid Kuchma: 'Nobody awaits us in Europe'.[21]

Regardless of the severity of the economic problems and issues caused by the transformation, all three countries managed to establish relations with the West or the EC/EU, which were further formalised. This later formalisation was enabled by two factors. First, the EU finished its Eastern enlargement in 2004 (in the case of Romania and Bulgaria, in 2007), and the 'Eastern dimension' gained importance as the EU's centre moved East. Second, Ukraine, Moldova, and Georgia managed to stabilise (at least to some degree) their economy and realised that domestic reforms might open doors to the EU, which was increasingly associated with prosperity thanks to the single market. The EU become the dominant direction in the foreign policy vector as positive rewards from EU integration outweighed the negative attitudes associated with departure from the Russian Federation.

19 Shevardnadze, 2002, cited in Radio Free Europe, 2002.
20 Agreement on Principles of Settlement of the Georgian – Ossetian Conflict. Sochi, 24 June 1992.
21 Wolczuk, 2004, p. 22.

3. From Partnership and Cooperation Agreement (PCA) to Association Agreement (AA)

In 1994, the EU initiated and concluded the Partnership and Cooperation Agreement (PCA) with Ukraine, Moldova, and Georgia (together with other countries of the former Soviet bloc). After its entry into force (1998 in Ukraine and Moldova and 1999 in Georgia), PCA became the defining platform for development of mutual relations between the EU and individual countries. In many areas, PCA preceded a new generation of Association agreements, concluded with Ukraine, Moldova, and Georgia during the later stages of the approximation process (Moldova and Georgia in 2016, Ukraine in 2017).

PCA provided a platform for political dialogue between the Parties, facilitating the development of close political relations to promote trade, investment, and harmonious economic relations and to foster sustainable development. It also aimed to provide a basis for mutually advantageous economic, social, financial, civil, scientific technological, and cultural co-operation, and to support Ukrainian efforts to consolidate its democracy and develop its economy to complete the transition into a market economy.[22] PCA was almost immediately reflected in the special Presidential decree 615 from 11 June 1998 on 'Strategy on Ukraine's Integration with the European Union'[23] which was followed by the special action plan, Programme for Ukraine's integration with the EU, two years later.[24] The enthusiastic formal implementation of the PCA in Ukraine suggests that the Ukrainian elites had high expectations for the future possibility of EU membership.

Indeed, as stated by Kataryna Wolczuk (2004), Ukraine had high expectations of the Helsinki summit, wherein members of the European Council met in December 1999 to finalise Eastern EU enlargement with 12 candidates, including Romania and Bulgaria. Ukraine had hoped to receive an invitation to the EU, but instead received only words 'welcoming' its 'European choice'.[25] The lack of explicit invitation and rather underwhelming reaction from the EU to proposed initiatives increased the frustration of Ukrainian diplomacy in the years following the Helsinki summit; thus, the special EU Strategy towards Ukraine that developed relationships beyond the PCA did not satisfy them.

As noted by Wolczuk (2004), after ten years of the PCA, Ukraine was hardly satisfied with its relationship with the EU. PCA emphasised the economy, which was only partially reformed in Ukraine and thus very fragile, with potential fallout for domestic enterprises. The push for liberalisation offered only limited benefits and the implementation of the *acquis* required for joining the single market led to conflicting

22 Art. 1, PCA with Ukraine.
23 Ukraine, Decree of the President no. 615 of 11 June 1998.
24 Ukraine, Decree of the President no. 1072 of 14 September 2000.
25 Wolczuk, 2004.

interpretations. Second, PCA provided a framework for cooperation without clear priorities or specific targets to be met. Third, it excluded cooperation in Justice and Home Affairs or Common Foreign and Security policy, which was of Ukrainian interest. Finally, it did not provide targeted EU support for developing administrative capacities to fulfil the requirements of the PCA, and provided a somewhat rigid framework for developmental and keeping diplomatic relations.[26] In summary, although the PCA contributed to better quality of relations between the EU and Ukraine, it was not a clear road map to EU membership. This led to dissatisfaction and declining cooperation under the PCA framework.

New impetus for mutual cooperation came with the European Neighbourhood policy and its Eastern Partnership initiative (EP). However, both initiatives had limited results. Original European Neighbourhood Policy, covering relations between the EU and Ukraine, had limited impact because implementation of its Action Plan was left to middle level state officials, resulting in slow, uneven and localised outcomes.[27] Countries participating in the European Neighbourhood policy and the EU were looking for new forms of intensified cooperation. Unsurprisingly, Eastern enlargement including Poland and the Baltic countries was followed by an increased push to create a 'ring of friends' at the eastern border of the EU. The initiative was promoted mainly by Poland's foreign minister, Radoslaw Sikorski, and his Swedish counterpart Carl Bildt. A partnership revealed in 2008 and officially launched during the Czech presidency in 2009 represented a new platform for closer cooperation with six non-EU countries, namely Ukraine, Belarus, Moldova, Georgia, Armenia and Azerbaijan. Despite Polish representatives claimed that 'Eastern Partnership could lead to EU membership',[28] the initiative itself was met with mixed impressions.

First, for a country such as Ukraine, it was (just) another initiative promising approximation and cooperation instead of an explicit offer of EU membership. This was especially hard to accept for the Ukrainian president Viktor Yushchenko, who presented EU membership as the top political priority of his presidency and a key promise to his voters. Moreover, his head of administration, Oleg Rybachuk had spoken about joining the EU in 'just five years'.[29] The impression of Ukraine's 'second order importance' was highlighted by its placement in the group with 'weaker' countries that were much less prepared for EU membership or had no membership aspiration at all.

Second, besides Ukraine's disappointment, the initiative was viewed cautiously by Russia as a tool for spreading EU influence in its neighbourhood. Russia's lack of invitation and the people behind the initiative – 'the hawk' of Polish foreign policy,

26 Ibid., p. 9.
27 Wolczuk, 2009.
28 EU Observer, 2008.
29 Korduban, 2009.

Sikorski, and loud critic of Kremlin, Bild, were critical towards Russia – led the initiative to be read as being against Russian interests and a 'Russophobic project'.[30]

Third, the Eastern Partnership meetings were sometimes also disappointing for EU members because despite years of the partnership, the results were sometimes questionable. Noteworthy examples include Belarus, which faded back to authoritarian hardship, Armenia, which moved closer to Russia over time, and Azerbaijan, which remained under an oppressive authoritarian regime.[31] Moreover, partners had different expectations from the Eastern Partnership, which made the unitary attitude of the EU problematic and disconnected from the needs of individual partners. EP was seen merely as EU policy towards post-Soviet countries, rather than real partnerships.[32] While countries such as Ukraine, Moldova or Georgia were open to accepting some sort of conditionality for the promise of EU membership, others refused and demanded equality in mutual relations (Belarus, Armenia and Azerbaijan).

Entry conditions and expectations from the EP varied. Despite all countries departing politically and economically from the Soviet, they were economically very diverse with different reform experiences. In other words, the inclusion of countries in the EP was a political choice, disregarding economic preparedness, differentiation on a mutual basis, and the various aspirations of individual countries. As Kataryna Wolczuk stated, countries differed slightly in their attitudes of expressing aspirations. While Moldova understood the Eastern Partnership as a means to an end – which, for Moldova, was a clear vision of EU membership – it definitely did not consider EP an end in itself.[33] On the other side, Ukraine openly complained about being grouped and compared with countries without membership aspirations such as Azerbaijan, who was only seeking cooperation with the EU in some areas, and others under the EU Neighbourhood policy, such as Morocco.[34]

Ukrainian diplomacy did not miss any opportunity to communicate the need for an EU future, and its efforts intensified after the annexation of Crimea in 2014. For example, before the EP summit in Riga (2015), Ukrainian President Petro Poroshenko spoke to the UK Prime Minister David Cameron, stressing his expectations of clear signals from the EU regarding the introduction of a visa-free regime and 'recognition of the prospects of its European future'.[35] In summary, the EP had many political and economic flaws, yet, over the years, delivered some notable results, especially in Ukraine, Moldova and Georgia, where conditionality was accepted. The relevance of the EP increased retrospectively as the three countries received candidate status, regardless of its real results.

30 Lavrov, 2018.
31 Shumylo-Tapiola, 2011; Politico, 2015.
32 Wolczuk, 2011.
33 Ibid.
34 Wolczuk, 2011.
35 Politico, 2015.

While economic analysis show a limited effect on the EP countries and almost no convergence with the EU economies,[36] the EP had a noticeable impact on various areas related to democracy, governance, civil society, human rights, energy security, migration and so on. Reforms implemented in particular areas led to the introduction of EU standards or at least aspiration and approximation to these standards.[37] EP was a driver of Europeanisation in many areas and potentially contributed to the better preparedness of Ukraine, Moldova and Georgia. Nonetheless, progress was very slow and the lack of *finalité* in the form of EU membership led to ongoing frustration and demotivation. Consequently, Ukraine pushed for an instrument with clearer aims – an Association Agreement (AA) – with potential EU membership as the goal, which recognised individual aspirations of the countries in the region.

In the case of Ukraine, the content of the AA was developed over four years, between 2007 and 2011, when it was subjected to 21 rounds of negotiations on its development and adoption, and another 18 rounds of negotiations on issues related to free trade.[38] To the Ukrainian elites' disappointment, neither the PCA nor the AA contained a provision regarding the obligation of future EU membership. Instead, AA's preamble states that: 'this Agreement will not prejudice and leaves open future developments in EU-Ukraine relations'.[39] Despite their disappointment with the AA, Ukrainian elites did not stop dreaming about a future in the EU. For example, former president Kravchuk mentioned: 'Heading towards the European Union and NATO is inevitable for us. Historically and practically, we are European Country'.[40]

Similar statements regarding relations with the EU were placed in the AA preamble with Moldova and Georgia. While the words carry symbolic importance, it is important to mention that the AA has a strong economic dimension in Deep and Comprehensive Free Trade Areas (DCFTA), covering significant parts of the EU *acquis*. In other words, the due implementation of the AA – especially DCFTA – makes countries economically better prepared for EU accession without beginning the formal process.

In contrast to PCA or EP, the AA with the EU held high expectations in all three countries. However, once prepared, pro-Russian president Viktor Yanukovich refused to sign the document, which led to large-scale protests in Kyiv known as Euromaidan. Yanukovich escaped the country to Russia and the temporary instability was misused by the Russian Federation to capture Crimea and destabilise Ukrainian regions, notably the Donbas, to ensure its strategic interests. The newly installed government of Prime Minister Arseniy Yatsenyuk and President Petr Poroshenko returned the country on the pro-Western path by signing the AA and implementing

36 Kharlamova, 2015.
37 Kerikmäe and Chochia, 2016.
38 Tragniuk, 2016, p. 55.
39 Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, preamble.
40 Kravchuk, 2019.

reforms to limit Russian influence in the country, which was gradually violating the territorial integrity of Ukraine.

In the post-annexation period (from 2014 onwards), the EU was perceived to be an actor on the side of Ukraine, and thereby a biased mediator of the conflict. Elgström et al. (2018) report that Ukrainian elites were not convinced of the EU's ability to protect Ukrainian interests; the EU was seen as shortsighted and limited in its actions due to the divergent economic and security interests of its members. The lack of EU's mediation effectiveness was also explained by referring to Russia as the hurdle, having no interest in finding solutions through negotiation.[41] Despite this perceived weakness, Ukraine utilised its victim role and the severe conditions caused by war to enable faster Europeanisation. This is mainly because Russia was not an alternative to the pro-Western orientation and the gradual development of democratic norms were not a consequence of a pro-European foreign policy but also its cause.[42]

While the AA in Ukraine caused significant changes, resulting in the end of the pro-Russian Yanukovych government, the Euromaidan protests, and further hybrid Russian interventions aimed at the annexation of Crimea and promotion of separatism in Donbas, in Georgia, the rapprochement with NATO and the EU caused a Russian invasion six years earlier. The Russian invasion of Georgia in 2008 was a memento of Russian revisionist aspirations and willingness to intervene in its neighbourhood when necessary, providing a valuable lesson for Ukraine on what to expect from its eastern neighbour in the future.

Russia succeeded in Georgia only partially; it managed to secure the coastline of Abkhazia for the use of its navy, establish military bases in Abkhazia and South Ossetia close to pipelines transporting Caspian oil to Europe, and promoted internal instability in Georgia by creating over 200.000 refugees. However, it failed to delegitimise the Georgian government and install a pro-Russian ruler, create anarchy, and undermine Georgian aspiration for NATO and EU membership. On the other hand, the invasion promoted anti-Russian sentiment in the country and Georgia withdrew from the CIS, its foreign policy remaining openly pro-Western.[43] From one perspective, the Russian invasion of Georgia did not change the country's EU or NATO membership aspirations; from the other, it made Georgia's internal issues more complicated as approximately 20% of the country was occupied, and the country faced a crisis due to the large number of refugees. Invasion was also a signal to the EU that its eastern borders might be vulnerable to Russia and may potentially increase the political cost of possible engagement, making countries less prepared and attractive for the EU enlargement.

The EU's response to the Russian invasion of Georgia was impotent as countries failed to secure a unified position, with some even siding with Russia. As the Italian Foreign Minister Franco Fratini said: 'We cannot create an anti-Russia

41 Elgström et al., 2018; Chaban et al., 2019.
42 Shyrokykh, 2018.
43 Kakachia, 2010.

coalition in Europe, and on this point we are close to Putin's position… This war has pushed Georgia further away'.[44] The Italian position was relatively isolated in the EU; however, the inter-governmental character of the Common Foreign and Security Policy prevented stronger condemnation of the Russian aggression. It is worth considering whether this weak position of the EU during the Georgian conflict enabled or even encouraged future Russian aggression towards Ukraine, which, similar to Georgia, was invoked due to rapprochement with the West.

The problem of Georgia and its position towards the EU is further complicated by the country's political instability. In the last 20 years (from 2004 to 2024), none of the 13 prime ministers finished his term of four years, and only Nika Gilauri stayed longer than 3 years. The attitude towards the EU is further undermined by the dominating party – Georgian Dream – being pro-Russian and after the parliament elections of 2024, it seems that pro-EU inclination will weaken.

The Moldova AA was highly anticipated and a key topic in President Nicolae Timofti's New Year speech, which presented its signature as the work of the people:

> And when we, in 2014, will sign the Association Agreement and the free trade agreement, and will get the liberalised visa regime, we will know that these are going to be your achievements, of those who believe in our common success and work day by day.[45]

A pro-European president highlighted that:

> all the citizens of our country will benefit from these achievements, no matter the regions where they live, ethnic affiliation, political opinions they have and their social condition. Yet, to get the wished-for living, we must be united and believe in the chance to turn Moldova into a really European country.[46]

However, the pro-integration course in Moldova was disrupted by the presidency of Igor Dodon (2016–2020), who made his pro-Russian stance clear. Indeed, Moldova renewed friendly relations with Russia, and Dodon recognised Crimea as a part of the Russian Federation. In contrast with the Dodon presidency, Maia Sandu renewed Moldova's pro-Western course and significantly improved relations with Romania and Ukraine by considering Crimea as a part of Ukraine.

44 International Herald Tribune, 2008.
45 Timofti, 2013a.
46 Timofti, 2013b.

4. Knocking on the EU's Door

On 28 February 2022, just four days after the full-scale Russian invasion, Ukraine delivered its application to the EU. On the same day, the presidents of eight countries expressed its support for a swift candidacy:

> We, the Presidents of the EU member states: the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Poland, the Slovak Republic, and the Republic of Slovenia strongly believe that Ukraine deserves receiving an immediate EU accession perspective. Therefore, we call on the EU Member States to consolidate highest political support to Ukraine and enable the EU institutions to conduct steps to immediately grant Ukraine a EU candidate country status and open the process of negotiations. In this critical moment, we reiterate our full solidarity with Ukraine and its People.[47]

This position was quickly supported by the other EU member states. There is no doubt that the Russian invasion of Ukraine contributed to the unprecedented coherence of the positions, and the convergence of interests of the EU and the elites of Ukraine. This new historic opportunity was also used by Moldova, which applied on 3 March 2022, and by Georgia.

The application was signed by the president of Moldova, Maia Sandu, together with Igor Grosu, the President of the Moldovan Parliament, and the Prime Minister of Moldova, Natalia Gavrilita. President Sandu said

> The Republic of Moldova must have a clear European path. We are ready to do everything to achieve this basic national objective. The citizens chose this European path, they see the future in the EU … We want to be part of the free World.[48]

Georgia officially followed Ukraine's application to the EU; their ruling politicians, including Irakli Kobakhidze, initially understood that the call of Ukraine for candidacy status and the sending of applications were merely political gestures.[49] However, its political opponent, former Prime Minister Giorgi Gakharia, stressed that Georgia should not lose this historic opportunity and must 'remind the whole world that we are the first victim of the Russian aggression' and that 'The right answer to the Russian aggression is to immediately accept Georgia and Ukraine into the European family'.[50] Both the ruling party and a significant part of the opposition supported the idea of seizing the opportunity, and in this light, the Georgian government delivered its application.

47 President.pl, 2022.
48 Unimedia, 2022.
49 Civil Georgia, 2022a.
50 Civil Georgia, 2022b.

There were some critical voices regarding the new applicants. As Tomasz Żornaczuk (2023) noted, the first country to disagree was Austria, whose Minister of Foreign Affairs Alexander Shallenberg noted that: 'a connection to a state like Ukraine does not necessarily have to happen through full membership'.[51] Other countries such as the Netherlands and Denmark were sceptical about the status of the rule of law in the prospective candidates; France had a somewhat cold attitude and position; and Germany was silent for a long time, mainly due to intra-political disagreements.[52] However, European politicians soon understood that submitting an application is just the beginning of a very long and problematic process. As Emanual Macron stated:

> We all know perfectly well that the process to allow Ukraine to join would take several years indeed, probably several decades. That is the truth, unless we decide to lower the standards for accession. And rethink the unity of our Europe.[53]

At its summit on 10 March 2022, the European Council invited the European Commission to issue its opinion on the applications. In the joint statement, the urgency of action and EU commitment to help Ukraine is emphasised: 'Pending this and without delay, we will further strengthen our bonds and deepen our partnership to support Ukraine in pursuing its European path. Ukraine belongs to our European family'.[54] Following the European Council meeting, the process proceeded rapidly. Ukraine received the part of the questionnaire on political and economic criteria on 8 April 2022, and the part on status of the EU *acquis* on 13 April 2022. To the issues raised in each part, Ukraine delivered its replies on 17 April and 9 May, respectively. Georgia and Moldova received the first part of the questionnaire on the political and economic criteria on 11 April 2022 and the part on the EU *acquis* on 19 April 2022. Moldova provided its replies on 22 April and 12 May. Georgia provided its replies on 2 and 10 May.[55] In other words, the deadlines and communication were very intensive as the Commission delivered its opinions on 17 June.

The opinion of the European Commission can be considered a 'light assessment' of Copenhagen criteria in its conclusion that Ukraine met the political and economic requirements, and has the capacity to fulfil membership obligations. Notably, during the assessment, the European Commission highlighted the outstanding Ukrainian performance under conditions of aggression: 'The resilience of Ukrainian institutions has been on full display since the Russian invasion, with the government continuing to function at all levels'.[56] Similarly, in the economic area, the Commission highlighted that 'Ukraine has continued its strong macro-economic record,

51 Shallenberg, cited in Żornaczuk, 2023.
52 Żornaczuk, 2023.
53 BBC, 2022.
54 European Council, 2022b.
55 European Commission, 2022d.
56 European Commission, 2022a.

demonstrating a noteworthy resilience with macroeconomic and financial stability ensured also after Russia's invasion in February 2022. This reflects not only a very strong political determination, but also relatively well-functioning institutions'.[57] The opinion regarding EU membership was positive; however, it mentioned several steps to improve the country's performance, notably, to increase the independence of the judiciary, improve measures against corruption and money laundering, implement the anti-Oligarch law, protect minorities and media independence. Similarly, the European Commission delivered a positive position towards membership of Moldova[58] and Georgia.[59]

Reading between the lines, the diplomatic language of the three opinions differed slightly – while Ukraine is mentioned as being well advanced, Moldova is mentioned as having 'solid foundations' and Georgia 'has foundations'. Comparisons of such phrases may give some idea regarding the overall impression of the preparedness of the respective countries and political will of being accepted. It is not surprising that governments are sceptical, especially regarding Georgia. As Emanuel Macron said: 'I don't think we can dissociate Moldova from Ukraine in the perspectives that we give' and added that 'Georgia does not have the same place geopolitically'.[60]

Nonetheless, all of them are functioning with different set-ups and perceived heavy weaknesses. Requiring reforms in one country might be much easier to fulfil than managing a relatively small weakness perceived in another country, as political will, expertise, assistance and guidance may help to overcome serious weaknesses. From the timing and relatively similar opinions of the European Commission, it might be expected that in the future as well, all three countries will be considered together and there might be positive competition among them to finish entry requirements – a system, which is resembling the 'Regatta approach' applied to the Eastern enlargement in 2004 and 2007.

The opinion delivery was commented on by the European Commission's president Ursula von der Leyen:

> Ukraine, Moldova and Georgia share the strong and legitimate aspiration of joining the European Union. Today, we are sending them a clear signal of support in their aspirations, even as they face challenging circumstances. And we do so standing firm on our European values and standards, setting out the path they need to follow in order to join the EU. The Commission's opinions mark an inflection point in our relations. Indeed, this is a historic day for the people of Ukraine, Moldova and Georgia. We are confirming that they belong, in due time, in the European Union. The next steps are now in the hands of our Member States.[61]

57 Ibid.
58 European Commission, 2022b.
59 European Commission, 2022c.
60 Politico, 2022.
61 European Commission, 2022d.

In other words, the European Commission accepted the call of the European Council and endorsed the application of three new countries.

Just six days after European Commission supported the awarding of candidate status to the three countries, the European Parliament voted by vast majority (515 votes to 40 against and 25 abstentions) to approve a resolution calling on the Heads of states and governments (having the European Council meeting on the same day) to grant EU candidate status to Ukraine and the Republic of Moldova 'without delay' and to do the same with Georgia 'once its government has delivered'.[62] The against position among the party groups is not surprising: 29 out of 40 against were from the group ID (Identity and Democracy) bringing together euro-sceptical and often openly pro-Russian Members of the European Parliament, including those of xenophobic or neofascist parties. This is also partially the case of some Non-Inscrits (NI) members of the European Parliament (in total 6 against) and the Left (5 against).[63] However, some groups, including ID and NI, were divided. This might be because enlargement is always a tricky issue: widening the EU may prevent its deepening and cause political problems within, leading (potentially) to the EU's end. Instead of a sense of pro-EU inspiration, some Eurosceptic members of the European Parliament may express support for enlargement with the intention of bringing the EU closer to its end. However, the ideological position of the groups suggests that the European Parliament, in general, endorsed the European aspiration of the three countries.

The European Council, on the same day (23 June 2022), awarded candidate status to Ukraine, Moldova, and Georgia. It invited the Commission to report on the conditions mentioned in its opinion from 17 June.

5. Expectations From Future Membership

Awarding candidate status to Ukraine, Moldova and Georgia is an unprecedented milestone, with several important dimensions influencing mutual expectations.

The first meaning is geopolitical, as the intention to enlarge the EU towards East is a clear signal to Russia that the EU is going to become a real actor in its neighbourhood. President of the European Council Charles Michel commented on the decision: 'We are sending a very strong message: it is at once a message of unity and a message of geopolitical determination'.[64] There is an inherent security dimension as, for the first time in history, the EU has awarded candidate status to a country that is at war with its neighbour. Entry to the EU may be preceded by the identification of new security guarantees for Ukraine and, possibly, new security architecture in

62 European Parliament, 2022a.
63 European Parliament, 2022b.
64 European Council, 2022a.

Europe. In other words, treaty provisions regarding solidarity with Member States that are suffering attack from another country to cover potential obligations to assist in defence.[65] The successful completion of the accession process and signature of the Accession treaty requires a stalemate in relation to Russia, guaranteeing ceasefire and peace. Peace in Ukraine is, for some EU governments, a prerequisite not only for finishing negotiations but also for starting them.[66]

The second dimension is moral; the candidate status advances the relations between the EU and Ukraine, raising the morale of the Ukrainian people that EU membership is closer. Not only Ukrainian, but also Moldovan and Georgian public strongly support EU Membership. In Georgia, the share of those in favour of EU membership is, according to several surveys, above 70%.[67] Similarly, support for EU membership is strong in Moldova, and as of July 2024, approximately 64% of Moldovans support EU membership. In the case of Ukraine, public support is much stronger and experienced two important boosts. While annexation of Crimea elevated support by 11%, from 40% to 51%, and very soon to 60%, the full-scale invasion of Ukraine in 2022 further elevated support by another 20%.[68] This means that public support of EU membership is relatively high in Ukraine, at close to 80%.

However, it is noteworthy that candidate status is just the beginning and the process might take years or even decades. A notable example is Turkey, which applied for EC membership in 1987, received candidate status in 1999, and yet only one chapter (out of 35) has been finalised – science and research, which was closed on 12 June 2006. Moreover, receiving candidate status does not mean that negotiations will be open, as they need some preparation. While the period between candidate status and opening negotiations was relatively short in the case of well-prepared countries (less than one year for Sweden and Finland), in the case of Albania, it was six years and in case of North Macedonia, 15 years.[69] It might be, especially in the case of Georgia, that the process will last several years, similarly to the Balkan countries rather than the Nordic ones. However, the European Council, on 15 December 2023, agreed to open negotiations with Ukraine and Moldova, and with Bosnia and Herzegovina once ready.[70] The relatively quick opening of negotiations undermines the political priority of EU enlargement and its geo-political aspect.

In other words, the path to EU membership might be long and demanding, reflecting the states of preparedness and issues with negative implications for possible membership (e. g. ongoing war, violated territorial integrity, and instability) and the political will on both sides. However, the moral dimension of candidate status has implications not only for the Ukrainian, Moldovan and Georgian nations in the encouragement of their European future but also for the EU and its essential values.

65 Art. 42(7) TEU and Art. 222 TFEU.
66 Politico, 2022.
67 CRRC, 2024.
68 International Republican Institute, 2023.
69 Nebulishvili and Kesheleva, 2023.
70 European Council, 2023.

During his visit in Prague, Ukrainian President Volodymir Zelensky articulated well that in the Ukraine, there is a battle being fought for the future of Europe, and that awarding the candidate status to Ukraine 'means to proof, that the European community is real, that European values works and are not only empty words in the several documents'.[71]

Another dimension is political: by accepting Ukraine, Moldova, and Georgia into the EU in the future, the diversity of EU countries will significantly increase, which might have a serious impact on the effectiveness of EU institutions, policies and the integration project itself. Certainly, enlargement will change the Council of Ministers dynamics, with implications for qualified majority voting and decisions taken by unanimous voting.[72] All three countries will have implications for various EU policies, notably agricultural policy, which will be a key priority for Ukraine due to similar production capacities as France. Certainly, enlarging the EU towards the East brings challenges to EU values, rule of law and quality of democracy, as newly acceding countries have weak and fragile democratic institutions and different standards of political culture.

From the perspective of the new candidates, the EU is an anchor helping promote stability and protecting national independence. As Maia Sandu, President of the Republic of Moldova, stated: 'Moldova's EU membership is not just a political choice, it is the only way to protect our liberty, peace and democracy'.[73] She further noted,

> Russia will remain a source of instability. The enlargement of the EU is vital to ensure our neighbourhood continues to make democratic progress and countries like Moldova remain free to follow their own journey… For Moldova, it is a choice between protecting our democratic gains – anchored firmly in the EU – or being re-occupied.[74]

Similarly to the political dimension, diversity will also increase in the economic area. Enlargement through the eastern countries will present a challenge to European solidarity, as Moldova, Ukraine, and Georgia are much poorer than the EU average. According to the Eurostat, the GDP per capita of Ukraine in 2022 was at 3726 Euro, Moldova of 5428 Euro and Georgia 6318 Euro, compared to EU GDP per capita counting for 36430 Euro.[75] New countries may thus strengthen the low-income block, which acts as a laggard in capital intensive reforms, policies and projects.

This chapter does not aim to communicate pro-Kremlin propaganda. However, without the view of Moscow, the analysis would be somewhat incomplete. In 2014, Vladimir Putin claimed that 'Russia has always respected the sovereign choice of

71 Zelensky, 2022.
72 Dionysiou, 2013, p. 12.
73 Sandu, 2023a.
74 Sandu, 2023b.
75 Eurostat, 2023.

any nation to organise its political life and make all sorts of unions, both military and economic, and we will continue to do so'.[76] Paradoxically, the statement was delivered 6 months after the annexation of Crimea and instigation of violence on Donbas, making it one of the most striking contradictions between Russian rhetoric and behaviour. In fact, the Russian Federation always viewed the rapprochement of Ukraine to the EU critically, as it did the European integration project itself. This critical attitude towards the EU has deep roots in misunderstanding its concept and the inability of Russian leaders to see the EU in a positive perspective.

This is caused by two main factors. The first is linked to the paranoid nature of authoritarian regimes and the realist paradigm, which perceives international relations as a zero-sum-game. Russian Federation, to secure its state interests, is seeking only the absolute gains at the expense of potential enemies, and Ukraine is an inseparable part of this interest. Absolute gains might be ensured only with exclusive dominance in Ukraine (for example, by imposing a pro-Russian government) or with direct control over territory gained in the war of conquest. This attitude is in sharp contrast with the natural and historic process of European integration, which occurred on a voluntary basis to secure relative gains: the security and stability of the neighbour (especially France and Germany) brought added value for one's own economy. Non-zero-sum game became a driver of European integration, and led to the establishment of the biggest economic space on Earth, marking an era of unprecedented prosperity in the European continent.

Second, the achievements of European integration would be not possible without the changed perception of EU member states and their transformation into postmodern states, which share sovereignty over some policies but accept a certain level of supra-nationality exercised by the EU. Consequently, the EU, equipped with powers previously associated only with states, is a postmodern entity created by a unique, carefully balanced historical consensus, far exceeding the nature of the classical, usually national, state. Conversely, the Russian Federation failed to create a modern or national state. Instead, its oligarchy and autocratic structure represent a clear barrier between the Russian people and state, resulting in a mafia-governed entity that is hiding beyond the facade of statehood, wherein state functions are misused for the benefit of a few chosen ones.[77] Such a problematic entity can never find mutual understanding with a postmodern entity such as the EU, and perceives enlargement as being for the sake of its own benefits. The values and systems the EU represents are in dangerously sharp contrast to the Kremlin regime.

Vladimir Putin said that the Ukrainian integration to the EU is inconsistent with its CIS orientation, which costs Ukraine billions of Euros, adding that:

> As soon as Ukraine introduces zero import duty on goods from the EU, a step envisaged right after the ratification of the agreement that would apply to 98 percent

76 Putin, 2014.
77 Browder, 2023.

> of all the goods, there will obviously be a sharp increase in the supply of European goods to the Ukrainian market. We understand our European partners; they have already developed the Ukrainian market rather well, and would like to get hold of whatever is left and squeeze out everyone else. Besides, less competitive Ukrainian produce will also be squeezed out from its own market. Where to? Primarily to Russia and the other Customs Union states, but primarily to us.[78]

The quote confirms that Putin is thinking about the geo-political orientation of Ukraine as a zero-sum game, but also in economic terms: any further integration, including economic, of the EU would be at the expense of Russia. Putin was simply afraid that Ukraine would be used by EU companies to penetrate the Russian market: 'We have a strong suspicion, as I have already said, and there is a great threat that European goods will be brought in (to Russia) through Ukraine'.[79] It is evident that Ukraine being in the EU is perceived as a threat to Russian interests, despite Putin often claiming the opposite.

In 2022, after invading Ukraine, Putin did not object to Ukrainian aspirations to join the EU: 'The EU is not a military organisation or a military-political bloc, in contrast to NATO. We have always said, and I have always said that our stance is very consistent and clear in his respect. We have nothing against'.[80] The above words of Putin are in contrast with the words of Sergei Lavrov, who said that between the EU and NATO there is 'very little difference' as the EU is 'becoming militarised at a record rate'.[81] Both statements came at a time, when Ukrainian critical infrastructure was under constant attack from Russian bombs in a very well-planned campaign aimed to cripple the Ukrainian economy and render the reconstruction of the country *vis-à-vis* EU membership as difficult as possible. Making Ukraine a destroyed and malfunctioning failed state may possibly prevent its integration into Western economic and military structures.

According to Nicolas Lokker and Kate Johnston (2024), the EU accession of Ukraine is very dangerous for Russia, as a prosperous democratic Ukraine in the EU might provide political, economic, and sociocultural alternatives to Russia.[82] In other words, Ukraine might provide a good example and stimulate the country to oppose Putin's oligarchic authoritarian regime and power circles in the Kremlin. Thus, Russia perceives EU membership as a threat, regardless of the EU's economic core and thus may use its powers to prevent the EU's future in countries in its neighbourhood by supporting opposing forces. The current situation in Georgia is a good example of how Russia exerts its influence to undermine the political orientation of its neighbours.

78 Putin, 2014.
79 Ibid.
80 Putin, 2022.
81 Lavrov, 2023.
82 Lokker and Johnston, 2024.

6. Conclusion

For centuries, rulers, scholars and even children at schools have considered this seemingly simple question: where are the borders of Europe? Since 23 June 2022, when the European Council granted EU candidate status to Moldova and Ukraine, and recognised Georgia for possible EU membership, the answer is much clearer than before. However, instead of bringing joy and certainty about the future of the European continent, approaching the geographic and political maximum of the EU brings unprecedented challenges to the integration project. The brutal Russian war against Ukraine contributed to the convergence of EU member states and enabled Ukraine to open its European future.

As demonstrated in this chapter, the perspective of EU membership underwent significant development since the early 1990s. The initial position of the country was strongly influenced by the problems inherited from transformation. The slow and often problematic transition towards democratic governance, and departure from a centrally planned economy prevented realistic aspirations to EU membership, despite all three countries maintaining 'the European choice' as the ultimate and normative goal. Over time, this goal was more or less pursued depending on the internal conflicts between political forces, who often balanced between orientations on Europe and Russia, and challenged vector politics. Geopolitical factors and rising aggression of the Russian Federation in promoting its interests were crucial influences. Nevertheless, from a long-term perspective, Russia failed: the invasion of Georgia in 2008, aggression against Ukraine, and influence over Moldova did not suppress the pro-Western orientation of the countries, even leading to the opposite effect. While perhaps slightly exaggerated, Vladimir Putin can be credited with contributing to the convergence in the EU perspective on future enlargement, and increased efforts in this area. Nonetheless, the future of these three countries is crucial in this respect, as Ukraine, Georgia, and Moldova face unresolved territorial disputes and experience ongoing effects of Russian hybrid interference, best demonstrated in the severe ongoing political crisis in Georgia.

The current situation in Georgia reminds us that opting for Europe and receiving candidate status is the very beginning of a very long journey, which will certainly bring many challenges regarding the implementation of the *acquis*. Its implementation and proper early functioning may help implement reforms necessary to improve the economy and functioning of the state. However, based on experiences from the previous rounds of enlargement, the EU membership milestone should not be perceived by the candidates as a *finalité* but rather the beginning of an opportunity to benefit from EU achievements. No radical change will happen, which might be disappointing for citizens and break consensus in the countries.

Thanks to the accepted (positive) conditionality in the framework of EP and later the AA, Ukraine, Moldova, and Georgia achieved considerable progress in implementing economic *acquis*. Using financial instruments and conditionality as a 'stick and carrot' for driving candidates toward painful but necessary domestic reform

with the promise of full benefits of the EU membership seems to be an effective approach, which benefits from the emergency conditions of caused by the Russian aggression. Paradoxically, the positive conditionality associated with reforms and future EU membership combined with the clearly negative prospects of Russian occupation and created an unprecedented window of opportunity for quick and effective Europeanisation. Indeed, the launch of accession negotiations between the EU, and Ukraine and Moldova in June 2024 is another milestone that brings EU membership closer.

Europe (with some exceptions) was never as united and interconnected as it is today, and EU enlargement to include Ukraine, Moldova, and Georgia will likely complete enlargement in Europe and conclude the geographical aspects of the EU integration project. In the 1990s, it was totally unthinkable to start accession negotiations with Ukraine, Moldova, and Georgia. Similarly, it is unthinkable today that Russia, Belarus, and Azerbaijan may one day democratise and potentially apply for EU membership. Certainly, it would be a completely different Europe, and this substantial transformation might start with the absorption of the Western Balkans, which will change the balance in the EU. In this regard, the EU values defined in Art. 2 TEU are of much greater importance than ever before.

Despite the majority of the workload being on the side of the candidate countries, their position and fulfilment of political criteria will also be evaluated in the context of international politics. While ceasefire and later peace might enable future EU membership, they can paradoxically lead to decreasing support of the EU members for future enlargement. Moreover, the rise of populism – best illustrated by the US administration of Donald Trump – may indicate the end of an era in international politics and the start of another – unfortunately, one that is less predictable and conflicting in nature, favouring shortsighted national interests, adversity, and erosion of democratic values, at the expense of traditional partnerships, spirit of cooperation, and support of democracy. This new environment might not favour countries with unfinished economic transitions and weak institutions. From this perspective, the EU may act as a lighthouse and later provide an anchor of political and democratic stability with its full membership, as it already did in the case of the Southern enlargement, when three countries with fragile economies and institutions were met with the political priority of the European Communities. Despite the changing nature of international relations, global challenges persist. In this regard, European cooperation is not an option but a necessity, and the potential of Ukraine, Moldova, and Georgia shall be part of the common European effort.

References

Bibliography

Aslund, A. (1999) 'Problem of Economic Transformation in Ukraine', *The Fifth Dubrovnik Conference on Transition Economies*, 23 June 1999. [Online]. Available at: https://carnegieendowment.org/posts/1999/06/problems-with-economic-transformation-in-ukraine?lang=en&center=middle-east (Accessed: 11 July 2024).

BBC (2022) 'Ukraine bid to join EU will take decades says Macron' [Online]. Available at: https://www.bbc.com/news/world-europe-61383632 (Accessed: 16 July 2024).

Browder, B. (2023) *Freezing Order: A True Story of Money Laundering, Murder, and Surviving Vladimir Putin's Wrath*. New York: Simon & Schuster.

Bukkvoll, T. (1997) 'Ukraine and NATO: The Politics of Soft Cooperation', *Security Dialogue*, 28(3), pp. 363–374 [Online]. Available at: https://doi.org/10.1177/0967010697028003007 (Accessed: 11 July 2024).

Chaban, N., Elgström, O., Knodt, M. (2019) 'Perceptions of EU Mediation and Mediation Effectiveness: Comparing Perspectives from Ukraine and the EU'. Cooperation and Conflict, 54(4), pp. 506–523 [Online]. Available at: https://doi.org/10.1177/0010836718823813 (Accessed: 11 July 2024).

Civil Georgia (2022a) 'No EU Application Before 2024, Kobakhidze Says' [Online]. Available at: https://civil.ge/archives/476433 (Accessed: 23 July 2024).

Civil Georgia (2022b) 'Ex-PM Says Georgia Should Ask for 'Immediate' EU Membership' [Online]. Available at: https://civil.ge/archives/476040 (Accessed: 23 July 2024).

CRRC (2024) 'Knowledge of and attitudes toward the EU in Georgia time-series dataset'. *Caucasian Research Resource Center* [Online]. Available at: https://caucasusbarometer.org/en/eu_ge/EUMEMVOT/?fbclid=IwAR0dR8RKiVXy-oH0sEIbqc4wdVhzXtm4vjfJxs24Yb2qmg8uqTANC62xe_M (Accessed: 24 July 2024).

D'Anieri, P. (2012) 'Ukrainian foreign policy from independence to inertia', *Communist and Post-Communist Studies*, 45(3-4), pp. 447–456 [Online]. Available at: https://doi.org/10.1016/j.postcomstud.2012.06.008 (Accessed: 24 July 2024).

Dionysiou, E. (2023) 'Building a Geopolitical European Union After Russia's Attack on Ukraine: The Valuable Tool of Enlargement', *Studia Europejskie – Studies in European Affairs*, 2023/2, pp. 7–26 [Online]. Available at: https://doi.org/10.33067/SE.2.2023.1 (Accessed: 24 July 2024).

Donaldson, R.H. (2005) *The Foreign Policy of Russia: Changing Systems, Enduring Interests*. 4th edn. New York: M.E. Sharpe.

Elgström, O., Chaban, N., Knodt, M., Müller, P., Pardo, S. (2018) 'Perceptions of the EU's Role in the Ukraine-Russia and the Israel-Palestine Conflicts: A Biased Mediator?'. *International Negotiation*, 23(2), pp. 299–318 [Online]. Available at: https://doi.org/10.1163/15718069-23021154 (Accessed: 24 July 2024).

EU Observer (2008) 'Eastern Partnership' could lead to enlargement, Poland says' [Online]. Available at: https://euobserver.com/eu-and-the-world/ar40de711d (Accessed: 15 July 2024).

European Commission (2022a) 'Communication from the Commission to the European Parliament, the European Council and the Council. Commission Opinion on Ukraine's application for membership of the European Union' [Online]. Available at: https://neighbourhood-enlargement.ec.europa.eu/document/download/c8316380-6cb6-4ffd-8a84-d2874003b288_en?filename=Ukraine%20Opinion%20and%20Annex.pdf (Accessed: 17 July 2024).

European Commission (2022b) 'Communication from the Commission to the European Parliament, the European Council and the Council. Commission Opinion on Republic of Moldova's application for membership of the European Union' [Online]. Available at: https://neighbourhood-enlargement.ec.europa.eu/document/download/0e2c1ba2-a821-439a-b697-101014d372c7_en?filename=Republic%20of%20Moldova%20Opinion%20and%20Annex.pdf (Accessed: 17 July 2024).

European Commission (2022c) 'Communication from the Commission to the European Parliament, the European Council and the Council. Commission Opinion on Republic of Georgia's application for membership of the European Union' [Online]. Available at: https://neighbourhood-enlargement.ec.europa.eu/document/download/a95905d5-9783-4a1b-aef2-1740a79eda49_en?filename=Georgia%20opinion%20and%20Annex.pdf (Accessed: 17 July 2024).

European Commission (2022d) 'The European Commission recommends to Council confirming Ukraine, Moldova and Georgia's perspective to become members of the EU and provides its opinion on granting them candidate status' [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_22_3790 (Accessed: 17 July 2024).

European Communities (n.d.) 'Partnership and Co-operation Agreement between the European Communities and their Member States and Ukraine' [Online]. Available at: https://eubam.org/publications/partnership-and-cooperation-agreements/ (Accessed: 15 July 2024).

European Council (2022a) 'Remarks by President Charles Michel following the first working session of the European Council', 23 June 2022. [Online]. Available at: https://www.consilium.europa.eu/en/press/press-releases/2022/06/23/intervention-du-president-michel-a-l-issue-de-la-premiere-seance-de-travail-du-conseil-europeen-23-juin-2022/ (Accessed: 16 July 2024).

European Council (2022b) 'Statement of the heads of state or government, meeting in Versailles, on the Russian military aggression against Ukraine, 10 March 2022' [Online]. Available at: https://web.archive.org/web/20220420210950/https://www.consilium.europa.eu/en/press/press-releases/2022/03/11/statement-of-the-heads-of-state-or-government-on-the-russian-aggression-against-ukraine-10-03-2022/ (Accessed: 16 July 2024).

European Council (2023) 'European Leaders decide to open accession negotiations with Ukraine and Moldova in a historic summit' [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ac_23_6711 (Accessed: 23 July 2024).

European Parliament (2022a) 'European Parliament resolution of 23 June 2022 on the candidate status of Ukraine, the Republic of Moldova and Georgia' [Online]. Available at: https://www.europarl.europa.eu/doceo/document/TA-9-2022-0249_EN.html (Accessed: 17 July 2024).

European Parliament (2022b) 'Voting protocol according to names from voting as of 23 June 2022' [Online]. Available at: https://web.archive.org/web/20220709055422/https://www.europarl.europa.eu/doceo/document/PV-9-2022-06-23-RCV_FR.pdf (Accessed: 17 July 2024).

European Union (2014) 'Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part' [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A22014A0529%2801%29 (Accessed: 15 July 2024).

Eurostat (2023) 'GDP – Eastern Partnership Countries' [Online]. Available at: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Test_Wendy_2&oldid=645092 (Accessed: 16 July 2024).

France 24 (2024) 'Pro-Russian Separatists in Moldova Seek Moscow's 'Protection'' [Online]. Available at: https://www.france24.com/en/europe/20240229-pro-russian-separatists-in-moldova-seek-moscow-s-protection (Accessed: 14 July 2024).

Herron, E.S. (2023) 'Democracy in Ukraine, 1990-2018' [Online]. Available at: https://www.fulcrum.org/concern/file_sets/pr76f559q?locale=en#technical-info (Accessed: 14 July 2024).

Shyrokykh, K. (2018) 'The Evolution of the Foreign Policy of Ukraine: External Actors and Domestic Factors', *Europe-Asia Studies*, 70(5), pp. 832–850 [Online]. Available at: https://doi.org/10.1080/09668136.2018.1479734 (Accessed: 14 July 2024).

International Herald Tribune (2008) 'Differences emerge in Europe of a response to Georgia conflict' [Online]. Available at: https://web.archive.org/web/20080821011829/http://www.iht.com/articles/2008/08/12/europe/diplo.php (Accessed: 15 July 2024).

International Republican Institute (2023) 'IRI Polling Shows Strong support for EU accession in Ukraine and Moldova' [Online]. Available at: https://www.iri.org/news/iri-polling-shows-strong-support-for-eu-accession-in-ukraine-and-moldova/ (Accessed: 24 July 2024).

Kakachia, K.K. (2010) 'Between Russian Assertiveness and Insecurity: Georgia's Political Challenges and Prospect after the Conflict', *International Relations*, 7(26), pp. 87–103.

Kerikmäe, T., Chochia, A. (2016) *Political and Legal Perspectives of the EU Eastern Partnership Policy*. Cham: Springer International Publishing AG; https://doi.org/10.1007/978-3-319-27383-9.

Kharlamova, G. (2015) 'The European Union and Eastern Partnership: Convergence of Economies', *Procedia Economics and Finance*, 2015/27, pp. 29–41 [Online]. Available at: https://doi.org/10.1016/S2212-5671(15)00968-5 (Accessed: 24 July 2024).

Korduban, P. (2009) 'European Union's Eastern Partnership Plan Disappoints Ukraine', *The Jamestown Foundations*, 3 April. [Online]. Available at: https://jamestown.org/program/european-unions-eastern-partnership-plan-disappoints-ukraine/ (Accessed: 15 July 2024).

Kravchuk, L. (2019) 'Ex-Ukrainian President Kravchuk: Only NATO Can Defend Ukraine', *Current Time*, 19 February. [Online]. Available at: https://en.currenttime.tv/a/ukrainian-president-leonid-kravchuk-only-nato-can-defend-ukraine/29897351.html (Accessed: 11 July 2024).

Lavrov, S. (2018) 'Foreign Minister Sergey Lavrov's remarks at the Munich Security Conference' [Online]. Available at: https://russiaeu.ru/en/foreign-minister-sergey-lavrovs-remarks-munich-security-conference (Accessed: 22 July 2024).

Lavrov, S. (2023) 'Russia's Lavrov warns EU becoming militarized now, like NATO', *Associated Press*, 26 April. [Online]. Available at: https://apnews.com/article/russia-eu-nato-military-cooperation-ukraine-finland-sweden-980d3b1241cab3924c5f887926536136 (Accessed: 22 July 2024).

Lokker, N., Johnston, K. (2024) 'For Putin, the EU Is a Bigger Threat Than NATO. The Kremlin fears the EU's ability to spur deep political change', *Foreign Policy*, 15 July. [Online]. Available at: https://foreignpolicy.com/2024/07/15/russia-putin-nato-eu-ukraine-membership-threat-european-union/ (Accessed: 22 July 2024).

Nebulishvili, G., Kesheleva, D. (2023) 'Unlocking opportunities: the economic benefits of EU candidate status for Georgia', *International School of Economics at TSU* [Online]. Available at: https://iset-pi.ge/en/blog/3405-unlocking-opportunities-the-economic-benefits-of-eu-candidate-status-for-georgia (Accessed: 23 July 2024).

Organization for Security and Co-operation in Europe (1999) 'Preliminary statement on the 1999 presidential election in Ukraine' [Online]. Available at: https://www.osce.org/odihr/elections/52221 (Accessed: 14 July 2024).

Politico (2015) 'Eastern partnership Summit likely to disappoint', Politico, 20 May. [Online]. Available at: https://www.politico.eu/article/eastern-partnership-summit-disappoint/ (Accessed: 15 July 2024).

Politico (2022) 'EU countries unanimously back Ukraine – except on its bid to join the EU', *Politico*, 15 July. [Online]. Available at: https://www.politico.eu/article/eu-ukraine-commission-emmanuel-macron-olaf-scholz-countries-ursula-von-der-leyen-membership/ (Accessed: 23 July 2024).

President.pl (2022) 'Support of Ukraine's swift candidacy to the EU', *President of the Republic of Poland*, 28 February. [Online]. Available at: https://www.president.pl/news/open-letter-by-presidents-in-support-of-ukraines-swift-candidacy-to-the-european-union,49584 (Accessed: 16 July 2024).

Putin, V. (2014) 'President Vladimir Putin's speech at the meeting of the Customs Union Heads of State with President of Ukraine and European Union representatives', 26 August 2014. [Online]. Available at: https://russiaeu.ru/en/president-vladimir-putins-speech-meeting-customs-union-heads-state-president-ukraine-and-european-un (Accessed: 22 July 2024).

Putin, V. (2022) 'EU is not military organization, Russia has nothing against Ukraine joining it – Putin', *TASS*, 17 June [Online]. Available at: https://tass.com/politics/1467687 (Accessed: 22 July 2024).

Radio Free Europe (2002) 'Georgia: Shevardnadze Officially Requests Invitation To Join NATO', *Radio Free Europe*, 22 November [Online]. Available at: https://www.rferl.org/a/1101463.html (Accessed: 15 July 2024).

Sandu, M. (2023a) 'Remarks by President Maia Sandu at the 78th Session of the United Nations General Assembly', 21 September 2023 [Online]. Available at: https://presedinte.md/eng/discursuri/discursul-presedintei-maia-sandu-in-cadrul-celei-de-a-78-a-sesiuni-a-adunarii-generale-a-onu (Accessed: 23 July 2024).

Sandu, M. (2023b) 'Remarks by President Maia Sandu to the EU and foreign affairs committees from European parliaments', 4 November 2023 [Online]. Available at: https://presedinte.md/eng/discursuri/remarks-by-president-maia-sandu-to-the-eu-and-foreign-affairs-committees-from-european-parliament (Accessed: 23 July 2024).

Sepashvili, G. (2002) 'Shevardnadze Pledges Closer Ties with the European Union, NATO', *Civil Georgia*, 21 March [Online]. Available at: https://civil.ge/archives/101468 (Accessed: 14 July 2024).

Shumylo-Tapiola, O. (2011) 'What not to expect from the Eastern Partnership Summit', *Carnegie Endowment for International Peace*, 29 September [Online]. Available at: https://carnegieendowment.org/research/2011/09/what-not-to-expect-from-the-eastern-partnership-summit?lang=en (Accessed: 15 July 2024).

Verkhovna Rada of Ukraine (1993) 'The Resolution of the Verkhovna Rada of Ukraine of 2 July 1993. Main Directions of Ukraine's foreign policy', *Bulletin of Verkhovna Rada of Ukraine*, 1993/37.

Timofti, N. (2013a) 'New Year message by Moldovan President Nicolae Timofti', *Presidency of the Republic of Moldova* [Online]. Available at: https://presedinte.md/eng/discursuri/mesajul-presedintelui-republicii-moldova-nicolae-timofti-cu-prilejul-anului-nou (Accessed: 23 July 2024).

Timofti, N. (2013b) 'Head of state addresses message to Moldovan citizens on EaP Vilnius Summit' [Online]. Available at: https://presedinte.md/eng/discursuri/mesajul-presedintelui-nicolae-timofti-cu-ocazia-summit-ului-de-la-vilnius (Accessed: 23 July 2024).

Tragniuk, O. (2016) 'European Union and Ukraine: Some Issues of Legal Regulation of Relations – From Partnership and Cooperation Agreement to Association Agreement', *Critical Quarterly for Legislation and Law*, 99(1), pp. 44–63 [Online]. Available at: https://doi.org/10.5771/2193-7869-2016-1-44 (Accessed: 23 July 2024).

Unimedia (2022) 'Ultima oră! Moldova a semnat cererea de aderare la Uniunea Europeană. Sandu: 'Vrem să fim parte a lumii libere', *Unimedia*, 3 March [Online]. Available at: https://unimedia.info/ro/news/a8324ceb4727c9a2/ultima-ora-moldova-a-semnat-cererea-de-aderare-la-uniunea-europeana-declaratia-maiei-sandu.html (Accessed: 23 July 2024).

Verkhovna Rada of USSR (1990) 'Declaration on State Sovereignty of Ukraine', *Bulletin of Verkhovna Rada of USSR*.

Wolczuk, K. (2004) 'Integration without Europeanisation: Ukraine and its Policy Towards the European Union', *European University Institute Working Papers*, 2004/15 [Online]. Available at: https://cadmus.eui.eu/bitstream/handle/1814/2757/04_15.pdf?sequence=1 (Accessed: 15 July 2024).

Wolczuk, K. (2009) 'Implementation without Coordination: The Impact of EU Conditionality on Ukraine under the European Neighbourhood Policy', *Europe-Asia Studies*, 61(2), pp. 187–211 [Online]. Available at: https://doi.org/10.1080/09668130802630839 (Accessed: 15 July 2024).

Wolczuk, K. (2011) 'Perceptions of, and Attitudes towards, the Eastern Partnership amongst the Partner Countries' Political Elites', *Eastern Partnership Review*, 2011/5, pp. 4–12.

Zelensky, V. (2022) 'The Speech of Volodymir Zelensky to the both chambers of the Czech Parliament' [Online]. Available at: https://www.psp.cz/sqw/cms.sqw?z=16067 (Accessed: 22 July 2024).

Żornaczuk, T. (2023) 'Demand the impossible: How Ukraine became a candidate for EU membership', *Europeaum* [Online]. Available at: https://europeum.org/data/articles/pism-intempl-final-1.pdf (Accessed: 16 July 2024).

Legal sources

Agreement on Principles of Settlement of the Georgian – Ossetian Conflict. Sochi, 24 June 1992.

Ukraine, Decree of the President no. 1072 of 14 September 2000.

Ukraine, Decree of the President no. 615 of 11 June 1998.

Chapter III.5

EU Integration and Domestic Adaptation in Georgia

Maka Nutsubidze and Tamara Aleksidze

Abstract

This chapter analyses Georgia's implementation of the EU–Georgia Association Agreement (AA), signed in 2014 and in force since 2016, through the sectors of minority education and water governance. It examines how 'EU conditionality' interacts with domestic adaptation, exposing tensions between formal legal approximation and context-sensitive application, fault lines strategically exploited by anti-EU actors in hybrid warfare. To capture Georgia's pragmatic balancing of EU norms with local needs, institutional capacity, and political realities, this chapter advances the concept of 'smart alignment'. Anchored in 'Europeanization' and legal harmonisation theory, and drawing on EU progress reports, national legislation, policy documents, and civil society monitoring, this study assesses both normative convergence and functional divergence. Structured in three parts, it first situates the AA within Georgia's legal and political context, then explores the '1+4' programme as a lens on minority integration, and finally examines water governance and public safety under EU environmental directives. These case studies highlight the contrasting dynamics of social policy implementation and technical regulatory alignment, offering an insight into how smaller states with limited institutional capacity can achieve meaningful convergence with EU standards while preserving political legitimacy and operational effectiveness.

Keywords: EU–Georgia Association Agreement, europeanization of Georgian law, legal harmonization, smart alignment, minority higher education, 1+4 programme, integration policy, water governance, public safety, right to water, policy adaptation

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1. Introduction

Georgia's path toward European integration since signing the Association Agreement (AA) with the European Union in 2014, which fully entered into force in 2016, offers a compelling test case to understand the dynamics of Europeanisation in post-Soviet contexts. While the Agreement provides a unified framework for political, legal, and institutional transformation, Georgia's implementation experience reveals both sectoral progress and persistent challenges shaped by its unique geopolitical, socio-cultural, and institutional context. Anti-EU narratives and disinformation campaigns further complicate reform efforts, exposing gaps between formal approximation and societal internalisation.

This chapter examines the interplay between EU conditionality, domestic political will, and societal adaptation from 2018 until January 2025. It focuses on two emblematic sectors, minority education (specifically the 1+4 Integration Programme) and water governance, both of which were selected for their illustrative relevance. In water governance, a legal misfit with EU legislation remains evident, while in minority education, formal regulatory alignment is less stringent. Georgia has developed innovative and potentially replicable educational policies, yet uneven implementation and the need to tailor policies to daily challenges constrain the achievement of desired policy outcomes.

Analysing[1] official policy assessments, civil society reports, and EU progress reviews, this chapter introduces smart alignment, a context-sensitive adaptation mechanism that allows domestic practices to coexist with European frameworks. Smart alignment adjusts EU requirements to local political realities, social structures, and institutional capacities, rather than imposing mechanical replication. This approach is particularly relevant for states like Georgia, where democratic consolidation, minority integration, and regional stability remain tightly interwoven.

Despite accelerated legal approximation, which positioned Georgia among the frontrunners on the integration path and maintained consistently high public trust (67% in spring 2025),[2] Recent stagnation and democratic backsliding reveal limits in both political readiness and societal capacity to internalise EU norms. Large-scale disinformation campaigns, often linked to the Russian Federation, exploit regulatory misfits and social sensitivities, portraying EU standards as external interference and targeting vulnerable populations, including minorities.

Support for the European Union among Georgia's ethnic minorities has declined. According to the 2014 census, Azerbaijanis (6.27%) and Armenians (4.53%) form the largest minority groups. Surveys show that support for EU membership within these communities fell from 52% in 2021 to 43% in 2023, while opposition rose from 6%

1 The authors gratefully acknowledge Ms. Tekla Tevzadze for her assistance in the preparation of this chapter.

2 EU NEIGHBOURS east, 2025.

to 15%.[3] Although EU membership remains more popular than joining the Russia-led Eurasian Union, preference for the latter increased from 28% to 33%, while opposition declined from 22% to 17%.[4]

This shift may partly be linked to language barriers and the impact of disinformation. Many ethnic minorities, particularly older generations with limited Georgian (the state language) proficiency, consume political news primarily through Russian-language media.[5] These outlets frequently disseminate narratives that portray EU and NATO integration as destabilising, undermining trust in these institutions and framing Western actors as responsible for societal instability and regional conflicts.

These dynamics frame this chapter's central research question: What happens when the 'door of opportunity' for EU integration is open, but society and political institutions are insufficiently prepared to step through it, lacking time, resources, or political will to internalise European values and thus remaining susceptible to manipulation? The chapter's research hypothesis guides the analysis: accelerated EU approximation based on blanket conditionality, when misaligned with a candidate state's geographical, socio-cultural, and institutional context, outpaces societal and political adaptation, heightening vulnerability to disinformation and manipulation. Conversely, a tailored, context-sensitive, smart approach attuned to domestic realities and supported by political commitment enhances resilience and fosters an EU integration process rooted in shared values rather than formal compliance alone. By examining Georgia's experience in minority education and water governance, this chapter demonstrates how smart alignment can reconcile European integration imperatives with domestic constraints, mitigate the risks of manipulation, and strengthen the sustainability of EU reforms.

2. Key Theoretical Frameworks

Although this research focuses on Eastern European integration, it is grounded in broader theoretical frameworks, notably Europeanisation, EU conditionality, and 'legal transplants'. Taken together, these perspectives provide an analytical lens through which the Georgian case illustrates how Europeanisation extends to non-member states, identifying the incentives driving the process, such as conditionality, and informing the assessment of how sustainable and effective EU influence is in diverse political contexts. The analysis examines how institutional legacies and political constraints, particularly in Eastern Europe / post-Soviet settings, shape implementation possibilities, why legal approximation may be necessary, the mechanisms

3 Chkhikvadze, 2024.
4 Ibid.
5 Ibid.

through which it occurs, potential constraints that arise, and the critical role of context-specific factors in determining the scope and impact of EU-driven reforms.

Europeanisation, despite its widespread use, remains conceptually ambiguous.[6] For this study, it is understood as the process through which states adopt EU rules,[7] intersecting with broader theories of international influence on domestic politics, particularly Gourevitch's[8] second-image reversed perspective, which posits that domestic structures may result from international pressures.

Early studies examined Europeanisation mainly within EU member states,[9] but from the 1990s onwards research expanded to third countries. The EU increasingly exported its laws through what Magen[10] terms 'transformative engagement through law', with enlargement representing a pivotal case. Candidate and neighbouring states adapt to EU rules as a precondition for accession rather than as a consequence of membership.[11] In the absence of a membership prospect, alternative forms of policy conditionality, such as market access or visa facilitation, may serve as substitutes.[12]

Overall, the EU uses political conditionality to promote its norms and values, offering incentives to non-member states and leveraging the threat of exclusion or sanctions to ensure compliance among members. Adaptation pressures exerted by the EU largely depend on the 'goodness of fit' between EU and domestic structures.[13] The poorer the fit, the greater the expected adaptation.

Understanding how legal change unfolds in practice requires examining the pathways through which norms travel across jurisdictions, with legal transplants remaining central yet contested. Watson[14] defines a legal transplant as the movement of a rule or system of law from one country or people to another, noting its historical prevalence, but his approach has been criticised for neglecting context, in that it only considers the existence of similar rules rather than their effects in different systems.[15] Critics argue that law is deeply embedded in cultural, historical, and linguistic contexts, making transplants inherently limited.[16] Merryman emphasises that superficial rule similarity does not guarantee functional equivalence, while Hoffman[17] and Kahn-Freund[18] highlight the impossibility of meaningful transfer without considering the surrounding legal and societal environment.

6 Radaelli, 2000.
7 Schimmelfennig and Sedelmeier, 2005.
8 Gourevitch, 1978.
9 Hix and Goetz, 2000.
10 Magen, 2007.
11 Sedelmeier, 2011.
12 Vachudova, 2007.
13 Risse et al., 2001.
14 Watson, 1993, p. 21.
15 Watson, 1993, p. 96, fn. 3.
16 Legrand, 1997; Merryman, 1994, p. 50.
17 Hoffman, 1991, p. 272.
18 Kahn-Freund, 1974, p. 27.

Genuine legal change thus demands a careful, context-sensitive alignment of transplanted norms with local social, institutional, and political realities, ensuring substantive rather than merely formal convergence and enabling effective operation in practice. For such an approximation to be sustainable and achieve meaningful impact, the 'fit' must therefore be smart and context-sensitive, going beyond a mere formal similarity in order to ensure substantive compatibility.

We conceptualise smart alignment as a bridging mechanism that addresses the tension between Watson's notion of transferable rules and Legrand and Merryman's view of the law's socio-cultural embeddedness. The concept of smart alignment resonates throughout debates in Europeanisation and convergence studies, drawing on ideas such as 'strategic adaptation', 'selective harmonization', and 'pragmatic compliance'. Unlike these approaches, however, smart alignment underscores a deliberate, context-sensitive calibration of EU rules, prioritising practical implementation over blind legal approximation.[19]

2.1. Eastern European Integration Theories

This chapter engages with broader debates on Eastern European integration and critically assesses EU external governance theories by examining their applicability to Georgia. While these frameworks illuminate general tendencies, new dynamics have emerged, including intensified anti-EU narratives, disinformation, and hybrid warfare, particularly in post-socialist and post-Soviet states bordering Russia.

These phenomena exploit state vulnerabilities and amplify the importance of context-specificity in the approximation process. Anti-EU actors strategically frame conditionality as an external interference, leveraging perceived tensions between European norms and local practices to erode public support and recast the integration narrative, portraying the EU as a threat to sovereignty and identity. Collectively, these developments suggest the rise of a new analytical trajectory in EU governance studies, one that accounts for evolving, context-sensitive dynamics increasingly beyond the explanatory reach of earlier integration frameworks.

In the past, the EU's external governance approach has been criticised for disregarding the domestic political and institutional contexts of target countries.[20] The European Union's approach to external governance frequently gives rise to a legalistic tendency, often resulting in shallow or selective reforms. Researchers have stressed that the CEE countries had formally adopted a vast body of EU legislation, which however was often inadequately applied and enforced, and therefore had not substantially altered actors' behaviour.[21] This dynamic has prompted scholarly con-

19 Reland, 2025.
20 Korosteleva, 2012.
21 Falkner et al., 2008; Börzel, 2009.

cerns about what Goetz[22] describes as 'shallow Europeanization', or what Jacoby[23] similarly labels 'Potemkin harmonization'. As Mungiu-Pippidi[24] aptly notes, while the European Union often achieves far-reaching formal reforms, 'developments on the ground are modest to nil', exposing the persistent gap between rule adoption and substantive domestic change.

In the Eastern Partnership, the large-scale 'export of EU law'[25] is shaped by post-Soviet legacies and mediated by domestic interests, norms, and practices.[26] A high institutional misfit between national and transnational rules often generates adaptation pressures that diverge from domestic preferences and capacities, making EU norms more of a constraint than an opportunity, and imposing significant adaptation costs.[27] Langbein therefore argues that successful rule transfer requires a context-specific approach, with the EU adjusting goals and means of integration to sectoral domestic capacities rather than imposing uniform prescriptions.[28] Scholars have similarly questioned the effectiveness of wholesale legal transplants in Eastern Partnership states, emphasising that the pace of implementation and integration must be determined on a country- and sector-specific basis.[29]

Taken together, these insights underline that effective Europeanisation cannot rely on uniform conditionality alone but depends on tailored, context-sensitive strategies that enable smart alignment. Such an approach allows states to reconcile EU norms with domestic realities and capacities, accounting for sectoral particularities, adapting regulatory frameworks to national contexts and margins of appreciation, and avoiding a one-size-fits-all model.

Europeanisation presupposes a 'misfit' between European and domestic legal-institutional frameworks,[30] with change occurring most visibly when adaptation is inconvenient.[31] This logic applies acutely to accession and associated states, where Association Agreements intensify pressures, particularly in sensitive areas like minority rights, a core Copenhagen criterion. While some expect convergence in policies and institutions,[32] empirical evidence demonstrates persistent variation across sectors and states.[33] The EU–Georgia Association Agreement illustrates the necessity of smart alignment, offering a framework to adapt EU norms to Georgia's distinctive context. Sectoral particularities such as abundant, decentralised water resources and the integration of ethnic minority education highlight pronounced regulatory

22 Goetz, 2005, p. 262.
23 Jacoby, 1999.
24 Mungiu-Pippidi, 2005, p. 22.
25 Dragneva and Wolczuk, 2012.
26 Delcour, 2017, pp. 5, 11.
27 Langbein, 2015, pp. 11–12.
28 Langbein, 2015, p. 168.
29 Wolczuk, 2017, p. 12.
30 Duina, 1999; Héritier et al., 1996.
31 Börzel and Risse, 2003.
32 Schneider, 2001.
33 Kohler-Koch, 1998; Harcourt, 2000; Héritier and Knill, 2000; Cowles, Caporaso and Risse, 2001.

incongruence. These domains engage core EU objectives towards environmental protection, human rights, and Copenhagen compliance, while reflecting local institutional capacities and socio-political realities. Together, they demonstrate that tailored strategies, calibrated to domestic capacities and societal needs, provide a more viable and sustainable pathway to harmonisation than blanket approximation, underscoring the practical and theoretical significance of smart, selective alignment in EU integration processes.

3. Selection of Policy Domains and Methodological Approach

For this research, minority education and water governance were selected as analytically distinct policy domains to assess Georgia's alignment with EU integration requirements under the Association Agreement. Minority education is socio-cultural and identity-laden, while water governance is technical and regulatory. They occupy different positions within EU competences: education remains largely decentralised under Member States, whereas water governance falls under shared competence with a common legislative framework. Both domains reveal divergent regulatory approaches in Georgia, shaped by its unique geography, polyethnic composition, and historical legacies. The system must integrate long-established, historically rooted traditional minority communities rather than primarily addressing recent migrant populations, and is closely tied to national security considerations. By contrast, many EU Member States addressed such challenges before the Union evolved from a primarily economic community into a values-based polity. These distinctions underscore the need to examine how EU norms are selectively adapted in Georgia, highlighting differentiated pathways of alignment across socio-cultural and technical policy areas. The Council of Europe's Framework Convention for the Protection of National Minorities (FCNM) provides the primary legal framework guiding national policy on minority rights protection and implementation.

Recent developments show that anti-EU actors have exploited these sensitivities, manipulating identity tensions and leveraging disinformation campaigns as part of hybrid warfare, a trend observable across post-socialist states such as Slovakia, Hungary, Romania, and Eastern European candidate countries, and amplified by external entities, notably Russia, who employ narratives based around Russian-speaking minorities and the contested 'responsibility to protect' doctrine.

By contrast, water governance is technical, regulated under a well-developed acquis Communautaire, and requires formal legislative alignment and institutional adaptation, offering a compliance-oriented lens for assessing regulatory convergence. However, fine-tuning (sectoral calibration) is needed to accommodate domestic sectoral specificities.

This study adopts a qualitative, comparative case study methodology grounded in policy analysis and legal-institutional research. It focuses on Georgia's 1+4 Programme for ethnic minorities and water governance to capture sector-specific adaptation pathways. Primary and secondary sources, including Georgian government policy documents, EU reports, civil society monitoring, and parliamentary materials, cover the period from 2018 until January 2025. This comparative design highlights cross-cutting patterns and sector-specific challenges in legal approximation and policy adaptation, with water governance receiving particular attention due to its higher formal alignment requirements. The scope here is limited to documentary analysis, without empirical fieldwork.

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4. EU–Georgia Association Agreement: Legal and Political Framework

4.1. EU–Georgia Association Agreement (AA)

The EU–Georgia Association Agreement[34] was signed on June 27th 2014, in Brussels and entered into force on July 1st 2016, following the provisional application from September 2014. This agreement is a cornerstone of the European Union's Eastern Partnership policy, designed to deepen political and economic ties between the EU and Georgia. It aims to promote democratic reforms, strengthen the rule of law, and gradually integrate Georgia into the EU's internal market through the establishment of a Deep and Comprehensive Free Trade Area (DCFTA).

The Association Agreement is a bilateral treaty founded on the principles of partnership, mutual needs, and cooperation. It outlines a detailed roadmap for Georgia's development, aligned with European standards, guiding the country's transformation into one that fully meets EU criteria. Central to this process are mandatory reforms in critical areas such as human rights, rule of law, combating corruption, and fighting transnational organised crime, all of which are intended to bring peace, stability, and sustainable growth to Georgia.

A particularly significant feature of the Agreement is the DCFTA, which has opened up the European market to Georgian goods and services, fostering trade and economic growth. The negotiation process between Georgia and the EU began in July 2010, with the DCFTA component added to the agenda in 2011. Throughout the negotiations, a comprehensive and inclusive approach was taken, involving fifteen plenary sessions on political issues, six rounds focused on trade, and around one hundred video conferences on sectoral cooperation and DCFTA matters. The

34 European Union, 2014.

negotiations concluded in July 2013, culminating in the initialling of the Agreement on November 29th 2013, during the Eastern Partnership Summit in Vilnius.

Alongside Georgia, Moldova and Ukraine also signed Association Agreements with the EU. While the EU maintains similar agreements with other countries, the three Eastern Partnership states' agreements are unique due to the inclusion of the DCFTA and extensive political and sectoral cooperation clauses. The Agreement reflects a high level of legal and regulatory convergence with the EU, making Georgia's Europeanisation process practically irreversible, provided the state does not backslide.

The primary objective of the Agreement is to ensure political association and gradual economic integration between Georgia and the European Union. It explicitly recognises Georgia's European aspirations and choices, anchoring cooperation in the EU's foundational values: democracy, protection of human rights and fundamental freedoms, and the rule of law. The Agreement also strongly reaffirms respect for Georgia's independence, sovereignty, territorial integrity, and internationally recognised borders.

In a notable advancement reflecting Georgia's specific context, the Agreement emphasises joint efforts to promote post-conflict rehabilitation and reconciliation. Peaceful resolution of conflicts is a key topic in the ongoing political dialogue between the parties and other international stakeholders. Importantly, the inclusion of a dedicated Art. on conflict resolution was secured through Georgia's proactive efforts during negotiations.

The Association Agreement is binding as an international treaty between equals for both parties. While it takes precedence over ordinary national legislation, the Constitution of Georgia remains the supreme legal authority. Crucially, Art. 78 of the Constitution establishes EU integration as a national constitutional priority, obliging all constitutional bodies to take every measure within their competences to advance Georgia's path toward European Union membership. Consequently, in cases of conflict, national laws must be amended to comply with the Agreement, anchoring Georgia's path towards EU integration as both a legal and constitutional priority.

The Agreement's general provisions reaffirm the commitment to core democratic principles and human rights as outlined in foundational international documents such as the Universal Declaration of Human Rights (1948), the European Convention on Human Rights (1950), the Helsinki Final Act (1975), and the Paris Charter (1990). Both parties pledge to uphold these principles in their domestic and international relations, and to adhere to global norms such as the non-proliferation of weapons of mass destruction.

Moreover, the Agreement commits Georgia and the EU to fostering a free market economy, sustainable development, and effective multilateralism. By reinforcing the rule of law, good governance, and cooperation in combating corruption and organised crime, the parties contribute jointly to regional peace, stability, and security, as well as to safeguarding the territorial integrity and independence of the countries involved.

The Agreement identifies specific areas where Georgia is carrying out concrete reforms with the support of the European Union: (a) The strengthening and protection of common European values – the commitment to and spread of democracy and the rule of law, good governance, human rights and basic freedoms; a respect for the principles of international law, including sovereignty and territorial integrity within internationally recognised borders; the promotion of peaceful conflict resolution. (b) Foreign and security policy – a deepening political dialogue and cooperation in relevant fields, including domestic reform, non-proliferation of weapons of mass destruction, regional stability, and more. (c) Justice, freedom and security – increasing the independence of the judiciary, access to justice, and ensuring the right to a fair trial; migration management; combating human trafficking, money laundering, organised crime, corruption, and illegal drug trafficking; ensuring personal data protection and preventing terrorist financing; enhancing cooperation on border management and other issues. (d) Modernisation of sectoral policy and implementation of European standards – cooperation in areas such as transport, energy, environmental protection, agriculture, tourism, research and technology, employment and social policy, healthcare, education, culture, civil society, and regional development, etc. (e) Trade and trade-related issues – the establishment of the Deep and Comprehensive Free Trade Area (DCFTA), creating a mechanism for Georgia's gradual economic integration into the EU's internal market.

Title V of the Association Agreement envisages sectoral cooperation in 23 areas: transport; energy; environmental protection; climate action; industrial and enterprise policy and mining; company law, accounting, auditing and corporate governance; financial services; information society; tourism; agriculture and its development; fisheries and maritime governance; research and technological development; consumer policy; employment, social policy and equal opportunities; public healthcare; education, training and youth; cultural cooperation; audiovisual and media; sport and physical activity; civil society cooperation; regional development and cross-border cooperation; civil protection; and participation in EU agencies and programmes.

To monitor the Agreement's implementation, the Association Council (ministers) and Association Committee (deputy ministers) were created. The Committee is supported by thematic sub-committees that meet at the civil servant level. A Parliamentary Association Committee, comprised of members of the European and Georgian parliaments, facilitates dialogue and may request information from the Association Council.

The EU-Georgia Association Agenda is the main instrument for implementing the Association Agreement. It outlines priority commitments, supports implementation, and reflects joint cooperation priorities. Georgia has made significant progress on the 2014–2016 and 2017–2020 Agendas, with the 2021–2027 Agenda recognising reforms that have deepened Georgia's political association and economic integration with the EU.

Currently, Georgia is in the implementation phase of the Agreement, which includes legislative and institutional convergence, introducing European standards,

expanding sectoral cooperation, adopting European practices, and increasing participation in EU agencies and programmes. The new Association Agenda reflects these developments.

The DCFTA is a vital part of the Agreement, providing Georgian goods and services access to the EU market. Unlike a typical free trade agreement, it removes tariff and non-tariff barriers and regulates a wide range of trade related issues such as food and product safety, competition policy, intellectual property, customs, and public procurement. It also entails the alignment of trade-related laws, institutions, and administrative mechanisms with those of the EU.

Implementation of the DCFTA grants Georgia access to a stable market of 27 EU countries and 446 million consumers. The EU market offers reliable rules, developed distribution, rising prices, and demand for natural products.

The DCFTA covers: Trade in goods (tariffs); Rules of origin; Customs and trade facilitation; Trade in services; Sanitary and phytosanitary measures; Technical barriers to trade; Intellectual property rights protection.

During negotiations, Georgia achieved an unprecedented agreement with the EU on tariff liberalisation. Upon the agreement's entry into force, all Georgian-origin products (except garlic, under quantitative restrictions) are exempt from EU import tariffs.

Free trade without tariffs or technical restrictions increases the export potential of Georgian products to EU markets and supports Georgia's economic growth. As a result, EU–Georgia trade continues to grow, with Georgian exports rising annually.

4.2. Political Context

The European Union (EU) has been a key supporter of Georgia's democratic consolidation, territorial integrity, and socio-economic development. This strategic relationship was formalised with the signing of the EU–Georgia Association Agreement (AA)[35] in June 2014, which fully entered into force on 1st July 2016. The AA, together with the Deep and Comprehensive Free Trade Area (DCFTA), laid the foundation for political association and economic integration with the EU, based on shared values such as democracy, the rule of law, human rights, and good governance.

The AA institutional framework includes the Association Council and various subcommittees to monitor implementation, while the EU–Georgia Association Agenda identifies priorities for reform and approximation to the EU acquis. Until 2022, the EU published regular implementation reports reviewing Georgia's progress across multiple sectors.[36] These reforms have been pursued under the broader framework of the European Neighbourhood Policy (ENP) and the Eastern Partnership (EaP), both

35 Ibid.

36 European Commission and High Representative, 2021.

of which emphasise regional stability, sectoral convergence, and enhanced citizen mobility.[37]

On 3rd March 2022, in the wake of Russia's full-scale invasion of Ukraine, Georgia formally applied for EU membership.[38] On 23rd June 2022, the European Council acknowledged Georgia's 'European perspective' and set out 12 reform priorities that Georgia needed to fulfil to obtain candidate status. The European Commission, in its 2023 enlargement package, recommended granting candidate status conditional on addressing nine key steps. This recommendation was endorsed by the European Council on 14th December 2023.[39]

However, momentum slowed considerably in 2024. On 27th June, the European Council declared[40] that the EU accession process was '*de facto* halted', citing Georgia's backsliding on democratic reforms, particularly the adoption of the controversial Law on Transparency of Foreign Influence, often likened to Russia's 'foreign agents' law.[41] In its October 2024 enlargement report,[42] the Commission emphasised Georgia's limited progress on the reform agenda and warned that accession talks could not proceed without a clear reversal of the current trajectory.

Further deterioration followed the disputed 2024 parliamentary elections, leading the European Parliament to pass a resolution on 13th February 2025, expressing concerns over electoral integrity and democratic backsliding, and calling for repeat elections under international standards. In January 2025, the Council of the European Union responded by partially suspending visa facilitation measures with Georgia, citing systemic rule of law concerns.

On 31st May 2025, Georgia's Foreign Agents Registration Act (FARA) officially came into force. Modelled on the U.S. Foreign Agents Registration Act enacted in 1938, the Georgian version mandates that individuals and organisations receiving foreign funding and engaging in activities deemed to serve foreign interests must register as foreign agents. Non-compliance can result in criminal penalties, including up to five years of imprisonment.

EU High Representative for Foreign Affairs and Security Policy Kaja Kallas and Commissioner for Enlargement Marta Kos described the law as a 'serious setback for the country's democracy'. In an official statement, EU officials characterised the law's entry into force as a regrettable development, warning that it could negatively impact Georgia's democratic institutions and civic space. The statement further noted that the legislation may have serious implications for Georgia's EU path, particularly in light of the European Commission's prior recommendations on the steps required to advance accession negotiations.[43]

37 Delcour, 2019, pp. 40–44.
38 European Commission, 2022.
39 European Commission, 2023.
40 European Council, 2024.
41 European Commission for Democracy through Law, 2024.
42 European Commission, 2024.
43 European External Action Service, 2025.

Despite these setbacks, the EU continues to support civil society and public accountability in Georgia. The EU Delegation launched consultations in 2025 to collect civil society feedback for its annual progress assessment, reiterating that Georgia's European path remains open, provided that the government re-commits to democratic norms and genuine institutional reform.

5. Education Sector and Ethnic Minorities

Recognised as a vehicle for promoting shared values, social cohesion, and inclusive economic growth, the education sector is a cornerstone of EU cooperation and development, aimed at fostering knowledge, skills, and innovation. It supports mobility, lifelong learning, and the harmonisation of educational standards across member states.

Charles Taylor, in his work Multiculturalism and the Politics of Recognition, examines the significance of recognition in the formation of both individual and collective identity. He emphasises that societies must be able to acknowledge cultural differences without compelling distinct groups to assimilate into the dominant culture. This approach supports the coexistence of cultural diversity, where differences are accepted and neither the state nor society perceive them as a threat (securitisation of minorities). At the same time, individuals and groups retain the freedom to preserve and express their unique cultural identity and characteristics.[44]

This is precisely the challenge faced by multicultural states: how to foster civic identity without resorting to assimilation; how to address the challenges arising from diverse, multi-ethnic and multi-religious realities; and how to transform ethnic or religious particularism in a way that does not undermine minority belonging or the value of diversity. Participatory democracy as majority rule exercised under conditions that respect minority rights represents an attempt to achieve this delicate balance.

Within a state grounded in legal and civic identity, citizens must acquire competences that simultaneously foster a sense of belonging to a broader political community and safeguard individuality, their so-called authenticity, within a framework that upholds ethnic, linguistic, religious, or cultural specificities. The state must view diversity as a source of societal strength rather than a threat, providing structured intellectual environments in which students engage collectively in dialogue and debate.[45]

Comparative European experiences illustrate different approaches. France embodies the rather assimilationist pole, subordinating collective identities to

44 Taylor, 1992, p. 41.
45 Masalkin, 2020, pp. 69–73; Phiralishvili, 2007.

republican unity, with education producing neutral citizens. Italy exemplifies territorial pluralism, with constitutional guarantees and regional autonomy ensuring bilingual/trilingual education in areas like South Tyrol and Valle d'Aosta. Lithuania represents a transitional approach: following legal reforms in 2025, minority-language education is aligned with EU standards, but implementation remains fragile and contingent on external monitoring. These cases highlight the spectrum between assimilation and pluralism, the tensions between historic minorities and migrant populations, and the critical role of education in managing diversity.[46]

Within the framework of the EU–Georgia Association Agreement (AA), education is addressed as both a technical and strategic priority, reflecting Georgia's broader alignment with EU norms and standards. This dual focus illustrates the principle of smart alignment, providing a conceptual and comparative lens for understanding minority education initiatives, such as the 1+4 Programme, which reconcile formal EU compliance with context-sensitive policies tailored to local linguistic and demographic realities, thereby advancing both inclusion and functional convergence.

Under Title IV (Cooperation in the Field of Education, Training and Youth) of the Association Agreement,[47] Georgia has committed to enhancing cooperation with the EU in areas such as the modernisation of higher education, quality assurance, and the promotion of the Bologna Process. This includes a convergence toward European standards in academic recognition, student and staff mobility, and institutional autonomy.

Georgia officially joined the Bologna Process in 2005. Since then, the country has undertaken a series of reforms to align its higher education system with the European Higher Education Area (EHEA), including the introduction of a three-cycle degree structure (Bachelor–Master–Doctorate), a credit transfer system (ECTS), and quality assurance mechanisms.

Since 2007, Bologna Process ministerial communiqués have emphasised the importance of making higher education systems more inclusive and reflective of population diversity. The London Communiqué called for a guarantee that students from all socio-economic backgrounds could access and complete higher education. In 2009 ministers committed to setting measurable targets aimed at increasing the participation of underrepresented groups by 2020. Later *communiqués* from Bucharest (2012)[48] and Yerevan (2015)[49] to Paris (2018) and Rome (2020)[50], reaffirmed these goals, highlighting the need for flexible learning paths, the recognition of prior learning, enhanced support services, and the inclusion of conflict-affected and disadvantaged students. The evolving concept of the 'social dimension' also emphasised

46 Tevzadze, 2010.
47 European Union, 2014, Art. 359.
48 European Higher Education Area, Ministerial Conferences, 2012; European Higher Education Area, Ministerial Conferences, 2015.
49 Ibid.
50 European Higher Education Area, Ministerial Conferences, 2018; European Higher Education Area, Ministerial Conferences, 2020.

peer learning, gender balance, and equitable access to international mobility as key to a more inclusive European Higher Education Area.

For Georgia, the education sector has thus become a platform for both internal transformation and international cooperation. Alignment with EU education policy helps to strengthen institutional frameworks, improve access and quality in education (including for minority groups) and build a more competitive and cohesive society. It also serves as a channel for advancing Georgia's strategic aspirations toward European integration through the creation of a knowledge-based, inclusive, and citizen-oriented education system.

One of the Agreement's key objectives is to foster mutual understanding and reform-oriented dialogue through integration into EU educational programmes, particularly Erasmus+. Participation in these programmes supports capacity building, intercultural exchange, and the development of inclusive education policies aligned with the EU principles of equality and non-discrimination.

In this context, the concept of smart approximation, as shown on the example of affirmative action for select ethnic/linguistic minorities, allows Georgia to align with EU education standards through context-sensitive national policies. While access to tertiary education is primarily determined by results from the Unified National Examinations, alternative pathways, such as the 1+4 Programme for ethnic minorities, exist to support inclusivity. Rather than replicating EU norms verbatim, initiatives like the 1+4 Programme meet core EU goals of access, inclusion, and quality while addressing local linguistic and demographic realities. This approach enables functional convergence through domestic innovation, offering a more effective path for countries with complex integration contexts.

5.1. Legal and Policy Framework of Minority Protection in Georgia

5.1.1. International (Universal) Standards

Georgia's international commitments in the field of minority rights are grounded in key United Nations instruments. The Universal Declaration of Human Rights[51] has become part of customary international law and affirms equal access to education, fostering cultural inclusion and non-discrimination.

The International Covenant on Civil and Political Rights,[52] ratified by Georgia in 1994, upholds the right of minorities to use their language and preserve their culture. The International Covenant on Economic, Social and Cultural Rights,[53] also ratified in 1994, guarantees the right to education and promotes cultural diversity.

51 United Nations, 1948, Art. 26.
52 International Covenant on Civil and Political Rights, Art. 27.
53 International Covenant on Economic, Social and Cultural Rights, Art. 13.

The Convention on the Rights of the Child (CRC) obliges states to provide accessible, quality education that fosters respect for cultural identity and language.[54] Georgia ratified the CRC in 1994. The International Convention on the Elimination of All Forms of Racial Discrimination (CERD), acceded to in 1999, prohibits ethnic discrimination in education and other fields.[55]

The Convention on the Elimination of All Forms of Discrimination Against Women,[56] which Georgia joined in 1994, underscores the right of minority women and girls to equal educational opportunities. Additionally, the UNESCO Convention Against Discrimination in Education, acceded to by Georgia in 1992, prohibits discriminatory practices and supports minority language instruction.[57]

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) outlines state responsibilities for protecting minority identities. While non-binding, it is broadly accepted as a global standard.

5.1.2. Regional (European) Standards

(1) The Council of Europe. The European Convention on Human Rights (ECHR), while not expressly referencing minorities, has been interpreted by the European Court of Human Rights (ECtHR) to protect them under provisions on private life, freedom of religion, expression, association, and education, particularly Arts. 8, 9, 10, 11, and Protocol No. 1, Art. 2 (Council of Europe, 1950). Art. 14 (non-discrimination) and Protocol No. 12 provide additional protection. Georgia ratified the ECHR in 1999 and Protocol No. 12 in 2001 (in force since 2005).

The ECtHR plays a crucial role in setting standards for minority rights. In D.H. and Others v. Czech Republic (2007),[58] the principle of equality in education was confirmed. In Gorzelik v. Poland (2004),[59] the Court emphasised the need for democratic societies to preserve minority identities. In Catan and Others v. Moldova and Russia (2012)[60] ECtHR found a violation of the right to education due to language restrictions in Transnistria, holding Russia accountable.

The Revised European Social Charter,[61] ratified by Georgia in 2005, guarantees children's educational rights, including those of minority children. The European Charter for Regional or Minority Languages,[62] neither signed nor ratified by Georgia, promotes the use of minority languages in education and public life.

54 United Nations, 1989, Arts. 28–29.
55 United Nations, 1965, Art. 5(e)(v).
56 The Committee on the Elimination of Discrimination against Women, Art. 10.
57 United Nations Educational, Scientific and Cultural Organization, 1960.
58 D.H. and Others v The Czech Republic (ECtHR, App no 57325/00, 2007).
59 Gorzelik and Others v Poland (ECtHR, App no 44158/98, 2004).
60 Catan and Others v Moldova and Russia (ECtHR, App nos 43370/04, 8252/05, 18454/06, 2012).
61 Council of Europe, 1961, Art. 17; European Social Charter (Revised), 1996, Art. 17.
62 Council of Europe, 1992.

The Framework Convention for the Protection of National Minorities (FCNM), ratified by Georgia in 2005, is a central European standard. It guarantees minority self-identification,[63] protection from discrimination,[64] the use of language in public and private life,[65] and education in and concerning minority languages.[66]

The Committee of Ministers has also issued several recommendations addressing pluralistic education[67] and minority youth participation in political life.[68]

(2) The European Union. While the European Union (EU) lacks a dedicated minority rights convention, relevant guarantees are embedded in its foundational legal framework. The Treaty on European Union (TEU) affirms the respect for minority rights[69] and the promotion of cultural and linguistic diversity.[70] The Treaty on the Functioning of the European Union (TFEU) prohibits discrimination[71] and allows for EU action to combat it.[72]

The Charter of Fundamental Rights of the EU, now primary law, prohibits discrimination[73] and affirms respect for cultural, religious and linguistic diversity.[74] While no secondary EU law focuses solely on minorities, The Racial Equality Directive[75] and the Employment Equality Directive[76] provide legal tools to combat ethnic and linguistic discrimination in education and employment. Resolutions of the European Parliament also contribute to the development of soft law in this domain.

Georgia's Association Agreement with the EU (2014, in force since 2016) requires approximation to EU standards and reinforces commitments to minority rights.[77] As a candidate country for EU membership since December 2023, Georgia must fulfil the Copenhagen Criteria, which include respect for and the protection of minorities.[78]

(3) The OSCE (Organization for Security and Co-operation in Europe). The OSCE High Commissioner on National Minorities (HCNM) has issued key policy guidance relevant to education. The Hague Recommendations[79] (1996) underscore the importance of mother tongue education alongside the acquisition of the state language

63 Council of Europe, 1995, Art. 3.
64 Council of Europe, 1995, Art. 4.
65 Council of Europe, 1995, Art. 10.
66 Council of Europe, 1995, Arts. 12–14.
67 Council of Europe, 2008, Recommendation CM/Rec(2008)7.
68 Council of Europe, 2023, Recommendation CM/Rec(2023)9.
69 TEU, Art. 2.
70 TEU, Art. 3.
71 TFEU, Art. 10.
72 TFEU, Art. 19.
73 Charter of Fundamental Rights of the EU, Art. 21.
74 Charter of Fundamental Rights of the EU, Art. 22.
75 Directive 2000/43/EC.
76 Directive 2000/78/EC.
77 EU–Georgia, 2014.
78 European Council, 1993.
79 Organization for Security and Co-operation in Europe, 1996.

(OSCE, 1996). The Ljubljana Guidelines (2012)[80] emphasise education as a mechanism for integration and social cohesion.[81] In 2023, the HCNM further emphasised the role of inclusive education in social participation, particularly for the youth.[82]

5.1.3. National Framework: Demographic Realities and Legal Standards

According to the latest General Population Census,[83] ethnic minorities constitute 13.2% of Georgia's population, with Azerbaijanis and Armenians forming the two largest groups. Azerbaijanis are primarily concentrated in Kvemo Kartli and Kakheti, while Armenians reside predominantly in Samtskhe-Javakheti and Tbilisi. Georgia's multiethnic landscape also includes Russians, Ossetians, Yazidis, Ukrainians, Kists, Greeks, Assyrians, and others. Georgia is also a linguistically diverse country. While many languages are spoken, only the Georgian and Abkhaz languages hold official status under the Constitution.[84]

(1) Constitutional and Legal Guarantees. The Georgian Constitution does not contain dedicated provisions on minority rights. Instead, Art. 11 guarantees equality before the law and prohibits discrimination based on ethnicity, while Art. 27 guarantees free and universal general education for all citizens, including ethnic minorities.

The Law of Georgia on the Elimination of All Forms of Discrimination (2014)[85] reinforces this constitutional guarantee, mandating the state to address ethnic discrimination. However, it lacks detailed provisions specific to minority rights. Nonetheless, Georgia remains bound by its international legal obligations in this area, since international treaties ratified by the state have preference over national laws.[86]

Most notably, state actions fall under the scrutiny of monitoring bodies like the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe (ACFC), since the FCNM provides a comprehensive framework for safeguarding individual and collective rights, including those pertaining to education, the media, and linguistic use.

In the educational domain, Georgia adheres to international soft law instruments such as The Hague Recommendations Regarding the Education Rights of National Minorities,[87] which underscore the importance of balancing native-language

80 Organization for Security and Co-operation in Europe High Commissioner on National Minorities, 2012.
81 Organization for Security and Co-operation in Europe, 2012.
82 Organization for Security and Co-operation in Europe, 2023.
83 National Statistics Office of Georgia, 2014.
84 Art. 2.3.
85 Law of Georgia on the Elimination of All Forms of Discrimination, 2014 (last amended 2 April 2025).
86 Constitution, Art. 4.5.
87 The Hague Recommendations regarding the education rights of national minorities & explanatory note.

instruction with the adequate acquisition of the state language. The state thus bears a positive obligation to ensure access to education in minority languages, while promoting integration through Georgian language proficiency.

The Law on General Education[88] (2005) guarantees free education and provides some accommodations for ethnic minorities, including instruction in minority languages. However, practical challenges remain due to insufficient teacher training, resources, and materials in minority languages.

(2) Policy Frameworks and Implementation. The State Strategy for Civic Equality and Integration (2021–2030) aims to enhance the inclusion of ethnic minorities through bilingual education, anti-discrimination, and civic participation. Its 2023–2024 Action Plan included 192 activities, with a reported completion rate of 60.4%.[89] However implementation challenges do persist. Critics note the absence of qualitative indicators and outcome-based evaluations, hindering effective policy assessment.[90]

The National Human Rights Strategy (2022–2030) further outlines legislative and operational priorities. Priority III addresses the need to translate constitutional guarantees into actionable policy. Task 'C' explicitly seeks to enhance state language learning among minorities to improve public participation and equality.

(3) International Programmatic Support. International organisations such as UN Agencies, the OSCE, and the Council of Europe actively support Georgia's efforts to improve educational access and language integration for minorities. Despite these initiatives, persistent structural challenges (such as underfunding and regional disparities) continue to hinder their full implementation.

5.2. Minority Inclusion in Higher Education System of Georgia – The 1+4 Programme

Education at all levels serves a protective function.[91] According to various authors, higher education protects individuals from exclusion and ill-treatment. It helps young people maintain hope, fosters their resilience, and strengthens their resistance to extremist rhetoric and recruitment.[92]

It is widely recognised that the attainment of higher education, in particular the completion of undergraduate studies, yields specific economic benefits at an individual level, and is also associated with a range of positive effects at state and societal levels. Research indicates that individuals who have been through higher education tend to be more tolerant, experience lower rates of child mortality, lead healthier lifestyles, and enjoy increased life expectancy. For the state, a well-educated population contributes to the public good through reduced burdens on criminal justice

88 Law of Georgia on General Education, 2005 (Last amended 13 December 2024).
89 Government of Georgia, 2023, p. 10.
90 Public Defender of Georgia, 2023, p. 3.
91 United Nations High Commissioner for Refugees and United Nations Educational, Scientific and Cultural Organization, 2016.
92 Kirk and Sherab, 2016; Barakat and Milton, 2015.

and social services systems, increased political participation, and higher fiscal contributions which come from a more prosperous labour force segment.[93]

In the case of Ponomaryov and Ponomaryov v Bulgaria,[94] The European Court of Human Rights has emphasised that education entails a type of public, specifically characterised service that brings benefits not only to the immediate right-holder but also to society as a whole. Its democratic dimension includes the integration of minorities.

The Georgian language preparatory program, implemented as part of the 1+4 Programme, has a fifteen-year track record as a cornerstone of Georgia's affirmative action policy for ethnic minorities. Introduced in 2010 in response to challenges outlined in the 2009 National Concept for Civic Integration, the program was designed to address two core issues: limited proficiency in the Georgian language and the resulting barriers to civic and educational integration among non-Georgian-speaking communities. By offering a one-year Georgian language preparatory course followed by access to higher education, the 1+4 Programme aims to expand opportunities for students from major minority language groups, particularly Armenian and Azerbaijani speakers. Since its launch, the program has been embedded in Georgia's broader framework for civic equality and integration, with its objectives reflected in both the current (2021–2030) and earlier versions of the State Strategy for Civic Equality and Integration and their action plans, as well as in the Unified Education Strategy (2021–2030).

Following the General Abilities Test which can be taken in ethnic minority languages (Armenian, Azeri, Abkhaz, Ossetian), applicants meeting the required scores are enrolled in a one-year Georgian language preparatory course at a higher education institution. Upon successful completion, they continue their studies in their chosen faculty.[95]

Additionally, a quota system allocates 5% of total available university spots to Armenian- and Azerbaijani-speaking applicants and 1% each for Abkhazian- and Ossetian-speaking students.

In 2024, state-funded places for the Georgian language preparatory program doubled from 100 to 200, reflecting a growing institutional support for minority integration through language acquisition.[96]

The 1+4 program stands out as one of the most effective tools for promoting civil integration and improving access to higher education for ethnic minorities in Georgia.[97] It is worth noting that following its launch, the number of ethnic minority students has increased annually[98] until 2019.[99] A slight decline occurred between

93 Baum et al., 2013.
94 Ponomaryov and Ponomaryov v Bulgaria (ECtHR, App no 5335/05, 2011).
95 Adeishvili et al., 2022, Chapter 4, p. 24.
96 National Center for Educational Research (NCER), 2024.
97 Dalakishvili and Iremashvili, 2020, p. 55.
98 Parliament of Georgia, Committee on Education and Science, 2022, p. 54.
99 Tabatadze et al., 2020, Chapter 4, pp. 37–38.

2020 and 2022, largely due to the COVID-19 pandemic.[100] However, enrolment has been rising again in recent years, demonstrating the program's continued relevance and impact.

Overall, between 2020 and 2024, a total of 7,035 young people[101] from ethnic minority backgrounds enrolled in higher education through the 1+4 program, highlighting its sustained role in advancing educational inclusion.

5.3. Education Conclusions: Enhancing Minority Inclusion and Civic Integration

In Georgia, minority education is governed by the Law on General Education[102] and the State Strategy for Civic Equality and Integration.[103] Georgia is party to the Framework Convention for the Protection of National Minorities but has neither signed nor ratified the European Charter for Regional or Minority Languages, leaving specific legal safeguards for minority language education unenforceable. While international assistance and national strategies provide partial support, key practical gaps persist, including limited intercultural teacher training, a lack of multicultural content in textbooks, and unequal access to learning resources.

Despite its positive impact, the 1+4 Program faces several implementation challenges that limit its effectiveness and inclusivity. A major concern is the financial burden on applicants. While the program allows ethnic minority students to take the General Abilities Test in their native languages (e.g., Armenian, Azerbaijani), this subject is not part of the formal school curriculum, necessitating additional preparation, often through private tuition. Since state grants are only available to a limited number of students, applicants from lower-income families are disproportionately disadvantaged,[104] reinforcing existing inequalities in access to higher education.[105]

Furthermore, students who do not receive state funding face additional barriers, not only must they cover the cost of the one-year Georgian language preparatory course, but they are also excluded from free tuition placements in state-funded faculties.[106] This creates a two-tier system where only grant recipients can fully benefit from the program's intended affirmative action. This reinforces inequality and undermines the program's affirmative purpose.

The variation in students' Georgian language proficiency at entry level presents an additional structural challenge. The existing preparatory curriculum is often mismatched to the students' actual needs, as it fails to sufficiently engage more advanced speakers while inadequately supporting those with limited skills.

100 Government of Georgia, 2025, p. 8.
101 Ibid.
102 Law of Georgia on General Education, 2005 (amended 13 December 2024).
103 Government of Georgia, 2021, State Strategy for Civic Equality and Integration 2021–2030.
104 Tarzyan, 2022.
105 Institute of Social Studies and Analysis, 2022.
106 Parliament of Georgia, Committee on Education and Science, 2022, p. 61.

This misalignment reduces the program's capacity to ensure academic readiness and equitable progression in Georgian language instruction.

Institutional disparities in the delivery of the Georgian language preparatory component further exacerbate this issue.[107] Universities differ[108] in their readiness, instructional quality, and student support systems, resulting in significant variation in completion and transition rates.[109] These inconsistencies highlight the need for stronger coordination, uniform standards, and robust quality assurance mechanisms at national level.

The 1+4 programme remains a flagship affirmative measure, recognised for improving access to higher education among ethnic minorities. Yet recent studies call for its further development through evidence-based reforms. Recommended steps include revising grant schemes to enable partial eligibility, offering free preparatory courses to non-grant recipients, calibrating language test difficulty, and addressing administrative barriers that limit participation in dual-subsidised or vocational tracks. Complementary measures should involve targeted awareness campaigns, functional internships, and improved employment pathways, particularly in priority sectors identified at municipal level.

Addressing these gaps is essential not only for improving equity within the program but also for ensuring that it meaningfully contributes to the broader goals of civic integration and educational inclusion.

To address these challenges and improve the program's long-term impact, the following policy measures are recommended: (a) Standardising language assessment: All institutions delivering the Georgian preparatory year should adopt a unified language proficiency standard aligned with the Common European Framework of Reference for Languages (CEFR). This will ensure consistency, comparability, and clear benchmarks across institutions. (b) Revising and recalibrating the program structure: The 1+4 program should undergo a comprehensive review based on both local data and international best practices. Reforms should include a more equitable grant allocation system (e.g., introducing partial grants), adjustments to the difficulty level of general ability tests in minority languages, and a structured assessment of applicants' linguistic competencies prior to enrolment. Legal restrictions that prevent simultaneous participation in other state-subsidised programs, especially in high-demand fields such as veterinary or technical studies, should also be removed. (c) Strengthening data-driven dropout analysis: A periodic, detailed study should identify the causes of dropout from the preparatory year, using disaggregated data (by geography, age, gender, ethnicity, and employment status). This will enable tailored, targeted interventions, especially for marginalised subgroups, such as rural youth or minority women. (d) Enhancing monitoring and evaluation mechanisms: Beyond tracking enrolment and graduation rates, qualitative indicators should be

107 Dalakishvili and Iremashvili, 2020, p. 51.
108 Gorgadze and Tabatadze, 2019, Chapter 5, pp. 49–69.
109 Parliament of Georgia, Committee on Education and Science, 2022, pp. 57–58.

introduced, such as student satisfaction, post-program employment, and continued academic success. These measures would allow for evidence-based improvements and accountability.

Taken together, these actions are essential for transforming the 1+4 program from a pioneering affirmative measure into a fully effective tool for educational inclusion and civic integration. As Georgia deepens its EU integration, smart approximation offers the opportunity to not merely align with EU standards but exceed them where possible, particularly in areas of minority inclusion. However, a preference for higher national standards must be accompanied by carefully designed, well-implemented, and sustainable reforms that ensure long-term impact and social equity.

In short, Georgia's broader challenge lies in integrating minorities into national life while preserving their distinct cultural and linguistic identities. This tension between civic unity and diversity is especially visible in states navigating post-conflict dynamics or nationalist rhetoric. Educational policy must therefore serve as a tool for social cohesion without diluting cultural rights. In this context, the EU's inclusive education goals, which emphasise access, equity, and quality, constitute a valuable reference point.

Smart approximation, as encouraged under the EU-Georgia Association Agreement, will allow the country to develop context-specific policies that achieve EU-level objectives without literal transposition. Domestic measures, such as the 1+4 programme, should be prioritised where they offer higher standards than EU benchmarks. However to be effective, such policies must be inclusive, adaptable, and grounded in long-term goals. Strengthening Georgia's minority education system through this lens will not only enhance civic integration but also advance its strategic alignment with EU values and standards.

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6. Water Governance and Public Safety

6.1. Legal and Policy Framework of the Right to Water in Georgia

The Constitution of Georgia does not explicitly recognise the right to water, nor does the relevant case law of the Constitutional Court provide interpretive clarity on this issue.[110] However, the principle of the social state, enshrined in the Constitution, implies that the state is responsible for ensuring public health, social protection, and

110 Nutsubidze, 2022, p. 195.

access to adequate living conditions.[111] Moreover, the right to a healthy environment is constitutionally guaranteed.[112]

Under the Constitution, environmental protection encompasses the right of every person to live in an environment that is harmless to their health, and to enjoy their natural environment. Individuals also have the right to receive full and timely information regarding the condition of the environment.[113] The law ensures the protection of the environment and the rational use of natural resources with due regard to the interests of present and future generations.[114]

According to the Law of Georgia on Environmental Protection, water is considered one of the core elements of the environment.[115] Environmental quality standards also include thresholds for the concentration of harmful substances and microorganisms in water, intended to safeguard both human health and the natural ecosystem.[116]

Pursuant to the EU–Georgia Association Agreement, Georgia is obliged to adopt European standards and harmonise its legislative and institutional frameworks. These obligations include commitments to preserve, protect, and improve environmental quality, the protection of human health, and an assurance of the sustainable use of natural resources. Water quality and water resource management have been designated among the sectors to have been prioritised.[117] In line with the Drinking Water Directive, Georgia is required to establish drinking water standards, develop monitoring mechanisms, and create systems that inform consumers.[118]

Georgia is also committed to the implementation of the United Nations Sustainable Development Goals (SDGs), including the goal of universal access to water and sanitation.[119]

Addressing water-related challenges has been defined as a strategic objective of the Georgian government. According to the national development strategy 'Vision 2030', the state aims to ensure uninterrupted access to standard-compliant water for 100% of the urban and national population by 2025–2030.[120]

Georgia's National Human Rights Strategy for 2022–2030 also identifies the progressive realisation of access to quality drinking water as a central objective. This is positioned as a necessary component of a broader effort to strengthen the system for protecting the right to a healthy environment.[121]

111 Constitution of Georgia, 1995 (amended on 29 June 2020), Art. 5.4.
112 Constitution of Georgia, 1995, Art. 29.
113 Constitution of Georgia, 1995, Art. 29.1.
114 Constitution of Georgia, 1995, Art. 29.2.
115 Law of Georgia on Environmental Protection, 1996 (amended on 28 June 2023), Art. 4(d2-a)).
116 Ibid., Art.29.1(a).
117 European Union, Association Agreement with Georgia, 2014, Art. 302(1)(c).
118 Ibid., Arts. 355–356, Ann. XXVI.
119 United Nations Sustainable Development Goals 6.
120 Government of Georgia, 2022, pp. 47, 151–152.
121 Parliament of Georgia, 2023, Resolution on the Approval of the National Human Rights Strategy of Georgia for 2022–2030.

Georgia is party to numerous international human rights treaties. When interpreted collectively, these instruments, alongside international guiding documents, provide substantive content and state obligations regarding the right to water, as well as principles for its implementation.

In 2023, the Parliament of Georgia adopted the Law on Water Resources Management, which will mostly enter into force gradually between 2026 and 2030.[122] The adoption of this law marked an important step in aligning Georgia's water governance framework with relevant EU directives. It also formally repeals the Law on Water,[123] which had previously governed the sector. However, as the old law remains in force until the full implementation of the new legal framework, existing legislative gaps continue to hinder the realisation of the right to water.

6.2. Policy Background: Drowning as a Public Issue

Safety on the Water. Drowning remains a severe and persistent public safety issue in Georgia, underscored by both legislative gaps and uneven institutional response. According to the Emergency Management Service, 61 people drowned in 2023, including 12 minors, while 177 individuals were rescued. In 2022, there were 45 fatalities, six of them minors, with 139 rescues recorded. In the first half of 2024 alone, 26 people drowned (including four minors), while 40 others were saved. Despite this steady and tragic toll, Georgia lacks a coordinated national drowning prevention strategy, and the enforcement of preventive measures remains fragmented.[124]

Earlier data illustrates the long-standing nature of this problem. Between 2015 and 2017, 352 individuals lost their lives to drowning, primarily children and young adults. In just two months between May and June 2018, 21 people drowned across the country. Although media outlets regularly report such incidents, there is no centralised state mechanism for systematically tracking drowning fatalities.

To investigate the legal treatment of such cases, this study submitted formal requests to Georgia's Appellate and Supreme Courts seeking rulings on water-related deaths from the previous three years. The responses confirmed that the courts do not maintain any statistical records on drowning incidents, and relevant decisions are not searchable through official court databases.

A single landmark ruling, however, provides a precedent for future legal clarity. In its July 24th 2019 decision, the Administrative Affairs Collegium of the Tbilisi City Court explicitly assessed a drowning case in the context of the state's positive obligation to protect life. The case involved the deaths of two minors in a hazardous, unmarked zone of the Tbilisi Sea. The court found that the area was clearly dangerous, inadequately fenced, and lacked any effective warning signs. It concluded

122 Law of Georgia on Water Resources Management, 2023 (amended on 13 May 2025), Art. 42.
123 Law of Georgia on Water, 1997 (amended on 30 June 2023).
124 Frangishvili, 2024.

that the state's duty under Art. 10 of the Georgian Constitution[125] had been violated, asserting that 'the state's positive obligation to protect the right to life primarily implies restricting access to dangerous areas and adequately informing the population', measures that had not been taken.

This decision not only affirmed the municipality's responsibility under international and national standards but also established a judicial foundation for accountability in cases where public safety is compromised due to regulatory or institutional inaction. It remains the only known case in which a Georgian court has addressed drowning through a rights-based, administrative legal framework, highlighting the urgent need for reforms in this area and systematic data collection to prevent further avoidable tragedies.

The 2019 drowning case of two minors, Nodar Shamatava and Tsotne Tskitishvili, near the so-called 'waterfall' of the Tbilisi Sea stands as a landmark in Georgian administrative law. It is the only known instance in which a Georgian court directly addressed the state's positive obligation to protect life in a water-related fatality. In this case, the plaintiffs, Aleksandre Tskitishvili and Maka Tsiklauri, filed a suit against the Tbilisi Municipality and Georgian Water and Power LLC, with the Emergency Management Service included as a third party. Their claim focused on the lack of basic preventive infrastructure, signage, fencing, and unrestricted public access to a hazardous area of the reservoir.

The Tbilisi City Court's Administrative Affairs Collegium, in its July 24th 2019 decision, partially upheld the plaintiffs' demands. The court ordered the Tbilisi Municipality to install clear warning signs and physically restrict access to the dangerous site. However, it declined to award compensation, arguing that while there had been institutional failure, no direct unlawful conduct had been proven under criminal law standards.

The court's reasoning is highly significant. Sec. 7.4 of the decision emphasises the need to assess 'the effectiveness of the preventive measures taken by the state to eliminate life-threatening risks'. Following a site inspection, the court confirmed that no proper fencing or signage had been in place. Temporary signs had been installed only after the incident, and these were deemed ineffective. The court concluded that 'from an administrative perspective, effective measures to prevent life-threatening risks have not been implemented'.

Importantly, the decision outlines two foundational legal findings: (1) Clarification of the State's Positive Obligation Under the Right to Life. Drawing on Art. 10 of the Georgian Constitution (as well as implicit ECHR parallels), the court affirmed that the state's duty to protect life includes proactive measures to restrict access to hazardous areas and provide timely warnings. It determined that the specific site near the reservoir's filling channel posed an 'undeniable threat to life' and that state inaction violated the positive obligation to prevent such risk. (2) Determination of Local Government Responsibility: The Tbilisi Municipality attempted to deflect responsibility,

125 Constitution of Georgia, 1995 (amended on 29 June 2020), Art. 10.

citing legislative ambiguity regarding which authority was responsible for safety. The court rejected this defence. Referring to Art. 4.3 of the European Charter of Local Self-Government, it asserted that local authorities are best positioned to implement urgent preventive measures. Crucially, the court held that a 'failure to exercise granted powers may lead to violations of the right to life', and that municipalities must act without waiting for central regulation, especially where legislative reform is delayed. It established that the competence of a local body implies a responsibility to address imminent threats to life within its jurisdiction.

In summary, while the decision did not lead to financial liability, it created an important administrative law precedent. It defines both the legal contours of state obligations under the right to life and the functional accountability of local government in environments where legal ambiguity persists. As such, the ruling provides both a normative foundation and a policy signal for reforming Georgia's water safety governance.

6.3. Legal and Institutional Analysis

The right to life constitutes one of the most fundamental and absolute human rights, protected both under Art. 2 of the European Convention on Human Rights (ECHR) and Art. 10 of the Constitution of Georgia.[126] This right affirms that every individual possesses an inherent entitlement to life, which must be safeguarded by law. In addition to its negative obligation, prohibiting the arbitrary deprivation of life, the state also bears a positive obligation to ensure the effective protection of life. This includes not only refraining from unlawful acts but also taking proactive measures to protect individuals from harm by third parties, including both natural and legal persons.

Fulfilling these positive obligations requires more than the mere existence of relevant legislation; it necessitates the effective implementation and enforcement of such laws. The state is thus obligated to maintain a law enforcement system capable of preventing violations, investigating incidents impartially and thoroughly, and prosecuting and punishing offenders in a manner consistent with international standards.[127] This responsibility extends to ensuring the professional competence of those employed in law enforcement institutions.

The jurisprudence of the European Court of Human Rights (ECtHR) underscores the necessity of independent and comprehensive investigations into potential violations of the right to life, extending this obligation beyond the investigative stage to

126 Constitution of Georgia, 1995 (amended on 29 June 2020), Art. 10: 'The Right to Life and Physical Integrity. 1. Human life is protected. The death penalty is prohibited. 2. The physical integrity of a person is protected'.

127 *Angelova and Iliev v. Bulgaria* (ECtHR, App no 55523/00, 2007), § 92; *Rantsev v. Cyprus and Russia* (ECtHR, App no 25965/04, 2010), § 232.

encompass judicial proceedings.[128] In *Enukidze and Girgvliani v. Georgia*, for example, the ECtHR found a procedural violation of Art. 2, highlighting the state's failure to conduct a transparent and effective investigation, ensure victim participation, impose adequate sentences, and uphold accountability, exacerbated by the president's unjustified pardoning of the perpetrators.[129]

While states are not expected to eliminate all risks to life, they must adopt reasonable and adequate measures to protect individuals from foreseeable threats,[130] including terrorism, environmental hazards, and deficiencies in public infrastructure. In *Cruz da Silva Coelho v. Portugal*,[131] the ECtHR reiterated that Art. 2 entails a duty to take appropriate precautions, such as erecting warning signs in known danger zones, even in the context of natural environments. The Court rejected the Portuguese government's claim that such threats were unforeseeable, reaffirming the state's duty to safeguard life even in evolving natural conditions. The case ultimately concluded with a settlement involving compensation to the victims' family.

In a broader environmental context, the Aarhus Convention imposes obligations on public authorities to disseminate timely and accessible information to populations at risk from environmental or public health threats.[132] Similarly, in *L.C.B. v. United Kingdom*,[133] The ECtHR held that a failure to warn individuals about known health risks may constitute a violation of Art. 2, thus recognising the informational dimension of the right to life.

Georgia's domestic legal framework also enshrines these principles. Art. 29 of the Georgian Constitution[134] guarantees the right to a healthy environment and access to environmental information, while the Law on Environmental Protection[135] obliges both the state and citizens to act in the event of ecological threats.[136] However, significant regulatory gaps remain, particularly in the Law on Water, which inadequately addresses the governance of groundwater and coastal resources, and fails to define ownership, usage, and disposal mechanisms for water bodies.

As stipulated by the EU–Georgia Association Agreement, meaningful reform of the water sector is imperative. Progress in this area necessitates a systemic approach grounded in integrated water resources management, aligned with international standards and best practices. A holistic reform strategy must address the

128 *Moisieiew v. Poland* (ECtHR, App no 11818/02, 2009), § 53; *Esat Bayram v. Turkey* (ECtHR, App no 75535/01, 2009), § 47.

129 *Enukidze and Girgvliani v. Georgia* (ECtHR, App no 25091/07, 2011).

130 *W v. The United Kingdom* (EComHR, App no 9348/81, 1983).

131 *Cruz da Silva Coelho v. Portugal* (dec.) (ECtHR, App no 9388/02, 2005).

132 United Nations Economic Commission for Europe, Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters (Aarhus Convention), 1998, Art. 5, para. 1.

133 *L.C.B. v. the United Kingdom*, 1998.

134 Constitution of Georgia, 1995 (amended on 29 June 2020), Art. 29.

135 Law of Georgia on Environmental Protection, 1996 (amended on 28 June 2023), Art. 6.

136 Ibid., Art. 7.

legal, institutional, administrative, and financial dimensions to ensure sustainable and equitable management of Georgia's vital water resources.

6.4. EU Water Law Alignment and Gaps

Alignment with EU Water and Environmental Standards. The principles of Integrated Water Resources Management (IWRM) are most comprehensively reflected in EU water legislation.[137] Georgia's Association Agreement with the EU obliges alignment with key directives, including the Water Framework Directive (2000/60/EC), the Directive on the Quality of Bathing Water (2006/7/EC), the Urban Wastewater Treatment Directive (91/271/EEC), the Flood Risk Management Directive (2007/60/EC), the Nitrates Directive (91/676/EEC), and the Drinking Water Directive (98/83/EC).

The Agreement mandates that Georgian water regulation must cover surface, transitional, coastal, and groundwater resources as well as water protection zones.[138] Environmental governance obligations[139] extend to strategic planning, environmental and strategic impact assessments, environmental education and monitoring systems, enforcement, transboundary cooperation, and access to environmental information. Public participation in decision-making and access to justice are central tenets.[140] Georgia must adopt national legislation aligned with these directives and designate competent authorities.[141] Within three years of the Agreement's entry into force, the state must have established procedures to identify plans requiring strategic environmental assessment (SEA), to define mandatory SEA requirements, and to set consultation procedures with the public and authorities.[142]

Although Georgian law lacks a specific definition of 'environmental information', the Aarhus Convention, ratified by Georgia, provides one. It defines such information to include any data enabling the public to prevent or mitigate harm from environmental threats, and mandates the immediate dissemination of such information by public authorities.

In domestic law, the General Administrative Code of Georgia (GACG) broadly defines 'public information'[143] and guarantees public access, except in cases involving protected secrets.[144] Art. 36 of the GACG requires institutions to appoint a responsible

137 Makarova, 2018, cited in Nutsubidze, 2023, p. 18.
138 Ibid.
139 Directive 2001/42/EC.
140 Nutsubidze, 2018.
141 Makarova, 2018, cited in Nutsubidze, 2023, p. 18.
142 Art. 3 of the Strategic Environmental Assessment Directive.
143 Art. 2(1)(m).
144 Art. 28.

officer to ensure access and proactive disclosure. Importantly, Art. 42[145] stipulates that environmental risk information may not be classified as confidential.

A critical issue is the absence of unified standards for environmental information dissemination, leading to inconsistencies across public institutions. The responsibilities for collecting and sharing environmental data are fragmented and unclear.

Strategic environmental assessment, required under EU law, ensures the public and stakeholders participate in policy, planning, and programming decisions affecting the environment and public health. It is considered a democratic tool enhancing transparency and accountability.[146]

In *Guerra and Others v. Italy*,[147] The European Court of Human Rights found a violation related to the authorities' failure to provide information about environmental risks. The Court ruled that the Italian authorities had failed in their positive obligation to inform residents living near a chemical plant about the health risks and safety measures, constituting a breach of Art. 8 of the Convention.[148] The case affirms that the timely public disclosure of environmental hazards is fundamental to safeguarding human rights.

6.5. Review of Georgia's Legislative and Institutional Framework

Georgia's territory is geographically considered a water-rich country. A review of Georgia's legislation reveals that even the minimum standards have not been met within the scope of the positive obligations arising from the right to life, as outlined by the aforementioned international human rights and environmental commitments.

Georgia's water governance framework is grounded in the Constitution of Georgia, international treaties and agreements which the state has ratified, and various national laws. Key legislative acts include the Law of Georgia on Environmental Protection, the Law on Subsoil, and the Law of Georgia on Water. These laws regulate the relationships between state authorities and physical and legal persons, regardless of their ownership or legal status, in matters concerning water protection, research, and use.

Under the Law of Georgia on Water, local self-government units are responsible for the rational use and protection of water resources within their territories. They are also empowered to monitor water use and enforce relevant protective measures.[149]

Additionally, the Organic Law of Georgia: Local Self-Government Code outlines municipal responsibilities.[150] Art. 16 specifically assigns the following functions to municipalities: (c) The management of local natural resources, including

145 Law of Georgia General Administrative Code of Georgia (GACG), 1999 (amended on 14 June 2023), Art. 42.

146 Law of Georgia Environmental Assessment Code, 2017 (amended on 12 December 2024).

147 *Anna Maria Guerra and Others v. Italy* (ECtHR, App no 116/1996/735/932, 1998).

148 Ibid.

149 Ibid., Art. 12; Law of Georgia on Water, 1997 (amended on 30 June 2023), Art. 40.

150 Ibid., Arts. 12, 40.

water, forest, and land owned by the municipality; (h) The oversight of water supply systems (including technical water supply) and sewerage services, and the development of local melioration infrastructure.[151]

While the law grants a broad authority to municipalities, it does not explicitly refer to the management or protection of coastal zones and bathing areas. Nevertheless, para. 3 of Art. 16 provides flexibility, stating that: 'A municipality may, on its own initiative, solve any issue that, under the legislation of Georgia, does not fall within the powers of any other public authority and that is not prohibited by law'.[152]

We believe this particular clause potentially allows municipalities to take proactive steps in regulating water safety and protecting bathing zones.

The Law of Georgia on Public Safety also touches upon water-related risk management. According to Art. 5, the types of services in the field of public safety include:[153] 'Conducting water rescue operations, except where otherwise defined by the Law on Maritime Rescue Service'.[154]

Furthermore, Art. 10 states that the procedures for protecting human life in water and ensuring safety must be approved by a government ordinance. However, as of now, this ordinance has not been adopted, leaving a crucial gap in implementation.

The country's main emergency authority, the Emergency Management Service (EMS), is tasked with disaster prevention, emergency response coordination, and civil protection.

According to current law, the EMS is responsible for: (a) Risk identification and assessment; (b) Planning and implementing preventive measures in cooperation with state, municipal, and private actors; (c) Organising early warning systems and managing emergency responses; (d) Organising the management of response forces in the event of an emergency situation, and implementing civil security measures.

On maritime issues, the Law on Maritime Rescue Service[155] governs rescue operations at sea. Art. 14. mandates the Rescue Coordination Centre, operating under the Ministry of Internal Affairs, to coordinate rescue assets, including ships, aircraft, and personnel, from various ministries, agencies, and private actors. A permanent duty schedule for these assets must be maintained, with a readiness to be deployed within 30 minutes. The Centre also has a duty to inform the relevant institutions about ongoing rescue operations.

Despite these frameworks, Georgian legislation lacks clear regulation for safety management on so-called private beaches along the Black Sea coast. Specifically,

151 Organic Law of Georgia Local Self-Government Code, 2014 (amended on 2 April 2025).
152 Ibid.
153 Law of Georgia on Public Safety, 2018 (amended on 13 December 2024), Chapter XI – Types of Service and Provision of Services in the Field of Public Safety, Art. 67 – Types of Service in the Field of Public Safety.
154 Law of Georgia on Maritime Rescue Service, 2000 (amended on 15 July 2020).
155 Ibid.

there is no legal requirement obliging private businesses to hire lifeguards or implement water safety measures.

A step toward improvement was taken in May 2018, when the Parliament amended Art. 177 of the Administrative Offences Code of Georgia.[156] Under para. 13, violations of water safety regulations can result in administrative fines ranging from 1,000 to 3,000 GEL.[157] The amendment came into force on 1st November 2018. While this measure is welcome, it is insufficient when the absence of clearly defined rules and enforcement mechanisms are taken into account.

In terms of criminal liability, the Criminal Code of Georgia includes provisions for negligence,[158] concealment or falsification of information concerning the circumstances hazardous for human life or health,[159] killing by negligence,[160] and endangering life,[161] providing the possibility for criminal liability are to be imposed on state and/or private institutions that are obligated to take initial measures, install barriers, and warning signs. However, because the legislative regulation does not clearly delineate competencies and responsibilities, law enforcement agencies are unable to identify the responsible body/person and initiate criminal prosecution against them.

In short, although Georgia's legislative framework grants substantial powers to municipalities and emergency services, the absence of specific, enforceable provisions on bathing zone safety, coastal monitoring, and mandatory lifeguard presence leaves critical legal and institutional gaps. These shortcomings undermine the state's ability to fully meet its positive obligations to protect life under domestic and international law, highlighting the need for targeted reforms, which will be discussed in the following section.

6.6. International and Comparative Experience

In EU countries, most drowning incidents occur not in open waters, but in private and public swimming pools.[162] Consequently, the EU regulates pool safety by requiring measures such as four-sided fencing, signalling systems, and warning signs.

156 Administrative Offences Code of Georgia, 1984 (amended on 4 April 2025).

157 The explanatory note of the project emphasizes that each year, during the swimming season, incidents of death due to non-compliance with safety rules are recorded. Additionally, obstruction of the authorized representative of the Emergency Management Service in carrying out their duties will result in a fine of 1,000 GEL. 'In practice, there are cases where the service staff is obstructed when attempting to inspect facilities under supervision. Specifically, employees of the facility refuse to allow them access. Therefore, to address this issue, the project includes a corresponding amendment, the violation of which results in a fine of 1,000 GEL', as stated in the explanatory note of the project.

158 Criminal Code of Georgia, 1999 (amended on 2 April 2025), Art. 220.

159 Ibid., Art. 247.

160 Ibid., Art. 116.

161 Ibid., Art. 127.

162 World Health Organization, 2014.

Owners of private pools, as well as teachers and supervisors in public pools, bear civil and criminal liability for safety lapses.

In June 2023, the tragic drowning of a three-year-old child in a hotel pool in Chakvi, Ajara Autonomous Republic, Georgia, highlighted the absence of legal requirements obliging hotel management to employ lifeguards or implement preventive safety measures. Furthermore, in April 2025, the drowning of a six-year-old child in an unattended water reservoir at a hotel site in Telavi municipality, Kakheti region, demonstrated that this problem persists. While additional regulations may be perceived as imposing burdens on Georgian businesses, the continuing lack of such safeguards presents a significant public safety concern.

Among EU member states, responsibility for water safety is clearly divided. Local self-government bodies hold exclusive authority over the study, inventory, and monitoring of water resources, and the fencing and warning of hazardous areas within their territories.[163] Since 2011, EU countries have developed strategic drowning prevention plans to coordinate the monitoring of hydrological changes due to climate change and natural disasters, enabling the timely installation of barriers and signage.[164]

The Netherlands exemplifies this approach with its National Water Centre, which monitors daily water flow to maintain safe levels. In crises, the National Coordination Centre advises authorities and municipalities to place additional warnings. The Dutch Delta Programme, while focused on water resource management, provides a model for preventing water-related accidents.

In Western Europe, countries like Denmark, Finland, Norway, Iceland, and Sweden integrate swimming and water safety policies into school curricula.[165]

Scandinavian nations adopt a dual prevention approach: primary measures include barriers around pools and water access control, along with mandatory swimming lessons and water safety education for children; secondary measures involve lifesaving equipment placement and public training in swimming and rescue skills. At the governmental level, coordinated legislation supports national water safety plans tailored to geography and incident data.[166] Scandinavian curricula notably incorporate swimming lessons as a daily routine for secondary school students. Their policies also emphasise rapid emergency response.

World Health Organisation (WHO) data confirms the critical role of prompt, qualified medical assistance. Specialised training and mobile emergency units positioned near high-risk areas are standard.[167]

Under EU law, member states must enforce safety standards for both private and public pools, whether indoors or outdoors. For example, since 2004, French law

163 World Health Organization, 2017.
164 Ibid.
165 Ibid., p. 14.
166 Ibid., p. 37.
167 Ibid., pp. 93–94.

requires pool owners to install protective fencing, signalling systems, lifebuoys, and depth indicators.[168] The French Civil Code holds pool owners liable for drownings and imposes fines of up to €45,000 for non-compliance, with the possibility of criminal charges being made in fatal cases. In 2016, a PE teacher was criminally prosecuted for a student's drowning during a lesson. The French Penal Code also mandates assistance to persons in distress and punishes negligent killing.[169]

EU member state legislation categorises swimming areas into hazardous zones (swimming prohibited), equipped zones (regulated swimming), and free zones (unrestricted, unsupervised swimming). Local municipalities designate hazardous zones, issue prohibitions, place signs, and install barriers depending on risk severity. Temporary and permanent prohibition signs are used accordingly.[170]

Montenegro's Environmental Protection Law imposes obligations on private businesses to safeguard human life. Coastal monitoring is continuous, with environmental inspectors recording hazardous zones.[171] In Budva, the municipality has constructed a coastal safety wall with a gate that closes during dangerous periods.

Licensed lifeguards at sea must pass rigorous physical and first aid exams, which are valid for one year.[172] Tourist boats and cutters must meet safety standards, including limits on passenger numbers.[173] Since September 2018, water entry pathways have been regulated to use non-slip materials like railings, concrete, and wood; plastic is prohibited to prevent falls and drownings.

6.7. Water Sector Summary: EU Alignment and National Challenges

In the context of Georgia's obligations under the EU–Georgia Association Agreement, the full harmonisation of domestic legislation with EU water governance standards is a precondition for effective public safety policies, including the prevention of drowning incidents. Despite recent progress, critical gaps remain in the normative and institutional frameworks governing water safety in Georgia.

Notably, EU law does not explicitly impose obligations on Member States or associated countries to adopt targeted measures for drowning prevention. However, two legal and policy instruments are particularly relevant. Firstly, Directive 2003/4/EC on public access to environmental information and Directive 2003/35/EC on public participation require transparency and inclusiveness in environmental decision-making, principles essential for community-based water safety strategies. Secondly, the EU Bathing Water Directive (2006/7/EC) mandates the monitoring, classification, and public disclosure of bathing water quality, contributing indirectly to human safety in aquatic environments.

168 Law No. 2003-9, the Housing Environment Code, Art. L 128-1.
169 Ministère de l'Intérieur, Legal Guide on Swimming Safety in France.
170 Ibid., p. 3.
171 Law on the Environment of Montenegro, 2016.
172 Ibid.
173 Ibid.

EU directives further emphasise the importance of systematic water governance through territorial inventory, integrated river basin management,[174] and the allocation of competencies among responsible authorities.[175] Under the Association Agreement, Georgia was obligated to approximate national legislation to the EU Water Framework Directive and related instruments by September 2018.[176] The adoption of the Law on Water Resources Management in 2023 marked a significant step toward fulfilling this commitment, yet the law will only gradually enter into force between 2026 and 2030.[177] Until then, outdated legal norms, including the Law on Water (1997), will remain operative, limiting policy effectiveness.

An additional critical gap concerns the absence of a subordinate legal act on water safety. This bylaw, originally scheduled for adoption by Government Decree in 2017, was intended to regulate procedures for protecting human life in water environments. Its implementation has now been postponed until April 1st 2026, under Art. 42 of the new Water Resources Management Law. Pursuant to the Law of Georgia on Public Safety, the Ministry of Internal Affairs is mandated to develop and approve this regulation without further delay, as it constitutes a foundational element of Georgia's legislative alignment with EU standards.

The government must urgently adopt and implement a national drowning prevention strategy based on accurate data, and aligned with the country's geographic and legal context. This includes creating a centralised drowning database, establishing a National Water Safety Plan with clear tasks and resources, and defining responsibilities between central and local authorities. Immediate interim measures, such as marking dangerous water zones, posting warning signs, and amending laws to penalise violations, are essential. Investigations into water-related deaths must meet human rights standards, and seasonal patrols, rescue services, and public awareness campaigns, especially for the youth, should support long-term water safety. This is essential not only for protecting lives but also for being aligned with European standards and advancing the Europeanisation of the water safety and management sector.

In summing up, Georgia's partial legislative progress in the water governance domain must now be matched by institutional accountability, cross-sectoral coordination, and timely adoption of secondary legislation. Without these elements, the country will remain unable to meet its international obligations or prevent the further loss of life in water-related incidents.

174 Directive 2000/60/EC (Water Framework Directive).
175 Ibid.
176 European Union, Association Agreement with Georgia, 2014, Ann. XXVI.
177 Law of Georgia on Water Resources Management, 2023 (amended on 13 May 2025), Art. 42.

7. Final Reflections: Smart Alignment Between EU Integration and Domestic Realities

This study has examined Georgia's specificities, analysed EU experiences, and sought to identify the 'golden ratio' between formal legal approximation and context-sensitive policy application. Within this framework, smart alignment emerges as a coherent, context-sensitive mechanism capable of reconciling European integration imperatives with Georgia's domestic constraints. Achieving this objective depends on implementing the differentiated recommendations outlined above, which are essential for ensuring effective functioning, fostering genuine progress, securing long-term sustainability, and advancing Georgia's overall European integration.

The Georgian case supports the guiding hypothesis: accelerated EU approximation, when driven by blanket conditionality misaligned with the country's geographical, socio-cultural, and institutional context, outpaces societal adaptation and heightens exposure to disinformation, widening the gap between formal legislative change and societal capacity to internalise it. This disconnect leaves segments of society, particularly minorities, vulnerable to external influence; their position at the intersection of integration pressures and identity insecurities makes them doubly susceptible to disinformation campaigns. Conversely, a context-sensitive approach attuned to domestic complexities, adapting conditionality to local realities, and investing in societal awareness and resilience fosters stronger alignment with European values and promotes approximation rooted in shared principles rather than formal compliance alone, enhancing the long-term effectiveness of Georgia's EU integration.

Georgia offers a compelling empirical testbed for refining theories of Europeanisation, EU conditionality, legal transplants, and Eastern European integration. It demonstrates that Europeanisation extends beyond EU borders, seeking transformative engagement through the law. The country's partial democratic transformation, driven by reforms aligning institutional and normative structures with EU standards, illustrates how conditionality can incentivise domestic change even before formal candidate status is reached.[178] In Georgia, the 1+4 programme exemplifies an effort to meet such minority rights benchmarks through context-sensitive policy design.

At the same time, Georgia underscores the limits and challenges of Europeanisation in post-Soviet contexts. Decades of Soviet-era manipulation of ethnic identities, compounded by unresolved 'frozen conflicts', have securitised minority issues, framing them as threats to national stability. These legacies, further exploited by

178 Prior to Georgia's EU candidate status in 2023, the visa liberalization process – including the 2011 visa facilitation and readmission agreements and the 2013 Visa Liberalisation Action Plan – set strict benchmarks, particularly on minority rights, ultimately enabling Georgian citizens visa-free access to the Schengen area in 2017.

Russian hybrid warfare, amplify vulnerability to disinformation and anti-EU narratives, demonstrating that legal and policy convergence alone cannot guarantee societal alignment with European norms.

The Soviet educational system's neglect of inclusivity and multiculturalism continues to shape Georgia's education sector, while in water governance, human life was historically undervalued, and safety measures or systematic understanding of positive state obligations were largely absent. These structural deficits constrain the capacity to internalise European norms. Furthermore, the persistence of Soviet-era mentality, intertwined with Georgia's distinct psychological anthropology, renders legal transplants inherently problematic. As Hoffman observes, 'to translate a language, or a text, without altering its meaning, one would have to transport its audience as well'.[179] In transitional democracies like Georgia, 'it is not the law itself, but the societal attitude towards it that matters',[180] highlighting the inseparable nexus between law and society.

Minority education and water governance illustrate this dynamic: in water governance, a legal misfit with EU legislation remains evident, whereas in minority education, formal regulatory alignment is less stringent. While unique and potentially replicable policies exist, uneven implementation and the need to adapt measures to local realities constrain their effectiveness. The 1+4 programme, for example, demonstrates a strong contextual understanding, setting standards beyond EU benchmarks in some respects. This mirrors broader trends in post-communist Europe, where countries have faced pressures to adopt Western standards of multiculturalism and minority rights, with candidate states evaluated on their compliance.[181] Georgia's approach exemplifies smart alignment, tailoring EU objectives to local institutional, social, and demographic conditions to secure both compliance and practical feasibility.

Ultimately, meaningful Europeanisation in Georgia requires both societal and political readiness alongside flexible, context-sensitive EU strategies. Convergence in policy outcomes, rather than instruments, is key, despite the fact that reforms, inclusivity and safety goals remain unrealised, particularly in minority communities. By applying smart alignment, Georgia can reconcile EU imperatives with domestic constraints, mitigate the risks of manipulation, and strengthen the sustainability of reforms, offering lessons for other transitional democracies seeking durable and context-sensitive integration.

179 Hoffman, 1991, p. 275.
180 Masalkin, 2020, p. 68.
181 Kymlicka, 2002, p. 2.

References

Bibliography

Adeishvili, G., Sagareishvili, M., Jamurashvili, L. (2022) 'Overview of the Education Sector and Identification of Challenges Faced by Ethnic Minorities and Socially Vulnerable Groups', Tbilisi: Institute for Development of Freedom of Information (IDFI) [Online]. Available at: https://idfi.ge/public/upload/00_studies/GEO_IDFI_Education_2022.pdf (Accessed: 15 April 2025).

Akkari, A., Radhouane, M. (2022) *Intercultural Approaches to Education: From Theory to Practice*. Cham: Springer Nature.

Andersson, M. (2016) 'Swimming Ability and Drowning Prevention – Do They Have Something in Common?', *A Nordic Case Study,* Helsinki: Arcada University of Applied Sciences [Online]. Available at: https://www.theseus.fi/bitstream/handle/10024/121293/Andersson_Martin.pdf (Accessed: 22 April 2025).

Barakat, S., Milton, S. (2015) *Houses of Wisdom Matter: The Responsibility to Protect and Rebuild Higher Education in the Arab World*. Doha: Brookings Doha Centre.

Baum, S., Ma, J., Payea, K. (2013) *Education Pays, 2013: The Benefits of Higher Education for Individuals and Society.* New York: The College Board [Online]. Available at: https://trends.collegeboard.org/sites/default/files/education-pays-2013-full-report.pdf (Accessed: 25 April 2025).

Börzel, T. (1999) 'Towards convergence in Europe? Institutional adaptation to Europeanization in Germany and Spain', *Journal of Common Market Studies*, 39(4), pp. 573–596 [Online]. Available at: https://doi.org/10.1111/1468-5965.00197 (Accessed: 15 April 2025).

Börzel, T.A. (ed.) (2009) *Coping with Accession to the European Union: New Modes of Environmental Governance.* Houndmills: Palgrave Macmillan.

Börzel, T.A., Risse, T. (2003) 'Conceptualizing the domestic impact of Europe' in Featherstone, K., Radaelli, C. (eds.) *The Politics of Europeanisation.* Oxford: Oxford University Press, pp. 57–80; https://doi.org/10.1093/0199252092.003.0003.

Börzel, T.A., Risse, T. (2012a) 'From Europeanisation to diffusion: Introduction', *West European Politics*, 35(1), pp. 1–19 [Online]. Available at: https://doi.org/10.1080/01402382.2012.631310 (Accessed: 15 April 2025).

Börzel, T.A., Risse, T. (2012b) 'When Europeanisation meets diffusion: Exploring new territory', *West European Politics*, 35(1), pp. 192–207 [Online]. Available at: https://doi.org/10.1080/01402382.2012.634543 (Accessed: 15 April 2025).

Chkhikvadze, V. (2024) 'Servabo Fidem – Dissecting the Georgian Population's High Support for the EU', *GEOpolitics* [Online]. Available at: https://politicsgeo.com/servabo-fidem-dissecting-the-georgian-populations-high-support-for-the-eu/ (Accessed: 24 May 2025). [in Georgian].

Dalakishvili, M., Iremashvili, N. (2020) 'Systemic Challenges of Education Policy Towards Ethnic Minorities', Tbilisi: Human Rights Education and Monitoring Center (EMC) [Online]. Available at: https://socialjustice.org.ge/ka/products/etnikuri-umtsiresobebis-mimart-ganatlebis-politikis-sistemuri-gamotsvevebi (Accessed: 15 April 2025).

Delcour, L. (2017) *The EU and Russia in Their 'Contested Neighbourhood': Multiple External Influences, Policy Transfer and Domestic Change*. London: Routledge.

DiMaggio, P.J., Powell, W.W. (1991) 'The iron cage revisited: Institutional isomorphism and collective rationality in organizational fields' in Powell, W.W., DiMaggio, P.J. (eds.) T*he New Institutionalism in Organizational Analysis.* Chicago and London: University of Chicago Press, pp. 63–82.

Dragneva, R., Wolczuk, K. (2012) 'EU Law Export to the Eastern Neighbourhood and an Elusive Demand for Law' in Cardwell, P. (ed.) *EU External Relations: Law and Policy in the Post-Lisbon Era*. The Hague: TMC Asser Press, pp. 216–240; https://doi.org/10.1007/978-90-6704-823-1_11.

Duina, F.G. (1999) *Harmonizing Europe: Nation-States within the Common Market.* New York: State University of New York Press.

European Commission (2022) 'Commission Opinion on Georgia's application for membership of the European Union', Brussels, 17 June. COM(2022) 405 final. [Online]. Available at: https://enlargement.ec.europa.eu/document/download/a95905d5-9783-4a1b-aef2-1740a79eda49_en?filename=Georgia%20opinion%20and%20Annex.pdf (Accessed: 17 April 2025).

European Commission (2023) 'Georgia 2023 Report: Commission Staff Working Document Accompanying the Communication on EU Enlargement Policy', Brussels, 8 November. SWD(2023) 697 final. [Online]. Available at: https://enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_697%20Georgia%20report.pdf (Accessed: 9 May 2025).

European Commission (2024) 'Georgia 2024 Report: Commission Staff Working Document', (SWD(2024) 697 final, 30 October 2024) accompanying 2024 Communication on EU Enlargement Policy COM(2024) 690 final. Available at: https://enlargement.ec.europa.eu/document/download/7b6ed47c-ecde-41a2-99ea-41683dc2d1bd_en?filename=Georgia%20Report%202024.pdf (Accessed: 1 June 2025).

European Commission and High Representative of the Union for Foreign Affairs and Security Policy (2021) 'Association Implementation Report on Georgia', Brussels, 5 February. SWD(2021) 18 final. [Online]. Available at: https://www.eeas.europa.eu/sites/default/files/2021_association_implementation_report_in_georgia.pdf (Accessed: 29 April 2025).

Falkner, G., Treib, O., Holzleitner, E. (2008) *Compliance in the European Union: Living Rights or Dead Letters?* Aldershot: Ashgate.

Frangishvili, I. (2024) '23 teenagers drowned in the last three years – WHO says swimming programmes are essential for children' [Online]. Available at: https://batumelebi.netgazeti.ge/news/541081/ (Accessed: 2 May 2025).

Goetz, K.H. (2005) 'The New Member States and the EU: Responding to Europe' in Bulmer, S., Lequesne, C. (eds.) *The Member States of the European Union.* Oxford: Oxford University Press, pp. 254–284.

Gorgadze, N., Tabatadze, S. (2019) 'Study on the Employment Opportunities of '1+4' Program Graduates Based on the Analysis of the General Context and a Specific Case', Tbilisi: Center for Civil Integration and Inter-Ethnic Relations (CCIIR) [Online]. Available at: https://cciir.ge/images/Research-cciir-2018-14.pdf (Accessed: 15 April 2025).

Gourevitch, P. (1978) 'The second image reversed: The international sources of domestic politics', *International Organization,* 32(4), pp. 881–911 [Online]. Available at: https://doi.org/10.1017/S002081830003201X (Accessed: 15 April 2025).

Government of Georgia (2025) 'Report on the Implementation of the 2023–2024 Action Plan of the State Strategy for Civic Equality and Integration in 2024', Tbilisi [Online]. Available at: https://smr.gov.ge/uploads/Files/2025/2024_angarishi.pdf (Accessed: 12 April 2025).

Government of the Netherlands (2024) 'Delta Programme', The Hague: Government of the Netherlands [Online]. Available at: https://www.government.nl/topics/delta-programme (Accessed: 18 April 2025).

Harcourt, A.J. (2000) 'European Institutions and the Media Industry: European Regulatory Politics Between Pressure and Pluralism', *Ph.D. dissertation*, Department of Government, University of Manchester.

Héritier, A. (1998) 'Differential Europe: Administrative Responses to Community Policy', Paper presented at the Conference on Europeanization and Domestic Change, European University Institute, Florence, 19–20 June 1998.

Héritier, A., Knill, C. (2000) *Differential Responses to European Policies: A Comparison*. Bonn: Max Planck Projektgruppe Recht der Gemeinschaftsgüter.

Héritier, A., Knill, C., Mingers, S. (1996) *Ringing the Changes in Europe: Regulatory Competition and the Transformation of the State – Britain, France, Germany.* Berlin and New York: Walter de Gruyter; https://doi.org/10.1515/9783110886924.

Hix, S., Goetz, K.H. (2000) 'Introduction: European integration and national political systems', *West European Politics*, 23(4), pp. 1–26 [Online]. Available at: https://doi.org/10.1080/01402380008425398 (Accessed: 15 April 2025).

Hoffman, E. (1991) *Lost in Translation*. London: Minerva.

Institute of Social Studies and Analysis (ISSA) (2022) 'Study on the Social Exclusion of Representatives of Ethnic Minorities: Analytical Report', Tbilisi: Institute of Social Studies and Analysis (ISSA) [Online]. Available at: https://socialjustice.org.ge/uploads/products/covers/Social_and_Economic_Exclusion_of_Ethnic_Minorities_1687344579.pdf (Accessed: 15 April 2025).

Jacoby, W. (1999) 'Priest and Penitent: The EU as a Force in the Domestic Politics of Eastern Europe', *East European Constitutional Review*, 8(1–2), pp. 62–67.

Jetschke, A., Murray, P. (2012) 'Diffusing regional integration: The EU and Southeast Asia', *West European Politics*, 35(1), pp. 174–191 [Online]. Available at: https://doi.org/10.1080/01402382.2012.631320 (Accessed: 15 April 2025).

Kahn-Freund, O. (1974) 'On uses and misuses of comparative law', *The Modern Law Review*, 37(1), pp. 1–27 [Online]. Available at: https://doi.org/10.1111/j.1468-2230.1974.tb02366.x (Accessed: 15 April 2025).

Kirk, K., Sherab, D. (2016) *Access to Higher Education for Refugees in Jordan*. Amman: Arab Renaissance for Democracy and Development (ARDD).

Kohler-Koch, B. (ed.) (1998) *Interaktive Politik in Europa: Regionen im Netzwerk der Integration*. Opladen: Leske+Budrich.

Korkelia, K. (2025) *Protection of the Right to Life: The European Convention on Human Rights and Georgia*. Tbilisi: Tbilisi State University; https://doi.org/10.2139/ssrn.5250917.

Korosteleva, E. (2012) *The European Union and its Eastern Neighbours: Towards a More Ambitious Partnership?* London and New York: Routledge.

Kymlicka, W. (2002) 'Multiculturalism and Minority Rights: West and East', *Journal on Ethnopolitics and Minority Issues in Europe,* 2002/4, pp. 1–26 [Online]. Available at: https://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2002/nr4/Focus4-2002_Kymlicka.pdf (Accessed: 15 April 2025).

Langbein, J. (2015) *Transnationalization and Regulatory Change in the EU's Eastern Neighbourhood: Ukraine between Brussels and Moscow*. London: Routledge/Taylor & Francis; https://doi.org/10.4324/9781315758626.

Magen, A. (2007) 'The acquis communautaire as an instrument of EU external influence', *European Journal of Law Reform*, 9(3) [Online]. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2795940 (Accessed: 15 April 2025).

Masalkin, G. (2020) *Georgia's Polyethnicity and Polyreligiosity: A Threat or a Valuable Legacy to Safeguard?.* Tbilisi: Civil Idea.

Merryman, J.H., Clark, D.S., Haley, J.O. (1994) *The Civil Law Tradition: Europe, Latin America, and East Asia.* Charlottesville, VA: Michie.

Ministère de l'Intérieur (2009) 'Legal Guide on Swimming Safety in France', Paris: Ministère de l'Intérieur. [Online]. Available at: http://www.tarn-et-garonne.gouv.fr/content/download/4343/27311/file/Guide%20juridique%20dans%20l%27organisation%20des%20baignades.pdf (Accessed: 22 April 2025).

National Center for Educational Research (NCER) (2024) 'Interim Evaluation Report of the Preparatory Education Program', Tbilisi [Online]. Available at: https://edu.aris.ge/news/wp-content/uploads/2025/01/53bb71_8f3dd12fc943449c98b704b1d7912e22.pdf (Accessed: 17 May 2025).

National Water Safety Forum (2015) 'A future without drowning: The UK National Drowning Prevention Strategy 2016–2026' [Online]. Available at: https://www.nationalwatersafety.org.uk/media/1005/uk-drowning-prevention-strategy.pdf (Accessed: 18 April 2025).

Nutsubidze, M. (2018) 'The Human Right to Water, Sanitation and Hygiene: Analysis of International Standards, Georgian Policy and Legislation' [Online] [in Georgian]. Tbilisi: CENN. Available at: https://hrc.ge/files/194adamianis%20uflaeba%20wyalze,%20sanitariasa%20da%20higienaze.pdf (Accessed: 1 May 2025).

Nutsubidze, M. (2022) 'Access to Water, Sanitation and Hygiene as a Fundamental Human Right' in Korkelia, K. (ed.) *Protection of Human Rights: International and National Experience – Collection of Arts.* Tbilisi: Tbilisi State University. [Online]. Available at: https://tsu.ge/assets/media/files/8/Publications/Human%20Rights/HR_2022.pdf (Accessed: 2 May 2025).

Parliament of Georgia, Committee on Education and Science (2022) 'Study on Access to Quality Education for Ethnic Minorities: Thematic Inquiry Report' [Online]. Available at: https://web-api.parliament.ge/storage/files/shares/tematuri-mokvleva/ganatleba/etnikuri/etnikuri-umciresoba-angarishi.pdf (Accessed: 15 April 2025).

Phiralishvili, Z. (2007) 'Nationalism and Education', *Georgian Society and European Values,* European Quest series, collection of Arts, Tbilisi.

Public Defender of Georgia (2023) 'Summary Review of the Monitoring of the Implementation of the State Strategy for Civic Equality and Integration (2021–2030) and the 2021–2022 Action Plan' [Online]. Available at: https://www.ombudsman.ge/res/docs/2023100413421572963.pdf (Accessed: 12 May 2025).

Radaelli, C. (2003) 'The Europeanization of Public Policy' in Featherstone, K., Radaelli, C. (eds.) *The Politics of Europeanization*. Oxford: Oxford University Press, pp. 27–56; https://doi.org/10.1093/0199252092.003.0002.

Radaelli, C.M. (2000) 'Whither Europeanization? Concept stretching and substantive change', *European Integration Online Papers*, 4(8), pp. 1–28.

Reland, J. (2017) 'Policies, UK–EU relations: alignment by stealth' [Online]. Available at: https://ukandeu.ac.uk/uk-eu-relations-alignment-by-stealth/ (Accessed: 17 July 2025).

Risse, T., Caporaso, J., Green Cowles, M. (2001) 'Europeanization and Domestic Change: Introduction' in Green Cowles, M., Caporaso, J., Risse, T. (eds.) *Transforming Europe: Europeanization and Domestic Change.* Ithaca, NY: Cornell University Press, pp. 1–20.

Schimmelfennig, F., Sedelmeier, U. (2005) 'Introduction: Conceptualizing the Europeanization of Central and Eastern Europe' in Schimmelfennig, F., Sedelmeier, U. (eds.) *The Europeanization of Central and Eastern Europe*. Ithaca, NY: Cornell University Press, pp. 1–28.

Schneider, V. (2001) 'Institutional Reform in Telecommunications: The European Union in Transnational Policy Diffusion' in Green Cowles, M., Caporaso, J.A., Risse, T. (eds.) *Transforming Europe: Europeanization and Domestic Change*. Ithaca, NY: Cornell University Press, pp. 60–78.

Sedelmeier, U. (2011) 'Europeanisation in new member and candidate states', *Living Reviews in European Governance*, 6(1), pp. 1–52 [Online]. Available at: https://doi.org/10.12942/lreg-2011-1 (Accessed: 15 April 2025).

Tabatadze, S., Gorgadze, N., Gabunia, K. (2020) 'Study of the Effectiveness and Outcomes of Preferential Policy in Georgia's Higher Education System in the Context of 2010–2019', Tbilisi: Center for Civil Integration and Inter-Ethnic Relations (CCIIR) [Online]. Available at: https://cciir.ge/images/1.pdf (Accessed: 15 April 2025).

Tarzyan, T. (2022) 'The '1+4' Program is One of the Most Successful State Initiatives', Social Justice Center, 4 February 2022 [Online]. Available at: https://socialjustice.org.ge/ka/products/1-4-ert-erti-tsarmatebuli-sakhelmtsifo-programaa (Accessed: 15 April 2025).

Taylor, C. (1992) *The Politics of Recognition*. Princeton, NJ: Princeton University Press.

Tevzadze, G. (2010) 'Ethnic Identity and Social Integration', *Burusi*, 16 September [Online]. Available at: https://burusi.wordpress.com/2010/09/16/gigi-tevzadze-8/ (Accessed: 20 May 2025).

United Nations High Commissioner for Refugees, UNESCO (2016) 'No More Excuses: Provide Education to All Forcibly Displaced People', Policy Paper 26, ED/GEMR/MRT/2016/PP/26REV, Paris: UNESCO Global Education Monitoring Report [Online]. Available at: https://unesdoc.unesco.org/ark:/48223/pf0000244847 (Accessed: 2 May 2025).

Vachudova, M. (2007) 'Trade and the Internal Market in the EU's European Neighborhood Policy' in Weber, K., Smith, M.E., Baun, M. (eds.) *Governing Europe's New Neighborhood: Partners or Periphery?* Manchester: Manchester University Press.

Watson, A. (1993) *Legal Transplants: An Approach to Comparative Law.* 2nd edn. Athens, GA: University of Georgia Press.

Weber, M. (1976) *The Agrarian Sociology of Ancient Civilizations*. London: NLB.

Wolczuk, K. (2017) 'Demystifying the Association Agreements: Review of the Trilogy of Handbooks on the EU's Association Agreements and DCFTAs with Georgia, Moldova and Ukraine', Brussels: Centre for European Policy Studies (CEPS) [Online]. Available at: https://research.birmingham.ac.uk/en/publications/demystifying-the-association-agreements-review-of-the-trilogy-of- (Accessed: 2 May 2025).

Woolcock, S. (1996) 'Competition among forms of corporate governance in the European Community: The case of Britain' in Berger, S., Dore, R. (eds.) *National Diversity and Global Capitalism*. Ithaca: Cornell University Press, pp. 179–196.

World Health Organization (2014) 'Global report on drowning: Preventing a leading killer', Geneva: World Health Organization [Online]. Available at: https://iris.who.int/bitstream/handle/10665/143893/9789241564786_eng.pdf?sequence=1 (Accessed: 18 April 2025).

World Health Organization (2017) 'Preventing drowning: an implementation guide' [Online]. Geneva: World Health Organization. Available at: http://www.who.int/violence_injury_prevention/drowning/drowning_prevention_guide/en (Accessed: 18 April 2025).

World Health Organization (no date) 'Preventing drowning: an implementation guide' [Online]. Available at: http://www.who.int/violence_injury_prevention/drowning/drowning_prevention_guide/en (Accessed: 18 April 2025).

Legal sources

Council of Europe (1950) *European Convention on Human Rights*. Rome: Council of Europe [Online]. Available at: https://www.echr.coe.int/documents/convention_eng.pdf (Accessed: 21 May 2025).

Council of Europe (1952) *Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol No. 11 (ETS No. 009)*. Paris: Council of Europe [Online]. Available at: https://www.echr.coe.int/documents/d/echr/Library_Collection_P1postP11_ETS009E_ENG (Accessed: 4 May 2025).

Council of Europe (1961) *European Social Charter*. ETS 35. Council of Europe [Online]. Available at: https://www.refworld.org/legal/agreements/coe/1961/en/19363 (Accessed: 14 May 2025).

Council of Europe (1995) *The Framework Convention for the Protection of National Minorities*, entered into force in Georgia on 1 April 2006, International Treaty and Agreement of Georgia [Online]. Available at: https://matsne.gov.ge/en/document/view/1244853?publication=0 (Accessed: 15 April 2025).

Council of Europe (2008) *Recommendation CM/Rec(2008)7 of the Committee of Ministers to member states on the use of the Council of Europe's Common European Framework of Reference for Languages (CEFR) and the promotion of plurilingualism*, adopted 2 July 2008 [Online]. Available at: https://search.coe.int/cm#{%22CoEIdentifier%22:[%220900001 6805d2fb1%22],%22sort%22:[%22CoEValidationDate%20Descending%22]} (Accessed: 3 May 2025).

Council of Europe (2023) *Recommendation CM/Rec(2023)9 of the Committee of Ministers to member States on the active political participation of national minority youth*, adopted 4 October 2023 [Online]. Available at: https://rm.coe.int/recommendation-cm-rec-2023-9-of-the-committee-of-ministers-to-member-s/1680acfcb8 (Accessed: 20 April 2025).

European Higher Education Area Ministerial Conference (2012) *Making the Most of Our Potential: Consolidating the European Higher Education Area – Bucharest Communiqué,* 26–27 April 2012. Bucharest: European Higher Education Area (EHEA) [Online]. Available at: https://ehea.info/media.ehea.info/file/2012_Bucharest/67/3/Bucharest_Communique_2012_610673.pdf (Accessed: 2 May 2025).

European Higher Education Area Ministerial Conference (2015) *Yerevan Communiqué*, 14–15 May 2015. Yerevan: European Higher Education Area (EHEA) [Online]. Available at: https://ehea.info/media.ehea.info/file/2015_Yerevan/70/7/YerevanCommuniqueFinal_613707.pdf (Accessed: 2 May 2025).

European Higher Education Area Ministerial Conference (2018) *Paris Communiqué*, 24–25 May 2018. Paris: European Higher Education Area (EHEA) [Online]. Available at: https://ehea.info/media.ehea.info/file/2018_Paris/77/1/EHEAParis2018_Communique_final_952771.pdf (Accessed: 2 May 2025).

European Higher Education Area Ministerial Conference (2020) *Rome Communiqué*, 19 November 2020. Rome: European Higher Education Area (EHEA) [Online]. Available at: https://ehea.info/Upload/Rome_Ministerial_Communique.pdf (Accessed: 2 May 2025).

EU NEIGHBOURS east (2025) *Annual Survey 2025 – Georgia: Perceptions towards the European Union. Spring 2025 Factsheet* [Online]. Available at: https://www.euneighbourseast.eu (Accessed: 1 June 2025).

European Commission for Democracy through Law (Venice Commission) (2024) *Urgent Opinion on the Law on Transparency of Foreign Influence* (CDL-PI(2024)013, 21 May 2024) [Online]. Available at: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2024)013-e (Accessed: 1 June 2025).

European Commission of Human Rights (1983) *W v The United Kingdom* (App no 9348/81, 32 DR 190). Strasbourg: Council of Europe.

European Council (1993) *Conclusions of the Presidency – Copenhagen European Council,* 21–22 June 1993 [Online]. Available at: https://www.consilium.europa.eu/media/21225/72921.pdf (Accessed: 8 May 2025).

European Court of Human Rights (1998) *Anna Maria Guerra and Others v. Italy* (App no 116/1996/735/932, Judgment of 17 February 1998). Strasbourg: Council of Europe.

European Court of Human Rights (1998) *L.C.B. v. The United Kingdom* (App no 14/1997/798/1001, Judgment of 9 June 1998). Strasbourg: Council of Europe.

European Court of Human Rights (2004) *Gorzelik and Others v. Poland* (App no 44158/98, Judgment of 17 February 2004). Strasbourg: Council of Europe.

European Court of Human Rights (2005) *Cruz da Silva Coelho v. Portugal* (dec.) (App no 9388/02, Decision of 31 March 2005, Section II). Strasbourg: Council of Europe.

European Court of Human Rights (2007) *Angelova and Iliev. v. Bulgaria* (App no 55523/00, ECHR 2007-IX). Strasbourg: Council of Europe.

European Court of Human Rights (2007) *D.H. and Others v. The Czech Republic* (App no 57325/00, Judgment of 13 November 2007). Strasbourg: Council of Europe.

European Court of Human Rights (2009) *Esat Bayram v. Turkey* (App no 75535/01, Judgment of 26 May 2009). Strasbourg: Council of Europe.

European Court of Human Rights (2009) *Moisieiew v. Poland* (App no 11818/02, Judgment of 24 March 2009). Strasbourg: Council of Europe.

European Court of Human Rights (2010) *Rantsev. v. Cyprus and Russia* (App no 25965/04, ECHR 2010). Strasbourg: Council of Europe.

European Court of Human Rights (2011) *Enukidze and Girgvliani v. Georgia* (App no 25091/07, Judgment of 26 April 2011). Strasbourg: Council of Europe.

European Court of Human Rights (2011) *Ponomaryov. and Ponomaryov. v. Bulgaria* (App no 5335/05, Judgment of 21 June 2011). Strasbourg: Council of Europe.

European Court of Human Rights (2012) *Catan and Others v. Moldova and Russia* (App nos 43370/04, 8252/05, 18454/06, Judgment of 19 October 2012). Strasbourg: Council of Europe.

European External Action Service (2025) *Joint Statement by High Representative/Vice-President Kaja Kallas and Commissioner Marta Kos on Georgia's Foreign Agents Registration Act*, 31 May. EEAS Press Team [Online]. Available at: https://www.eeas.europa.eu/eeas/joint-statement-high-representativevice-president-kaja-kallas-and-commissioner-marta-kos-georgia%E2%80%99s_en (Accessed: 25 April 2025).

European Union (1991) *Council Directive 91/271/EEC concerning urban waste water treatment. Official Journal of the European Communities,* L 135, 30 May [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31991L0271 (Accessed: 30 May 2025).

European Union (1991) *Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources. Official Journal of the European Communities,* L 375, 31 December [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31991L0676 (Accessed: 28 April 2025).

European Union (1998) *Council Directive 98/83/EC on the quality of water intended for human consumption. Official Journal of the European Communities,* L 330, 5 December [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31998L0083 (Accessed: 8 May 2025).

European Union (2000) *Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. Official Journal of the European Communities,* L 180, 19 July [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0043 (Accessed: 17 May 2025).

European Union (2000) *Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation. Official Journal of the European Communities,* L 303, 2 December [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0078 (Accessed: 24 May 2025).

European Union (2000) *Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy. Official Journal of the European Communities,* L 327, 22 December [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0060 (Accessed: 17 May 2025).

European Union (2001) *Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment. Official Journal of the European Communities,* L 197, 21 July [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001L0042 (Accessed: 10 May 2025).

European Union (2003) *Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC. Official Journal of the European Union,* L 156, 25 June [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003L0035 (Accessed: 15 May 2025).

European Union (2003) *Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information and repealing Council Directive 90/313/EEC. Official Journal of the European Union,* L 41, 14 February [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003L0004 (Accessed: 2 May 2025).

European Union (2006) *Directive 2006/7/EC of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC. Official Journal of the European Union*, L 64, 4 March [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006L0007 (Accessed: 26 May 2025).

European Union (2007) *Directive 2007/60/EC of the European Parliament and of the Council on the assessment and management of flood risks. Official Journal of the European Union,* L 288, 6 November [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32007L0060 (Accessed: 16 May 2025).

European Union (2012) *Consolidated version of the Charter of Fundamental Rights of the European Union. Official Journal of the European Union, C 326, 26 October* [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT (Accessed: 7 May 2025).

European Union (2012) *Consolidated version of the Treaty on European Union. Official Journal of the European Union*, C 326, 26 October [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012M/TXT (Accessed: 7 May 2025).

European Union (2012) *Consolidated version of the Treaty on the Functioning of the European Union. Official Journal of the European Union*, C 326, 26 October [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012E/TXT (Accessed: 7 May 2025).

European Union (2014) *Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part. Official Journal of the European Union,* L 261, 30 August 2014, pp. 4–743 [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A22014A0830%2802%29 (Accessed: 15 May 2025).

Government of Georgia (2021) *Decree No. 356 of 13 July 2021 on the Approval of the State Strategy for Civic Equality and Integration for 2021–2030 and the 2021–2022 Action Plan* [Online]. Available at: https://smr.gov.ge/uploads/Files/_%E1%83%98%E1%83%9C%E1%83%A2%E1%83%94%E1%83%92%E1%83%A0%E1%83%90%E1%83%AA%E1%83%98%E1%83%90/danarti_1.pdf (Accessed: 15 April 2025).

Government of Georgia (2022) *National Strategy for the Protection of Human Rights in Georgia for 2022–2030* [Online]. Available at: https://mptf.undp.org/sites/default/files/documents/2023-05/annexes_to_the_jp_georgia_hr4all_consolidated_narrative_report_2022.pdf (Accessed: 15 April 2025).

Government of Georgia (2022) *Vision 2030 – Georgia's Development Strategy*. Available at: https://matsne.gov.ge/ka/document/view/5604706?publication=0 (Accessed: 20 May 2025).

Government of Georgia (2024) *Ordinance on Determining the Annual Amounts of State Study Grants, Grant Amounts, and the Volume of Program Funding for the 2024–2025 Academic Year* [Online]. Available at: https://matsne.gov.ge/en/document/view/6127265?publication=0 (Accessed: 15 April 2025).

National Statistics Office of Georgia (2014) *2014 General Population Census Results*. Tbilisi: Geostat [Online]. Available at: https://www.geostat.ge/en/modules/categories/737/2014-general-population-census-results (Accessed: 15 April 2025).

Organization for Security and Co-operation in Europe (1996) *The Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note* [Online]. Available at: https://www.osce.org/files/f/documents/1/3/32185.pdf (Accessed: 15 April 2025).

Organization for Security and Co-operation in Europe High Commissioner on National Minorities (2012) *The Ljubljana Guidelines on Integration of Diverse Societies*. The Hague: Organization for Security and Co-operation in Europe [Online]. Available at: https://www.osce.org/files/f/documents/0/9/96883.pdf (Accessed: 29 May 2025).

Parliament of Georgia (1995, amended on 29 June 2020) *Constitution of Georgia* [Online]. Available at: https://matsne.gov.ge/en/document/view/30346?publication=36 (Accessed: 15 April 2025).

Parliament of Georgia (1996, amended on 28 June 2023) *Law of Georgia on Environmental Protection* [Online]. Available at: https://matsne.gov.ge/ka/document/view/33340?publication=33 (Accessed: 18 April 2025).

Parliament of Georgia (1997, amended on 30 June 2023) *Law of Georgia on Water* [Online]. Available at: https://matsne.gov.ge/ka/document/view/33448 (Accessed: 18 April 2025).

Parliament of Georgia (1999, amended on 14 June 2023) *General Administrative Code of Georgia* [Online]. Available at: https://matsne.gov.ge/en/document/view/16270?publication=43 (Accessed: 18 April 2025).

Parliament of Georgia (1999, amended on 2 April 2025) *Criminal Code of Georgia* [Online]. Available at: https://matsne.gov.ge/ka/document/view/16426?publication=273 (Accessed: 18 April 2025).

Parliament of Georgia (2000, amended on 15 July 2020) *Law of Georgia on Maritime Rescue Service* [Online]. Available at: https://matsne.gov.ge/ka/document/view/17296?publication=10 (Accessed: 18 April 2025).

Parliament of Georgia (2014, amended on 2 April 2025) *Law of Georgia on the Elimination of All Forms of Discrimination* [Online]. Available at: https://matsne.gov.ge/ka/document/view/2339687?publication=5 (Accessed: 15 April 2025).

Parliament of Georgia (2014, amended on 2 April 2025) O*rganic Law of Georgia Local Self-Government Code* [Online]. Available at: https://matsne.gov.ge/ka/document/view/2244429?publication=76 (Accessed: 18 April 2025).

Parliament of Georgia (2017, amended on 12 December 2024) *Environmental Assessment Code* [Online]. Available at: https://matsne.gov.ge/ka/document/view/3691981?publication=14 (Accessed: 18 April 2025).

Parliament of Georgia (2018, amended on 13 December 2024) *Law of Georgia on Public Safety* [Online]. Available at: https://matsne.gov.ge/ka/document/view/4274012?publication=latest (Accessed: 18 April 2025).

Parliament of Georgia (2023) *Resolution on the Approval of the National Human Rights Strategy of Georgia for 2022–2030* [Online]. Available at: https://matsne.gov.ge/ka/document/view/5757268?publication=0 (Accessed: 28 April 2025).

Parliament of Georgia (2023, amended on 13 May 2025) *Law of Georgia on Water Resources Management* [Online]. Available at: https://matsne.gov.ge/ka/document/view/5846594?publication=2 (Accessed: 16 April 2025).

Parliament of Montenegro (2016) *Law on the Environment of Montenegro* [Online]. Available at: https://www.fao.org/faolex/results/details/en/c/LEX-FAOC178839/ (Accessed: 20 March 2025).

Presidium of the Supreme Council of the Georgian SSR (1984, amended on 4 April 2025) *Administrative Offences Code of Georgia* [Online]. Available at: https://matsne.gov.ge/ka/document/view/28216?publication=578 (Accessed: 18 April 2025).

United Nations Educational, Scientific and Cultural Organization (UNESCO) (1960) *Convention Against Discrimination in Education. Paris: United Nations Educational, Scientific and Cultural Organization* [Online]. Available at: https://www.unesco.org/en/legal-affairs/convention-against-discrimination-education (Accessed: 20 May 2025).

United Nations (1948) *Universal Declaration of Human Rights.* Paris: United Nations General Assembly [Online]. Available at: https://www.un.org/en/about-us/universal-declaration-of-human-rights (Accessed: 27 May 2025).

United Nations (1965) *International Convention on the Elimination of All Forms of Racial Discrimination.* New York: United Nations General Assembly [Online]. Available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial (Accessed: 29 May 2025).

United Nations (1966) *International Covenant on Civil and Political Rights.* New York: United Nations General Assembly [Online]. Available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights (Accessed: 28 May 2025).

United Nations (1966) *International Covenant on Economic, Social and Cultural Rights.* New York: United Nations General Assembly [Online]. Available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights (Accessed: 28 May 2025).

United Nations (1979) *Convention on the Elimination of All Forms of Discrimination Against Women.* New York: United Nations General Assembly [Online]. Available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women (Accessed: 13 May 2025).

United Nations (1989) *Convention on the Rights of the Child.* New York: United Nations General Assembly [Online]. Available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child (Accessed: 28 May 2025).

United Nations (1992) *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.* New York: United Nations General Assembly [Online]. Available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-rights-persons-belonging-national-or-ethnic (Accessed: 17 May 2025).

United Nations Economic Commission for Europe (UNECE) (1998) *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),* entered into force in Georgia on 10 October 2001, International Treaty and Agreement of Georgia [Online]. Available at: https://matsne.gov.ge/ka/document/view/1210443?publication=0 (Accessed: 18 April 2025).

Chapter III.6

Conclusions

Michal Petr

The Western Balkans and the post-Soviet republics which managed to secure to candidacy status represent the potential outer boarders of the EU. As aptly observed by Filipec in his Chapter:

> 'For centuries, rulers, scholars and even children at schools have considered this seemingly simple question: where are the borders of Europe? Since 23 June 2022, when the European Council granted EU candidate status to Moldova and Ukraine, and recognised Georgia for possible EU membership, the answer is much clearer than before'.

Indeed, all of the Balkans are currently within the area of potential EU membership. The prospect of Türkiye ever becoming a Member State is not plausible. Similarly, on the eastern flank, it is '*unthinkable*' today that Belarus, Russia or Azerbaijan would ever apply for a Membership, as Filipec notes. Thus, it seems that the EU has reached its full potential size. At the same time, it is hardly guaranteed that all the candidates of today will one day reach 'full' membership, as we understand it today. The experience of Western Balkans attests that the long may be very long and frustrating.

The analyses collected in Part III facilitate evidence-anchored conclusions about the state and prospects of integration in the Western Balkans and the post-Soviet republics under review. The answer that emerges is that the successful integration of these countries is achievable if political incentives, legal policy and economic capacity are jointly aligned under a credible, staged and predictable enlargement strategy.

Concerning the Western Balkans, political acceptance is a major bottleneck on both sides. Even where elite consensus favours Europeanisation, popular support in several Western Balkan polities displays erosion over time when negotiations drag

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without visible pay-offs. Conversely, EU-side acceptance is uneven and candidate-specific; Montenegro is the only candidate having majority support in the entire EU. The Western Balkan overview corroborates the utility of gradual integration as a political and economic pacer; it however works only if progress benchmarks are transparent and rewarded rapidly enough to be visible to domestic publics and administrations.

Distrust among the Western Balkan nations still limits the extent of their co-operation. The Common Regional Market may serve as an example in the area of economy. The project, based upon the idea of four freedoms (free movement of goods, persons, services and capital) known from the EU law, was launched in 2020. It has achieved a lot, including a 19% increase of trade in goods and services and even the doubling of intra-regional trade volume in goods,[1] it is nonetheless still very far from the common market, as we understand it in the EU. Similarly, even though legal approximation was successful in some areas, in particular certain sectors of the economy, there still remain many profound constitutional changes that need to be undertaken before the accession process continues. Proposals for extensive transitional clauses are frequent.

Robust pre-accession assistance is necessary. The flagship projects, including IPA III, TAIEX or Twinning seem to be working, more intensive involvement however appear to be necessary in order to result in administrative capabilities that would be able to survive political cycles. More attention needs to be afforded to project governance, absorption quality and market readiness. Serbia's decelerating reforms illustrate how policy hesitation quickly capitalises into both legal and economic delays.

It should be admitted that the approximation process has lost momentum, resulting in limited involvement and motivation on the side of both the candidate countries and the EU. Gradual integration attempts to overcome the 'enlargement fatigue'. Gradual integration, however, only works if it is truly gradualist (phased and conditional), not a permanent limbo. The 'phase-in' approach only sustains political support if every step is predictable, tangible and traceable, and at the same time reversible in case of non-compliance. Otherwise, it risks becoming a halfway house that demotivates reformers and confirms sceptics' fears of a second-class status. The Western Balkans therefore test the EU's capacity to govern a staircase: each stair with clear criteria, budgetary means, legal certainty and a political narrative that connects progress today with membership tomorrow.

Conversely, Ukraine and Moldova show that acceleration is possible, but must be stabilised. The speed of their candidacy and opening of negotiations signals that geopolitical urgency can shorten formal timelines without sacrificing conditionality. Yet speed is not equivalent to absorption quality. The integration dividend must be front-loaded via carefully designed phasing-in (market and programme access, sectoral participation) tied to verifiable rule-of-law and governance benchmarks. This is essential to prevent reform fatigue and to anchor reforms amid war-time and post-war reconstruction pressures (Ukraine) and capacity limitations (Moldova).

1 Common Regional Market, no date.

Georgia's 'pause-to-prepare' may not be a detour but a design choice, if the time is used. By suspending the application process until the end of 2028, Georgia has created a window for administrative consolidation and legal deepening. The case study presented in this chapter highlights how a pause can be utilised to implement sequential approximations in high-impact clusters such as the judiciary, anti-corruption efforts, public administration, competition and state aid control or financial supervision. This approach aims to codify reforms in a way that makes reversing them costlier and encourages lasting compliance habits. If used well, the pause increases the probability that post-pause phasing-in produces durable integration, not just formal alignment.

Despite the acceleration at the beginning, the accession still remains a very demanding, and necessarily time-consuming, endeavour. It does not need to be as protracted as in the case of some Western Balkan countries, but, judging from the experience of Bulgaria and Romania, at least 10 years of intensive negotiations seems to be a reasonable expectation. Any talk about Ukraine becoming a full Member State within a few years is incompatible with the current understanding of membership.

Full attention and motivation on the side of both the EU and the candidates will be necessary. To keep the momentum, the gradual integration seems to be indispensable. Conditionality remains the constitutional backbone, especially for the rule of law. For today's candidates, the EU must anticipate the shift from technical transposition to values-charged compliance ex ante. Therefore, benchmarks on judicial independence and fundamental rights should be front-loaded and stress-tested through pre-accession monitoring, peer review, and targeted fund conditionality in order to minimise systemic infringement risks after accession. The post-Soviet cluster's diversity in state capacity and governance baselines makes such anticipation indispensable.

At the same time, as shown by the case of Bulgaria and Romania, the post-accession transitory provisions may be expected to be more robust than in the past, covering not only the 'traditional' protective limitations (free movement of workers, free movement of capital) and granting of time for long-term investment (environmental protection), but also post-accession monitoring of compliance and possibly conditional limitation of certain rights of the new members.

It thus seems to be the case that the immediate 'equal' membership status of the candidates is an illusion. There will be a differentiation among the Member States (as there is differentiation even today). With this in mind, there might be more room for granting permanent derogations from EU law to the candidates. In this regard, we lack experience. In the past rounds of enlargement, practically no permanent derogations were negotiated. The same applies now to Montenegro, the most advanced candidate. And even in case of Serbia, where the negotiations seem to have reached their limits in some areas, the possibility of derogations does not seem to be thoroughly explored. Given the historical experience and diversity of the candidate countries, this will arguably have to change.

In this Part, we undertook to answer the question of how the current candidate countries prepare themselves for the future membership. The plain answer seems to be: not sufficiently. After years of debates, the prospect of the Western Balkan countries actually joining the EU (with the exception of Montenegro) is still very distant. The same applies to the post-soviet republics in the east. If the EU earnestly wants to continue with the enlargement process resulting in the successful integration of the candidates, the following points need to be taken into account.

First, enlargement is a lengthy process. In order to keep the momentum and the necessary political support, it needs to be predictably structured. The benefits for the candidate must materialise not only at this end, but already during the process. The gradual integration seems to go in this direction. For it to work, proper calibration is essential to demonstrate benefits while maintaining leverage. A phased approach to accessing programmes, funding envelopes, specific segments of the common market, and certain EU policies is the only scalable method to reward progress and sanction stagnation without jeopardising the overall process. However, each phase must include rights and obligations that are meaningful, monitorable and politically communicable.

Second, pre-accession assistance is indispensable for the enlargement process to be successful. The EU has the right tools, but they need to be applied in a consistent and predictable way. More funding may also be necessary in this regard.

Third, accession should not be confused with integration. Pre-accession design must anticipate the post-accession shift from rule-taking to rule-maintaining. Instruments such as post-accession monitoring (based on the experience with Cooperation and Verification mechanisms in the case of Bulgaria and Romania) should be foreseen contractually for new members; narrowly targeted, time-bound, benchmarked and designed to incentivise compliance rather than punish.

Fourth, differences in membership need to be acknowledged. Differentiated instruments might be utilised, and permanent derogations from EU law may be accepted. At the same time ring-fencing the defining features of membership, as defined in the Introduction to this book is essential, which include including mutual trust within the legal order, institutional parity in decision-making and uniformity of effect of the EU law.

Finally, enlargement needs to be synchronised with EU internal reforms. The number and size of the potential candidate countries is such that they would significantly change the internal functioning of the EU. The next enlargement round is thus inseparable from the fundamental revisions of the EU's internal architecture, which may need to change institutionally, substantively, as well as conceptually.

If Part I revealed enlargement as a constitutional-administrative project, and Part II measured the effectiveness of integration among recent entrants, Part III shows the way of steering the next wave toward success after accession. The Western Balkans and the post-soviet republics bring to the EU not only demographic, economic and geopolitical weight, but also a stress test of the EU's capacity to integrate diversity without diluting identity. The blueprint that emerges is cautious, conditional and

credible: a gradual, benchmarked, two-sided process, where rewards match verified progress, transitions are time-bound and membership retains its distinctive legal and political character. Only under these conditions will enlargement remain the other side of EU reforms and integration quality the measure by which the next wave is judged a genuine success.

In the final Part, we will discuss in detail the ultimate parameters of future enlargement: how could the process of gradual integration be improved; what would the reforms of the EU look like; what conditions should ultimately be prescribed for the candidates; and are there any viable alternatives to membership, as we understand it today?

Part IV

THE FUTURE OF EU ENLARGEMENT

Chapter IV.1

Introduction



Michal Petr

The fourth part of this book turns from what enlargement has been (Part I), how well it has integrated past entrants (Part II) and how current candidates are preparing (Part III), to the indispensable question that will condition any next wave: what must change – conceptually, institutionally and procedurally – inside the EU and along the accession pathway to make future enlargements work. How must an enlargement-ready EU be designed, legitimated and sequenced so that a larger membership does not mean a weaker polity? Enlargement has never been a purely technical exercise.

We have claimed repeatedly that enlargement concerns not only the candidates but the current members as well, that accepting new members goes hand in hand with internal changes of the EU. To capture this dynamic, this Part brings together five complementary vantage points. Alexander Graser discusses constitutional anatomy of the EU of today and introduces reforms that in his opinion any future enlargement necessarily requires. Matteo Gnes takes a normative-doctrinal lens on how enlargement conditionalities sit with the principles that actually make the EU legal order hold, in particular mutual recognition, solidarity and the rule of law. Focusing specifically on decision-making procedures, Rado Bohinc explores the possibilities of carefully shifting from unanimity to qualified majority voting in order to unblock EU-wide action without sacrificing the safety and security of smaller states. Whereas these three contributions focus more on the EU itself, the following two are concerned more with the candidates. Lénárd Sandor describes the process of gradual integration, aiming at turning long-term promises into near-term, benchmarked gains. Finally, Gyorgy Marinkás examines a menu of differentiated association options that, where full membership is not (yet) realistic, can still advance stability and EU interests without creating permanent 'second-class' status.

What emerges is not a single silver bullet but a package: decision-rule calibration, principled conditionality, staged entry and consolidated differentiation,

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held together by constitutional adjustments and communicable political purpose. Together, these chapters speak to three cross-cutting aims that earlier parts of the book have already outlined: internal functionality (can a larger EU act effectively?), geopolitical viability (can it protect and project stability while it enlarges?) and broad acceptability (can citizens and small states see themselves protected and respected in the bargain?).

Enlargement today unfolds inside an EU constitutional order with unusual attributes. Graser maps nine of them, from the sediments of intergovernmentalism and an abundance of veto positions to variable geometries and shows how they condition every choice the EU makes. In an EU that still reserves core decisions to unanimity and makes primary-law change exceptionally hard, each added member increases the transaction cost of collective action, while judicial interpretation tends to 'constitutionalise' around that rigidity. Graser's answer is a deliberately incremental reform agenda: targeted loosening of veto thresholds, a measured empowerment of parliamentary participation (including initiative rights and more binding links between elections and executive leadership), a limited but real fiscal capacity to catalyse a European public sphere, consolidation of proliferating 'variable geometry' formats and even removing or re-phrasing the 'ever closer union' clause. The yardsticks are clear: functionality, viability and acceptability.

How will the future new members be integrated with the EU? Gnes offers a needed corrective to a 'checklist' view of Copenhagen conditionalities. He reconstructs the historical pathway from case-by-case bargains and the deepening-versus-widening debate to the codification of Art. 49 TEU and the Copenhagen criteria and claims that in the absence of a true political union, conditionalities must be interpreted and applied through the fundamental principles that make integration work: mutual recognition, solidarity, and the rule of law. As he concludes:

> 'The European Union is more than just a common market, which may be based only on the principle of mutual recognition and some economic conditions. It entails a complex and difficult mix of law and politics, enshrined by principles that have a double face, like solidarity and rule of law'.

As Gnes argues, it is possible to build successful integration around these principles. It requires credible application of mutual recognition to ensure market openness without lowering protection, visible EU-wide solidarity to underwrite adjustment costs and rule-of-law guarantees to sustain trust across borders. Indeed, mutual recognition is a powerful integrative engine, but it presupposes trust. Born in the CJEU's *Cassis de Dijon* decision and diffused across the four freedoms as well as other areas of law, mutual recognition functions as a unifying glue whenever full harmonisation is absent. But it works only when administrations and courts recognise the functional equivalence of each other's standards and the EU institutions are credible guardians. In enlargement terms: admitting new members multiplies the number of legal systems whose outputs must be trusted as if one's own.

Without administrative capacity, judicial independence and effective enforcement, recognition falters and politics re-erects barriers in practice. The lesson for future enlargement is in this reading two-fold: The EU must be willing to backstop economic and administrative convergence (solidarity) and to enforce shared constitutional minimums (rule of law) not just before accession but throughout membership. This has already been the case in the past, as we have seen in the previous Part with respect to Bulgaria and Romania, and will presumably have to be so in the future as well.

If Gnes provides the 'why' of principled application, Bohinc targets a critical 'how' while discussing the prospects of carefully extending the qualified majority voting in Common foreign and security policy and in key intermediate steps of the accession process. The Lisbon Treaty already provides for constructive abstention, an emergency brake for vital interests as well as a '*passerelle*' enabling to move specific decisions to qualified majority. These tools can reduce the possible paralysis when unanimity cannot be reached while preserving salience and 'safety' of all the Member States. At the same time, working on the ideas contained in Gnes's Chapter, Bohinc explains how these fundamental principles are necessary for proper functioning of the EU in practical terms of decision-making.

Moving to the position of the candidate countries Sándor's Chapter addresses what the path looks like for candidates whose reform trajectories are uneven or whose domestic support for EU risks failing. Gradual integration replaces the binary outside/inside position with a benchmarked, reversible staircase: early access to parts of the internal market and EU programmes, funding that tracks verified reforms and reversibility in case of backsliding. The goal is to deliver tangible incentives early, to maintain leverage through the process and to keep full membership worth more in rights and voice than any intermediary stage.

Sándor's design directly operationalises Gnes' principles. Pre-accession participation in the common market, based on mutual recognition, only works if compliance is real. Hence his emphasis on administrative capacity-building, judicial cooperation and other enforcement bridges long before the accession, that recognition is earned, not presumed. Similarly, phased access to funds and EU programmes is not a 'giveaway': it is incentive-compatible solidarity, paced by verifiable reforms, and reversible when trust is breached.

Finally, Marinkás confronts a politically sensitive scenario: what if structural constraints, unresolved sovereignty questions, deep value misalignments or acute geopolitical exposure make full accession unrealistic for some candidates in the foreseeable future? He pragmatically warns that 'the momentum of the Maastricht era has blown out, and the EU most probably reached the geographical borders beyond which it is not reasonable to stretch'. He therefore re-examines external differentiation (European Economic Area arrangements, Deep and Comprehensive Free trade Agreements, sectoral frameworks) and instrumental differentiation (transitional clauses, post-accession monitoring) to argue that the EU should maintain

clear, standardised and upward-mobile association formats that stabilise the EU's neighbourhood without hollowing the identity and functionality of the EU itself.

The final research question, addressed in this Part, is what specific features should be included in the current enlargement process in order to help to achieve successful integration of the future members. The answer will have to balance several criteria. Concerning the internal reforms of the EU, there needs to be an equilibrium between effectiveness of the processes (symbolised by expansion of the qualified majority voting into new policy areas) and the concerns of (in particular smaller) Member States with being overvoted by others. More fundamentally, the concept of membership may need to be re-evaluated in order to strike balance between diversity, accommodating specific preferences of individual Member States, and homogeneity, allowing for the EU to work as a single mechanism. Similarly, given the increasingly diverse historical and political background of the Members States and the candidates, the mutual trust based on shared values and the space for national identity needs to be balanced. Concerning the accession process, the (time-consuming) necessity of the complicated approximation process and the need to see tangible results and the foreseeable prospect of membership will need to be balanced as well. And ultimately, where lies the boundary between 'full' membership in the distant future and rapid implementation of some alternative format of cooperation between the EU and the candidates of today? Crucially, all these choices must be supported by the majority of the population of the EU, both as a whole and individual Member States, as well as the population of the candidate countries.

Chapter

Constitutionalizing Europe: A Perpetual Task?

Alexander Graser

Abstract

The present contribution discusses the prospects for further constitutionalisation of the European Union (EU). After briefly reflecting on the development of the respective discourse (1) and offering several contextual and conceptual clarifications (2), the article sketches some constitutional peculiarities of the EU (3). This is complemented by a section highlighting some contextual peculiarities (4). On this basis, the contribution postulates certain desiderata for a potential reform (5), concluding with a brief reflection on the conditions for further constitutionalisation of the EU (6).

Keywords: EU enlargement, EU constitutional characteristics, EU constitutional reform, democratic legitimacy within the EU, geopolitical demands on the EU

1. Prologue: *Nihil Sub Sole Novum?*

'Nothing new under the sun' – this often-quoted phrase catches quite well that sentiment between boredom and self-assuredness which appears to be the most widespread occupational disease among seasoned social scientists. And indeed, are we not typically – time and again – describing reconfigurations of what is already known?

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Rather delightfully, European integration long stood out in this regard. At some point, this gradually emerging supranationality began to appear genuinely peculiar.[1] Many of its interpreters have since insisted fiercely that this distinctiveness be properly appreciated, rather than conventionally conceptualised in traditional terms.[2] Understanding European integration and imagining trajectories for its potential evolution posed a refreshing challenge, henceforth, for an entire scientific community.

However, the initial excitement may have waned. The story is no longer new. The EU's peculiarity has been analysed innumerable times, condemned or praised, defeatistically declared doomed, or euphorically extrapolated into the future. All observations seem to have been made, all problems mapped, all options considered. Does this leave us with nothing new, and thus back to boredom?

Well, not quite. While the topic may seem exhausted, the issues remain – mostly unresolved and perceived as increasingly problematic. So, it is practical necessity, rather than curiosity, that requires us to keep engaging with them, follow their continuous permutations, recontextualise previous insights, assess new opportunities, and recombine elements of hitherto suggested solutions.

The hope for the present contribution cannot be, thus, to settle the debate. Europe – provided that the idea itself persists – is likely to require many more rounds of (re-) constitutionalisation. Our focus must therefore remain on just the next potential round, on the present context hence, and on how we might contribute something remotely useful for the way ahead.

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2. Contextual and Conceptual Clarifications

Before proceeding, it is helpful to situate this contribution within the pertinent discourses, both with respect to historic context as well as to its conceptual premises.

2.1. A Reflection on the Occasion of a Potential EU Enlargement

The article reflects on the legal architecture of the European Union, particularly in light of current considerations regarding EU enlargement. It is difficult to imagine

1 While the peculiarity was brought about by the practitioners of European integration from the 1960s onwards, elaborate accounts emerged only later, cf., for example, the seminal works by Stein, 1981, p. 1 and Weiler, 1991, p. 2403; still more recently, historical accounts have elucidated specifically the role played by actors of the European executive branch, and, in particular, the Legal Service; cf. Rasmussen, 2012.

2 For an early and particularly elaborate plea for the appreciation of the EU's peculiarity, cf. Weiler, 1995.

that an enlarged EU could function effectively without some fundamental reforms. Decision-taking would otherwise become even more challenging.

Yet enlargement is not the only reason to contemplate such reforms. There have been debates about modifying the EU's institutional architecture, and that of its predecessor organisations, from the outset.[3] European integration has always been conceptualised as a project, with change built into its DNA, and ample room for disagreement about its direction and speed.

Thus, the envisaged enlargement provides the occasion for this discussion and constitutes an important parameter. It may even create an opportunity for changes which would otherwise be harder to achieve. Nevertheless, the scope of analysis must be broader, taking into account the EU's current peculiarities, its overall situation, and divergent visions for its future development.

2.2. Constitution(alisation) with Inverted Commas

The term constitution(alisation) has long been sensitive in the EU context. Although widely used in international settings,[4] it still carries, for many, a connotation of state-like integration, and any such programmatic implications are objectionable to some. This may explain occasional lapses in sobriety when addressing what is ostensibly just a terminological matter.

At the same time, EU law contains numerous elements typically associated with a constitution. There are rules defining the polity – by reference to its members and to its confines;[5] rules defining the organization of the polity – by reference to its actors, their competences, and the respective procedures;[6] and rules defining the core values of the polity – by granting a set of (mostly) individual rights deemed fundamental,[7] and committing to certain objective principles concerning also the structure of the polity.[8] All of these rules, moreover, occupy an elevated rank in the normative hierarchy,[9] and they are difficult to amend.[10] So, from a functional perspective, this would seem to be more than enough to speak of a constitutional order.

3 A famous metaphorical expression of this is ascribed to Walter Hallstein, who is said to have likened European integration to a cyclist for whom standing still means falling off; on the quote (and its unclear origin), cf. Graser, 2025, p. 231.

4 For an overview, cf. Peters, 2021, p. 649.

5 Both, by reference to the Member States: as for the territory, cf. Art. 52 TEU, Art. 355 TFEU, as for the citizens, Art. 20 TFEU.

6 Cf. Arts. 4, 5 TEU, Arts. 2–6 TFEU (competences); Titles II (procedural principles) and III (mostly actors) of the TEU and Part VI of the TFEU (actors and procedures).

7 Cf. Art. 6 TEU and the Charter of Fundamental Rights.

8 Cf. Arts. 2, 3 TEU.

9 For a nuanced treatment of the normative hierarchy in EU law, cf. Curtin and Tatevik, 2015.

10 On this aspect, cf. Subsec. 3. i) infra.

The outer appearance of these rules is more ambivalent. Although codified,[11] and more so than in some states,[12] they are not labelled a constitution and are spread across different documents, one of which resembles a free-trade agreement and contains numerous provisions atypical of a constitution.[13] However, national constitutions also vary: not all are called a constitution,[14] some are spread across different documents, too,[15] and some are strikingly prolific.[16] None of these features is unique to what functionally qualifies as the EU's constitution. So, its unusual outer appearance does not prevent the use of constitutional vocabulary.

There are, however, substantive peculiarities arising from the EU's origins as a regional integration project. Many of these traces remain present in the current supranational set-up and will be explored in the next section. It is for this reason that its 'sui generis' label remains appropriate to this day. This does not require avoiding constitutional vocabulary altogether, but it may, at times, be useful to imagine inverted commas around the related terms.

3. Constitutional Peculiarities

Every constitution is, of course, different. One may define clusters of similar constitutions and create a typology, an idea underlying the 'varieties of constitutionalism' discourse.[17] Yet despite such variation, the constitution of the EU must be considered as an outlier. Acknowledging this is more than a terminological issue; it is central to any reflection on the way forward.

3.1. Sediments of Intergovernmentalism

There are persisting sediments of intergovernmentalism: the European Council and its rotating presidency,[18] the composition of the Commission[19] and of the Court

11 With a possible exception for non-codified elements of the so-called 'general principles' of EU law.
12 The paradigmatic case in point is the constitution of the UK, considerable parts of which are to this day not codified.
13 This applies, in particular, to Part III of the TFEU, large parts of which still resemble a free trade agreement.
14 The German 'Basic Law' is but one example.
15 A paradigmatic example is the Swedish Constitution, which is thought to consist of the 1974 Instrument of Government, the 1810 Act of Succession; the 1949 Freedom of the Press Act, and the 1991 Fundamental Law on Freedom of Expression, cf. the Swedish Ministry of Justice, 2013.
16 The Constitution of India is widely referred to as the longest (national) constitutional text.
17 For an exposition of that approach (and its application to a current theme), cf. Riegner, 2024, p. 161.
18 Cf. Art. 16, Sec. 9 TEU.
19 Cf. Art. 17, Sec. 5 TEU – and the decision of the European Council that alters it (2013/272/EU) and provides for there to be one member per Member State.

of Justice,[20] the prominent role of the Council of the EU in legislative procedures,[21] the extent of qualified-majority requirements,[22] and the significant limitation placed on centralised competences, found within the legislative branch,[23] and even more so regarding the two other branches which remain largely truncated.

To be sure, this multilevel system of governance is remarkably stabilised, more so than any other organisation beyond the state level, and to such an extent that it might even be conceptualised as a form of federalism, another sensitive term in EU discourse. But if so, it would be an exceptionally loose, decentralised form of federalism. Hence, in case of such sensitivities, it may again be advisable to imagine inverted commas around the term.

3.2. Abundance of Veto-Positions

A second characteristic of the EU's constitution is the high threshold required for legislation to be passed. Evidently, this is related to its historical roots. In classic intergovernmental decision-making, the basic paradigm is not majority voting, but consensus. Every single vote then translates into a veto right.

This is not the EU's structure today. It has come a long way towards state-like structures in this regard: the Commission may initiate legislation independently of the Member States,[24] and Parliament typically decides by majority vote.[25] However, Parliament remains relatively weak. It lacks an autonomous right of legislative initiative and forms part of a bicameral system, in which it is inferior to the Council, where the intergovernmentalist legacy is most prominent. Admittedly, there are only a few areas in which the Council has to decide unanimously,[26] and qualified majority voting, with varying degrees, has become the norm. Still, it typically takes only a group of Member States to block a decision. The extent of veto power in the EU thus remains striking.

Nonetheless, increased consensus requirements are not uncommon in state constitutions. All forms of bicameralism that are not purely consultative may be interpreted this way. The same applies to restrictions on the right to initiate legislation and to various formal or informal hurdles to collective decision-taking.

20 The composition of the Court of Justice of the EU also follows a representational approach; cf. Art. 251 seq. TFEU and, for more detail, see European Union, no date a.

21 Cf. Art. 294 TFEU for its role in the ordinary legislative procedure, but mind also the existence of special procedures according to Art. 289, Sec. 2 TFEU. For an overview on these, see Cabral, 2020, p. 172.

22 For information on the different procedures of majority and their application cf. the website of the Council, see European Council, 2024a and Art. 238 TFEU.

23 Cf. Art. 2 TFEU.

24 Cf. Art. 17, Sec. 2 TEU.

25 More specifically, a simple majority typically suffices, unless an absolute majority or some quora are required.

26 For a compilation of those matters, cf. European Council, 2024b.

Veto power is, ultimately, a matter of degree, and few constitutional systems allow a simple majority of '50% plus one' to effect significant change. Even so, the EU's constitution contains substantially more veto points than most counterparts on state level, making collective decision-taking exceptionally difficult at EU level.

3.3. Openness Towards Territorial Change

A third characteristic of the EU's constitution is its openness to territorial change. While the thresholds differ for accession and exit,[27] the relative ease with which such territorial changes may occur in either direction would be highly unusual in a constitutionalised state, even a federal one. Once again, this feature aligns the EU more closely with the paradigm of an international organisation than that of a state.

3.4. Split Sovereignty

At this point, one might be tempted to contest the EU's peculiarities and explain them by reference to the concept of sovereignty. For isn't this the 'ultimate cause'? If sovereignty rests with decentralised units, any higher-level organisational integration may be viewed through the lens of international law, with its own conceptual tools: no state then, no federalism, and no constitution. These terms would be reserved for the reverse case, i.e. when sovereignty is located at the highest level.

The allure of this approach is evident. It is convenient to have neat, workable distinctions. And there is nothing wrong with this, as long as they describe their intended objects adequately.

Moreover, concepts in law possess performative power; to some extent, we can make the world fit these concepts, not just vice versa. Or, put differently: There are many contexts in which the bifurcated conceptualization sketched above may not have been a perfect representation of reality, but in which it has been close enough to serve as a useful description, or forceful enough to shape (our perception of) reality accordingly.

As for the EU, however, it does not seem that the concept of sovereignty in the above sense can be helpful in describing the state of affairs in this supranational polity 'sui generis'. Nor would it be desirable for it to serve as a prescriptive concept, narrowing down, thus, the options to either striving for a state-like integration on EU level, or to reinvigorating (or insisting on the increasingly implausible fiction of) national sovereignty. Member States have de facto given away their sovereign rights to an extent that is unprecedented in the international realm, and they have done so in a way that has persisted and even expanded over time. Admittedly, they might still revert this process collectively, or exit it individually. But this could be said also about the subunits of federal states. The difference lies merely in the likelihood of

27 Cf. Arts. 49 and 50 TEU.

such an occurrence, its legal construction, and the associated cost. So, again, it is a matter of degree.

Thus, the EU is best described as exhibiting split sovereignty. This notion reflects both, its unusual openness towards territorial change, as well as its relatively far-reaching restrictions on central competence. But it also emphasizes the (in part: resulting) ambiguity when it comes to assessing where any ultimate power center might lie.

3.5. Polity Without Purse (and Sword)

Although the EU's regulatory powers are exceptionally weak compared to other polities, these very powers are, nonetheless, its strongest tool. The point here is not so much that, notoriously, the EU does not have anything to back its claim to authority by brute force: neither an army, nor any real police forces.[28] This is remarkable, to be sure, but it has proved rather unimportant, at least so far, in the absence of existential threats.

What is more important for its day-to-day functioning is not force, but finance, and here the EU remains extremely weak. While it has a budget, funded mainly from Member State contributions and customs duties,[29] allowing it to fund its institutions and distribute grants and subsidies, the overall volume is limited.[30] Moreover, the EU stays clear of the core areas of distributive policy as it does not get to tax its citizens, nor can it hand out social benefits to them.

This feature is reflected in the truncatedness of the executive branch that was mentioned before. So, there is no social security administration at EU level, nor are there any tax authorities or welfare agencies. But it also characterizes the EU's legislative activities, as the decisions on social spending and its financing through taxes have remained the domain of the Member States. In this sense, the EU is mostly left to regulatory interventions, and continues to be a polity without a purse.[31]

3.6. Precarious Legitimation Balance

Tying public power to democratic participation is broadly viewed as an essential precondition for legitimising its specific exercise as well as the institutions of the polity more generally. Defining and prescribing such participation is part of what constitutions typically do. As very few polities are completely centralised, it is also common for such institutionalised participation to be spread across multiple levels. There is nothing unusual, hence, in the coexistence of an advanced system of

28 Cf. Art. 87 TFEU on the – limited – competences of Europol.

29 For the legal basis, cf. Art. 311 TFEU; for more detail, cf. Schwarcz, 2025.

30 On current figures, cf. European Commission, no date.

31 This situation has remained remarkably stable over the past decades; for an early analysis, cf. Graser, 2000, p. 336.

democratic participation at EU level with its respective counterparts at the level of the Member States. Composite procedural legitimation is the rule, not an exception.

On a closer look, however, the EU's situation is still distinctive. Partly, this stems from the transitional character of the respective procedural arrangements. European integration has moved steadily, but slowly, from an international-organization style arrangement towards the kind of parliamentary participation that is known from (federal bicameral) state systems. But it might, indeed, never reach this level. At least, it is not there yet, as could be seen from the intergovernmentalist sediments sketched above.[32] So, to the extent that these sediments are still present, the system continues to incorporate legitimatory elements based on the international law paradigm: consensus, that is, instead of majority voting, and states speaking for their peoples, instead of more direct forms of representation. This emphasizes the relevance of democratic participation on Member State level, but reduces the relevance of legitimation through arrangements that reflect a paradigm of democratic participation on central level.

This latter strand of legitimation faces an additional challenge. While the formal structures of democratic participation at EU level may indeed have reached an extent that is unparalleled in the international realm, the relevant social preconditions for meaningful representation are lagging behind. It continues to be primarily the Member States where the political discourses take place. With interest group formation, party politics, and media attention shifting – or rather: expanding – only slowly to the central level, a truly European public sphere would yet have to (be) develop(ed). Furthermore, there are doubts whether it even could: multiple languages, different cultures, heterogenous living conditions, and fragmented collective identities – there is a long list of potential obstacles,[33] the surmountability of which is unclear.

As a consequence, the EU's legitimacy structure is peculiar, not because it is multilevel, composite type, but because the balance is precarious: lopsided towards the Member States, even as a long-term, uncertain transition towards central-level legitimation continues.

3.7. Inscribed Directionality

Among the functions that constitutions serve, providing stability features quite prominently.[34] They stipulate the 'rules of the game'. So, reliability is important. And they contain a commitment to a set of core values, which usually comes with a claim

32 Cf. Subsec. 3.a) supra.

33 Remarkably, the German Federal Constitutional Court has placed much emphasis on what it considers such sociological conditions of meaningful democracy, cf. in particular, two of its landmark decisions on European integration, BVerfGE 89, 155 (Maastricht), at paras. 98–101, BVerfGE 123, 267 (Lisbon), at para. 250; for a discussion, cf. Graser, 2023, p. 23.

34 For a nuanced reflection of the need for (and limits of) the provision of stability, cf. Schuppert, 1995, pp. 32 et seq.

to some durability, too. Correspondingly, constitutions are typically difficult – and sometimes almost impossible – to change.

This emphasis on stability does not preclude, however, that they might also entail some programmatic ambition.[35] Constitutions may mark the beginning – or a reboot – of a polity, and hence enshrine a collective aspiration towards a more or less distant goal. So, transformation can well be part of an – indeed: stabilized – program.

The EU has long been understood as the institutional embodiment of the European integration project. Unsurprisingly, its constitution contains aspirational, transformative elements: the creation of common market, currency union, political union, and the commitment to 'an ever closer union'.[36] While constitutional aspirations are not unusual per se, the EU's transformative ambition is remarkable.

For one, the degree of transformation is exceptionally fundamental. It is not 'just' the progressive realisation of substantive goals within the given order – such as, a society that is more just, affluent, or advanced in some other respect. Rather, it is about changes to the constitutional structure itself. For a project transitioning from an international organisation to a novel supranational polity, this is explicable, yet it clearly distinguishes EU's constitution apart.

A second peculiarity relates to the phrase 'ever closer union'. Albeit vaguely worded, it appears too specific to be disregarded as purely rhetorical. Should there really be no limit to the envisaged closeness of the peoples of Europe? Again, this may be explicable by reference to the specific context. For a visionary endeavor, the attainment of which seems both, desirable without any qualification, and extremely far away, such an unlimited mission might seem plausible. Precisely for this reason, however, the inscribed directionality distinguishes the EU's constitution and may become problematic if the underlying assumptions no longer hold.

3.8. Variable Geometries

European integration has progressed impressively over time, not only in terms of its intensity, but also its extension. Perhaps most striking is that both dimensions have advanced concurrently. With each round of accession, the *acquis communautaire* expanded further, increasing the distance that new Member States needed to cover by adjusting their laws with EU standards. Similarly, as the EU grew, heterogeneity with regard to social conditions increased, and promoting convergence has remained a challenge to this day.

Against this background, it is unsurprising that when new steps of integration were contemplated, not all Member States were willing or able to go along. It may, however, not be self-suggesting that, on such occasions, the others would still move

35 For a discussion of some further examples of programmatic prose in constitutions, cf. Graser, 2025, pp. 231 et seq.

36 The phrase can at present be found in Art. 1 Sec. (2) of the TEU as well as in the preambles of both, the TEU and the TFEU. It was included already in the preamble of the Treaty of Rome.

ahead.[37] And indeed, such differentiated integration has remained a relatively rare occurrence. The concept of '*l'Europe à deux vitesses*' has always been contested, not least because it might result in permanently variable geometries.[38]

This concern does not seem to have been unfounded when looking at the present situation: the Eurozone comprises 20 EU Member States,[39] while the Schengen Area comprises 25,[40] and this is decades after the relevant steps towards integration were taken. Notably, some EU Member States have chosen not to join these systems, while certain non-EU states have entered them. Thus, not only are there inner circles of deeper integration within the EU, but its confines are also blurred externally. This is true not only for the Schengen Area and the Eurozone. Notoriously, there are multiple ways how countries which have not (yet) joined the EU have become associated with it, in some cases very closely.[41] This all adds up to a considerable variability in the EU's geometry.

Comparable features may also exist in other multilevel polities, for instance, where central governments establish experimental zones,[42] or allow subunits to cooperate.[43] Yet the degree of variability in the EU is exceptional. Currency and internal borders are matters of heightened relevance. Moreover, while other polities may also open themselves externally, through free trade agreements,[44] the EU's blurred external borders go well beyond what is common.

In sum, these variable geometries constitute a distinctive characteristic of the EU's constitutional set-up, a feature whose significance increases the more persistent it becomes.

3.9. Extreme Entrenchment

Constitutions are typically difficult to amend; entrenchment is a common feature,[45] though its degree varies. Constitutional amendments may require qualified

37 By entering into separate agreements or based on the special provisions for enhanced cooperation now contained in Art. 20 TEU.

38 For a condensed account of the variations of this model and its uses so far, cf. De Witte, 2019, p. 20.

39 For an overview, cf. European Union, no date b.

40 For an overview, cf. European Commission, 2025.

41 This is true, in particular, for the members of the European Free Trade Agreement (EFTA).

42 China's special economic zones may be among the most prominent examples globally for this phenomenon; for an overview, cf. Martinek, 2014, p. 41.

43 For a (somewhat dated, but still) instructive analysis of the pertinent practice in German federalism, cf. Vedder, 1997.

44 It seems noteworthy in the given context that even the advanced ones, such as Mercosur, see mercosur.int, no date, do not typically reach the integrative level that is common in Europe even for many non-EU members.

45 For a recent, exceptionally broad analysis of the actual relevance of such entrenchment in constitutional adjudication cf. Hein, 2020, p. 78. He concludes that these clauses do matter, but have got ambivalent effects.

majorities in one or more legislative chambers, a referendum, or a waiting period, and they may even be prohibited where core provisions are considered unamendable.[46]

In the EU, the roots in international law remain particularly prominent in its degree of constitutional entrenchment. Although treaty revision does not follow general public international law, but instead a distinct set of procedure(s),[47] the basic paradigm may loosely be described as 'double unanimity': consent of all governments on EU level, followed by confirmation by each Member State.

This requirement may once have seemed entirely appropriate for a project of incremental supranational integration. Within a Westphalian framework, it seems self-evident that every further step of integration would need to be consented by all involved states. From a constitutional perspective, however, the resulting degree of entrenchment is enormous, with remarkable ramifications.

The becomes evident, first, when considering that it is not only integrative steps that have to overcome those high obstacles, but all kinds of amendments. Disintegrative reforms would have to meet the same threshold. Second, entrenchment matters more when constitutional provisions are more extensive. This is the case for the EU insofar as much of its codified primary law pertains to economic integration.[48] Again: This no surprise in a polity that has emerged from a common market project. But it is highly unusual for a constitution, the regulatory extent of which is thus increased in the specific case of the EU. Lastly, primary law is more than those extensive black letters that we find in the Treaties. It is what the Court of Justice of the EU (CJEU) makes of it. Admittedly, this is true in all constitutional set-ups featuring a constitutional court, with the relevance of this aspect depending on the willingness of the respective court to engage in progressive interpretation. While it may be difficult to measure this dimension, it would seem clear from the history of European integration that the CJEU is leaning towards the active side,[49] to put it mildly. Arguably, this has been desirable, maybe even necessary. For the more entrenched a constitution is, the more need there is for the judiciary to ensure its adaptability to changing circumstances. But the downside is, quite ironically, that whatever constitutional interpretation it generates, this typically takes part in the entrenchedness of the interpreted constitution.[50] So, for the legislator, it is as hard to change as the constitutional provisions themselves, and the capacity of a court to revert its own decisions is for practical reasons quite limited, too.

46 A prominent example is Art. 79 Sec. 3, the so-called eternity clause, of the German Basic Law.

47 As specified in Art. 48 TEU.

48 This is particularly true for Part III, the largest part of the TFEU, which in turn is the most comprehensive of the codifications of EU primary law.

49 For a thorough review of the related scholarship, cf. Stone Sweet, 2010.

50 For a seminal treatment of this feature of constitutional interpretation in the context of US law, cf. Monaghan, 1975; for an attempt to build upon Monaghan with regard to German constitutional jurisprudence, cf. Graser, 2001b.

Taken together, the EU is hence characterised by an extreme level of entrenchment. This may be perfectly understandable with a view to its roots in international law. But it stands out when viewed from a constitutional perspective.

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4. Contextual Peculiarities

Context matters. It helps explain why constitutions develop as they do, and it needs to be considered when discussing possible future amendments. If the constitution of the EU appears peculiar, this is due, at least in part, to the peculiarity of its context.

This does not imply that constitutions lack transformative effect. Indeed, EU history is often read as a case in which a community was forged by law.[51] Accordingly, a new step of constitutionalisation may therefore aim not only to (re-)align the existing constitutional arrangement to changing circumstances, but also to harness the transformative potential of constitutional reform. However, it is difficult to disentangle, retrospectively, how strong such transformative effects have been, let alone to predict their future impact. Accordingly, we do not know when exactly a contextual factor turns into a constraint that needs to be respected but cannot be changed by constitutional reform. Nevertheless, despite this uncertainty, any meaningful discussion of reform must take note of the contextual aspects that have proved relevant thus far, and that may remain so in the future.

4.1. Geopolitics

European integration has always been a geopolitical endeavor. This is not its only purpose, to be sure, and there have been periods when it may not even have been a prominent one. But it was there at the very beginning, when it was paramount to prevent that the continent's central powers could ever again fight a war against each other. While prosperity became a more important driving force in ensuing decades, geopolitics moved center stage again after the fall of the Iron Curtain, when the West – wisely or not – quickly integrated much of the East into the newly created EU. In the following decades, other goals took over again, or rather concerns became dominant: solving genuinely transnational policy problems such as climate change, or growing migration flows. At the time of writing, however, geopolitics has regained primacy. The focus is once more on the Eastern border, which may eventually even need to be defended. For now, though, the reverse perspective seems dominant, as

51 The notion is commonly ascribed to Walter Hallstein, but has been referenced widely; for a historical reflection on the concept, its development and relevance over time, cf. Stolleis, 2019, p. 71.

further waves of enlargement are being discussed, despite – and in part propelled by – the Russian military attack on Ukraine.[52]

This has been a very rough sketch,[53] admittedly, highlighting only the most obvious geopolitical aspects of European integration. A fuller account would have to include, inter alia, the association agreement with Turkey,[54] the European Neighborhood Policy,[55] and the Eastern Partnership.[56] The ambition here, however, is not to engage into a discussion of the EU's geopolitical role, but merely to recall how the trajectory of European integration has been influenced by geopolitical demands – repeatedly, and to this very day.

While it is hardly possible to predict future demands or how the EU might respond, it is worth noting that its capacity and mode of responding to such demands is peculiar. 'Enlargement', most notably, is not an instrument that states can easily employ, whereas international organisations typically can. The hybrid nature of the EU may, in this regard, be an advantage. This option is highly context-dependent, however, and it could fade as the EU becomes more state-like, or if its geopolitical situation becomes more adversarial. Nonetheless, it may be worth preserving.

4.2. A Deregulatory Bias

It is not only geopolitics, but also other functional demands that place the EU in a special situation. This is not because these functional demands are in any way unique. On the contrary, the policy goals pursued by the EU are not unusual: an economy that generates present and future wealth, accompanied by policies that ensure its fair distribution, the preservation of the environment, the enjoyment of human rights and democratic participation.[57] What is peculiar is the tension between some of these goals, arising from the EU's multi-level configuration.[58]

While market integration progressed early, regulatory capacities at the central level long remained weak and, to this day, have not reached the extent common in state governments. Due to liberalisation requirements and market pressures, it has

52 For example, the 'Group of Twelve' place this factor at the beginning of their report; cf. Group of Twelve, 2023.

53 For a somewhat more thorough account of the '*raisons d'être*' of the EU and its predecessor organisations and their development over time, cf. Graser, 2025, p. 226.

54 Initiated as early as 1963; for details on the so-called 'Ankara Agreement' cf. Delegations European Parliament, no date; notoriously, the relations between the gone back and forth, with accession negotiations opened in 2005 and halted in 2016.

55 Cf. the pertinent website of the Diplomatic Service of the EU, see The Diplomatic Service of the European Union, 2021.

56 Here, too, cf. the pertinent website of the Diplomatic Service of the EU, see The Diplomatic Service of the European Union, 2025.

57 For a specific and more detailed exposition of the aims of the EU, cf. Art. 3 TEU and the Preambles of both, the TEU and the TFEU.

58 Fritz Scharpf has been among the earliest to describe this, cf. e.g. Scharpf, 1995 and again more recently in Scharpf, 2008; for an extensive analysis with regard specifically to social policy cf. Graser, 2001a.

become more difficult for member states to pursue distributive policies or other measures that restrict economic activity. At the same time, this cannot be fully offset by regulation on central level, as competences are limited and procedures often require more consensus than can realistically be reached.

The assessment of this set-up depends on perspective. Undoubtedly, the EU strengthens the capacities of its Member States by enabling coordinated policy-making beyond what any other international arrangement allows. It also increases, most likely, the prosperity of all Member States due to the efficiency gains that market integration promises, at least on the long run. Thus, the argument is not that EU membership is not advantageous – there is all reason to believe that it is, most of the time, for most of the people, and in all Member States.[59]

Rather, the argument is that the EU's constitutional set-up has been tilted towards market liberalisation, and against regulatory policies. This does not have to be a bad thing; liberalisation may often be beneficial, and passionate deregulators may welcome it unconditionally. But it does mean that we are most likely paying a price for this, in that other policy goals, such as sustainability, equality, or the protection of human rights, are being pursued to a lesser extent that they otherwise would. This is why it is so difficult, for many, to accept the limitations of the EU's regulatory capacity. And the underlying tension is key to understanding who is endorsing which kind of reforms.

4.3. The Conundrum of Supranational Democracy

For those dissatisfied with the EU's limited powers, an obvious response would be to expand competences and reduce veto positions – centralisation, in short. Yet such a move would affect the balance of democratic legitimation. If more government capacity shifts to the EU, democratic participation at Member State level becomes less significant for overall legitimation. To offset the resulting loss, it would seem necessary to expand the structures of participatory democracy at the central level – i.e. to strengthen the role of the European Parliament with regard to its legislative powers as well as to the selection of leading figures of other branches of government.[60] But while it is not difficult to imagine an appropriate design for this, it remains doubtful whether such structural reforms would suffice. For as was noted earlier,[61] the social preconditions for meaningful representation at EU level might still be underdeveloped.

It is (the assessment of) this context factor that might be the most critical one for (the assessment of) the prospects of further integration – or put more generally: for the (choice of) direction for future reforms. Unfortunately, the relevant questions

59 For a more differentiated treatment of the different and variable interests and their potential aggregation cf. Graser, 2025, p. 228.

60 For some references on the pertinent debate, cf. Fn. 74.

61 Cf. Subsec. 3. f) supra.

are hard, if not impossible, to answer. Even if, first, there may be little doubt about the current deficiencies of what might eventually grow into a truly European public sphere, there is still room for debate on how serious they are, especially if compared to the respective situations at the level of individual Member States. Second, we can at best speculate about how this situation will evolve and, more importantly maybe, whether it could effectively be influenced by policy measures, or even by just leaping ahead with structural reforms, hoping for the relevant social conditions to follow. Lastly, even setting these uncertainties and ambivalences aside, there is scope for disagreement also in normative terms: even if organizing meaningful democratic legitimation in such a large and heterogenous polity were to prove feasible, one might still prefer smaller-scale communities whose government capacities might be more limited, but which might allow for more immediate individual participation in the exercise of collective autonomy.

At this point, it is worth noting that the situation of the EU is not all that unique in this regard. Nation states may tend to portray themselves as natural entities, but the respective communities and, even more so, their exact confines are typically quite contingent constructions – 'imagined communities', as it has famously been termed.[62] This observation underscores the performative potential of social constructions. It is not impossible to forge new collective identities, as would be a critical step, probably, in overcoming the conundrum of supranational democracy. This does not imply, however, that any community could be performatively 'imagined' into existence, and given its scale and diversity, the EU may be a particularly challenging case compared to many nation state examples in history.

4.4. Heightened Susceptibility to Divergence

There are many reasons to regard EU membership as a matter of choice, rather than destiny: Choice, after all, is how membership is brought about. Also, there is always the option to leave, and no collective identity that is so deeply rooted as to render dismemberment inconceivable

Admittedly, this account is simplistic[63] and blurry already in conceptual terms. To see this, one does not have to enter into the debate on whether there is (in this context, or even generally) anything like destiny at all – or conversely: whether there is anything else but destiny. It is enough to look at the other end of the distinction. For choice is a notoriously difficult concept, too. Does it have to be 'real choice', or can the alternative options be so (un)attractive that the decision is more or less predetermined by the set-up? So, clearly, the dichotomy of choice and destiny is misleading. It is, if anything, a matter of degrees, and cast, moreover, in concepts that replicate social constructions, which may have deep cultural roots, but are contingent, nonetheless.

62 By Benedict Anderson in his seminal work entitled 'Imagined Communities'; Anderson, 1983.
63 For an attempt at a somewhat more thorough treatment, cf. Graser, 2025.

With these qualifications in mind, however, the initial point can still be made. It is that EU membership is more plausibly seen as a matter of choice than is the case for subunits of states, including federal ones. While perhaps intuitive, even trivial, this observation carries implications. If viewed as a matter of choice, EU membership is more likely to be questioned. It will hence need to be justifiable, at potentially any moment in time, from the perspective of each Member State. And such justification cannot rely on primordial belonging, but must be provided in functional terms, based on the benefits of membership.

In this regard, the EU differs markedly from most polities. Admittedly, this difference might, on the one hand, sound more dramatic than it actually is. Leaving the EU is a huge step in terms of both, the required effort and the resulting cost.[64] Moreover, being part of the EU would seem to pay off in all Member States, for most of the people, and most of the time. Accordingly, exit had for long been close to inconceivable – until it actually happened once. But even after this, it would still seem very unlikely for an exit to be a rational move from a Member State perspective.

On the other hand, what matters is not actual pay-offs, but perceptions, which may be politically manipulated. Moreover, the exit option need not be used to have an effect; its mere possibility may influence decision-making. This shadow is potentially omnipresent, and it has become sharper after Brexit.

The result is another contextual peculiarity: divergent interests among Member States can lead to disintegration more easily in the EU than in more state-like settings. This heightened susceptibility to divergence is further amplified by the EU's exceptional heterogeneity in both, economic as well as cultural terms. As EU policies affect Member States differently, divergent interests become more likely.

5. Desiderata for a Reform

If the Herculean tasks had to be defined today, an accurate and comprehensive description of the EU would certainly be among them. The sketches provided in the previous sections can therefore only offer an approximation to some relevant aspects. As regards comprehensiveness, they cannot even count as serious attempts.

When we now turn to the desiderata for a reform, it is with an emphatic disclaimer: this will be tentative and selective, not a blueprint for the way ahead, but merely arguments and suggestions for further discussion. They rest on three guiding principles: increasing internal functionality, maintaining geopolitical viability, and aiming for broad acceptability. Each of them will be addressed below.

64 The cost which the UK has incurred due to Brexit has been studied widely. A detailed overview on the current state of this research is provided by the Brexit Analysis of the Office for Budget Responsility; Office for Budget Responsibility, 2025.

5.1. Internal Functionality

The EU's internal functionality has long been a problem. Decision-taking procedures require levels of agreement that often cannot be achieved because Member State interests diverge too sharply. Past enlargement waves appear to have exacerbated this, as institutional reform may not have sufficed to compensate for increased heterogeneity. Moreover, challenges to be addressed–unstable financial markets, climate change, migration flows, external security threats–have grown, rendering institutional weaknesses more visible.

Although the diagnosis of this deficit will hardly be controversial, views may differ on its severity, especially regarding the trade-offs involved in addressing it. Potential reforms have long been discussed,[65] but without clear prospects of implementation. The issue has become more pressing with new enlargement rounds in sight, which would hardly be conceivable without constitutional overhaul.[66]

A core element of reform would have to be a loosening of qualified majority requirements.[67] Various paths exist: lowering the numerical thresholds for decision-taking in the Council, assigning more matters to lower-threshold procedures, or strengthening Parliament's weight relative to the Council. Most conceivable reforms would combine these elements. But while identifying a design that is both practical and acceptable to all relevant players is difficult, the more fundamental challenge lies in addressing the legitimatory concerns accompanying such a shift of policy-making capacities towards the central level.

The conundrum of supranational democracy, as described earlier,[68] necessitates focusing on the social preconditions of meaningful democratic participation. When strengthening the respective structures at EU level, calibration must be careful, advancing cautiously so as not to lose touch with the reality of a still deficient European public sphere, and so as to encourage its gradual development. Measures might include giving Parliament greater influence in determining the Commission leadership[69] or granting it a right to initiate legislation.[70] Both could attract more at-

65 For a succinct account of specifically enlargement-related debates, cf. De Witte in his 2019 analysis for the Committee on Constitutional Affairs; De Witte, 2019.

66 For this assessment, cf. already De Witte, 2019 ibid.; more recently, the Report by the Group of Twelve, 2023; and the European Parliament, Committee on Constitutional Affairs, 2023, adopted by the Parliament, albeit in a relatively close vote

67 Thus, i.a., the 2023 Report of the Committee on Constitutional Affairs on proposals of the European Parliament for the amendment of the Treaties, ibid.

68 Cf. Subsec. 4 c) supra.

69 While the right of nominating the candidate for presidency of the Commission has so far remained with the Council, there have for years been efforts by the party represented in the Parliament to establish a practice of nominating 'lead candidates' ('*Spitzenkandidaten*') in European elections, and to advocate that the winning lead candidate should become President. For an account of that development, cf. the briefing by Silvia Kotanidis, 2024. There have also for long been more far-reaching proposals to have the President of the Commission be elected directly by EU citizens, for an account of the pertinent discussions, cf. Decker, 2012.

70 I.a., the European Parliament itself has made this proposal; cf. European Parliament, 2022.

tention to parliamentary activity and stimulate increased media coverage, interest group formation, and popular engagement.

Besides organisational reform, other vehicles may invigorate popular interest in European politics. It could be instrumental to grant the EU some competence in taxation and social spending, as policies in these fields have immediate, straightforward effects on the population. Again, it may be advisable not to move too far too quickly. But even a limited new competence in these fields may function as a catalyst for broader public attention.

The development of a European public sphere may be a critical precondition for meaningful democracy at EU level, but not the only one. The formation of a corresponding collective identity also seems important. How to promote this, however, remains largely speculative:[71] shared culture, historically rooted narratives of belonging, and recurrent references to collective identifiers in daily communication are likely to matter. Constitutions can contribute by defining a polity, expressing its common values, and structuring the modes of interaction for the exercise of collective autonomy. Republican thinking places particular hope in repeated experience of negotiating interests, reaching compromise, and enjoying equal entitlement.[72] If so, increasing interest and participation in EU-level politics might foster a corresponding collective identity. However, this is unlikely if the boundaries of the polity are excessively blurry. Variable geometry has undoubtedly allowed integration to progress without full consensus, but it may hinder the formation of a stronger collective identity if it results in multiple incongruent circles in which varying groups of states interact across different policy fields. Some consolidation might, therefore, be warranted.

5.2. Geopolitical Viability

Reforming the EU is complex even from a purely internal perspective. But the EU does not exist in a territorial vacuum. Forms of affiliation with the EU, ranging from loose association to full membership, have long served as important geopolitical tools, enabling cautious, gradual territorial reconfigurations on a historically tense and conflict-prone continent. Current enlargement plans, and their eminent geostrategic motivation, attest to this, and there is no indication that such external demands will disappear soon. While reasonable disagreement exists about when and how to employ EU affiliation as a geopolitical tool, and whether past uses were always wise, this is no reason to dismiss the tool altogether or ignore the external dimension in the reform debate.

The problem, already noted above, lies in the potential incompatibility of external demands with the desideratum of increased functionality. The more integrated the EU becomes, with more centralised competences and streamlined decision-taking

71 For a brief overview on the pertinent discourse, cf. Graser, 2009, p. 100.
72 Ibid., p. 104.

procedures, the more demanding membership becomes. Full membership might thus move out of reach for states who could otherwise be deemed accession candidates, reducing the EU's geopolitical leverage.

Other forms of EU affiliation may continue to play a role, but unless designed as transitions to full membership, they have generally remained modest in intensity, not reaching a degree that appears necessary to secure geopolitically relevant integration.[73] Moreover, there have been multiple formats of affiliation. But their continued and potentially even extended use would run counter the goal of decreasing the variability of the EU's geometry.

Reconciling these conflicting aims will be difficult. A possible compromise is to retain some variability, while simultaneously consolidating formats.[74] More specifically, one option would be to create a type of low-intensity membership for states willing to join, and potentially also for current members who find present or future integration levels unacceptably high. Such a format should include full market integration, but exclude more sensitive policy fields such as migration. Voting rights would be restricted accordingly, as would participation in EU funded programs. While it is unrealistic to reduce all present and future affiliation to this single secondary format, consolidation should be the aim. The format could serve as a uniform floor, supplemented by additional cooperation mechanisms, particularly for states moving toward full membership. The latter should remain as uniform as possible, thereby forging a cohesive core capable of effective cooperation and conducive to collective identity formation.

5.3. Broad Acceptability

Acceptability is key to any reform proposal. But as no proposal will ever fully align with every actor's preferences, compromise is essential. And for agreement to be possible, it must come from all sides.

The changes suggested above have an integrationist spin, responding to plausible functional demands, both internal and external ones. But they cannot eclipse concerns about excessive centralisation. These concerns must also be addressed, not merely by offering a second-level membership option. The aim must be to maximise acceptability among all current Member States for the envisaged reforms of the 'core' EU.

A first measure, arguably overdue, would be to abandon the EU's inscribed directionality. While further integration may remain desirable, it should no longer be an unconditional credo. For decades there have been voices advocating movement in the opposite direction, and it is clear that this mandate cannot be kept in eternity, but must depend on the level of integration accomplished at any given moment. The

73 A case in point appears to be the recent turn away from Europe in Georgian politics.

74 The plea for consolidating the formats is not new; a similar proposal is, e.g., made by the the 'Group of Twelve' in Group of Twelve, 2023.

respective formulas (or confessions?) should therefore be removed from primary law. While symbolic, the notion of 'an ever closer union' seems to have had a prominent place in the minds of leading actors.[75] So, its deliberate abandonment would probably send out an effectful signal, too.

A second, more tangible set of measures concerns the level of homogeneity the EU seeks to maintain in its fundamental rights policies. Greater heterogeneity might be achieved by limiting EU legislative competences in these areas, or by increased self-restraint on the part of relevant EU actors. Another avenue would be a more restrictive interpretation of the scope of the Charter of Fundamental Rights. These suggestions do not imply neglect of the importance of these policies; their relevance for individuals is undeniable. Nor do they underestimate their political salience; indeed, it is precisely this salience that makes it particularly divisive if there is, in this regard, divergence in along Member State lines. But while there are some areas in which diversity within the EU cannot thus be tolerated, there are others in which this is at least debatable. Delineating these spheres will perhaps be difficult and certainly contentious, but not impossible. Due to the demands of an integrated market, homogenization might be more warranted for those fundamental rights whose protection implies a significant burden on economic actors. Moreover, the EU might also need to safeguard against a fundamental political transformation of its constituent units and hence insist on the homogeneity of rights whose exercise is critical for the functioning of a pluralistic democracy. This leaves us with those – merely – individual guarantees pertaining to matters such as the rights to life and bodily integrity, family affairs, equality, or freedom of religion. And while, admittedly, this does not look like a list of primarily EU-driven policy areas, there here has been considerable activity in some of them.[76]

A third and likely most fundamental set of measures would seek to reduce the level of entrenchment within the EU's constitutional framework. Earlier sections described how extreme this entrenchment is compared to state constitutions, how it has evolved from the EU's international law origins, and how it pertains to both, the extensive body of norms occupying constitutional rank and the procedural requirements for changing them. One option is to downgrade part of the TFEU from primary law to a lower status amendable through lighter procedures. Another is to ease the amendment of primary law itself. This is, of course, a double-edged sword. Those concerned about being locked into what they may perceive as an excessively

75 (Affirmative) References in political speeches may have become less frequent in recent years, but still abound. For an instructive reflection of the relevance of that commitment – despite its apparent weakness as a legal argument – cf. Radlgruber and Wagner 2016.

76 In some instances, these were mere recommendations, like, for example, the so-called Matić Report on Sexual and Reproductive Health and Rights in the EU (European Parliament resolution of 24 June 2021 on the situation of sexual and reproductive health and rights in the EU, in the frame of women's health (2020/2215(INI)), pertaining to the first set of rights in the previous list. In other instances, however, we find a vast array of binding rules at EU level, such as on anti-discrimination matters (cf. Council Directives 2000/43/EC; 2000/78/EC; 2002/73/EC; and 2004/113/EC).

integrated community, with no realistic alternative but exit, would gain a more viable route to reversal. Yet entrenchment has also constrained integrative steps. Unless a differential regime is introduced for integrative steps on the one hand, and their reversal on the other, a decrease of the level of entrenchment could have effects in both directions. This ambivalence does not imply, however, that there was not any scope for agreement on this issue, one way or another. And indeed, moving away from the intergovernmentalist legacy in this regard could be considered a sign of constitutional maturation.

In addition, the special dimension of entrenchment afforded to judicial interpretations of primary law should also be reconsidered. Reaching consensus on this point may be easier. First, the Court has typically applied progressive interpretations to primary law. Making these easier to override would not accelerate integration, but simply moderate it where Member States object.

Secondly, the high level of entrenchedness afforded to judicial interpretations of primary law seems an unfortunate anomaly. While national constitutional jurisprudence typically enjoys similar protection, national systems usually exhibit lower overall entrenchment, and the phenomenon has been criticised even there.[77] Compared to this, it seems all the more problematic for the EU to combine maximum international-law-style entrenchment with a court whose role is not weaker, and in some respects even stronger, than that of national constitutional courts. A gradual deconstitutionalisation of judicial decisions thus appears warranted and viable. Various implementation paths exist; the key is to define a procedure for overriding judicial interpretations of primary law, which could be limited to certain parts of the Treaties, and which would have to be less demanding than changing primary law.[78]

5.4. Trajectories of Transition

The required reform, whatever its direction or magnitude, would be substantial. Understanding the demands, designing options, predicting their effects, reaching agreement: these are undoubtedly difficult, perhaps daunting, tasks. While the path of European integration has been unexpectedly successful to this day, its evolution was not primarily driven by visionary agreements among Member States, but by incremental change shaped through constant interaction among diverse actors, with the Court having repeatedly played a decisive role.

This does not downplay the importance of treaty revisions to date. But reaching the required consensus has not become easier, and the steps now needed seem no smaller than the past ones. It would be remarkable indeed if a thorough overhaul of

77 On that feature in national constitutional law, see the references in FN 56.

78 Fritz Scharpf may have been the first to advocate such an approach, allowing for a Member State to challenge a ruling of the Court in the Council, where a simple majority would then suffice to confirm it; cf. Scharpf, 2009, p. 474, where he also points to a similar arrangement under WTO law.

the EU's constitution were agreed upon by the Member States anytime soon. Incremental evolution remains the most likely trajectory.

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6. Epilogue: *L'Europe Se Fera Dans Les Crises*

It is in moments of crisis that Europe will be built – but will it really? Monnet's dictum is often quoted as a source of optimism. Yet this may be a misinterpretation. The actual line, from his memoirs, is retrospective:[79] Monnet stated there that he had always believed that Europe would be forged in crises.

This was likely a fair historical account in the 1970s. As an analytical statement, it may remain plausible beyond that time: states do not normally relinquish sovereign powers. So, for regional integration to occur, special circumstances are necessary:[80] be it a hegemonic power incentivising hesitant countries, be it a counter-majoritarian institution – such as a court – instigating a 'quiet revolution',[81] or be it a crisis facilitating unexpected compromise.

The current situation fits the crisis scenario in more than one way. Immediate security threats such as the war in Ukraine, continuous challenges such migration management, and the catastrophic prospects of climate change may all justify movement toward a more effective EU.

However, there is no guarantee, even under such special circumstances, for integration to come about. It might also just fail, and Monnet said nothing to suggest otherwise.

In the sentence following the above quote, he did, however, suggest what can reduce the probability of such failure: potential solutions must 'be proposed'.[82] And discussed, one may add, revised repeatedly, and refined, always working towards better proposals for yet another round of Europe's constitutionalisation. The task may not be perpetual–for what could ever be? But, certainly, there is no end in sight.

79 In its English translation, it reads: 'I have always believed that Europe would be built through crises, and that it would be the sum of their solutions'. Cf. Monnet, 1978, p. 417.

80 For a broad treatment, reaching beyond the European context, cf. Mattli, 1999.

81 Thus the term used by J.H.H. Weiler, to describe 'the new constitutional regime 'imposed by the European Court' during an early formative period of European integration, cf. Weiler, 1994, p. 510; for a related reflection, cf. Höreth, 2000.

82 The sentence following the one quotes above (Fn 82) reads: 'But the solutions had to be proposed and applied'.

References

Anderson, B. (1983) *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso.

Curtin, D., Tatevik M. (2015) 'Legal Acts and Hierarchy of Norms in EU Law' in Chalmers, D., Arnull, A. (eds.) *The Oxford Handbook of European Union Law*. Oxford: Oxford University Press, pp. 103–125; https://doi.org/10.1093/oxfordhb/9780199672646.013.19.

Cabral, T.S. (2020) 'A short guide to the legislative procedure in the European Union', *UNIO – EU Law Journal*, 6(1), pp. 161–180 [Online]. Available at: https://ssrn.com/abstract=3962953 (Accessed: 31 May 2025).

De Witte, B. (2019) 'Constitutional Challenges of the Enlargement: Is Further Enlargement Feasible without Constitutional Changes? (in-depth analysis)', commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the Committee on Constitutional Affairs [Online]. Available at: https://www.europarl.europa.eu/RegData/etudes/IDAN/2019/608872/IPOL_IDA(2019)608872_EN.pdf (Accessed: 31 May 2025).

Decker, F. (2012) 'Electing the Commission President and Commissioners Directly: A Proposal', *European View*, 11(1), pp. 71–78 [Online]. Available at: https://doi.org/10.1007/s12290-012-0206-6 (Accessed: 31 May 2025).

Delegations European Parliament (no date) 'EU-Turkey Association Agreement (the 'Ankara Agreement')' [Online]. Available at: https://www.europarl.europa.eu/delegations/en/d-tr/documents/eu-texts (Accessed: 31 May 2025).

European Commission (no date) 'EU budget' [Online]. Available at: https://commission.europa.eu/strategy-and-policy/eu-budget_en (Accessed: 31 May 2025).

European Commission (2025) 'Schengen area' [Online]. Available at: https://home-affairs.ec.europa.eu/policies/schengen/schengen-area_en (Accessed: 31 May 2025).

European Council (2024a) 'Qualified majority' [Online]. Available at: https://www.consilium.europa.eu/en/council-eu/voting-system/qualified-majority/ (Accessed: 31 May 2025).

European Council (2024b) 'Unanimity' [Online]. Available at: https://www.consilium.europa.eu/en/council-eu/voting-system/unanimity/ (Accessed: 31 May 2025).

European Parliament, Committee on Constitutional Affairs (2023) 'REPORT on proposals of the European Parliament for the amendment of the Treaties' [Online]. Available at: https://www.europarl.europa.eu/doceo/document/A-9-2023-0337_EN.html (Accessed: 31 May 2025).

European Parliament (2022) 'Parliament's right of initiative: proposals to strengthen EU democracy' [Online]. Available at: https://www.europarl.europa.eu/news/en/press-room/20220425IPR27805/parliament-s-right-of-initiative-proposals-to-strengthen-eu-democracy (Accessed: 31 May 2025).

European Union (no date a) 'Court of Justice of the European Union (CJEU)' [Online]. Available at: https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/search-all-eu-institutions-and-bodies/court-justice-european-union-cjeu_en#composition (Accessed: 31 May 2025).

European Union (no date b) 'Countries using the euro' [Online]. Available at: https://european-union.europa.eu/institutions-law-budget/euro/countries-using-euro_en (Accessed: 31 May 2025).

European Union (no date c) 'European Free Trade Association (EFTA)' [Online]. Available at: https://eur-lex.europa.eu/EN/legal-content/glossary/european-free-trade-association-efta.html (Accessed: 31 May 2025).

Graser, A. (2000) 'Auf dem Weg zur Sozialunion – Wie 'sozial' ist das europäische Sozialrecht?', *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht*, 14(4), pp. 336–351.

Graser, A. (2001a) *Dezentrale Wohlfahrtsstaatlichkeit im föderalen Binnenmarkt? Eine verfassungs- und sozialrechtliche Untersuchung am Beispiel der Vereinigten Staaten von Amerika*. Berlin: Duncker & Humblot.

Graser, A. (2001b) 'Dispositives Verfassungsrichterrecht', *Der Staat*, 40(4), pp. 603–621.

Graser, A. (2008) *Gemeinschaften ohne Grenzen? Zur Dekonzentration der rechtlichen Zugehörigkeiten zu politischen Gemeinschaften*. Tübingen: Mohr Siebeck.

Graser, A. (2023) 'The Dilemma of the Presumptuous Watchdog: Constitutional Identity in the Jurisprudence of the German Federal Constitutional Court' in Varga Zs., A., Berkes, L. (eds.) *Common Values and Constitutional Identities: Can Separate Gears Be Synchronised?*. Miskolc–Budapest: Central European Academic Publishing, pp. 13–49; https://doi.org/10.54237/profnet.2023.avlbcvci_1.

Graser, A. (2025) 'Finalité Revisited: On the Dynamics of Supranational Integratedness' in Varga Zs., A., Berkes, L. (eds.) *Federalism as the Future of the Diverse EU?* Miskolc–Budapest: Central European Academic Publishing, pp. 223–245; https://doi.org/10.54237/profnet.2025.azsvlbffde_7.

Group of Twelve (2023) 'Sailing the High Seas: Reforming and Enlarging the EU for the 21st Century' [Online]. Available at: https://www.auswaertiges-amt.de/resource/blob/2617206/4d0e0010ffcd8c0079e21329bbbb3332/230919-rfaa-deu-fra-bericht-data.pdf (Accessed: 31 May 2025).

Hein, M. (2020) 'Do constitutional entrenchment clauses matter? Constitutional review of constitutional amendments in Europe', *International Journal of Constitutional Law*, 18(1), pp. 78–110 [Online]. Available at: https://doi.org/10.1093/icon/moaa002 (Accessed 31 May 2025).

Höreth, M. (2000) 'Stille Revolution im Namen des Rechts? Zur Rolle des Europäischen Gerichtshofes (EuGH) im Prozess der europäischen Integration', *ZEI Discussion Paper C 78* [Online]. Available at: https://doi.org/10.71163/zchinr.2014.21.1 (Accessed: 31 May 2025).

Kotanidis, S. (2024) 'Role and election of the President of the European Commission' [Online]. Available at: https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/762359/EPRS_BRI(2024)762359_EN.pdf (Accessed 31 May 2025).

Martinek, M. (2014) 'Special Economic Zones in China and WTO: Bleak or Bright Future?', *Zeitschrift für Chinesisches Recht*, 21(1), pp. 41–51 [Online]. Available at: https://doi.org/10.71163/zchinr.2014.21.1 (Accessed: 31 May 2025).

Mattli, W. (1999) *The Logic of Regional Integration: Europe and Beyond*. Cambridge: Cambridge University Press; https://doi.org/10.1017/CBO9780511756238.

mercosur.int (no date) 'Official MERCOSUR site' [Online]. Available at: https://www.mercosur.int/en/ (Accessed: 31 May 2025).

Monaghan, H.P. (1975*)* '*Constitutional Common Law'*, *Harvard Law Review,* 89(1), pp. 1–45.

Monnet, J. (1978) *Memoirs, translated by Richard Mayne*. 1st edn. Garden City, New York: Doubleday and Company.

Office for Budget Responsility (2025) 'Brexit Analysis' [Online]. Available at: https://obr.uk/forecasts-in-depth/the-economy-forecast/brexit-analysis/#assumptions (Accessed: 31 May 2025).

Peters, A. (2021) 'Constitutional Theories of International Organisations: Beyond the West', *Chinese Journal of International Law*, 20(4) pp. 649–698 [Online]. Available at: https://doi.org/10.1093/chinesejil/jmab034 (Accessed 31 May 2025).

Radlgruber, E., Wagner, L. (2016) 'Ever closer Union… are you serious?', Junge Wissenschaft im Öffentlichen Recht Blog [Online]. Available at: https://www.juwiss.de/32-2016/ (Part I) and https://www.juwiss.de/33-2016/ (Part II) (Accessed: 31 May 2025).

Rasmussen, M. (2012) 'Establishing a Constitutional Practice of European Law: The History of the Legal Service of the European Executive, 1952–65', *Contemporary European History*, 21(3). pp. 375–397 [Online]. Available at: https://doi.org/10.1017/S0960777312000252 (Accessed: 31 May 2025).

Riegner, M. (2024) 'Varieties of Constitutionalism: Contestations of Liberalism', *Verfassung und Recht in Übersee*, 57(2), pp. 161–186 [Online]. Available at: https://doi.org/10.5771/0506-7286-2024-2-161 (Accessed 31 May 2025).

Scharpf, F.W. (1995) *Negative and positive integration in the political economy of European welfare states.* Florence: European University Institute.

Scharpf, F.W. (2008) 'Positive und negative Integration' in Höpner, M., Schäfer, A. (eds.) *Die Politische Ökonomie der europäischen Integration*. Frankfurt a. M.: Campus, pp. 157–177; https://doi.org/10.1007/978-1-349-26543-5_8.

Scharpf, W. (2009) 'Legitimität im europäischen Mehrebenensystem', *Leviathan, 2009/*37, pp. 244–280 [Online]. Available at: https://doi.org/10.1007/s11578-009-0016-7 (Accessed: 31 May 2025).

Schuppert, G.F. (1995) 'Rigidität und Flexibilität von Verfassungsrecht Überlegungen zur Steuerungsfunktion von Verfassungsrecht in normalen wie in 'schwierigen Zeiten', *Archiv des Öffentlichen Rechts*, 120(1), pp. 32–99.

Schwarcz, A. (2025) 'The Union's revenue' [Online]. Available at: https://www.europarl.europa.eu/factsheets/en/sheet/27/the-union-s-revenue (Accessed: 31 May 2025).

Stein, E. (1981) 'Lawyers, Judges, and the Making of a Transnational Constitution', *American Journal of International Law,* 75(1), pp. 1–27 [Online]. Available at: https://doi.org/10.2307/2201413 (Accessed: 31 May 2025).

Stolleis, M. (2010) 'Europa als Rechtsgemeinschaft' in Kadelbach, S. (ed.) *Europa als kulturelle Idee – Symposion für Claudio Magris*. Baden-Baden: Nomos, pp. 71–82.

Stone Sweet, A. (2010) 'The European Court of Justice and the judicialization of EU governance', *Living Reviews in European Governance*, 2010/2, pp. 1–53 [Online]. Available at: https://dx.doi.org/10.2139/ssrn.1583345 (Accessed 31 May 2025).

Swedish Ministry of Justice (2013) 'The Constitution of Sweden' [Online]. Available at: https://www.government.se/contentassets/7b69df55e58147638f19bfdfb0984f97/the-constitution-of-sweden/ (Accessed at: 31 May 2025).

The Diplomatic Service of the European Union (2021) 'European Neighbourhood Policy' [Online]. Available at: https://www.eeas.europa.eu/eeas/european-neighbourhood-policy_en (Accessed: 31 May 2025).

The Diplomatic Service of the European Union (2025) 'Eastern Partnership' [Online]. Available at: https://www.eeas.europa.eu/eeas/eastern-partnership_en (Accessed: 31 May 2025).

Vedder, C. (1997*) Intraföderale Staatsverträge, Instrumente der Rechtsetzung im Bundesstaat*. 1st edn. Baden-Baden: Nomos.

Weiler, J.H.H. (1991) 'The Transformation of Europe', *The Yale Law Journal,* 100(8), pp. 2403–2483.

Weiler, J.H.H. (1994) 'A Quiet Revolution: The European Court of Justice and its Interlocutors', *Comparative Political Studies*, 26(4), pp. 510–534 [Online]. Available at: https://doi.org/10.1177/0010414094026004006 (Accessed: 31 May 2025).

Weiler, J.H.H. (1995) *The State 'über alles' Demos, Telos and the German Maastricht Decision*. Florence: European University Institute.

Chapter IV.3

The EU Enlargements Between Conditionalities and Integration Principles



Matteo Gnes

Abstract

After providing a short description of the different stages of European enlargement and of the conditionalities established at the Copenhagen European Council, this study will discuss the most important principles of European integration (the principle of mutual recognition, the principle of solidarity and the respect of the rule of law). Indeed, in the absence of a true political union, the enlargement conditionalities have to be interpreted and applied according to these fundamental principles of European integration.

Keywords: EU enlargement, enlargement conditionalities, mutual recognition, EU solidarity, EU rule of law

1. Foreword: Limits and Object of This Research

The history of the enlargements of the membership of the European Economic Communities (EEC), and then of the European Union (EU), has attracted little attention from the legal science in comparison to, on the one hand, the institutional

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developments and the study of the EU freedoms, and, on the other hand, the studies conducted by political scientists and historians.[1]

This is likely due to the idea that the European Union is 'a new legal order of international law for the benefit of which the States have limited their sovereign rights, albeit within limited fields, and the subjects of which comprise not only Member States but also their nationals'.[2] Therefore, most of the attention has been paid to the institutional developments and to the strengthening of the internal market of the Union, rather than on its enlargement.

Furthermore, besides the possible transitional periods after the accession of a new Member State and the possible temporary exceptions provided in the specific accession treaty, the *acquis communautaire* (i.e. the legal corpus of the European Union) has to be fully accepted by the new entrants. Thus, the problem of the specific arrangements agreed with the new Member States has mostly a 'historical' value, as the system of European legislation has to be fully implemented in a relatively short period of time after the accession to the European Union (if not even before the accession).

The aim of this research is not to study the legal arrangements agreed upon for the accession of each new Member State, nor to provide an overview of the negotiations that took place or the political climate that accompanied each accession. This has already been the object of numerous studies by legal historians, political scientists and/or international relations experts.

Instead, after providing a short description of the different stages of European enlargement and of the basic principles on which such events have been based on, this research will attempt to identify the most pertinent conditionalities that the then 'new' Member States were required to meet and their coordination with the most relevant principles of European integration.

It should be stressed that this study explores only the previous (and accomplished) enlargements, without taking account of the current enlargement processes (concerning the Balkans, Turkey, Ukraine, Armenia, Moldova, etc.).

2. The History of EU Enlargement

The first enlargements of the European Economic Communities were based on a case-by-case approach. No general conditions were established at that time and, indeed, the main concern regarded the possible economic effects on the market

1 Although the enlargement process has been the object of many interesting books, often with a wide interdisciplinary approach, little room is devoted to the enlargement process in the textbook on European Union law.

2 European Court of Justice (ECJ), judgment of 5 February 1963, van Gend & Loos, case 26–62.

and on the integration process. The political debate focused mainly on the 'deepening versus widening' issue, as the widening of the Communities (through the enlargement) was thought to make the deepening of market integration more difficult (by making it harder to reach consensus in decision-making).[3]

Thus, the first enlargements were accompanied by certain European reforms.[4] The first enlargement (1973: Denmark, Ireland and the United Kingdom), was agreed upon at the Hague Council of 1969, where it was linked with the creation of a European Political Cooperation (EPC) (i.e. the foreign policy cooperation among the Member States, that started in 1970) and the Economic and Monetary Union (EMU) (which, however, was created only much later).

Although the second enlargement (1981: Greece) did not provide for institutional reforms of the European Communities, the third enlargement (1986: Spain and Portugal) was accompanied by the signing of the Single European Act (SEA) which introduced the qualified majority voting for the approval of harmonisation legislation.

The fourth enlargement (1995: Austria, Finland, and Sweden) was based on the provisions of the Maastricht Treaty of 1992, which established the European Union as the successor of the European (Economic) Community and strengthened the integration process in many aspects (e.g. by providing the establishment of the European monetary union).

The fifth enlargement (2004: Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia) and the sixth (2007: Bulgaria and Romania) came after the intergovernmental conference of 1996 (which also produced the Amsterdam Treaty) and were based on conditions established in the Copenhagen summit of June 1993. The seventh enlargement (2013: Croatia) was also based on these established and consolidated conditions.

Besides the deepening vs. widening debate, other factors played a very important role in the political and legal debate concerning the enlargement.

For instance, the accession of the United Kingdom was vetoed twice by France (in 1963 and 1967) because of General de Gaulle's concerns about the United Kingdom's close ties with the United States and the Commonwealth (which could undermine the cohesion and purpose of the European Communities) and his doubts regarding Britain's commitment to Europe and its willingness to embrace European economic and political integration.

Greece's accession was approved by the Member States as a recognition of the introduction of democracy after the dictatorial regime of the colonels. This was done despite the negative opinion expressed by the Commission, which found that Greece was not sufficiently prepared from an economic perspective.

Economic reasons also caused concerns regarding the accession of Spain, due to the impact it would have had on the distribution of structural funds in the field of

3 Cf. Wallace, 1989; De la Serre, 1991; Wessels, 1996, p. 141. Cf. also Kelemen, Menon and Slapin, 2014, p. 647; and Borchardt, 1995, p. 18.

4 See Preston, 1997, p. 23; Laursen, 2013, p. 19; Letta, 2003, p. 13.

agriculture and fisheries. However, also in the case of Spain, broad political considerations prevailed, taking into account the recent accomplishment of democracy.

The fall of the Berlin Wall in 1989 had serious consequences for European enlargement, although the integration of new Members followed different paths.

Regarding the former East Germany, the political position of Germany (that was accepted by the other Member States) was to immediately unify it (3 October 1990), although this required huge investments and transfers of economic resources.

The second path is represented by the accession of Austria, Finland, and Sweden (1995). This had previously not been possible due to their neutral status; however, following the fall of the Berlin Wall and the end of the East-West opposition, their ascension proceeded quite smoothly.

The third path was the accession of the Eastern European countries, which took a much longer time and was based on three phases. The first phase was the enactment of Association agreements; the second the application of the criteria established in Copenhagen; and the third was the negotiations.

The 2004 enlargement was, in many aspects, unprecedented.[5] This was due, first, to the large number, and the geographical and cultural variety of the countries that joined; second, because it had the political significance of a 'reunification of Europe'; and third, because the European Union itself had profoundly changed since the earlier enlargements.[6] For these reasons, the above-mentioned long and complex process was designed. Moreover, during the 2004 negotiations, the EU accession was presented as a 'package deal'. This allowed EU negotiators to include conditions that were unattractive to the candidates, which they eventually accepted because the overall attractiveness of joining the Union outweighed the disadvantages of parts of the deal. The background idea was that 'Ultimately, accession on any terms is better than no accession'.[7]

3. The Evolution of the Conditions for Accession to the EC/EU and the Copenhagen Criteria

The conditions for accession to the EC/EU have been defined and expanded throughout the years. Beginning as broad political and economic conditions, they have been gradually shaped and reshaped. As it has been said,

> in practice, each enlargement has been an occasion for the Member States and the institutions to reflect and elaborate on the conditions of entry, not least because of

5 See Albi, 2005, p. 5.
6 Cf. Cremona, 2003, p. 2; Albi, 2005, p. 5; Jacobs, 2004.
7 Grabbe, 2006, p. 2.

> the constant evolution of the Community/Union and of its legal order, but also as a reaction to the steady increase of membership applications.

Thus, the accession conditions have been converted, progressively into more objective 'benchmarks'.[8]

The accession conditions were finally defined by Art. O of the Maastricht Treaty of 1992 and by the European Council of Copenhagen of 1994.

According to Art. O of the Maastricht Treaty:

> Any European State may apply to become a Member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. The conditions of admission and the adjustments to the Treaties on which the Union is founded which such admission entails shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the Contracting States in accordance with their respective constitutional requirements.

This Art. has since been modified by the Lisbon Treaty of 2007, which added the condition that applicant States should respect 'the values referred to in Art. 2' and should be committed to their promotion.[9]

The specific criteria to be met were established by the Copenhagen European Council of 21–22 June 1993[10] and strengthened by the Madrid European Council of 15–16 December 1995. These are known as the 'Copenhagen criteria'.

There are three sets of criteria. The first are the 'political criteria', which include the stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities. The second are the 'economic criteria', which require countries to have a functioning market economy and the capacity to cope with competitive pressures and market forces within the Union. The third is adaptation to the *acquis communautaire*.

The political conditionality represents a consolidation of the principles *de facto* applied in the past (e.g. as concerns Greece, Portugal and Spain, which could join the European Communities only after the establishment of democracy) and anticipates

8 Hillion, 2004b, p. 3.

9 Art. 49 TEU.

10 Conclusions of the Presidency of the European Council in Copenhagen of 21–22 June 1993 (DOC/93/3, point 7.A.III): 'Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union. The Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries'.

the criteria established by the Maastricht Treaty as revised by the Amsterdam Treaty, which 'constitutionalised' the Copenhagen criteria.[11]

Even the economic criteria find their origin in the previous negotiations, such as when General De Gaulle vetoed the accession of UK in 1967 on the basis that it was not ready to join because of its economic situation. These conditions were implicitly considered in the case of Greece, Portugal, and Spain. They were then formally evaluated by the Commission in the case of the accession of the EFTA countries (Austria, Finland and Sweden).

Furthermore, the third Copenhagen criteria relate to a long-standing accession condition – the ability of the applicant State to take on the 'obligations of membership' – which entails the acceptance and observance of the so-called '*acquis Communautaire*', i.e., the broad corpus of EC/EU's rules and objectives. This conditionality was established in the 1969 Hague Conference of the Head of States and Government (on the accession of Britain, Denmark, Ireland and Norway) and confirmed in the subsequent enlargements.

However, the conditions of accessions have been gradually made more severe and tough and have even been used to try to influence the domestic and foreign policies of applicant countries.[12] Controls of compliance to conditionalities have been institutionalised and their stricter applications envisaged.[13]

4. The European Enlargements Between Conditionalities and Fears

European integration is based on rules. After the failure of the agreement to create a European political union in the 50s of the last century, the main idea was to build the European integration through the enactment of market rules (i.e. by strengthening the market through legal rules).

In the background, however, was the idea of building a European integration through a basic political process based not only on market rules but also on other political values. As it was affirmed in the *Schumann Declaration* of 1950, 'Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity'.

Furthermore, the enlargement process is based on rules (i.e. conditionalities) that are backed up by the idea of common values.

11 For an in-depth analysis see Hillion, 2004b, p. 3.

12 See Smith, 2003, p. 105; Grabbe, 2006, p. 25. As concerns the use of Accession Partnerships to influence applicant countries' policy-making to an extent; this applies even to policies that have not been adopted by all Member States (such as Schengen and monetary union).

13 Hillion, 2004b, p. 13; Mattina, 2004, p. 50.

As stated in 1999 by the former President of the European Commission, Mr. Romano Prodi, regarding the Copenhagen conditionalities:

> Now, as never before, and perhaps as never again, we have the chance to create a Europe in which all the peoples of this continent can live together in peace, security, freedom, justice and equality. A democratic Europe where human rights are respected and the rule of law prevails. An economically integrated Europe which offers growth and prosperity through a single market and a single currency. […]
> I believe this is a strong message of political solidarity with the applicant counties which underlines our sincere desire to open the doors of the Union is a meaningful time-frame.
> But it is also a message that tells our fellow Europeans in these countries that their future lies very much in their own hands. We will be ready to receive them. Whether they are willing to join us will depend on their capacity to change and adapt their economic, social, environmental and legal systems. Like the need for our Member States to meet the Maastricht criteria, this effort of adaptation brings intrinsic benefits but is made easier by the constraints of aspiring to future membership.[14]

European integration includes strong political values, such as democracy, justice, and solidarity.

These values have been imposed, through the political conditionalities, on new Member States, in an even stronger way as compared to the existing Members.

However, rules and legal obligations are not enough to create a community. Becoming a member of any society or group is a long and complex process that cannot be based solely on the will of the governors as embodied in a formal legal text.

Gaining membership in any society (be it a rowing club, golf club, or an international community) is usually a process based on the acceptance of the vast majority of its members (often based on secret voting). Therefore, the accession to a community of States involving such strong economic and political ties also needs to have a strong involvement of the people.

From a formal point of view, the accession of the applicant countries is based on treaties that have to be signed by all of the current Member States and approved by national parliaments (and sometimes even by referenda).

However, if this process is not based on common feelings and values, the accession of new members may create huge problems, negative reactions, oppositions and widespread fears.

Two examples of such fears – caused by the 2004 enlargement – may be provided.

The first is the failure of the ratification of the Treaty establishing a Constitution for Europe. The Treaty, adopted by the European Council on 18 June 2004 and signed in Rome on 29 October 2004, was never ratified as it was rejected by two

14 Prodi, 1999, p. 1.

(founding) Member States following the failures of their national referenda. One referendum was held in France on 29 May 2005 (the negative votes prevailed with 54.68% of total votes) and the other took place in the Netherlands on 1 June 2005 (the negative votes accounted for 61.6% of total votes).

The second example is the strong opposition to the approval of the so-called Bolkenstain directive proposal which provided for an extension of the 'mutual recognition' or 'country of origin' principle.[15]

According to a widespread opinion, the application of this principle could have led to social dumping (by letting companies hire workers in other countries in order to pay lower social security costs), and even a race to the bottom of the national social security systems. The most well-known examples were the Polish plumber (*Plombier polonaise*) and Polish nurse (*l'infirmière polonaise*) cases, that, according to the aforementioned opinion, would have been able to offer their services at a lower price than that of the national plumbers or nurses.[16]

This led to the removal of the 'country of origin principle' from the directive, which, as it was then approved, simply provided for the 'freedom to provide services'.[17]

5. In Search of the Fundamental Principles of European Integration

The rise in fear for a huge number of European citizens after the 2004 enlargement demonstrates the failure, at least from a political perspective, of the Copenhagen criteria.

15 Art. 16 ('Country of origin principle') of the proposal for a Directive of the European Parliament and of the Council on services in the internal market, doc. COM(2004)2, of 25 February 2004: 'Member States shall ensure that providers are subject only to the national provisions of their Member State of origin which fall within the coordinated field. para. 1 shall cover national provisions relating to access to and the exercise of a service activity, in particular those requirements governing the behaviour of the provider, the quality or content of the service, advertising, contracts and the provider's liability'.

16 This opinion was clearly stated by the journalist P. de Villiers, La grande triche du oui, in Le Figaro, 15 March 2005: *'Cette affaire est très grave, car la directive Bolkestein permet à un plombier polonais ou à un architecte estonien de proposer ses services en France, au salaire et avec les règles de protection sociale de leur pays d'origine. Sur les 11 millions de personnes actives dans les services, un million d'emplois sont menacés par cette directive. Il s'agit d'un démantèlement de notre modèle économique et social'.* On this case, and more generally on the opportunities offered by the European integration, see Gnes, 2009, p. 37.

17 Art. 16 of the Directive n. 2006/123/EC of 12 December 2006, on services in the internal market.

Of course, these criteria cannot be exceeded or deleted. Their progressive establishment and consolidation demonstrate an important attempt to provide objective and fair conditions for candidate States to accede to the European Union.

However, especially in the absence of a true political union, these criteria have to be interpreted and applied according to the fundamental principles of European integration.

As concerns the 'political criteria' (stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities), the fundamental principles to be taken in account are the principles of solidarity and the rule of law.

As concerns the 'economic criteria' and the 'adaptation to the *acquis Communautaire'*, the main principle of reference should be the mutual recognition (but the other two also play a relevant role).

Such principles are, indeed, not new, even in the practice of the European Commission in examining the integration dossiers of the candidate countries. However, it might be suggested that such principles should be applied under a different, more functional and comprehensive perspective.

5.1. The Principle of Mutual Recognition

Probably the most important principle of the European integration, under the perspective of the creation of the common market, is the principle of mutual recognition.

This principle, based on Art. 28 of the EC Treaty (now Art. 34 TFEU: 'quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States'), was firstly stated by the Court of Justice in the judgment *Cassis de Dijon*. The Court held that:

> the concept of measures having an effect equivalent to quantitative restrictions on imports, contained in Art. 30 of the EEC Treaty, is to be understood to mean that the fixing of a minimum alcohol content for alcoholic beverages intended for human consumption by the legislation of a member state also falls within the prohibition laid down in that provision where the importation of alcoholic beverages lawfully produced and marketed in another member state is concerned.[18]

This judgment was later explained by the Commission in a specific communication, where it stated that:

> the principles deduced by the Court imply that a Member State may not in principle prohibit the sale in its territory of a product lawfully produced and marketed

18 ECJ, judgment of 20 February 1979, *Rewe-Zentral AG v. Bundesmonopolverwaltung für Branntwein*, case 120/78.

> in another Member State even if the product is produced according to technical or quality requirements which differ from those imposed on its domestic products. Where a product 'suitably and satisfactorily' fulfils the legitimate objective of a Member State's own rules (public safety, protection of the consumer or the environment, etc.), the importing country cannot justify prohibiting its sale in its territory by claiming that the way it fulfils the objective is different from that imposed on domestic products.[19]

The principle of mutual recognition has been progressively applied by the Court of Justice to goods (in the 80s, especially for food and beverages), even concerning their manufacturing, characteristics, name, and packaging. This was then progressively applied to all the other EU freedoms. Thus, it was used to build the common market in areas where harmonisation had not been accomplished through EU secondary legislation.

The principle of mutual recognition, because of the integrative function attributed to it, is not easily distinguishable from other principles, with which it is generally identified or confused: the principle of functional parallelism, the principle of equivalence, the principle of non-discrimination, the principle of origin, the principle of control of the country of origin, the freedoms of movement, etc. These are distinct principles, but they seem to indicate specific aspects of the same general principle, which is sometimes identified as the principle of non-discrimination.[20]

Indeed, the principle of mutual recognition, understood as functional parallelism, implies the obligation of the various Member States to allow the circulation within their territory of the goods produced in another Member State, provided that the standards followed in the second State correspond 'from a functional point of view' to those of the first.

The principle of mutual recognition is not merely a particular expression of the broader principle of non-discrimination (and equality), nor only one of the possible instruments for the creation of the single market, nor exclusively a means of evaluating the application of the controls set up by the Member State of destination (or establishment). Instead, it is the strongest application of the principle of non-discrimination, which constitutes a fundamental principle of the EU legal system. From this latter principle follows the prohibition of discriminatory treatment (understood as an application of the principle of equality) and, consequently, not only the obligation to treat goods produced in other countries in a non-discriminatory manner, but also that of recognising the regulations of other countries as equivalent. This, in

19 Communication from the Commission concerning the consequences of the judgment given by the Court of Justice on 20 February 1979 in Case 120/78 (Cassis de Dijon), published in the OJ of 3 October 1980, C256, p. 2.

20 On the mutual recognition principle see esp.: Weiler, 1999, p. 349; Majone, 1993; Armstrong, 2002, p. 225; Gnes, 2006 and 2010.

turn, prevents the possibility for States to set quality standards that could introduce obstacles to the freedom of movement.

This is the most important and most delicate aspect of the mechanism that allowed the creation of the single market, as it establishes acceptance, by the various legal systems of the countries adhering to the Union, of both the rules and the acts enacted by other national authorities.

The application of the principle of mutual recognition, as an alternative to that of (total) harmonisation, as well as the determination of the level of (minimum) harmonisation and the methods for establishing the mix of harmonisation and mutual recognition, vary not only according to the technical characteristics of the sector concerned, but also on the basis of political choices, which are often the result of compromises between the various EU institutions and the Member States.

In order to make this principle work, it is necessary that there is, on the one hand, a sort of mutual trust or mutual respect ('comity') on the part of the national legal systems involved (and especially on the part of national administrations); and, on the other hand, that there is a great credibility and reliability of the activity of the EU institutions.

According to this perspective, the mutual recognition principle plays a fundamental role in the construction of European integration. It has the role of keeping together the different elements of the European complex system, with a federative and integrative function, similar to that played by the *Full faith and credit clause*[21] and the *Commerce clause*[22] in the United States legal system.[23]

The mutual recognition principle (as well as its sister principles, like the country-of-origin principle) constitutes a bridge that allows the circulation of national rules (e.g. the rules according to which a product has been manufactured, or a person has acquired his qualifications). The possibility for national rules to be applied in another country may give rise to the phenomenon of 'choosing the law' (i.e. to the possibility to 'import' the rule of another country).

For example, in a case concerning the freedom of establishment, two Danish nationals, residing in Denmark, incorporated a company named 'Centros' in the United Kingdom (at the time member of the EC), for the purpose of avoiding Danish legislation requiring that a minimum amount of share capital be paid up. However, the Danish administration refused to register a branch of that company in Denmark, on

21 Art. IV, I of the US Constitution: 'Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof'.

22 Art. I, X, n. (2) US Const.: 'No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress'.

23 For a comparison of the integrative processes in the EU and in the US, see Kommers and Waelbroeck, 1986, p. 165.

the grounds, *inter alia*, that the company, which did not trade in the United Kingdom, was in fact seeking to circumvent the national rules. The refusal was appealed to a Danish tribunal and the question referred to the Court of Justice. The Court of Justice established that 'the right to form a company in accordance with the law of a Member State and to set up branches in other Member States is inherent in the exercise, in a single market, of the freedom of establishment guaranteed by the Treaty'. The Court also held that Member States may

> case by case, take account – on the basis of objective evidence – of abuse or fraudulent conduct on the part of the persons concerned in order, where appropriate, to deny them the benefit of the provisions of Community law on which they seek to rely.[24]

5.2. The Principle of Solidarity

The principle of solidarity plays an increasingly important role in the European integration process as an emerging principle that may be part of the constitutional principles that underline the European integration (as the non-discriminatory rule, the rule of law, etc.) or may even constitute a part of the 'European rule of law'.

The term 'solidarity' appeared in the above-mentioned Schumann Declaration of 1950. It was later mentioned in both the preamble of the Treaty establishing the European Coal and Steel Community of 1951 and in the preamble of the Single European Act of 1986.

The phrase 'European solidarity' is one of the most frequently used in public discourse and media, especially in relation to the different crises (financial crises, refugee crisis, etc.) that have affected Europe.

However, it has been applied by the European Court of Justice in a limited number of cases and areas. For example, in a case in the field of social security, the Court held that 'a certain degree of financial solidarity between nationals of a host Member State and nationals of other Member States, particularly if the difficulties which a beneficiary of the right of residence encounters are temporary'[25] should be accepted.

Although the meaning of (European) solidarity has never been defined in EU law, nor in the case law of the Court of Justice, this term has been used in the framework of European integration with different purposes, with different perspectives, and to respond to the different crises Europe is facing.

European solidarity has, thus, a multilayered character.[26] Different perspectives on this principle have been envisaged: as a constitutional principle, as it may provide

24 Court of Justice, judgment of 9 March 1999, *Centros Ltd v. Erhvervs- og Selskabsstyrelsen*, case C-212/97, §§ 27 and 25.

25 Court of Justice, judgment of 20 September 2001, *Rudy Grzelczyk v. Centre public d'aide sociale d'Ottignies-Louvain-la-Neuve*, case C-184/99.

26 Borgmann-Prebil and Ross, 2010.

different answers as compared to the analyses based exclusively on the concepts of citizenship and fundamental rights;[27] as a key element of the concept of social justice as a counterweight to the predominant market orientation; and as a guiding principle not only for cohesion policies but also for legislation in general.[28] However, this concept has never been expressly affirmed as a constitutional legal principle, likely because of its intrinsically political origin and the opposition of Member States to affirm a general obligation of mutual assistance.

Although the concept of solidarity, also in the European integration, has primarily a strong rhetoric and political meaning, it acquired (especially after the Lisbon Treaty) an increasingly stronger legal significance. Solidarity is used in Art. 3 TEU according to three different meanings: 'solidarity between generations', 'solidarity among Member States' and 'solidarity and mutual respect among peoples' in respect of the Union's relations with the outside world.[29]

The Lisbon Treaty expressly mentions the concept of solidarity in many different areas: in the field of financial solidarity,[30] in the field of migration,[31] in that of social solidarity,[32] and in other fields.[33]

The Court of Justice has invoked or elaborated the concept of solidarity in different areas: generally, to define the principle of loyal cooperation[34] where solidarity was used as a foundation for key constitutional principles securing the effectiveness of EU law and the protection of individual rights; social rights (where solidarity played the role as a 'value signifier' especially regarding access to social justice, as in the fields of healthcare and public services); market freedoms (where the concept of national solidarity was used as a justification in favour of obstacles to the single market), EU citizenship (especially concerning the development of the equal-treatment principle in core citizenship rights and the request to Member States to demonstrate financial solidarity toward those EU citizens sufficiently integrated into the host Member State); and competition rules (in order to exclude solidarity systems from the notion of 'undertaking', and so from the application of competition rules).[35]

A legal principle gets its strength from its constitutional position and from its judicial application (and by the reconstruction provided by the legal science). In the case of solidarity, the role of the Court of Justice as promoter of European integration was not backed up by the development of legislation. Especially in the field of social

27 Ross, 2010, p. 41.
28 Barnard, 2010, p. 75.
29 Ibid., p. 74.
30 Art. 122 TFEU, European Stability Mechanism, etc.
31 Art. 80 TFEU.
32 Arts. 2, 3 TEU and Art. 27 of the European Charter of fundamental rights.
33 Arts. 21, 24, 31, 32 TEU; Art. 222 TFEU on terrorism; Protocol 28 on social cohesion, etc.
34 Art. 10, now Art. 4, TEU.
35 Ross, 2010, p. 41; and Ross, 2007, p. 1057.

solidarity, it encountered the opposition of the Member States, who were worried about the financial solidarity obligation that would be imposed upon them.[36]

The principle of solidarity is still far from living up to its strong potential in the interpretation and application of EU law.

5.3. The Respect of the Rule of Law

The rule of law is not only a political condition to become a Member State but also a fundamental principle of the European Union, expressly provided for by Art. 2 TEU:

> The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men prevail.

Art. 2 TEU does not simply provide a list of principles and values. It defines the political background and programme of the European Union integration. Therefore, although the TEU does not define what the 'rule of law' is, it may be defined according to the other values mentioned.

There is not a commonly recognised definition of 'rule of law': not only because the legal literature on the topic in almost infinite, but also because the term has been used by politicians and exporters of democracy with many different meanings.

As a starting point, using a legal dictionary definition, it might be defined simply as the 'supremacy of regular as opposed to arbitrary power' (i.e. the 'supremacy of law'), or 'the doctrine that every person is subject to the ordinary law within the jurisdiction'.[37]

In the EU legal system, the principle of the rule of law has been defined and applied by the European Court of Justice in different fields, but especially in the area of judicial independence.[38] Indeed, since the origins of the European Communities, a strong relationship was built between the European and the national judges, through the preliminary ruling procedure established by the EEC (precursor to the EC and then the EU) Treaty. This instrument has been used not only as a means to achieve the 'final' and definitive interpretation of EU law from the European Court of Justice but also as a strategical tool to re-interpret national law; or even to modify national law through the application of EU law, according to its status as a superior law.[39]

36 Gnes, 2018, 238.
37 Garner, 2009, p. 1448.
38 Bóka, 2024, p. 173.
39 On the 'strategic use' of the preliminary ruling procedure, see, inter alia, Gnes, 1999, p. 331; de Witte, 2016, p. 15; Classe, 2021, p. 177.

It is important to note that decades ago, an Italian judge attempted to obtain an interpretation against the national legislation concerning the liability of judges (which would have undermined their independency also in their role of judges applying European law). However, the request for a preliminary ruling was rejected on the grounds of not bearing any relation to the actual nature of the case or to the subject-matter of the main action.[40]

More recently, the rule of law has been invoked in cases that involved the independence of the judiciary in certain East European Member States (Poland, Hungary, and Romania) and the power of lower courts to propose preliminary rulings to the European Court of Justice.[41] Another recent case concerned the conditionality for the protection of the Union budget in the case of breaches of the principles of the rule of law in the Member States, which was upheld as legitimate by the European Court of Justice.[42]

This is not the place to discuss the function and meaning of the rule of law or of its application in the European Union, nor to discuss its application in the field of conditionality regulation[43] or judicial independence,[44] as much has already been written.

It should be highlighted that this principle has assumed an extremely relevant role in the development of the European union legal system. Suffice it to say, it has contributed to the move from the traditional position of European non-interference on procedural issues to a stricter control on the national judiciaries (although formally only to assure the correct functioning of the European integrated judicial system).

6. Perspectives

Formally setting the conditionalities through the Copenhagen criteria undoubtedly contributed to the transparency of the accession procedure and clarified what candidate countries can expect once they become full members of this special community of States.

40 Court of Justice, order of 26 January 1990, *Falciola Angelo SpA v. Comune di Pavia*, case C-286/88.

41 See e.g. the Judgments of the Court of Justice (Grand Chamber) of 23 November 2021, *Criminal proceedings against IS*, case C-564/19 (concerning the Hungarian judiciary) and of 22 February 2022, *Proceedings brought by RS*, Case C-430/21 (concerning the Romanian judiciary).

42 European Court of Justice (Full Court), judgment of 16 February 2022, *Hungary v. European Parliament and Council of the European Union*, case C-156/21.

43 Cf. Bóka, 2024, p. 224.

44 Cf. von Bogdandy et al., 2021.

However, it must be noted that the European Union is not (yet) a federal State, as it not only lacks some of the most important features of federal States but also a common political basis.

The step-by-step process of building European integration has been based on the construction of a common market, through legal and economic instruments so that Europe is seen as 'Europe of rules'. The process has also relied on the work of the only real supranational institutions: the European Commission, the European Court of Justice and the European Central Bank. However, these are considered 'technical' institutions, without a specific political mandate.

For decades, Western countries and international institutions and organisations have tried to 'export' democracy to the less developed countries, providing economic subsidies in exchange for adherence to democratic principles. The respect for the rule of law and of human rights has been used as a conditionality to provide financial benefits: from the EU to candidate countries under special agreements; or, from international financial institutions (esp. International Monetary Fund and World Bank) to finance development projects.

The rule-of-law principle has been defined according to the Western countries' lenses, and the EU rule of law has been developed according to even more specific lenses.[45]

In particular, the first enlargements saw the accession of new countries as a prize for their recently acquired democratic status. Indeed, the EC/EU has been an 'expanding club of democratic European states'. Alongside this geographical expansion, the process of European integration gradually expanded the functional scope of integration, from the construction of the common market to the fiscal and monetary union and the inclusion of limited political elements.[46] However, the most recent enlargements show the self-conceit of the oldest Member States as consolidated democracies, as opposed to the new and fragile democracies.

Of the three fundamental legal principles that have been described, two (mutual recognition and rule of law) are 'technical' instruments in the hands of administrations and judges, necessary to promote the creation and strengthening of a common market based on common democratic values.

The third principle, solidarity, has both legal and political value, and should be used, together with the other principles, to achieve a less legal and more political union.

The European Union is more than just a common market, which may be based only on the principle of mutual recognition and some economic conditions. It entails a complex and difficult mix of law and politics, enshrined by principles that have a double face, like solidarity and rule of law.

The challenge is to be able to use (both the EU legislator and the European judges) these principles in a prudent, consistent, and visionary manner.

45 Cf. Varga, 2021, p. 301.
46 Laursen, 2013, p. 22.

References

Albi, A. (2005) *EU enlargement and the constitutions of Central and Eastern Europe*. Cambridge: Cambridge University Press; https://doi.org/10.1017/CBO9780511494901.

Armstrong, K.A. (2002) 'Mutual recognition' in Barnard, C., Scott, J. (eds.) *The Law of the Single European Market. Unpacking the Premises*. Oxford: Hart, pp. 225–267.

Barnard, C. (2010) 'Solidarity and the Commission's 'Renewed Social Agenda' in Ross, M., Borgmann Prebil, Y. (eds.) *Promoting Solidarity in the European Union*. Oxford: Oxford University Press, pp. 73–105; https://doi.org/10.1093/acprof:oso/9780199583188.003.0004.

Bóka, J. (ed.) (2024) *The Supranational Interpretation of the Rule of Law*. Miskolc–Budapest: Central European Academic Publishing, https://doi.org/10.54237/profnet.2024.jbrol.

Borchardt, K.D. (1995) *European Integration. The Origins and Growth of the European Union*. Luxembourg: Office for Official Publications of the European Communities.

Borgmann-Prebil Y., Ross, M. (2010) 'Promoting European Solidarity: Between Rhetoric and Reality?' in Ross, M., Borgmann Prebil, Y. (eds.) *Promoting Solidarity in the European Union*. Oxford: Oxford University Press, pp. 1–22; https://doi.org/10.1093/acprof:oso/9780199583188.003.0001.

Claassen, J. (2021) 'Assessing the Strategic Use of the EU Preliminary Ruling Procedure by National Courts' in Baade, B., Burchardt, D. Feihle, P., Köppen, A., Mührel, L., Riemer, L., Schäfer, R. (eds.) *Cynical International Law?* Berlin, Heidelberg: Springer, pp. 177–194; https://doi.org/10.1007/978-3-662-62128-8_11.

Cremona, M. (ed.) (2003) *The Enlargement of the European Union*. Oxford: Oxford University Press, https://doi.org/10.1093/acprof:oso/9780199260942.001.0001.

De la Serre, F. (1991) 'The Integration Dilemma: Enlarging and/or Deepening the Community', *Futures*, 23(7), pp. 739–746 [Online]. Available at: https://doi.org/10.1016/0016-3287(91)90056-8 (Accessed: 15 February 2025).

de Witte, B. (2016) 'The preliminary ruling dialogue: Three types of questions posed by national courts' in de Witte B., Mayoral, J.A., Jaremba, U., Wind, M., Podstawa, K. (eds.) *National courts and EU law. New issues, theories and methods*. Cheltenham: Edward Elgar, pp. 15–25; https://doi.org/10.4337/9781783479900.00010.

Gnes, M. (1999) 'Giudice amministrativo e diritto comunitario', *Rivista trimestrale di diritto pubblico*, pp. 331–422.

Gnes, M. (2004) *La scelta del diritto. Concorrenza tra ordinamenti, arbitraggi, diritto comune europeo*. Milano: Giuffrè.

Gnes, M. (2006a) 'Mutuo riconoscimento (diritto comunitario)' in Cassese, S. (ed.) *Dizionario di diritto pubblico*. Milano: Giuffrè, pp. 3766–3774.

Gnes, M. (2006b) 'Scelta del diritto (nell'ordinamento europeo)' in Cassese, S. (ed.) *Dizionario di diritto pubblico*. Milano: Giuffrè, pp. 5449–5460.

Gnes, M. (2009) 'Towards an administration without frontiers? Migration Opportunities in Europe', *Revue européenne de droit public – European review of public law*, 21(1), pp. 35–62.

Gnes, M. (2010) 'European legal integration: new possibilities for EU and non-EU citizens?' in Matei, L. (ed.) *Normativity, fundamental rights and legal order in the EU – Normativité, droits fundamentaux et ordre juridique dans l'UE*. Bucharest: Editura Economica, pp. 29–56.

Gnes, M. (2016) 'European Union at the monetary turning-point: towards genuine integration or dis-integration?', *Revue européenne de droit public – European review of public law*, 28(1), pp. 21–58.

Gnes, M. (2018) 'Rule of Law and Solidarity in the European Union: The Case of Welfare' in Belov, M. (ed.) *Rule of Law at the Beginning of the Twenty-First Century*. The Hague: Eleven International Publishing, pp. 223–239.

Grabbe, H., Hughes, K. (1998) *Eastward Enlargement of the European Union*. London: The Royal Institute of International Affairs.

Grabbe, H. (2006) *The EU's Transformative Power. Europeanization Through Conditionality in Central and Eastern Europe*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan.

Jacobs, G.J. (2004) 'Foreword' in Hillion, C. (ed.) *EU Enlargement: A Legal Approach*. Oxford: Hart, pp. v–x.

Hillion, C. (ed.) (2004a) *EU Enlargement: A Legal Approach*. Oxford: Hart

Hillion, C. (ed.) (2004b) '*The Copenhagen Criteria and their Progeny*' in Hillion, C. (ed.) *EU Enlargement: A Legal Approach*. Oxford: Hart, pp. 1–22.

Kelemen, R.D., Menon, A., Slapin, J. (2014) 'Wider and deeper? Enlargement and integration in the European Union', *Journal of European Public Policy*, 21(5), pp. 647–663 [Online]. Available at: https://doi.org/10.1080/13501763.2014.897745 (Accessed: 15 February 2025).

Kelemen, R.D., Menon, A., Slapin, J. (2015) *The European Union: Integration and Enlargement*. London: Routledge; https://doi.org/10.4324/9781315750644.

Kommers, D.P., Waelbroeck, M. (1986) 'Legal integration and the free movement of goods: the American and European experience' in Cappelletti M., Seccombe M., Weiler, J.H.H. (eds.) *Integration through law*. Berlin–New York: De Gruyter, pp. 165–227; https://doi.org/10.1515/9783110909227.165.

Laursen, F. (ed.) (2013) *EU enlargement. Current challenges and strategic choices*. Brussels: P.I.E. Peter Lang; https://doi.org/10.3726/978-3-0352-6322-0.

Laursen, F. (2013) 'Enlargement. Issues and Policy Developments' in Laursen, F. (ed.) *EU enlargement. Current challenges and strategic choices*. Brussels: P.I.E. Peter Lang, pp. 19–36; https://doi.org/10.3726/978-3-0352-6322-0.

Letta, E. (2003) *L'allargamento dell'Unione europea*. Bologna: Il Mulino.

Majone, G. (1993) *Mutual recognition in federal type systems*. Florence: EUI.

Maresceau, M. (ed.) (1997) *Enlarging the European Union: Relations Between the EU and Central and Eastern Europe*. London and New York: Longman.

Mattina, L. (ed.) (2004) *La sfida dell'allargamento. L'Unione europea e la democratizzazione dell'Europa centro-orientale*. Bologna: Il Mulino.

Muller-Graff, P.C. (ed.) (1997) *East Central Europe and the European Union: From Europe Agreements to a Member Status*. Baden-Baden: Nomos.

Nello, S., Smith, K. (1998) *The European Union and Central and Eastern Europe: The Implications of Enlargement in Stages*. Aldershot: Ashgate.

Ott, A., Inglis, K. (eds.) (2002) *Handbook on European Enlargement. A commentary on the enlargement process*. The Hague: T.M.C. Asser Press, https://doi.org/10.1007/978-90-6704-401-1.

Prodi, R. (1999) 'Speech by Mr Romano Prodi President of the European Commission on enlargement', Brussels, 13 October 1999, European Parliament, SPEECH/99/130 [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_99_130 (Accessed: 15 February 2025).

Ross, M. (2007) 'Promoting Solidarity: From Public Services to a European Model of Competition?', *Common Market Law Review*, 44(4), pp. 1057–1080 [Online]. Available at: https://doi.org/10.54648/COLA2007089 (Accessed: 15 February 2025).

Ross, M. (2010) 'Solidarity – A New Constitutional Paradigm for the EU?' in Ross, M., Borgmann Prebil, Y. (eds.) *Promoting Solidarity in the European Union*. Oxford: Oxford University Press, pp. 23–45; https://doi.org/10.1093/acprof:oso/9780199583188.003.0002.

Smith, K.E. (2003) 'The Evolution and Application of EU Membership Conditionality' in Cremona, M. (ed.) *The Enlargement of the European Union*. Oxford: Oxford University Press, pp. 105–140.

Varga, C. (2021) *Rule of Law. Contesting and Contested*. Budapest: Ferenc Madl Institute of Comparative Law, https://doi.org/10.47079/2021.csv.rolcac.

von Bogdandy, A., Bogdanowicz, P., Canor, I., Grabenwarter, C., Taborowski, M., Schmidt, M., (eds.) (2021) *Defending Checks and Balances in EU Member States. Taking Stock of Europe's Actions*. Berlin: Springer.

Wallace, H. (1989) W*idening and Deepening the European Community and the New European Agenda*. London: The Royal Institute of International Affairs.

Weiler, J.H.H. (1999) 'The constitution of the common market place: text and content in the evolution of the free movement of goods' in Craig, P.P., de Búrca, G. (eds.) *The evolution of EU law*. Oxford: Oxford University Press, pp. 349–376.

Wessels, W. (1996) 'Evolutions possible de l'Union européenne. Scénarios et stratégies pour sortir d'un cercle vicieux', *Politique étrangère*, 61(1), pp. 139–150.

Chapter IV.4

Shifting From Unanimity to Qualified Majority Voting in the EU Enlargement Process?

Rado Bohinc

Abstract

This chapter will attempt to answer the question about whether the concerns of small members in protecting the fundamental values of the EU and their sovereignty, when shifting to QMV, are justified; and furthermore, whether the QMV could enhance the EU's influence in CFSP and manage internal conflicts. Answers will also be sought to the question of whether QMV would enhance the EU's credibility in the perception of candidate countries by making the decision-making process faster and more efficient. Using theoretical and legal analysis of the relevant provisions of EU Treaties and other legal instruments, the issue of the correlation between the decision-making process established within the EU and the EU's efficiency in implementing its enlargement policy will be explored. Arguments will be presented for and against the introduction of QMV in CFSP and to answer the question of whether, to increase the EU's credibility in enlargement, it is necessary to amend the provisions of the Treaties, or whether it is sufficient to interpret them.

The debates on EU enlargement, on the reasons for delays in the process, and on proposals for acceleration of the process, at national compared to EU level in the real geopolitical context, are both controversial and complex. The positions on this are directly contradictory, depending on whether they come from EU bodies or from the Member States. There are also cracks in theoretical and expert knowledge. Some of this is presented in this chapter, focusing on the method of decision-making (by consensus, or by over-voting) in the accession process. For example, in the so-called 'EU enlargement paradox' the Clingendael Report, states that EU enlargement is both

Rado Bohinc (2026) 'Shifting From Unanimity to Qualified Majority Voting in the EU Enlargement Process?'. In: Michal Petr (ed.) *EU Enlargement and Successful Integration: Is There a Way?* Volume I., pp. 499–528. Miskolc–Budapest, Central European Academic Publishing.

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inevitable and impossible at the same time. It is inevitable for geostrategic reasons, and impossible for political institutional reasons.

Keywords: enlargement, Common Foreign and Security Policy (CFSP), Unanimity (Consent) Qualified Majority Voting (QMV), constructive abstention, emergency brake, the Passerelle clause

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1. Introduction

The consent of all European Union (EU or Union) Member States is required for key decisions in the enlargement process such as: the opening of accession negotiations, the conclusion of an accession treaty, the admission of a new Member State, and budgetary adjustments. The procedure is therefore complex, lengthy and politically demanding, as consensual decision-making with some exceptions is prescribed at several stages of the accession process. The need for consent can slow down progress, as individual Member States can use their veto if they do not agree with the specific conditions.

The Treaty of Lisbon introduced Qualified majority voting (QMV) for various policy areas but retained unanimity (consent) for politically sensitive issues such as common foreign and security policy (CFSP) including enlargement. Art. 31(2) TEU states that decisions in the CFSP are generally taken with unanimity, but it allows for QMV in specific cases (emergency brake). Art. 31(3) TEU introduces a special 'passerelle clause' that enables the European Council to unanimously decide to act by QMV in areas of CFSP other than those mentioned in Art. 31(2). Art. 31(4) TEU reinforces the limitations set by Art. 31(3), clarifying that military or defence-related decisions cannot be made using QMV. These Articles collectively establish the framework for applying QMV within the CFSP, allowing for more efficient decision-making while maintaining certain safeguards regarding sensitive issues.

There is a strong push to adopt QMV for decisions related to the CFSP in the EU debate. Advocates argue that this would prevent individual Member States from blocking collective action, however smaller and medium-sized Member States fear that shifting to QMV could marginalise their power within the EU, reducing their influence in decision-making processes. They argue that under QMV, larger states could dominate votes, leading to outcomes that may not reflect the interests of smaller nations.

The debate over shifting from unanimity to QMV in the EU enlargement also reflects the views that the legal basis for the transition to QMV decision-making already exists, namely in the exceptions to the second para. and the passrelle clause to the third para. of Art. 31 TEU, if so interpreted.

2. Enlargement Decisions Requiring the Consent of All EU Member States

2.1. General on EU Enlargement Decision-Making

Decisions on EU enlargement are therefore explicitly reserved to unanimous decision-making by the European Council, with a few exceptions, which shall be discussed in this chapter. The procedure is therefore complex, lengthy and politically demanding, as consensual decision-making is prescribed at several stages of the accession process. An analyse can be undertaken, in this part of the chapter, as to whether the complexity of the process is the cause of the low efficiency of EU enlargement, whether it can be simplified, and whether amendments to the founding treaties are necessary for this.

Art. 218 of the Treaty on the Functioning of the European Union (TFEU) in the Chapter: Agreements between the Union (EU) and Third Countries, outlines the procedures for negotiating and concluding international agreements, including those related to accession. It specifies that negotiations are conducted by the Council, which acts unanimously when required. The Council in principle acts by a qualified majority, however, according to point eight of the Art. 218 TFEU, it acts unanimously: (a) when the agreement covers a field for which unanimity is required for the adoption of a Union act, and (b) for association agreements and the agreements referred to in Art. 212 TFEU (economic, financial and technical cooperation measures, including assistance) with the states which are candidates for accession.

The consent of all EU Member States is required for key decisions in the enlargement process such as: the opening of accession negotiations, the conclusion of the accession treaty, the admission of a new Member State, changes to the EU's institutional framework (if necessary) the budgetary adjustments. The need for consent can slow down progress, as individual Member States can use their veto if they do not agree with the specific conditions.

2.2. Opening of Accession Negotiations

The legal basis for achieving consensus among EU Member States for the opening of accession negotiations is primarily found in the TEU and TFEU. Art. 49 TEU states that any European state that respects the values of the EU and is committed to promoting them may apply to become a member. According to Art. 49 TEU the applicant State addresses its request to the Council, which acts unanimously after consulting the Commission and after receiving the consent of the European Parliament, acting by majority of its members. Thus, it is explicitly emphasised that the decision to admit new members requires unanimous agreement from all existing Member States.

Accession negotiations can begin once the European Council has issued a negotiating mandate to the European Commission. This mandate is crucial as it sets the framework for negotiations and requires consensus amongst all Member States to proceed. According to the procedures outlined in the treaties, all EU Member States must unanimously agree to open negotiations with a candidate country.

This means that any member state can block the initiation of talks if it does not consent. Before negotiations can formally start, the European Commission conducts a detailed screening of the candidate country's legislation against the EU *acquis communautaire*. The results of this screening are then communicated to the European Council, which must again reach a consensus on whether to proceed with the opening negotiations under specific chapters. After successful negotiations, any accession treaty must also be endorsed by the European Council and requires ratification by all EU Member States, further emphasising the need for consensus throughout the entire process.

2.3. Conclusion and Ratification of the Accession Treaty, Admission of a New Member State

According to the 2nd para. of the Art. 49 TEU, the conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, are the subject of an agreement between the Member States and the applicant State. This agreement must be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.

As pointed out, Art. 218 TFEU lays down the procedure for concluding international agreements, including the accession of new countries. This chapter determines that in principle the Council of the EU acts by a qualified majority, but unanimity is required for certain types of agreements, including the accession of new members.

Once the accession negotiations of a candidate country have been concluded and all the conditions have been met, an Accession Treaty must be approved by a consensus of all EU Member States. Each Member State must give its consent to this treaty, which means that the decision must be unanimous. Once concluded, the treaty must be ratified by all Member States and also sometimes by candidate countries. Once the negotiations have been concluded, the terms, including any safeguard clauses and transitional arrangements, are incorporated into the Accession Treaty. This treaty must receive the consent of the European Parliament and the unanimous approval of the European Council. Once the Accession Treaty has been signed, the contracting states must ratify it in accordance with their respective constitutional rules, which represents an additional level of approval and consensus at national level. This process ensures that the interests of all Member States are taken into account, and that the necessary consensus is reached for the successful enlargement of the EU.

Once negotiations have been concluded and the accession treaty signed, a unanimous decision is required on whether the country should become a full member

of the EU. This usually takes place within the framework of the European Council, where the heads of state and government take the final decision on whether the country should be admitted into the EU.

2.4. Treaties on Changes to EU Institutions and Adjustment of the EU Budget

If enlargement requires changes to EU institutions (e.g. an increase in the number of members of the European Parliament or changes to voting rights in the Council of the EU), which is normally necessary, a change to the European Treaties is necessary. Any change to the EU Treaties, including those related to enlargement, requires a unanimous decision by all Member States, which must then be confirmed by ratification in all Member States (sometimes also by referendum).

EU enlargement means that the Union budget will have to be adjusted to provide funding for the new Member States (particularly for the cohesion and structural funds, which are important in supporting the economic development of new Member States). If enlargements require changes to the multiannual financial framework or other EU financial rules, this would require the agreement of all Member States.

The EU can also be faced with decisions involving specific measures related to security and external relations with new members, such as crisis assistance, defence policy or border protection. In such cases, a unanimous decision is also required among all Member States, especially when there are major political or security changes in the enlargement.

Although candidate countries are not required to adopt the Euro immediately, the decision to enlarge the Eurozone requires consensus among EU members, particularly because of the economic and financial implications for the Union.

2.5. Examples of Neighbouring Member States Blocking EU Accession

In the history of the EU accession, Member States have repeatedly used the institution of consensus or of the Member States' veto, which in principle applies in the field of enlargement. This raises the legitimate question of whether their reasons for using the veto can be classified as being in the national interests of the Member State, or whether they are simply following undiluted bilateral issues that have nothing to do with the EU's CFSP.

It is generally known that Greece for example, blocked North Macedonia's EU accession talks for years due to a dispute over the name 'Macedonia', which Greece argued implied territorial claims over its own northern province of Macedonia. This issue was resolved with the Prespa Agreement in 2018, allowing North Macedonia to proceed with its EU aspirations. However, tensions have resurfaced, particularly with Bulgaria, which has also raised objections based on historical and identity issues.

Following the resolution of the name dispute with Greece, Bulgaria has since blocked North Macedonia's accession talks over issues related to history and national identity. Bulgaria has required North Macedonia to provide guarantees regarding

historical narratives and minority rights, leading to stalled negotiations since late 2002.

It is generally known that Turkey and Greece and Cyprus have a longstanding dispute over Cyprus. Turkey's EU accession process has been significantly hindered by its longstanding disputes with Greece and the Republic of Cyprus. The division of Cyprus and Turkey's refusal to recognise the Republic of Cyprus as an EU member state have led to Greece and Cyprus blocking further negotiations with Turkey since around 2010.

Slovenia and Croatia also have a border dispute. Slovenia has previously blocked Croatia's accession process due to a border dispute concerning the Bay of Piran. This issue was a significant point of contention during Croatia's negotiations, although it ultimately joined the EU in 2013 after resolving some aspects of the dispute.

Serbia's path to EU membership has been complicated by its refusal to recognise Kosovo's independence. This non-recognition is a significant barrier, as several EU Member States also do not recognize Kosovo, affecting Serbia's negotiations.

These examples illustrate how bilateral disputes can significantly impact the EU accession process for candidate countries, demonstrating the complex interplay between national interests and regional stability within the context of EU enlargement. The question is therefore justified as to whether the current way in which the Member States unanimously decide on enlargement corresponds to the EU's high ambitions for enlargement in the coming period.

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3. Moving to Qualified Majority Voting (QMV) in CFSP?

3.1. The Double Majority Rule and Reinforced Qualified Majority

The legal basis for the double majority rule in the EU is established primarily through the Lisbon Treaty, which came into effect on November 1st, 2014. This treaty reformed the voting procedures in the Council of the EU, introducing a new system of qualified majority voting (QMV) that incorporates a double majority requirement: namely a majority of Member States and the majority of the population. The double majority rule is codified in Art. 16, paras. 3, 4 and 5 of the TEU that outlines the general voting rules in the European Council, and Art. 238, para. 2 of the TFEU that specifies the conditions under which QMV operates, including provisions for reinforced majorities.

The introduction of this voting mechanism was aimed at improving decision-making efficiency within an enlarged EU while ensuring that smaller Member States retain a voice in legislative processes. A majority of Member States and the majority of the population is required by EU law. A proposal must receive support from at least 55% of Member States, which translates to a minimum of 15 out of 27 countries

(as of now). A decision can thus be blocked by at least four Council members, representing a total of 35% of the EU population. Simultaneously, the proposal must be backed by Member States representing at least 65% of the total EU population. This dual requirement ensures that both enough countries and a significant portion of the population are in favour of a decision, enhancing democratic legitimacy.

For proposals not originating from the European Commission or the High Representative, a reinforced qualified majority is required. This entails support from at least 72% (20 Council members) of Member States and representing at least 65% of the EU population. The double majority rule enhances both representation and decision-making efficiency by requiring broad consensus across Member States and their populations, thus reflecting a more democratic approach to governance within the EU framework.

3.2. The Double Majority Means Enhanced Representation for Smaller States

The double majority rule in the EU introduces enhanced representation for smaller states; it significantly impacts smaller Member States by altering their influence and representation within the decision-making processes. As presented, under the double majority rule, a decision in the EU Council requires approval from both a majority of Member States and a majority of the EU population. This system tends to favour smaller Member States because it allows them to maintain a relatively high voting power compared to their population size. For instance, smaller countries often have more votes per capita than larger nations, which can enhance their ability to influence decisions despite having fewer citizens.

The double majority rule aims to improve decision-making efficiency by making it easier to achieve qualified majorities and more difficult to form blocking minorities. This change can benefit smaller states by reducing instances where a few large countries can veto decisions, thus allowing more collective action on issues that affect all Member States.

However, this also means that smaller states must be strategic in coalition-building to ensure their interests are represented. In summary, the double majority rule impacts smaller EU Member States by enhancing their representation and influence while redistributing power dynamics within the Council. While it presents opportunities for greater participation in decision-making processes, smaller states must adapt strategically to maintain their interests amidst a shifting political landscape.

3.3. Enlargement of the EU and the Double Majority Rule

QMV in the CFSP is specifically addressed in the Art. 31(2) TEU. This book chapter states that decisions in the CFSP are generally taken by unanimity, but it allows for QMV as an exception (constructive abstain). Art. 31(3) TEU has a special '*passerelle* clause' that enables the European Council to unanimously decide to allow the Council to act by QMV in areas of CFSP other than those mentioned in Art. 31(2).

Art. 31(4) TEU reinforces the limitations set by Art. 31(3), clarifying that military or defence-related decisions cannot be made using by QMV. These Arts collectively establish the framework for applying QMV within the CFSP, allowing for more efficient decision-making while maintaining certain safeguards regarding sensitive issues.

The Treaty of Lisbon introduced QMV for various policy areas but retained unanimity for politically sensitive issues such as foreign policy (also taxation). This has prompted calls for reform, especially as the EU faces urgent global challenges that require swift and cohesive responses. In particular, the issue of majority or consensual decision-making has arisen due to the often implausibly long accession processes of some candidate countries for EU membership. The theoretical and political debate over shifting from unanimity to QMV in the EU is contentious, with diversified arguments for and against. These Arts collectively establish the framework for applying QMV within the CFSP, allowing for more efficient decision-making while maintaining certain safeguards regarding sensitive issues.

Transitioning to QMV would likely streamline the decision-making process in the EU Council, particularly during the enlargement process. Currently, decisions require unanimous consent from all Member States, which can lead to gridlock, especially when individual countries use their veto power over issues unrelated to membership criteria. By adopting QMV, a proposal could be approved with most Member States and population representation, thereby reducing the number of veto points and facilitating quicker decisions on accession negotiations

Transitioning from unanimity to qualified majority voting in the context of EU enlargement presents both opportunities and challenges. While it could enhance efficiency and credibility in the accession process, careful consideration must be given to ensuring equitable representation for all Member States and addressing potential resistance to such changes. The ongoing debates among EU leaders will be crucial in shaping how these reforms are implemented moving forward. Despite its potential benefits, there are significant challenges to implementing QMV in practice.

3.4. EU and Member States' Debate on Shifting to QMV

The push for the introduction of QMV has been firmly in the EU expert and political discourse domain for a long time. The aim is to improve the EU decision-making process and to make EU action more effective, especially in the CFSP. The issue of unanimity voting, which sometimes makes it very difficult to reach an agreement and moving to QMV while protecting the interests of small countries stand out in the discussions. There is opinion that all issues now decided by unanimity, should be decided by a qualified majority, except for the accession of new members to the EU. This debate is highly controversial and interest-driven and reflects the gap in power and influence between small and large countries.

As stated in Navarra, the European Parliament has repeatedly expressed its support for the greater use of QMV in its annual resolutions on the implementation of the CFSP, based on a report by its Committee on Foreign Affairs (AFET), and has

long urged Member States to use QMV for decisions in areas of CFSP that do not have military or defence implications and to make full use of 'passerelle clauses' under Art. 31(3) of the TEU.

According to Navarra, recently political discussion concerning the need to move away from unanimity in CFSP-related matters has intensified. Most recently the Parliament's Committee on Constitutional Affairs (AFCO) stressed the untapped potential of the Treaties and the possible activation of 'passerelle clauses' to move to QMV in specific fields of CFSP.

There are several EC communications referring to more efficient EU decision-making, related not only to EU Common Foreign and Security Policy (2018)[1] but also to EU tax policy (2019),[2] EU energy and climate policy (2019),[3] and more efficient decision-making in social policy (identification of areas for an enhanced move to qualified majority voting) (2019).[4] In addition, The European Parliament adopted several related resolutions, for example in 2017 on improving the functioning of the EU,[5] on the institutional set-up of the EU,[6] in 2022 on the call for a Convention for the revision of Treaties[7] and in 2023, on the implementation of the 'passerelle clauses' in EU Treaties.[8]

In the 2018 Communication (A stronger global actor: more effective decision-making in the field of the EU CFSP) the European Council highlighted three areas to extend QMV within the EU's CFSP: sanctions, human rights positions and civilian missions. The Commission argues that these reforms would not require changes to EU treaties.[9]

According to Repčys, supporters for abolishing Member States' veto power in the CFSP gained a new impetus – the wishes of European citizens. One of the proposals from the citizens-led Conference on the Future of Europe[10] is to 'improve its [EU's] capacity to take speedy and effective decisions, notably in the CFSP'. The first proposed measure is to move away from unanimity towards QMV on certain CFSP issues. The objective of proposal 39 (EU decision making process) is to improve the

1 Commission communication of 12 September 2018 'A stronger global actor: a more efficient decision-making for EU Common Foreign and Security Policy' (COM(2018) 647).
2 Commission communication of 15 January 2019 'Towards a more efficient and democratic decision making in EU tax policy' (COM (2019)0008).
3 Commission communication of 9 April 2019 entitled 'A more efficient and democratic decision making in EU energy and climate policy' (COM (2019)0177).
4 Commission communication of 16 April 2019 entitled 'More efficient decision-making in social policy: Identification of areas for an enhanced move to qualified majority voting'(COM(2019)0186).
5 Resolution of 16 February 2017 on improving the functioning of the European Union building on the potential of the Lisbon Treaty.
6 Resolution of 16 February 2017 on improving the functioning of the European Union building on the potential of the Lisbon Treaty.
7 Resolution of 9 June 2022 on the call for a Convention for the revision of the Treaties.
8 Resolution 2022/2142(INI) on the implementation of the passerelle clauses in the EU Treaties.
9 Schutte, 2019.
10 The Conference on the Future of Europe (CoFE) concluded its work in May 2022 with the submission of 49 proposals to the European institutions.

EU's decision-making process, thus ensuring the EU's capability to act, while taking into account the interests of all Member States and guaranteeing a transparent and understandable process for the citizens, in particular by reassessing decision-making and voting rules in the EU institutions, focusing on the issue of unanimous voting which makes it very difficult to reach agreement, while ensuring a fair calculation of voting 'weights' so that small countries' interests are protected. There is an opinion that all issues decided by way of unanimity should be decided via a qualified majority. The only exceptions should be the admission of new membership to the EU and changes to the fundamental principles of the EU as stated in Art. 2 TEU and the Charter of Fundamental Rights of the European Union.

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4. Theoretical Debate Over Shifting to QMV

4.1. General

The following research questions are analysed and will be attempted to be answered in this part of the paper: (1) Is the concern of small members in protecting the fundamental values of the EU (freedom, democracy, equality) and their sovereignty, when shifting to QMV, justified? (2) Could QMV enhance the EU's influence in CFSP and manage internal conflicts by promoting efficiency and compromise? (3) Would QMV enhance EU credibility in the perception of candidate countries by making the decision-making process faster and more efficient?

The question of whether the concerns of small Member States that their sovereignty will be threatened by the transition to QMV are justified, will be investigated using methods of theoretical and legal analysis. The point of whether the introduction of QMV can really contribute to increasing the EU's ability to manage conflicts between members, primarily by promoting flexibility to reach a compromise, will also be looked into. Finally whether the decision-making process in the EU could be made faster and more efficient with QMV, thereby increasing the credibility of the EU in the perception of the population of the candidate countries, will also be investigated.

Many experts suggest that with appropriate safety mechanisms, the shift to QMV can strengthen the EU's ability to act without fundamentally undermining the sovereignty or values of its smaller members.

For example, Ondarza and Stürzer point out that Germany is seeking to build a coalition in favour of more majority decisions considering the difficult decision-making processes regarding foreign and security policy, and the prospect of future EU enlargement.

Mintel and von Ondarza argue that with so-called '*passerelle* clauses' in the TEU, more decisions by QMV could be introduced without a major treaty change or a

convention. According to Mintel and von Ondarza, what is required is an institutional reform package in which decisions by QMV are extended with the aim of facilitating further enlargement of the EU, and are accompanied by emergency clauses to protect core national interests.

Pisklova examines how the expansion of the EU affects the QMV system, including shifts in member states' influence and the efficiency of EU decision-making.

On the other hand, several authors directly oppose the introduction of QMV in the context of EU enlargement, primarily due to concerns over national sovereignty and the risk of dominance by larger member states.

Fiott and Tercovich show how unanimity affects the operation of CFSP and how divergences among EU Member States can be managed, before considering what costs and benefits could result from applying QMV in CFSP. From a more political or normative perspective, the authors recognise that Member States will continue to favour consensus in the area of CFSP.

The analysis of theoretical views on QMV in CFSP decision-making on the common foreign and security policy shows a marked diversity and two-sidedness, or rather a large gap between the supporters and opponents of the introduction of QMV in the CFSP. Although many agree that this would contribute to a greater efficiency in decision-making, which is a current flaw of the EU, the arguments of loss of sovereignty prevail, at least in smaller countries. It is therefore necessary to find ways to ensure that the democratic institute of consensus is not abused to resolve unrelated bilateral issues. Above all, it is necessary to establish intervening mechanisms such as the 'passarelle clause', constructive abstention and others.

Clingental analysis explores the limits of unanimity in the EU accession negotiations, especially when individual Member States obstruct the process over bilateral issues unrelated to the formal membership criteria. It concludes that if the EU is serious about its ambition to be a geopolitical actor, considering the political, legal and institutional implications of QMV in EU enlargement will be key.

Some theoretical perspectives on the individual questions posed above are presented below.

4.2. Is The Concern of Small Members in Protecting the Fundamental Values of the EU (Freedom, Democracy, Equality) and Their Sovereignty, When Shifting to QMV, Justified?

In this section, the theoretical views and opinions regarding the research question of the justification of small states' concerns about abandoning consensus and the wider introduction of QMV will be analysed. The key issue is trust, which is something that large countries must strive for because they have greater power and influence. As stated by Schutte, most member-states' concerns can be allayed, at least in the medium term. Germany and France must make greater efforts to consult and incorporate the views of smaller states across the policy spectrum to (re)gain

trust and goodwill. But the latter's fears also tend to be exaggerated, as the treaties provide strong protections for core interests.

Disagreements within the EU are and will be a reality that has various roots, not only size and power of the state, but also different neighbouring and geopolitical contexts and traditions, as well as different domestic political judgments. As pointed out by Schutte in 2019, divisions within the EU often prevent effective common action, as foreign policy decisions usually require unanimity. Divisions may stem from different analyses of the problem, conflicting national interests, or member-states acting at the behest of, or under pressure from, external powers. According to this view, the disagreements between Member States are further exacerbated by the need for consensus in voting on the CFSP, and not the other way around, i.e. that the introduction of QMV would lead to additional disagreements and divisions. This is therefore, according to this opinion, not a reason against the introduction of QMV in the CFSP area. This is not entirely true, as even with a majority vote disagreements remain unresolved, with the additional feeling among the outvoted Member States that no attempt was made to find a compromise.

Baraggia and Bonelli warn of the rise of conditionality in Union law, which further demonstrates how the use of conditionality tools is becoming truly pervasive in the Union's legal and political framework. Conditionality has been a common experience in bilateral relations between a Member State and a candidate country and is certainly an accompanying problem of consensual decision-making, which speaks in favour of opening possibilities or conditions for majority decision-making.

Addressing national interests is the next most used argument in discussions on QMV. This is why the discussions around amending Treaties to introduce QMV should include proposals that allow Member States to protect their vital national interests, which can help alleviate concerns about losing influence. For example, proposals include creating a 'sovereignty safety net' that would enable smaller countries to retain some level of control over decisions impacting their national policies. This approach aims to balance collective decision-making with respect for individual state sovereignty. However, this is easier to define at the level of principles than at the level of exact legal norms.

Schutte points out that many Member States oppose any extension of QMV to foreign policy: small Member States fear that larger Member States with greater voting power would ignore their views. Eurosceptic governments reject further encroachment on their formal sovereignty; and those states that profit from Chinese, and to a lesser extent Russian investment wish to preserve their ability to do foreign policy favours for their investors by blocking EU action.

We agree with the opinion that while QMV may facilitate faster decision-making, it also raises concerns about how the interests of smaller or less populous Member States might be represented. The current system tends to favour larger states due to their demographic weight in voting. Therefore, discussions around QMV must include safeguards to ensure that smaller Member States do not feel marginalised or overruled by larger coalitions, which could lead to tensions within the EU. Smaller

Member States fear that moving to QMV would reduce their influence in decision-making processes, particularly on issues of national interest. They argue that under QMV, larger states could dominate votes, leading to outcomes that may not reflect the interests of smaller nations. Some EU countries oppose QMV because they rely on their veto power to negotiate favourable terms with non-EU neighbours. The ability to block decisions is seen as a crucial tool for smaller states to exert influence.

Despite its advantages, moving towards QMV is likely to face resistance from several Member States that value their veto power as a means of protecting national interests. Many countries remain sceptical about relinquishing control over significant decisions, particularly those that pertain to sovereignty or sensitive political issues. Thus, any proposal for reforming voting procedures would need to navigate complex political landscapes and seek broad consensus among Member States.

We agree that there are serious concerns that abandoning consensus and implementing the QMV is politically challenging and complex, as it goes against the fundamental democratic design of the EU as an association of equal and sovereign states, especially if this requires changes to the founding treaties. That is why some Member States remain hesitant to lose their veto power. That could lead to unfavourable outcomes for their national interests. This resistance, according to advocates of QMV, can hinder the EU's ability to act cohesively during internal conflicts. On the other hand QMV is, according to its critics, a potential for undermining national interests. The risk of unfavourable decisions is higher. Under QMV, Member States may be compelled to accept decisions that contradict their national interests. This concern is particularly acute for smaller states that may lack the voting power to influence outcomes effectively.

To conclude, these arguments highlight the complexities of the debate over QMV, reflecting concerns about national sovereignty, influence, and the future cohesion of the EU.

4.3. Could QMV Enhance the EU's Influence in CFSP and to Manage Internal Conflicts by Promoting Efficiency and Compromise?

Lehne is of the opinion that the introduction of majority voting would not revolutionise the functioning of the council. Just like in other areas of EU policy, the priority will always be to act based on unanimity. Actual voting will be the rare exception. We can agree with this if we consider the current options of the Member States under Art. 131 TEU (e.g. constructive abstention). The positive, indirect effect of the introduction of QMV is the possibility of constructive abstention. Ultimately a majority vote should motivate Member States to creatively seek consensus to avoid disciplining or punishing a dissatisfied state. Namely, the option of resorting to a vote would make it more likely for unanimity to be achieved without much delay – and less likely that the substance of decisions would be diluted to the point of

the lowest common denominator of national positions.[11] There are opinions,[12] that QMV would boost the resilience of the EU's foreign-policy system to third-country influence, facilitate the emergence of a common strategic culture among the Member States, and mitigate the risk that the tone of common European foreign policy is set in various mini-lateral forums outside the EU.

Von Ondraza notes that using the so-called 'passerelle clauses' in the TEU, more decisions by QMV could be introduced without a major treaty change or a convention. However, abolishing national vetoes in this way would first require unanimity which is not currently on the horizon, as resistance is prevailing in smaller and medium-sized Member States, which fear that they could regularly be outvoted. What is needed, according to von Ondraza, is an institutional reform package in which decisions by QMV are extended with the aim of facilitating further enlargement of the EU.

We agree that majority voting is not a magic wand that will suddenly make CFSP decision-making and internal conflict solving more efficient, so the amendment of fundamental treaties must be approached with caution and trepidation. When explicitly asked whether majority decision-making is the best solution, the answer is more negative than affirmative. As pointed out[13] majority voting would help, but it should not be regarded as a panacea that will overcome all the deficiencies of the EU's work on foreign policy. It needs to be accompanied by a reform of the relevant institutional arrangements.

Overall, while shifting to QMV could enhance the EU's ability to manage internal conflicts by promoting efficiency and compromise, it also faces substantial hurdles related to national sovereignty and member state resistance. The ongoing discussions on potential reforms are critical in determining how effectively the EU can navigate these challenges in the future. Next there are concerns over EU cohesion and credibility (fragmentation of unity). Critics argue that abandoning unanimity could weaken the EU's external credibility and internal coherence.

The current system fosters unity among Member States, and is viewed as significantly strong in fostering international relations. The transition to QMV might exacerbate political tensions within the EU, as Member States could find themselves at odds more frequently. This could lead to a fragmented foreign policy that undermines the EU's collective stance on global issues.

Theory[14] explores the limits of unanimity in the EU accession negotiations, especially when individual Member States obstruct the process over bilateral issues unrelated to the formal membership criteria. To streamline EU enlargement, research explores the potential of qualified majority voting (QMV) at key intermediary stages of the accession process.

11 Lehne, 2022.
12 Nováky Niklas, 2021.
13 Lehne, 2022.
14 Zweers et al., 2024.

The fundamental question in interpreting the position of Member States that have open neighbourhood issues with candidate countries is whether it is permissible to declare a bilateral issue to be of national interest, thus justifying constructive abstention. The question to analyse is whether a member state uses an unresolved issue it has with its neighbour, for example regarding the border or the name of the country, to justify its right to veto a decision on enlargement. In interpreting these rules, the principle of loyal cooperation, which is binding on all Member States, must certainly be considered.

4.4. Would QMV Enhance EU Credibility in the Perception of Candidate Countries by Decision Making Process Faster and More Efficient?

Theory rightly raises the issue, as to whether EU enlargement is a one-size-fits-all approach, or a tool of geopolitics. As stated in Zweers for EU standards, things (after 24 February 2022 – Russia's invasion of Ukraine) moved at lightning speed. After formally submitting their membership (Moldova, Ukraine and Georgia – the 'Eastern trio') applications in late February and early March 2022 the European Commission needed just over four months to complete its basic assessment. Zweers notes that it took North Macedonia a massive sixteen years to achieve the same result. Meanwhile, seven years after its application to join the bloc, Bosnia and Herzegovina has only managed to earn candidate status. Montenegro and Serbia, have been negotiating their EU accessions since 2012 and 2014 respectively.

There are different opinions on the reasons for delays in the Western Balkans enlargement. Analysing the Western Balkans, Lindsay et al 2018 highlight diversified national approaches in enlargement; they show that the national politics of EU enlargement are not only very different, but they are also driven by very different and often very specific national concerns. Svijič and Cerimagič note: there will be no new EU enlargement before the deepening of the EU. Dmitrov points out that to speak with one voice, policy proposals should be endorsed that would undoubtedly facilitate their accession process, such as the introduction of the QMV in the interim stages of the process. If a qualified majority is not introduced in the EU enlargement decision-making, the whole process will die, write Cvijic and Nechev.

As pointed out by Zweers, even after Russia's invasion of Ukraine, the commitment to the accession process with the Western Balkans has remained ambiguous. On the one hand, the European Commission has sought to use the momentum to step up its discourse by admitting past mistakes and reassuring that the future of the Western Balkans lies within the EU. The European Commission has also proposed a Growth Plan for the Western Balkans that outlines tangible ways by which the candidates can partially integrate with the EU's internal market before gaining full membership. Additionally, it has been pointed out by Bayer, that European Council President Charles Michel has called for 2030 to be recognised as the target date for both the EU and the candidates to be ready, contributing to the ongoing debate on how the EU itself should prepare for new members. Justifying enlargement by

fulfilling the Copenhagen criteria and by emphasising geopolitical necessity should be balanced in order for EU policy to maintain its legitimacy, as it is one of the conditions for public support for the enlargement process in the Member States. An enlargement policy that is full of delays in one period and hasty in the next does not inspire the necessary credibility.

There are opinions that we do not share, namely that implementing QMV, by amending the Treaties, could only enhance the credibility of the EU's enlargement process for candidate countries in the Western Balkans or for Ukraine, Moldova, and Georgia. Apparently a more predictable and efficient decision-making framework introduced by Treaties amendments would signal to these nations that their aspirations for membership are taken seriously and could potentially accelerate their integration into EU structures. Current issues surrounding EU enlargement are marked by a complex interplay of geopolitical dynamics, internal reforms, and the varying interests of Member States. There is no doubt that the potential shift from unanimity to qualified majority voting (QMV) in the context of EU enlargement could have significant implications for the decision-making processes within the Union. However, there is a big question as to whether the power of large countries to outvote small ones would contribute to more cohesion, internal democracy, tolerant dialogue, and quality decision-making by considering the interests of all nations, regardless of size, which is one of the democratic values in the EU's founding treaties.

It is our opinion that the Lisbon Treaty in its current form, if it is well interpreted, contains a built-in safety mechanism that is designed to ensure that no member state could be dictated to on issues vital to its national interests if QMV were to be used in CFSP. QMV safety mechanisms to protect minorities (small nations) should boost the resilience of the EU's foreign-policy system to third-country influence, facilitate the emergence of a common strategic culture among the Member States, and mitigate the risk.

As the first argument for the introduction of QMV in CFSP, some opinions underline the benefits of a faster decision-making process. As noted by Bayer, the European Commission argues that unanimity hampers the EU's abilities to adapt and quickly react to fast-changing foreign policy circumstances. QMV would incentivise Member States to search for common ground, because decisions would be reached in the shadow of the vote rather than of the veto. There are also different opinions that see an advantage in the current consensus decision-making arrangement in the CFSP area, which lies in democratic patience in seeking consensus. Defenders of the unanimity rule[15] emphasise that unity is the EU's biggest strength. Former European Council President Charles Michel pointed out that unanimity 'pushes us to work unremittingly to unite the Member States'. He underlined that there is a lasting commitment by the 27 countries to the adopted decision.

Still enhanced decision-making efficiency and higher speed of response is, for QMV advocates, the most frequent argument pro QMV; it apparently allows the EU

15 Repčys, 2022.

to make decisions more swiftly, which is crucial during crises. According to such opinions, the need for rapid responses to geopolitical challenges, such as Russia's actions in Ukraine, underscores the importance of moving away from a system that requires unanimous agreement among all Member States. This efficiency can help the EU act decisively in foreign policy and security matters. According to these opinions, the current security and geopolitical situation requires rapid reactions of this kind, which is hindered by unanimous decision-making and the veto right of Member States. The existence of QMV, according to these opinions, creates an incentive for Member States to negotiate and find common ground rather than relying on their veto power. Even if QMV is not frequently utilised, its presence encourages states to engage in discussions that lead to compromises, thereby reducing the likelihood of deadlock. This dynamic is essential for maintaining cohesion within the EU, especially when Member States are divided on critical issues. There are completely opposing opinions that argue for the current consensus arrangement in the CFSP with safety mechanisms against the use of the veto. We are more inclined to these views, as they are based on the belief that only consensus, as a method of decision-making, encourages and leads to democratic dialogue, that it is worth the effort. Majority decision-making, on the other hand, discourages efforts to find common ground.

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5. Legal Analysis of Qualified Majority Voting in the EU's CFSP

5.1. Can QMV in CFSP Be Achieved Without EU Treaties' Change?

According to Art. 24 of the TEU, the CFSP is defined and implemented by the European Council acting unanimously, except where the Treaties provide otherwise (for ex. Art. 31 para. 2, stipulates a qualified majority also for decisions related to CFSP). Art. 31 of the TEU stipulates that European Council decisions on CFSP be taken by a qualified majority, when adopting a decision defining a Union action or position, relating to the Union's strategic interests and objectives (Art. 22(1)), and when adopting any decision implementing a decision defining a Union action or position. In addition, CFSP decisions of the European Council are taken by QMV, when defining a Union action or position, on a proposal which the High Representative of the Union for Foreign Affairs and Security Policy has presented following a specific request from the European Council.

'We are not advocating for treaty changes, nor do we envision drawn out academic debate. What we propose is a pragmatic approach focusing only on questions of foreign and security policy' is concluded in Baerbock, when advocating for greater use of QMV in the EU's CFSP, as currently set forth in the TEU. The question that will

be analysed below is whether greater use of QMV in the CFSP without amending the EU's basic treaties is legally feasible and, if so, in what way.

The question arises on how to achieve a resilient foreign policy in crisis geopolitical situations and how to ensure that the narrow, partial neighbourhood interests of Member States do not block the enlargement process as one of the fundamental strategies of the EU. Some analysts underline[16] that without the unanimity rule, the EU's foreign policy would become more ambitious. The EU could bypass the lowest common denominator logic and adopt more ambitious sanctions packages to defend its public interests, resulting in a tangible increase of effectiveness. According to other authors,[17] based on Art. 31/3 of the TEU, the introduction of majority voting could be achieved without treaty change. Art. 31/3 of the EU Treaty allows this based on a decision by the European Council. The treaty already offers ways to mitigate the concerns of governments that have so far been reluctant to act. In this chapter, we demonstrate that there is a legal basis for the use of GMV in the CFSP already in the provisions of the current treaties, without the need to amend them.

According to Sancin and Mediževec, the analysis of the EU legal framework in CFSP decision-making shows that the legal basis for the transition to decision-making with the QMV exists, namely in the form of exceptions to the second para. of Art. 31 TEU and the bridging clause of the third para. of Art. 31 TEU, and it is important that it is interpreted correctly.

The option of constructive abstention allows countries to be exempted from implementing a particular decision. It offers a promising way of avoiding blockages, a way that should be employed more often in the future. There is also the emergency brake of pushing a decision to the European Council, if a country determines that 'vital and stated reasons of national policy' are at stake.[18] The emergency brake is also mentioned in Baerbock, where it is argued that obviously Member States may invoke the emergency brake provided for in Art. 31 (2) TEU for vital and stated reasons of national policy. Moreover, there is a commitment[19] that we will work on a 'safety net' mechanism, in addition to the existing emergency brake, which will seek to ensure that vital national interests will continue to be respected in areas of the CFSP where majority voting is expanded through the *passerelle*.

There are others who agree with the opinion that EU treaties, without amendments, allow for the implementation of the QMV also in CFSP. For example, Sancin and Mediževec are of an opinion that we agree with, namely that from a legal perspective, the current TEU and TFEU arrangements certainly already enables

16 Nováky Niklas, 2021.

17 Lehne, 2022: The option of 'constructive abstention' – recently used by Austria, Ireland, and Malta in the case of weapons deliveries to Ukraine – allows countries to be excepted from implementing a particular decision. It offers a promising way of avoiding blockages, a way that should be employed more often in the future.

18 Lehne, 2022.

19 Baerbock et al., 2023.

numerous transitions to decision-making by QMV in the area of CFSP. It is important that the applicable criteria are correctly interpreted.

The key question is how to interpret the concept of an essential and justified reason for national security. Sancin and Mediževec point out that, when defining what is considered an essential and justified reason for national security, Member States should necessarily take into account the strategic interests and guidelines of the EC, which they have adopted by consensus. When interpreting national security interests, Member States must not disregard strategic interests and guidelines of the EC and pursue only their own narrow interests (e.g. open issues with neighbouring countries).

Schutte 2019 points out that in legal terms, the extension of QMV beyond the enabling clauses is relatively straightforward and does not necessitate the cumbersome process of changing the treaties. The so-called '*passerelle* clause', enshrined in Art. 31(4) TEU, offers the possibility to extend QMV to new policy fields within CFSP unless the decisions have military or defence implications. Art. 31(3) TEU accordingly states that the 'European Council may unanimously adopt a decision stipulating that the Council shall act by a qualified majority'.

If we follow this interpretation, which we accept, the legal basis for effective decision-making in the CFSP in the EU is already provided in the current EU Treaties and no amendments are necessary. However, it is true that in practice, Member States often have different interpretations of what constitutes the national interests that justify such behaviour. Active participation in current geopolitical processes and efficient decision-making in CFSP (by waiving consensus and using the QMV) is already allowed by the EU law.

5.2. The Right to Abstain Council's Unanimous Vote (Constructive Abstention)

According to Art. 31 TEU, any member of the Council, when abstaining in a vote, may qualify its abstention by making a formal declaration (subpara. of the Art. 31/1). In that case, a member of the Council is not obliged to apply the decision but has to accept that the decision commits the Union (constructive abstention).

As stipulated in subpara. of the Art. 31/1, in a spirit of mutual solidarity, the Member State concerned shall refrain from any action likely to conflict with or impede Union action based on that decision and the other Member States must respect its position. Although a Member State using constructive abstention is not formally bound to respect the content of the measure, it must nevertheless respect the principle of sincere cooperation. This means that it must refrain from actions that would contradict the adopted positions of the EU or could reduce its effectiveness in international relations.

The institution of constructive abstention enables flexibility and efficiency in decision-making in the EU, especially in the field of foreign policy. This mechanism ensures the possibility of progress even in the case of disagreements between Member States, which is crucial for maintaining the unity and responsiveness of the Union

to global challenges. The right to abstain from a consensual decision of the Council, with the consequence that it is not binding on the abstaining country, provided that it does not obstruct that decision, is an important lever of compromise available to small countries in cases of disagreement. Of course, this is not a way for a country or group of small countries to block a decision; it does not therefore give a right of veto, but a compromise to get out of a conflict situation, which could certainly be used in the case of EU enlargement.

The constructive abstention can only be activated by less than a third of the EU Member States, which together represent no more than a third of the EU population. This means that the decision must be supported by a sufficiently broad base to prevent abuse of the institution. Namely, the subpara. of Art. 31/1 imposes the power of veto for the majority of one third (states and population) on all Council decisions. Namely, if the members of the Council qualifying their abstention represent at least one third of the Member States comprising at least one third of the population of the Union, the decision is not adopted.

The institute of constructive abstention in the EU is used primarily within the framework of the CFSP. This institution allows measures to be adopted even if some Member States do not agree, which is crucial for the EU to act in situations where a rapid decision is required. A group of EU foreign ministers[20] in the Opinion published as Baerbock et al suggest a greater use of 'constructive abstentions' as set out in Art. 31 (1) TEU.[21] Member States have already started using this simple but highly effective option, which still allows a decision to pass – namely, by not objecting to it, and thus not stopping the other 26 members from moving forward. Baerbock express their commitment, to build on this emerging trend – and commit themselves to systematically scrutinising our own positions with a view to switching from a vote against to a constructive abstention.

As stated by Sancin and Mediževec, the obstacle to the use of the QMV is the emergency brake institute from the second para. of Art. 31 TEU, which instead of decision-making with the QMV can lead to decision-making by consensus. In their opinion, the Member States enjoy a wide field of free assessment in this case of discretionary decision-making on the use of the institute, but it seems that this field should not be unlimited when interpreting EU law systematically, including through

20 It's time for more majority decision-making in EU foreign policy, Opinion June 12, 2023: Annalena Baerbock is the federal minister for foreign affairs of Germany. Hadja Lahbib is the minister of foreign affairs, European affairs and foreign trade, and the federal cultural institutions of Belgium. Jean Asselborn is the minister for foreign and European affairs of Luxemburg. Wopke Hoekstra is the deputy prime minister and minister of foreign affairs of the Netherlands. Bogdan Aurescu is the minister of foreign affairs of Romania. Tanja Fajon is the minister of foreign and European affairs of Slovenia. José Manuel Albares Bueno is the minister for foreign affairs, European Union and Cooperation of Spain.

21 We saw just how effective 'constructive abstentions' can be last October, when the Foreign Affairs Council voted on the new EU training mission for the Ukrainian military.

the relevant case law of the ECJ. In doing so, the authors refer to the case law of the ECJ.

To conclude, constructive abstention from the first para. of Art. 31 of the TEU enables Member States to express their disagreement by abstaining from voting when deciding on CFSP measures. The institution of constructive abstention in the EU is used primarily within the framework of the CFSP, allowing measures which are crucial for the EU to act in situations where a rapid decision is required to be adopted even if some Member States do not agree. This means that a measure can be adopted despite the absence of consensus among all 27 Member States if a Member State abstains from voting.[22] In that case, the abstaining Member State is not obliged to apply the decision but has to accept that the decision commits the Union. It is worth noting that an emergency brake may lead back to a decision by consensus (based on the European Council decision).

5.3. The Right to Oppose Council's QMV

Furthermore, according to Art. 31(2) TEU a member of the Council may declare that, for vital and stated reasons of national policy, he or she intends to oppose the adoption of a decision to be taken by qualified majority; in such a case a vote is not taken (emergency brake).

The High Representative, in close consultation with the member state involved, searches for a solution acceptable to it. If he fails, the European Council may, acting by a QMV, request that the matter be referred to the European Council for a decision by unanimity.

The right of a Council member to oppose a vote using a qualified majority (emergency brake) is important for conflict solving in the case of disagreements. As already explained, a member of the European Council declares opposition to the adoption of a QMV decision. It is sufficient to rely on compelling and justified reasons of national policy. In this way, the Member State obtains that a QMV vote is not taken in this case.

The provision in question essentially means that a member state may prevent the application of the QMV decision. The High Representative is obliged to try to find a solution acceptable to the member state. However, if the High Representative fails to do so, the European Council may, acting by a qualified majority, request that the matter be referred to the European Council; the latter shall take a decision on the matter, not by a qualified majority but by unanimity.

In addition, the European Council may unanimously adopt a decision stipulating that the Council by a qualified majority in cases other than those referred above, however these exceptions may not apply to decisions having military or defence implications (Art. 31/3 PEU).

22 Constructive abstention has been used in various decisions, such as the establishment of the EU Military Assistance Mission to Ukraine (EUMAM Ukraine).

5.4. The Duty of Sincere Cooperation When Applying the Brake Under Art. 31 TEU

The question arises of whether the right of a European Council member to invoke national interests, as stipulated in the TEU, does not allow for too broad a judgement that may completely prevent decision-making by a qualified majority. Or, in other words, to what extent does this judgement go, or does it outweigh the due consideration of the principle of sincere cooperation in the EU? The duty of sincere cooperation of EU Member States is an important part of the legal framework ensuring the effective functioning of the EU. The duty is set out in Art. 4, para. 3 of the TEU, which states that pursuant to the principle of sincere cooperation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties.

According to Art. 4, para. 3, the EU and its Member States commit to respecting and assisting each other in carrying out the tasks which flow from the Treaties (the principle of sincere cooperation). The TEU obliges Member States to: (a) take any general or measures necessary to ensure fulfilment of the obligations arising out of the Treaties or from acts of the institutions of the Union, (b) support the Union in carrying out its tasks and refraining from any measure which could jeopardise the attainment of the objectives of the Union.

Key points of the duty of sincere cooperation are Member States' duties to: (a) refrain from any action which could jeopardise the achievement of the objectives of the EU; this includes conduct which could undermine the effectiveness of decisions taken at EU level (constructive abstention), (b) actively support the Union in carrying out its tasks and obligations, including participating in the formulation of the CFSP.

The principle of sincere cooperation is legally binding on all member state authorities and EU institutions and is reflected in their actions and decision-making. The application of the emergency brake under Art. 31, para. 2 TEU is thus subject to compliance with the European Council's decisions. When the emergency brake under second para. of the Art. 31 TEU is applied, Member States must comply with the decision to refrain from taking any action which could contradict the adopted positions of the EU or undermine its effectiveness in international relations.

The emergency brake may be applied in the context of the CFSP when a Member State considers that the proposed measure could jeopardise its essential interests. However, despite the application of the brake, the member state must still act in accordance with the principle of sincere cooperation and refrain from actions that could harm the interests of the EU. These duties are essential to ensuring the unity and effectiveness of the EU's actions and to maintaining trust between Member States.

Sancin and Mediževec are of the opinion that, based on the duty of sincere cooperation, it could be considered that EU Member States would have to justify the use of the emergency brake by necessity and demonstrate that to protect essential and justified reasons of national policy, it is absolutely necessary to decide by consensus. This would, analogously transfer to the field of CFSP the criteria that the CJEU has

developed in the case of a Member State's invocation of the essential interests of its security under Art. 346 TFEU. Sancin and Mediževec further urge that in order to successfully invoke 'essential interests', a member state must at least demonstrate that the mere protection of the claimed essential interests necessitates the exclusion of EU law under Art. 346 (any Member State may take such measures as it considers necessary for the protection of the essential interests of its security in a given case) (CJEU, C-620/16, 34–35; CJEU, C-187/16, 78; CJEU, C-615/10, 45).[23]

5. Conclusions

5.1. General

The shift from unanimity to QMV in the EU is a significant topic of discussion, particularly considering geopolitical challenges and internal EU dynamics. This transition aims to enhance decision-making efficiency, especially in areas like foreign and security policy. There is a strong push to adopt QMV for decisions related to the CFSP. Advocates argue that this would prevent individual Member States from blocking collective action, particularly in response to crises like the Russian invasion of Ukraine. Shifting to QMV could also facilitate stronger measures against Member States that violate EU principles, addressing concerns about rule of law compliance. The Conference on the Future of Europe has also highlighted widespread public backing for moving away from unanimity towards QMV across various policy areas. Despite the momentum for change, several obstacles remain. Nevertheless, resistance from smaller states is here. Many smaller and medium-sized Member States' fears are justified. Shifting to QMV could marginalise their influence within the EU, leading to a reluctance to support such reforms. Experience shows the use of the veto to strengthen positions in resolving bilateral disputes. The unanimity required for changes is hardly to be achieved. Namely that implementing QMV through Treaty amendments requires unanimous consent among Member States, which is currently lacking due to differing national interests and concerns about losing veto power. The debate over shifting from unanimity to a qualified majority system of voting in the EU reflects broader tensions between national sovereignty and collective action. While there is significant advocacy for reform, especially considering recent global events, achieving consensus on such changes remains a complex challenge.

23 See Randazzo, 2014, pp. 1–4: In the light of such well-established case law of the Court of Justice, it is now crystal clear that Art. 346 is neither an automatic exclusion of defence from EU law, nor a provision limiting EU competence. As the Court of Justice ruled in the Spanish Weapons case (concerning the VAT exemption of firmed in several subsequent rulings, Art. 346 is just one of the Treaty-based derogations which deal with exceptional and clearly defined cases, and one which must be interpreted strictly.

The ongoing discussions will likely shape the future dynamics of EU governance and its ability to respond effectively to emerging challenges. The research has led us to the answers that we present below. We would like to point out that these results are not based on independent empirical analyses, but rather on assessments based on the secondary theoretical and legal sources that we have listed.

5.2. Small Member States Concern

To the research question, whether concerns of small (and medium-sized) Member States, in protecting the fundamental values of the EU (freedom, democracy, equality) and their sovereignty, when abandoning consensus, are justified, the answer is yes. The fear of small Member States that their sovereignty will be threatened by the transition to QMV is justified in their understanding of how QMV would function and their experience. The key issue is trust. Large countries must strive for trust, because they have greater power and influence. Some Member States remain hesitant to relinquish their veto power, fearing it could lead to unfavourable outcomes for their national interests. These are serious concerns that abandoning consensus and implementing the QMV is politically challenging and complex, as it goes against the fundamental democratic design of the EU as an association of equal and sovereign states, especially if this requires changes to the founding treaties. Addressing national interests is the next most used argument in favour of QMV. Discussions around QMV, should include proposals that allow Member States to protect their vital national interests, which can help alleviate concerns about losing influence. For example, creating a 'sovereignty safety net' would enable countries to retain some level of control over decisions impacting their national policies. However, this is easier to define at the level of principles than at the level of exact legal norms. Anyhow, discussions around QMV must include safeguards to ensure that smaller Member States do not feel marginalised or overruled by larger coalitions, which could lead to tensions within the EU.

An ability to manage EU internal conflicts, decision making efficiency and compromise concerns over EU cohesion and credibility (fragmentation of unity) is very much real. The introduction of QMV does not really contribute to increasing the EU's ability to manage conflicts between members. The willingness and motivation to reach a compromise is logically lower with QMV. It is true that in the case of QMV, the decision-making process in the EU could be faster and shorter, but at the same time offers less ground for seeking positive compromises (a negative indirect effect of the introduction of QMV). Majority voting is thus not a magic wand that will suddenly make decision-making more efficient; QMV could help, but it should not be regarded as a panacea that will overcome all the deficiencies in EU decision making. While shifting to QMV could enhance the EU's ability to manage internal conflicts by promoting efficiency, it also faces substantial barriers related to the sense of democracy, national sovereignty and Member State resistance. Abandoning unanimity could weaken the EU's external credibility and internal coherence. Unanimity fosters

unity among Member States because it is viewed as a significant internal democratic strength. The transition to QMV might worsen political tensions within the EU, as Member States could find themselves in conflicts more frequently. This could even lead to a fragmented foreign policy that undermines the EU's collective stance on global issues. Still enhanced decision-making efficiency and higher speed of response is, for QMV advocates, the most frequent argument in favour of QMV; it apparently allows the EU to make decisions more swiftly, which is crucial during crises. According to such opinions, the need for rapid responses to geopolitical challenges, such as Russia's actions in Ukraine, underscores the importance of moving away from a system that requires unanimous agreement among all Member States. According to these opinions, the current security and geopolitical situation requires rapid reactions of this kind, which is hindered by unanimous decision-making and the veto right of the member state. Our research did not confirm these findings. There are completely opposite opinions that argue for the current consensus arrangement in the CFSP with safety mechanisms against the use of the veto. The existence of QMV does not guarantee nor encourage Member States to negotiate and find common ground. Even if a veto is not frequently utilised, its presence encourages states to engage in discussions that lead to compromises, thereby reducing the likelihood of deadlock.

However, if a member state uses an unresolved issue with its neighbour, e.g. regarding the border or the name of the country, to justify its right to veto a decision of enlargement, the principle of loyal cooperation, which is binding on all Member States, must certainly be considered; especially when individual Member States obstruct the process over bilateral issues unrelated to the formal membership criteria.

Justifying enlargement by fulfilling the Copenhagen criteria on one hand and by emphasising geopolitical necessity on the other should be balanced in EU policy in order to maintain its legitimacy, as it is one of the conditions for public support for the enlargement process in Member States. An enlargement policy that is full of delays in one period and too hasty in the next, does not inspire the necessary credibility. For example, we can compare Moldova, Ukraine and Georgia (the European Commission needed four months to complete their assessments) to North Macedonia (sixteen years), or Bosnia and Herzegovina (seven years to achieve candidate status), or Montenegro and Serbia (still negotiating their EU accession since 2012 and 2014 respectively). We do not share the opinion that implementing QMV, by amending the Treaties, could only enhance the credibility of the EU's enlargement process for candidate countries in the Western Balkans. Apparently a more predictable and efficient decision-making framework introduced by the Treaties amendments would signal to these nations that their aspirations for membership are taken seriously and could potentially accelerate their integration into EU structures. These expectations are unlikely. Current issues surrounding EU enlargement are marked by a complex interplay of geopolitical dynamics, internal reforms, and the varying interests of Member States. There is no doubt that the potential shift from unanimity to QMV in the context of EU enlargement could have significant implications for the

decision-making processes within the Union. However, there is one big question, whether the power of large countries to outvote small ones would contribute to more cohesion, internal democracy, tolerant dialogue, and quality decision-making by considering the interests of all nations, regardless of size, which is one of the democratic values in the EU's founding treaties. The Lisbon Treaty today, when properly interpreted, contains a built-in safety mechanism that is designed to ensure that no member state could be dictated to on issues vital to its national interests if QMV were to be used in CFSP. QMV safety mechanisms to protect minorities (small nations) should boost the resilience of the EU's foreign-policy system to third-country influence, facilitate the emergence of a common strategic culture among the Member States and mitigate the risk. We agree with what was pointed out by Charles Mitchel[24] that the current consensus decision-making arrangement in the CFSP area, which lies in democratic patience in seeking consensus is the EU's strength and that unanimity 'pushes to work unremittingly to unite the Member States'.

5.3. Summary of Legal Findings

(1) EU treaties, without amendments, allow for the implementation of the QMV in CFSP: As stipulated in Art. 24 of the TEU, the CFSP is defined and implemented by the European Council acting unanimously, except where Treaties provide otherwise (for example Art. 31, para. 2, stipulates a qualified majority also for the decisions related to CFSP). EU treaties, without amendments, allow for the implementation of the QMV also in CFSP; the legal basis for the transition to decision-making with the QMV exists, as an exception to the second para. of Art. 31 TEU and the bridging clause of the third para. of Art. 31 TEU. The key question is how to interpret the concept of an essential and justified reason for national security. Member States should necessarily consider the strategic interests and guidelines of the European Council, adopted by consensus. Art. 31 of the TEU stipulates that decisions on CFSP are taken by the European Council acting unanimously, except, when adopting a decision defining a Union action or position (where they act by qualified majority).

(2) Constructive abstention: The option of constructive abstention allows countries to be exempted from implementing a particular decision. It offers a promising way of avoiding blockages, a way that should be employed more often going forward. Any member of the Council, when abstaining in a vote, may qualify its abstention by making a formal declaration (Subpara. of the Art. 31/1). In that case, member of the Council is not obliged to apply the decision but to accept that the decision commits the Union (constructive abstention). As stipulated in Subpara. of the Art. 31/1, in a spirit of mutual solidarity, the Member State concerned must refrain from any action likely to conflict with or impede Union action based on that decision and the other Member States must respect its position. Although a Member State using constructive abstention is not formally bound to respect the content of the measure,

24 Bayer, 2023.

it must nevertheless respect the principle of sincere cooperation. This means that it must refrain from actions that would contradict the adopted positions of the EU or could reduce its effectiveness in international relations.

(3) Emergency brake: According to Art. 31(2) TEU, a member of the Council may declare that, for vital and stated reasons of national policy, he or she intends to oppose the adoption of a decision to be taken by qualified majority; in such a case a vote is not be taken (emergency brake). The right of a Council member to oppose a vote using a qualified majority (emergency brake) is important for conflict solving in the case of disagreements. It is sufficient to rely on justified reasons of national policy. The provision in question essentially means that a Member State may prevent the application of the QMV decision. The High Representative is then obliged to try to find a solution acceptable to the Member State. However, if the High Representative fails to do so, the European Council may, acting by a qualified majority, request that the matter be referred to the European Council; the latter takes a decision on the matter, not by a qualified majority but rather by unanimity. The emergency brake may be applied in the context of the CFSP when a Member State considers that the proposed measure could jeopardise its essential interests. However, despite the application of the brake, the Member State must still act in accordance with the principle of sincere cooperation and refrain from actions that could harm the interests of the EU. These duties are essential to ensuring the unity and effectiveness of the EU's actions and to maintaining trust between Member States. The question arises of whether the right of a European Council member to invoke national interests, as stipulated in the TEU, does not allow for too broad a discretion that may completely prevent decision-making by a qualified majority. Or in other words, to what extent can this discretion go, or does it outweigh the due consideration of the principle of sincere cooperation in the EU?

(4) The 'passerelle clause': The 'passerelle clause' (Art. 31(4) TEU), offers the possibility to extend QMV to CFSP unless decisions have military or defence implications. Art. 31(3) TEU accordingly states that the European Council may unanimously adopt a decision stipulating that the Council shall act by a qualified majority. It is a 'safety net' mechanism, in addition to the existing emergency brake, which will seek to ensure that vital national interests will continue to be respected in areas of the CFSP where majority voting is expanded through the passerelle.

(5) The principle of sincere cooperation: The duty of sincere cooperation of EU Member States is an important part of the legal framework ensuring the effective functioning of the EU. The duty is set out in Art. 4, para. 3 of the TEU, which states that pursuant to the principle of sincere cooperation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties. The principle of sincere cooperation is legally binding on all Member State authorities and EU institutions and must be reflected in their actions and decision-making. Application of the emergency brake under Art. 31, para. 2 TEU is thus subject to compliance with this principle. When the emergency brake under second para. of the Art. 31 TEU is applied, Member States must comply with

the decision to refrain from taking any action which could contradict the adopted positions of the EU or undermine its effectiveness in international relations. Following the duty of sincere cooperation, EU Member States must justify the use of the emergency brake demonstrating that they protect essential and justified reasons of national policy.

References

Bibliography

Baerbock, A., Lahbib, H., Asselborn, J., Hoekstra, W., Aurescu, B., Fajon, T., Bueno, J.M.A. (2023) 'It's time for more majority decision-making in EU foreign policy', *Politico*, 12 June 2023 [Online]. Available at: https://www.politico.eu/article/eu-foreign-policy-ukraine-russia-war-its-time-for-more-majority-decision-making/ (Accessed: 15 February 2025).

Baraggia, A., Bonelli, M. (2022) 'Linking Money to Values: The New Rule of Law Conditionality Regulation and Its Constitutional Challenges', *German Law Journal*, 23(2), pp. 131–156 [Online]. Available at: https://doi.org/10.1017/glj.2022.17 (Accessed: 15 February 2025).

Bayer, L. (2023) 'Charles Michel: Get ready by 2030 to enlarge EU', *Politico*, 28 August 2023 [Online]. Available at: https://www.politico.eu/article/european-council-president-charles-michel-eu-enlargement-by-2030/ (Accessed: 15 February 2025).

Cuperus, R., Hollander, S. (2024) 'Beyond the EU enlargement paradox Optimising opportunities and minimising risks', *Clingendael Institute*, 14 March 2024 [Online]. Available at: https://www.clingendael.org/publication/beyond-eu-enlargement-paradox (Accessed: 15 February 2025).

Dimitrov, N., Ioannides, I., Nechev Z., Popescu-Zamfir, O. (2023) 'It's a Package Deal! Reforming and Enlarging the EU in a Contested World', *Institute for Human Sciences*, 02 June 2023 [Online]. Available at: https://www.iwm.at/blog/its-a-package-deal-reforming-and-enlarging-the-european-union-in-a-contested-world (Accessed: 15 February 2025).

Fiott, D., Tercovich, G. (2023) 'Qualified Majority Voting in EU Foreign Policy: A Cost of non-Europe Report' [Online]. Available at: https://csds.vub.be/wp-content/uploads/2023/08/EPRS_STU2023740243_EN.pdf (Accessed: 15 February 2025).

Ker-Lindsey, J., Armakolas, I., Balfour, R., Stratulat, C. (2017) 'The national politics of EU enlargement in the Western Balkans', *Southeast European and Black Sea Studies*, 17(4), pp. 511–522 [Online]. Available at: https://doi.org/10.1080/14683857.2017.1424398 (Accessed: 15 February 2025).

Lehne, S. (2022) 'Making EU Foreign Policy Fit for a Geopolitical World' [Online]. Available at: https://carnegieendowment.org/research/2022/04/making-eu-foreign-policy-fit-for-a-geopolitical-world?lang=en&center=europe (Accessed: 15 February 2025).

Navarra, C., Jancova, L., Ioannides, I. (2023) 'Qualified majority voting in common foreign and security policy – A cost of non-Europe report', *European Parliament*, 28 August 2023 [Online]. Available at: https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU(2023)740243 (Accessed: 15 February 2025).

Mintel, J., von Ondarza, N. (2022) 'More EU Decisions by qualified majority voting - but how? Legal and political options for extending qualified majority voting', *Stiftung Wissenschaft und Politik*, 2022/61 [Online]. Available at: https://doi.org/10.18449/2022C61 (Accessed: 15 February 2025).

Ondarza, N., Stürzer, I. (2024) 'The State of Consensus in the EU; What Is the Way Forward in the Debate about Expanding Qualified Majority Decisions?' [Online]. Available at: https://www.swp-berlin.org/publications/products/comments/2024C16_QualifiedMajorityDecisions.pdf (Accessed: 15 February 2025).

Pisklová, M. (2024) 'QMV in CFSP: Impending necessity or resurfacing utopia?' [Online]. Available at: https://www.europeum.org/wp-content/uploads/pisklova-intempl-final.pdf (Accessed: 15 February 2025).

Repčys, I. (2022) 'The pros and cons of unanimity in EU's foreign policy and what's better for Lithuania' [Online]. Available at: https://www.lrt.lt/en/news-in-english/19/1766518/the-pros-and-cons-of-unanimity-in-eu-s-foreign-policy-and-what-s-better-for-lithuania-opinion?srsltid=AfmBOoqniIsuzShuxiZ_TKzpIA8GLcR9ycXsKcjt0CxUQnRO6HJtF9c2 (Accessed: 15 February 2025).

Randazzo, V. (2014) 'Article 346 and the qualified application of EU law to defence', *European Union Institute for Security Studies*, 2014/22, pp. 1–4 [Online]. Available at: https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief_22_Art._346.pdf (Accessed: 15 February 2025).

Schuette, L. (2019) 'Should the EU make foreign policy decisions by majority voting?', *Policy brief*, 15 May 2019 [Online]. Available at: https://www.cer.eu/publications/archive/policy-brief/2019/should-eu-make-foreign-policy-decisions-majority-voting briefs (Accessed: 15 February 2025).

Svijic, S., Cerimagic, A. (2020) 'Rebuilding Our House Of Cards: With More Glue' [Online]. Available at: https://idscs.org.mk/wp-content/uploads/2020/11/9_A5_REBUILDING-OUR-HOUSE-OF-CARDS_WITH-MORE-GLUEENG.pdf (Accessed: 15 February 2025).

Svijic, S., Nechev, Z. (2022) 'Without qualified majority voting EU enlargement has no future' [Online]. Available at: https://www.euractiv.com/section/politics/opinion/without-qualified-majority-voting-eu-enlargement-has-no-future/ (Accessed: 15 February 2025).

von Ondarza, N., Mintel, J. (2022) 'More EU Decisions by Qualified Majority Voting – but How? Legal and political options for extending qualified majority voting', *SWP comment*, 2022/8 [Online]. Available at: https://www.swp-berlin.org/10.18449/2022C61/ (Accessed: 15 February 2025).

Zweers, W., Cretti, G., de Boon, M., Dafa, A., Subotić, S., Muk, M., Fetahu, A., Abazi Imeri, A., Kujraković, H., Kuhinja, E. (2022) The EU as a promoter of democracy or 'stabilitocracy' in the Western Balkans?' *Clingendael Report*, 8 February 2022 [Online]. Available at: https://www.clingendael.org/pub/2022/the-eu-as-a-promoter-of-democracy-or-stabilitocracy/ (Accessed: 15 February 2025).

Zweers, W. (2024) 'The Eastern trio's path to the EU: fast track or slow lane?' *Clingendael Spectator*, 27 February 2024 [Online]. Available at: https://spectator.clingendael.org/en/publication/eastern-trios-path-eu-fast-track-or-slow-lane (Accessed: 15 February 2025).

Zweers, W., Ioannides, I., Nechev, Z., Dimitrov, N. (2024) 'Unblocking decision-making in EU enlargement Qualified Majority Voting as a way forward?' *Clingental*, June 2024 [Online]. Available at: https://www.clingendael.org/sites/default/files/PB_Unblocking_decision-making_in_EU_enlargement.pdf (Accessed: 15 February 2025).

Legal sources

European Commission, 2023 Regulation proposal Reform and Growth Facility Western Balkans, November 7, 2023.

European Parliament recommendation of 23 November 2022 concerning the new EU strategy for enlargement.European Parliament resolution of 22 November 2023 on proposals of the European Parliament for the amendment of the Treaties.

European Parliament resolution of 13 December 2023 on 30 years of Copenhagen criteria – giving further impetus to EU enlargement policy.

European Parliament, resolution of 29 February 2024 on deepening EU integration in view of future enlargement (2023/2114(INI)).

Chapter IV.5

The Idea of a 'Gradual Enlargement' Process

Lénárd Sándor

Abstract

A European cooperation that can (re)unify the geographical and cultural facets of Europe has been the dream and vision since its very early foundation in the wake of the Cold War. Even starkly different visions have all formulated the reunification as the ultimate political objective of Europe. Therefore, the continuous enlargements, based on geopolitical realities and possibilities, has accompanied the evolution of the European integration until the 'Big Bang' or the 'great enlargement' of East-Central Europe in 2004, 2007, and 2013. Further enlargements pose more serious economic and geopolitical difficulties, and the prolonged processes have created dilemma vis-à-vis the candidate countries in the Western Balkan and Eastward regions. In light of this historical context, this study aims to examine the concept and objectives of 'gradual integration'. It evaluates the positions of both the supranational institutions as well as the individual Member States while drawing a conclusion on the potential ways forward.

Keywords: multi-speed Europe, concentric circles of Europe, enlargement strategies, Western Balkans, Eastern enlargements, frontiers of Europe

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1. Introduction

1.1. Enlargement(s) in Geopolitical Context

The foundation and early evolution of the European cooperation were defined by multiple underlying factors, including internal and external ones, as well as by complex reasons encompassing economic, civilisational, and defence-related factors. Considering the tragic and striking experience of the Second Word War, among the major motivations for European integration was to prevent the rearmament of Germany and the outbreak of another destructive war on European soil. At the same time, the rapid economic relaunch of the Western half of the Old Continent turned out to be essential after the unprecedented devastation of the Second World War. In this regard, external geopolitical forces were equally decisive in the concrete realisation of the longstanding idea of an institutionalised European cooperation.[1] Consequently, geographical and geopolitical considerations have been present since the very beginning of the European cooperation.

The World Wars began a process of transition from a Eurocentric international society and system of international relations and law,[2] changing the destinies of European countries that began to be heavily influenced by emerging non-European superpowers.[3] This was further reinforced by the disintegration of colonial systems – the process of decolonisation that supported a European integration process. These external factors significantly contributed not only to the beginning and realisation of European construction in the 1950s but also to one of its long-term geographical aspirations and visions. Beyond safeguarding the European civilisation, as the Christian democratic foundation supporting the European cooperation wished to pursue, the aim was to encompass the entire geographical continent of Europe. According to a key phrase in the Schuman declaration, '[i]t proposes that Franco-German production of coal and steel as a whole be placed under a common High Authority within the framework of an organisation open to the participation of the other countries of Europe'.[4] On the one hand, this provision envisioned a European future that is based on institutional cooperation within an organisational structure. On the other hand, these words also served as an 'invitation letter' to all those countries who share the common European civilisational heritage and roots in the hope that they could join and accede in the future. Robert Schuman repeated this thought in 1963 when he pointed out the responsibility of establishing the European cooperation in a way that is 'not only for the interest of the free peoples but will also have a place for the

1 See for example, Isaacson and Even, 2012, pp. 513–520; Middelaar, 2011, pp. 194–222.
2 See Bederman and David, 2002, pp. 111–112.
3 See Bertoncini and Chopin, 2010, p. 55.
4 See European Union, 1950.

peoples of the East'.[5] This early wisdom was also codified in the Rome Treaty of 1957 that kept open the possibility of accession to any 'European country'.[6] The political objective (*finalité politique*) of economic integration of the initial six Member States was to uphold the aspiration of a European reunification amid an unfolding Cold War.

Largely due to the 'spirit' of this initial 'invitation letter', the alliance of the six founding Member States went far beyond the industrial (mining: coal and steel community) and economic dimensions: they have had to face and consider other European nations that sought to join the expanding project of European integration. The early wisdom and vision of the Founders set the stage for a solid plan and the evolving strategy for the future enlargement of Europe. The questions of the European Union's (EU) 'entry gate', membership criteria, and external frontiers have been the focal points of European politics ever since. Furthermore, the weight and the stake of these questions have increased significantly as the cooperation has become more attractive partly due to the prosperity and economic success of the so-called 'thirty glorious years' (*les trentes glorieuses*)[7] and partly because the integration – for reasons not attributable to the same – has become synonymous with peace and stability.

The first major geopolitical – and enlargement-related – question was whether the United Kingdom (hereinafter UK) would be member of the cooperation. The UK secured a seat at the peace conferences that ended the war and remained the strongest European country, but it did not become part of the initial process of integration because of a suspicion of the unfolding supranational structures.[8] Only in 1961 did the UK decide to announce its intention to join the European cooperation. However, the accession process was prolonged. The political veto of President Charles de Gaulle as well as the difficult and cumbersome negotiation process during the following decade revealed that the cooperation is not only a complex legal system built on treaties but also a political alliance depending on the will of individual Member States and their interests. With the first enlargement in 1973, the question was whether the nine Member States[9] can represent or speak on behalf of Europe[10] and if so, is there and what is the self-definition and identity of their cooperation?

5 Robert Schuman wrote the followings in the France Forum (November 1963): '*Nous devons faire l'Europe non seulement dans l'intérêt des peuples libres, mais aussi pour pouvoir y recueil les peuples de l'Est qui, délivrés des sujétions qu'elles ont subies jusqu'à présent, nous demanderaient leur adhésion et notre appui moral*'. See Schuman, 1963.

6 Art. 237 of the Rome Treaty: '*Tout État européen peut demander à devenir membre de la Communauté. Il adresse sa demande au Conseil lequel, après avoir pris l'avis de la Commission, se prononce à l'unanimité*'.

7 The expression '*Les Trente Glorieuses*' was invented by Jean Fourastié referring to the unprecedent post-war economic growth of the European integration. See for example: economie.gouv.fr, no date.

8 Middelaar, 2011, pp. 232–234.

9 The United Kingdom, Ireland and Denmark joined the European cooperation in 1973.

10 Middelaar, 2011, pp. 243–244.

Based on this logic, the nine Member States adopted the first declaration on the 'European Identity' in 1973 in Copenhagen.[11]

Democracy is one of the central features of European identity, which was reinforced in practice when Greece as well as Portugal and Spain joined the European integration, in 1981 and 1986, respectively, after the fall of dictatorial regimes in the nations. By the end of the 1980s, the European cooperation constituted a club of 12 European democracies.

The tectonic shifts for the European cooperation arrived in 1989 with the fall of the Berlin Wall and with the collapse of the Soviet Union. This historic moment had dual consequences. On the one hand, the initial 'invitation letter' of Robert Shuman could be fully 'delivered' as the largest obstacle of the original objective of the European cooperation was removed. On the other hand, the East-Central European countries that aspired for membership but were isolated by the Iron Curtain for decades had significantly different historical experiences, visions, and expectations than the original six, 12, or 15 nations, including the accessions of Austria, Finland, and Sweden in 1995. New and even more complex conditions have been defined with the Copenhagen criteria of 1993; as Vaclav Havel wrote with much criticism and reference to the slow and cumbersome accession process, while the former order, the old *status quo* collapsed, the new order has not been built up.[12] Furthermore, the Balkan war of the 1990s and the inability of European powers to handle and settle this crises reminded the European leadership of the still existing limitations of their geopolitical opportunities and capabilities. It was (or would have been) a reminder for the importance of the integration process in the European continent and the need to define the frontiers of Europe as well as rethink the role and objective of the institutionalised cooperation in Europe.

As a consequence of the tectonic shift of 1989, the Eastern enlargements in 2004, 2007, and 2013 were part of the achievements of original political objectives and occurred following a monolithic approach — also called the 'Big Bang' or the 'great enlargement'.[13] At the same time, however, the Eastward enlargement also continued to present the most visible tensions and gravest challenges for the European cooperation in the decades to come: Can the cooperation become a geopolitical reality beyond market realities and what are the frontiers of Europe? How far can the enlargement go? What would be the most suitable method for further enlargements? Can further enlargements take another 'Big Bang' approach or should they involve a more piecemeal process? These are the dilemmas and questions the EU, along with its Member States, must increasingly face in the 2020s.

11 Centre virtuel de la connaissance sur l'Europe, no date.
12 See Middelaar, 2011, pp. 269–270; Havel, 1994.
13 See for example: Zalan, 2020.

1.2. Strategies and Challenges in Previous Enlargements

The entry gateway to the European cooperation has become of strategic importance. More than just being a symbol, the gateway forged the Member States into a community and allowed them to think about and determine its own political perception. It indicates a point of alignment for those who wish to become the members of this cooperation. Specifically, it has carried the promise of cooperation that would gradually encompass the geographical breadth of Europe. Even though the European cooperation began as a market integration initiative, the enlargements have been a market- or economy-related question only to a lesser extent. The principal stake and challenges of enlargements have been security and geopolitics and have always involved geographical considerations. Consequently, the strategies and challenges should be primarily measured and evaluated in light of these geopolitical considerations.

The primary stake behind the accession of the UK was the question of European security in the face an intensifying Cold War in the early 1960s. President Charles de Gaulle's idea and plan were to build an independent security architecture together with the UK and thus create nuclear deterrence capabilities for European defence purposes. However, in the meantime, the UK chose to ally with the United States by signing a defence agreement. In light of these events, France de facto vetoed the accession in January 1963 and concluded the Elysée Treaty with West Germany the same month.[14] The UK was only admitted to the community nearly a decade later in 1972, which highlights the security stake of the enlargement in the 1960s.

Even though the tectonic shifts of the change of regimes fulfilled the dreams of millions on both sides of the Berlin Wall and the Iron Curtain, it also brought serious dilemmas to the surface and centre of European politics. The three neutral countries that joined in 1995 – Austria, Finland, and Sweden – were not unfamiliar in the context of European integration as they had been part of the European Free Trade Association. Their membership was, to a large extent, a direct consequence of the collapse of the Union of Soviet Socialist Republics (USSR) and the dissolution of the two European blocks. By contrast, the accession of the East-Central European countries recently liberated from Soviet occupation and transitioning to market economies posed a more serious challenge. The European integration has been a major gravitational force to them and their participation would permit the extension of the territory of the EU to the territory of the continent, as well as permit the European construction to assume a European geopolitical role. Nevertheless, much of the East-Central European countries were unfamiliar to the old Member States.[15] With the introduction of the complex system of the Copenhagen criteria in 1993, the East-Central European countries were required to undergo a 'metamorphosis' to be able to

14 See Middelaar, 2011, pp. 231–234.

15 The difficulties of the mutual understanding were eloquently told by Milan Kundera in the novel entitled '*1Un Occident kidnappé: Ou la tragédie de l'Europe centrale'*. See Gallimard, 2021.

approach and pass through the gateways more than a decade later. In the meantime, this has indicated a dynamic and a major shift towards the importance of the rules and conditions based on the identity of the member countries.[16] The Copenhagen criteria strengthened the dynamic whereby the conditions and rules are expected to create a European identity and serve as an entry gate into the cooperation.

The Eastward enlargements of the 2000s, albeit of historical significance and marking a major milestone in the evolution of the history of the European cooperation, raised at least as many questions as it answered. Ultimately, even though it occurred as a monolithic enlargement and countries were admitted as a group (the so-called Big Bang expansion), the Eastward enlargements raised the question of where the frontiers of Europe are located and how far the enlargement can continue. Are there geographical or civilisational frontiers in Europe? The question of frontiers necessarily includes the question of self-definition. At the same time, the continuous enlargements and their different timings and phases increased the heterogeneity of the composition of the community in terms of countries' historical experiences, the underlying reasons for their accession, as well as their ultimate expectations from the cooperation. This increasing heterogeneity has led to the adoption of various mechanisms that allowed the differentiation in terms of certain types of fields of cooperation and exemptions or the clause of 'opting out'. Such exemptions included, for example, the adoption and introduction of the 'Schengen area' or the common European currency. This set the stage for 'enhanced cooperation' or 'closer cooperation' and the idea of a 'multi-speed EU' that is now subject to various debates.[17] This also raised the question of whether subsequent enlargement could follow the same method, or rather take a nuanced and piecemeal approach. These considerations have also influenced current enlargement strategies.

1.3. A Brief Assessment of Previous Enlargements: Successes and Failures

While the enlargements were always subjects of geopolitical considerations and compromises, each one of them increased the economic successes of the community as a whole. Enlargements contributed to the stabilisation as well as to the expansion of the market economy throughout Europe. They successfully created the conditions for a functioning single and internal market that brought economic prosperity and steady development to all the Member States until recently.[18] Even though disparities between regions and countries remained, the advantages offered by market

16 Middelaar, 2011, pp. 242–243; At the Copenhagen European Summit of 14 and 15 December 1973, the Heads of State or Government of the nine Member States of the enlarged European Community affirm their determination to introduce the concept of European identity into their common foreign relations. See Declaration on European Identity (Copenhagen, 14 December 1973).

17 See for example, the recently concluded discussion on the Future of Europe or the report of the Franco-German working group on the EU institutional reform.

18 About the logic of neofunctionalism on continious enlargement and its critical evaluation see Börzel and Tanja, 2005, pp. 217–236.

integration justified the original assumption according to which the economies of European countries are more successful together within the framework of market integration than separately. Furthermore, the enlargements always required a transition to democratic systems and thus contributed to the stabilisation of the region. Prime examples of this were the Southern enlargements that included Greece in 1981, along with Spain and Portugal in 1986, as well as the Eastward enlargements of the 2000s. Thus, the European cooperation is a 'club of democracies' that represents both an accession requirement and a 'trademark' of the community.[19]

Because of these provisions, as well as economic and other benefits, the accession has gained traction. Consequently, the perspective of the accession has also served as a powerful foreign policy tool for the European cooperation. It has been functioning as a 'positive conditionality', being a powerful incentive for market and institutional reforms. Owing to the conditions and reference points, some of the objectives concerning the framework and process of accession were also to stabilise the surrounding countries and regions; act against or counterbalance malign influences; and form a zone of security, which is among the core questions of the Western Balkan enlargement. Consequently, there have been magnetic forces on both sides that propelled the enlargement process: the achievements and success of the cooperation mainly as a single market and welfare model on the one hand and the need for expansion for both economic and security reasons on the other. This overall dynamic, which has been at the heart of the European cooperation, fuelled the successful enlargement process.[20]

Nevertheless, the euphoric moment of the change of regimes in 1989–1990 set a high expectation within the European cooperation but especially in those countries who were newly liberated under the Soviet rule, as they looked for economic prosperity and a way to preserve their national independence and identity. The end of the Cold War opened a window for the European cooperation to become a more autonomous 'geopolitical reality'. These expectations were 'codified into' the Maastricht Treaty that extended the focus and scope of the legal foundations of the European cooperation. The differences and difficulties of the Eastern enlargement were multifarious, ranging from political-institutional to socio-economic factors, as well as to the question of identity.[21] What seemed to be the reunification of the continent on the one hand has been criticised as the dilution of the original project on the other: it has been criticised as it poses a threat to the original European cooperation both in terms of identity and across economic and social dimensions.

In addition, the long crises period of the 2010s revealed the shortcomings and failures of the cooperation and its enlargements in achieving geopolitical and security objectives, including with the migration crises and Brexit and the weak or hesitant responses of the EU to these crises, and the outbreak of the Russo–Ukrainian

19 Middelaar, 2011, pp. 379–383.
20 Bertoncini and Chopin, 2010, pp. 57–63.
21 See also, Foucher, 2006, pp. 86–114.

War in the 2020s as well as the inability of the European cooperation to take part in settling this conflict.

1.4. The Idea of the 'Gradual Enlargement'

The (re)unification of Europe as a result of the Eastward enlargement process in the early 21st century signified a 'historical duty' and also marked a historic achievement and the fulfilment of the aspiration of the founders of the European cooperation by ending the artificial division of the old continent and expanding market integration as well as economic and infrastructural reforms. At the same time, as the borders of the EU have become closer to the borders of geographical Europe, they have posed new challenges and questions about its relationship with its new neighbours and its geopolitical position in the world. Furthermore, even as the Cold War ended, the question and pressure nevertheless increased on the EU *vis-à-vis* whether and how to assume a geopolitical role and create a European narrative or vision in the aftermath of the Cold War era. It also raised the question of responsibility for the European continent and in turn, for the security of the European integration process and its achievements. Meanwhile, because of the Eastward enragement, the EU has become much more diverse as a result of a multitude of different approaches, attitudes, and historical experiences that have made its operation and decision-making process much more complex in the early 21st century.

In light of these developments, one of the defining questions of the European cooperation was how to ensure the security of the EU that is now bordered by unstable governments and countries. This dilemma was exacerbated by the outbreak of the ethnic conflicts and the prolonged Balkan War of the 1990s. One of the envisaged solutions was to extend the process of enlargement and include these neighbouring countries in the EU even if their performance had not entirely met with the Copenhagen criteria. Accordingly, the Copenhagen European Council of 2002, in which Member States made the decision to admit 10 new members, also confirmed the commitment of the EU that the five Balkan countries were entitled to accede to promote prosperity and stability in Europe.[22] This would give rise to a new concept called 'gradual or phased integration'. In the context of strengthening and institutionalising neighbourhood relations, this commitment also appeared in Art. 7a of the Lisbon Treaty.[23] In contrast to previous enlargements, the novelty of this concept is to forge a close

22 The Western Balkans' countries have become part of the 'Stabilisation and Association Process' during the Copenhagen European Council, see Copenhagen European Council of 12 and 13 December 2002, para. 23.

23 Art. 7a of the Lisbon Treaty '1. The Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterized by close and peaceful relations based on cooperation. 2. For the purposes of para. 1, the Union may conclude specific agreements with the countries concerned. These agreements may contain reciprocal rights and obligations as well as the possibility of undertaking activities jointly. Their implementation shall be the subject of periodic consultation'.

and peaceful relationship by securing reciprocal rights continuously before full membership and therefore contributing to stability in the region.[24]

2. Origins and Concept of 'Gradual Integration'

Specifically, 'gradual integration' would aim to accommodate the expectations and level of preparedness of both the community and the candidate member. Therefore, in a larger context, the political and theoretical origins of the concept of 'gradual integration' are rooted in what has been called 'variable geometry Europe' or 'multi-speed European integration'. The academic and political discourse on the 'variable geometry Europe' began in the 1970s[25] but considerably strengthened in the face of the collapse of the Soviet Union and the possible Eastward enlargement of the European integration. The main institutional and decision-making dilemma that these debates aimed to highlight was how to reconcile and facilitate a compromise between the expected large increase of Member States and the process of consensus-seeking to facilitate and guarantee the efficient operation of the EU.

Indeed, one of the defining characteristics of the European integration since its early years has been that the Member States do not conceive their respective memberships in the same way as they have convergent but dissimilar expectations based on their historical experiences, economic outlooks, and national identities.[26] This early experience had its impacts not only on the functioning but also on the expected future evolution of the European integration. From this perspective, the expected Eastward enlargement and 'the reunification of the continent' would not only double the number of Member States but also increase the heterogeneity, variety of viewpoints, and different identities within the community. This development induced a new political and academic discourse on the institutions and mechanisms that could help manage the increased heterogeneity of the European community with the dual objectives of proceeding with the enlargement and simultaneously preserving the dynamic of the integration.

Considering the dissimilar expectations of Member States as well as the diverse objectives of a 'multi-speed Europe', a more flexible concept of integration gave rise to ambiguities. Accordingly, during the preparatory phase of the Amsterdam Treaty revision in 1997, rival concepts and proposals were introduced and discussed. One of the proposals was based on a Franco–German document authored by Edouard

24 See also: Bickerton, 2021, p. 6.

25 The German Chancellor, Willy Brandt spoke about a two-speed Europe as early as 1974 as a way to reconcile the differences and facilitate a more dynamic integration process. See for example, Marieni, 2015.

26 Middelaar, 2023, pp. 11–41.

Balladur, Wolfgang Schauble, and Karl Lamers, proposing the concept of 'variable geometry Europe' that envisioned 'concentric circles of Europe' with a core Europe ('*Kern Europa*') at its centre.[27] This idea has been based on the logic that a core part of the integration could provide a more efficient magnetic effect to move forward both the integration and enlargement process. By contrast, the concept of 'flexible Europe' was put forward by former British Prime Minister John Major in his Leiden speech in September 1994.[28] The fundamental logic of this view was to generalise the system of opt-outs and exemptions while favouring intergovernmental and sometimes *ad hoc* procedures instead of a unified institutional system.

As a result of these theoretical and policy debates, the Amsterdam Treaty revision of 1997 first institutionalised the concept of the 'variable geometry Europe' by introducing the mechanism of 'enhanced cooperation'.[29] The cornerstones but also the confines of such forms of cooperation are that they must serve the objectives of the Founding Treaties; develop within the existing treaty framework; and last but not the least, remain open to Member States that wish to join at a later stage. These criteria of application of enhanced cooperation aimed to avoid such pitfalls as the erosion of the institutional system or the fragmentation of the '*acquis communautaire*'. However, they aim to preserve the dynamism of the European integration process. The Schengen acquis – which began on an inter-state basis – has become part of such 'enhanced cooperation' proposed by the Amsterdam Treaty.[30] The Lisbon Treaty (TEU) also contains this mechanism, and further examples for its use are the establishment of the European Public Prosecutor's Office, the law on divorce and legal separation, or the unitary patent protection. As a result of the institutionalisation of 'enhanced cooperation', the European integration has been compared to a lake with deeper and shallow parts: while the deeper areas indicate stronger and wider consensus, the shallow parts reveal existing differences that still remain.[31] The European integration thus carries the characteristics of a multi-speed Europe. Related to but beyond the scope of 'enhanced cooperation' has been the concept of 'transitional arrangements' that have offered gradual application of the '*acquis*

27 See for example, Blatter, 1994. The Germans were in favour of the 'core Europe' concept whereby the most active and willing Member States take the leadership of the Community while France proposed the concept of the 'concentric circles of Europe'. See Bertoncini and Chopin, 2010, p. 78.

28 The Rt. Hon. Sir John Major KG CH, 1994.

29 Under the current treaty structure, Art. 20 of the Treaty on European Union and Title III of the Treaty on the Functioning of the EU regulate the 'enhanced cooperation' that is a procedure where a minimum of 9 EU Member States are allowed to set up advanced integration or cooperation in a particular field within the EU, when it has become clear that the EU as a whole cannot achieve the goals of such cooperation within a reasonable period.

30 In the face of objections from sever Member States, including especially the United Kingdom, the Schengen Treaties of 1985 and 1990 were originally concluded as international treaties outside the institutional framework of the European integration. The flexible approach of the 'enhanced cooperation' provided the opportunity to include the 'Schengen acquis' in the framework of the European cooperation. See also, Middelaar, 2011, pp. 261–269.

31 'Multi-speed Europe' is making a comeback, along with the constitution. See Economist, 2007.

communautaire' based on an agreed timetable during successive enlargements.[32] Even though the Brexit vote in 2016 was a moment of separation, it also gave a renewed impetus to the policy and academic discourse on a future 'multispeed Europe' that would allow more room of flexibility. In the aftermath of the decision of the UK to leave the EU, the European Commission presented a white paper in 2017 that outlined a multi-speed Europe led by the 'coalition of willing' as one of the scenarios for the future of Europe.[33]

Since the 2010s, the EU has been, again, facing a dilemma and the prospect of new enlargements, mainly to the Western Balkans, including Montenegro, Serbia, Albania, North Macedonia, Bosnia and Herzegovina, and potentially Kosovo, as well as to further Eastward nations, especially Ukraine, Moldova, and Georgia.[34] The Copenhagen European Council of 2002 showed the determination and as early as 2003, the EU–Western Balkans Summit Thessaloniki offered the prospect of accession and a future in the EU for the Western Balkan countries.[35] The European Council decided to open negotiations with Montenegro and Serbia in 2012 and 2014, respectively. The enlargement process has been reinvigorated in recent years. North Macedonia and Albania opened accession negotiations in 2022. Furthermore, the screening sessions were completed with both Albania and North Macedonia by the end of 2023. The European Council decided to open accession negotiations with Bosnia and Herzegovina in 2024. Kosovo is a potential candidate country and has yet to open accession negotiations.

On the East, Ukraine and Moldova are candidate countries since 2022 and Georgia has become a candidate country in 2023. In 2023, the European Council decided to open negotiations with Ukraine and Moldova and the first intergovernmental conferences opening the negotiations with both countries were held on 25 June 2024.[36] The European Council granted candidate status to Georgia in December 2023. However, for reasons related to the course of action taken by Georgia, the accession process has *de facto* halted since spring 2024.

The questions and dilemmas that were raised during the preparation of the Amsterdam Treaty are somewhat similar to the ones that are currently posed regarding the concept of 'gradual integration'. The retrospective element(s) of the debates on the current and future Europe is also emphasised by Chris Bickerton.[37] The report of the Franco–German working group on the EU institutional reform entitled 'Sailing on High Seas: Performing and Enlarging the EU for the 21st century' published in September 2023 (hereinafter, Franco–German paper) devoted large sections to

32 See Serre and Wallace, 1997.
33 See White Paper on the Future of Europe (Reflections and scenarios for the EU27 by 2025), pp. 20–22.
34 See for example, The Conference on the Future of Europe, 09 May 2022.
35 See Declaration of the EU – Western Balkans Summit Thessaloniki, 21 June 2003 (C/03/163).
36 See European Council, 2024.
37 He calls his reflection as a 'Groundhog-Day-style time loop'; see Bickerton, 2021, p. 1.

outline proposals on how to make the European institutions 'ready for enlargement'.[38] The starting point of this academic paper is that there has not been major reforms in the institutional setting and arrangement of the European cooperation since the 1950s, even though the number of Member States increased several times and further enlargement of up to 10 new members is expected. Such an enlargement will greatly influence the decision-making process of European institutions, and a major challenge or purpose of the reforms is, once again, to find a balance between the increased number of Member States and the efficient operations of the European integration. The idea of a 'European integration of concentric circles' has been reverberated as the paper proposes envisioning the future of European integration in four distinct tiers, each with a different balance of rights and obligations.[39] The Franco–German paper is even more nuanced than the policy discourse leading up to the Amsterdam Treaty when it points out that a balance should be struck among the increased capacity to act; the power and influence of small, medium, and large Member States; the democratic legitimacy of decision-making; and the protection of legitimate national interests.[40] Furthermore, as the Franco–German paper acknowledges, this balance is to be found during the process of 'gradual' or 'staged' integration that is to be addressed below.[41]

The current enlargement process can be placed in the larger context of the European Neighbourhood Policy (hereinafter ENP) and the Stabilization and Association Process (hereinafter SAP). The ENP, established in 2004, aims to create closer relations with Southern and Eastern neighbouring countries of the EU. The four principal areas of the ENP include democracy, rule of law and human rights, economic development, and security alongside migration and mobility.[42] The ENP is characterised by a differentiated approach and includes, among others, the states that are candidate or potential candidate countries for EU membership. Meanwhile, the SAP only concentrates on the Western Balkan countries. It was already adopted by the Helsinki European Council in 1999 and offers a framework and agreement for future accession.[43] The Stabilization and Association Agreements (hereinafter SAAs) are based on the adoption of certain differentiated areas of the '*acquis communautaire*'.[44] The SAAs were expected to bring Western Balkan countries closer to the requirements

38 The report of the Franco-German working group on the EU institutional reform entitled 'Sailing on High Seas: Performing and Enlarging the EU for the 21st century' has been published on the 18th September 2023, see Franco-German Working Group, 2023.
39 See Franco-German Working Group, 2023, pp. 34–35.
40 See Franco-German Working Group, 2023, p. 18.
41 See Franco-German Working Group, 2023, p. 37.
42 European Union, no date.
43 Helsinki European Council, 1999.
44 European Union, 2000.

of the '*acquis communautaire*' on the single market with the help of EU financial, technical, and administrative support.[45]

The various association agreements have been providing frameworks for third countries for the partial integration process throughout the history of the European cooperation.[46] However, there is one major difference between the 'gradual integration' process and the association relationship that lies in their ultimate objectives: while the former's goal is to achieve EU membership, the latter offers an alternative to membership. This difference has some practical implications. Candidate countries must accept and adopt the entire demanding conditions of the single market even before accession to be able to participate in this market. One of the assumptions of the 'gradual integration' is that tangible benefits should be produced quickly for the candidate countries. A recently published policy paper by the Jacque Delors Institute underlines the enlargement process as a geopolitical necessity for the EU to stabilise its neighbourhood. Meanwhile, a 'monolithic' accession process – similar to the early 2000s – would destabilise the EU and detract from the fundamental principles and result in unreasonable risks.[47] Instead of a binary approach of the candidate–member relationship, a two-stage integration process idea was introduced by Pierre Mirelin 2018[48] and further developed by, among others, the European Policy Centre (CEP), Belgrade, and the Centre for European Policy Studies (CEPS), Brussels,[49] starting with single market entry and continuing subsequently with other policies and access to the institutions.

Even though the details and applicability concept of 'gradual integration' is subject to current and ongoing political debates and also part of the policy and academic discourse, it can still refer to quite different ideas and plans. The common denominator of these ideas is to insert intermediate stage(s) in the accession process and break the monolithic nature of the accession by granting 'associate member state' status. At the core of this idea is the objective to allow progressing towards accession in stages according to reforms achieved in each 'candidate' or 'associate' state, and each stage grants access to increased financial funds and/or participatory rights in EU institutions, while establishing a consolidation phase at the end of the negotiations before full membership. Again, this approach *de facto* proposes candidate countries a pathway towards full membership in line with the concept of an 'à la carte Europe' or 'concentric circles of Europe', which, however, is not the end goal but rather a transition phase of the accession process. The major assumption

45 The EU also concluded Deep and Comprehensive Free Trade Agreements (so-called DCFTAs) with Ukraine, Moldova and Georgia without offering the prospect of accession. The DCFTAs contain provisions on integration into the single market. European Commission, no date; and see European Commission, 2024.

46 See for example: EU Monitor, no date.

47 See Macek, 2023.

48 Mirel, 2018.

49 See European Policy Center, no date.

underlying this approach is to better motivate candidate countries, as their pace of convergence is slower than that of the East-Central European countries in the 1990s and early 2000s. A further assumption is to favourably shape public opinions around enlargement both in Member States and candidate countries alike by 'socialising' the stakeholders of the European polity, including the institutions, Member States, and candidate countries and their citizens, to accession.

The theoretical ideas nevertheless differ and take various forms. On the one hand, the differences lie in the various stages and the corresponding advantages, obligations, and participatory rights in the institutional setting. One of the major proposals differentiates four stages: from initial accession to intermediate accession, and new Member States to conventional Member States. The access to EU budget funding would increase at each stage so as to continuously provide incentives for the completion of integration while, symmetrically, each stage would lead to greater participation or integration into EU institutions.[50] On the other hand, a further difference relates to whether the stages are 'monolithic' and represent unified blocks or they can reflect or perhaps vary according to common policies or the idealised progress of candidates. Can this latter differentiation lead to an even more competitive integration by providing more incentives? The exact order of the 'gradual integration', especially the exact sequence of the phases of market (economic) and political integration, also remains subject to debate. As highlighted above, economic integration without a political dimension already exists. What combinations of these areas could lead to better results on both sides while securing complete integration as the end goal of the process? The proposals might vary according to the combinations of these ideas. However, the concrete ways and methods by which the EU can ensure this remains an open question. Similarly, the structure and steps of the 'gradual integration' that can provide impetus for accelerating the negotiations are still open and remain part of the common learning process.

The 2020 revised Enlargement Methodology has offered to candidate countries and potential candidates enhanced avenues for 'gradual integration' into selected EU policies, also known as the 'accession before membership' proposal.[51] It is within this framework that the European Council called for the application of a 'gradual integration' in June 2022. It envisions a phased or incremental approach to the enlargement process that would allow candidate countries to integrate into specific policies and sectors before achieving full membership.[52] The 'gradual integration' aims to streamline the enlargement process by eliminating some of the political factors during the technical and intermediary negotiations. Accordingly, it aims to introduce qualified majority voting for certain intermediary and technical phases, such as opening of the clusters.[53] The process of 'gradual integration' is generally

50 Emerson et al., 2021.
51 European Parliament, 2020.
52 See European Council, 2022.
53 Hackaj, 2025.

designed to be merit-based and reversible, implying a 'phasing-in' into individual EU policies and the single market to provide 'tangible incentives for reforms'. By contrast, if the reform process is cumbersome or stagnates, the benefits could, in theory, be reversed.[54] Thus, a conditionality is applied throughout the integration process. Meanwhile, one of the rationales behind introducing the process of 'gradual integration' on the part of the EU stems from geopolitical considerations that are specific to some of these regions. Unlike the first Eastward enlargement and the inclusion of 10 East-Central European countries, which was widely regarded as a 'historical duty' in the aftermath of the collapse of the Soviet Union, the enlargement to Western Balkans but especially to further East and Caucasian countries raise more nuanced, delicate, and complex questions from a geopolitical viewpoint. These areas are regarded as frontiers of Europe in a civilisational and geographical sense, and historical experiences show that these regions are also under the influence of Russia and party of China.[55] The process of gradual integration is believed to offset these influences and would also allow the EU to take a more cautious approach. In addition, another rationale behind introducing the concept of 'gradual integration' has been to provide new impetus to the slow and cumbersome accession process of the Western Balkan countries and offer faster access to the single market or to other specific policy areas such as European Networks of Transport and of Energy (TEN-T and TEN-E).

2.1. Different Aspects of 'Gradual Integration'

The gradual integration process either before or after membership can help prevent a deadlock situation in which candidate countries are required to remain in a 'waiting room' for too long and also uphold their interests by providing tangible incentives for future reforms and aspirations. In this way, the process can also mitigate the loss of enthusiasm that candidate countries can experience, which can especially be the case in the Western Balkan countries. Meanwhile, it can also uphold the geopolitical interests of the EU while safeguarding the achievements and integrity of the European cooperation both as a single market but also as a community of laws and values. Consequently, even though the strict conditions for accession known as the Copenhagen criteria remain non-negotiable, embodying the 'fundamental first' principle, the gradual integration process would pose different challenges to the

54 See European Commission, Enhancing the accession process – A credible EU perspective for the Western Balkans [Brussels, 5.2.2020 COM(2020) 57 final].

55 These regions used to be part of the ancient Silk Road that connected China and the Roman Empire while also has become the destination of the One Belt One Road initiative launched in 2013. See Middelaar, 2022.

different areas of cooperation.[56] In light of the gradual enlargement, the most important clusters of the various aspects of enlargement are explored below.[57]

2.1.1. Questions Related to Market Integration (the Internal Market)

Market integration and the internal market are the core part of the EU for multiple reasons. On the one hand, the construction of an internal market was the initial objective of the integration process set out in the Rome Treaty of 1957. On the other hand, the market integration has led to economic success, functioning as a cement of the community and tying together the Member States and their respective markets. One of the fundamental assumptions and justifications of the European integration is that Member States are more successful economically when together than when separated. Among others, the 'flexible Europe' approach proposed by the UK in the course of the preparation for the Amsterdam Treaty reflects this idea and would have made the single market the core factor requiring the full commitment of each and every Member State. Similarly, the European Commission lists the EU single market as the primary and most important sector that could be considered for the 'gradual integration' approach. Accordingly, the proposed idea is that individual candidate countries may be able to participate in and benefit from at least partial integration into the EU's economic core even before their accession. However, the EU could and previously did offer participation in the internal market without membership via trade and association agreements. For example, Norway, Iceland, and Liechtenstein are part of the single market without being members of the EU. Together with the EU, they form the European Economic Area (EEA), which has a mechanism that secures the adoption of the single market legislation in a quasi-automatic way in Norway, Iceland, and Liechtenstein. As the single market legislation constantly progresses, the EEA provides a mechanism through which these three European Free Trade Association (EFTA) countries adopt new legislation. Furthermore, the EU has concluded a large number of individual sectoral agreements with Switzerland, allowing the country partial access to the single market without the prospect or objective of accession.

By contrast, in the case of 'gradual integration', the progressive integration into the EU single market is a facilitator and not an alternative to accession; it aims to dynamise this process especially in the case of Western Balkan countries. In the context of 'gradual integration', the key intermediate stage of the accession process would be the integration to the internal market. The expected economic success and the possibility of speeding up the transition period for their economies are among

56 European West Balkans, 2025.

57 The new enlargement methodology of 2020 step-by-step integration into the European Union became linked to candidates' performance within the six thematic policy clusters of multiple (33) negotiating chapters: (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. See EWB, 2025.

the main beneficial aspects of the adoption of the EU's '*acquis communautaire*' with regard to the free movement of people, goods, services, and capital. Therefore, the inclusion into the internal market is of key importance to candidate countries because it promises access and integration into supply chains, as well as an increased ability to attract foreign direct investments and improved trade in goods and services. From the perspective of the EU, it also helps better exploit the near shoring strategies that have become increasingly important in the face of geopolitical uncertainties. These factors are necessary to advance the prospect of economic success and growth in the candidate countries and thus bring tangible socio-economic benefits before the accession.

However, even though the EU intends to reduce the costs associated with the adoption of the '*acquis communautaire*', as it constitutes the core part of the integration, there is no compromise on the obligation of harmonisation that entails the creation of necessary structures and institutions. The adoption of the '*acquis communautaire*' in regard to single market legislation is the most difficult and burdensome challenge in any accession process. To secure a functioning single market, European law aims to create a 'level playing field' partly by mutual recognition and harmonisation of standards and partly by the adoption and application of uniform competition and state aid laws. This requires mutual trust among the participants of the single market and also a common understanding of the prevailing standards on the single market. Furthermore, it requires establishing and maintaining national and European institutional arrangements with supervisory functions. Therefore, the candidate countries who are engaged in the 'gradual integration' process have a heavy burden of compliance in regard to the harmonisation of legal provisions as well as to the establishment and operation of administrative structures.

On the part of the EU, one of the biggest challenges is how to prevent adverse effects because of the lack of or insufficient compliance. As of now, no institutionalised review or control mechanism based on EU law could ensure that European law and the '*acquis communautaire*' is comprehensibly implemented and applied in candidate countries that aspire to become part of the single market. Therefore, one of the key questions is how the EU can ensure that these regulations are interpreted by the authorities and courts of candidate countries (non-EU single market states) in accordance with EU law. The uniform application of the EU law has been secured by the Court of Justice of the European Union (CJEU) which, however, does not have jurisdiction over candidate countries and therefore the judgments are not binding, nor do the candidate countries' judiciaries have obligations to apply European law or make reference to the CJEU in preliminary ruling procedures.[58] Consequently, the CJEU could not serve as an ultimate institutional guarantor to ensure the autonomy of

58 The effectiveness of the European law rests on three major pillars partly established by the case-law of the CJEU: direct effect of the European law, the primacy of European law over national law and the reference of preliminary reference procedure which secures monopoly to the CJEU in interpreting EU law.

European law and therefore the fundamental conditions of the single market. Without institutionalised mechanisms, there is no oversight on, for example, product safety or consumer protection and safety, distortion of competition, or even on who can become a union citizen.[59] Similarly, without an efficient infringement procedure,[60] neither the European Commission nor the CJEU is able to guarantee the observance and adequate implementation of the European law. As the jurisdiction of the CJEU is not secured, the 'Francovich doctrine' is not applicable automatically, which would provide for state liability to pay compensation to individuals who suffer damages due to the state's failure to implement EU legislation (directives).[61]

Based on the reasons put forward previously, the overall dilemma of the model of 'gradual integration' in regard to the single market is the balance of interests between the geopolitical and geo-economic needs and forces for enlargements and the functioning and achievement of the internal market. Upending this balance would run the risk of weakening the integrity and functioning of the single market, which also functions as a cement of European integration. An additional challenge is to find ways of securing compliance with the '*acquis communautaire*' through institutional integration or cooperation between judicial mechanisms and courts.

2.1.2. Questions of 'Internal Security' (Judiciary and Fundamental Rights and Justice, Freedom, and Security)

The Member States undertook to cooperate in questions of internal security, including in judicial and other forms of cooperation, since the 1980s, but especially since the adoption of the Maastricht Treaty. This type of cooperation represents one of the dimensions of political cooperation. On the one hand, the cooperation in questions of internal security and values supports and enhances the stability of market integration by offering, for example, effective and timely dispute resolutions; offering judicial protection; or strengthening the independence of the judiciary. It also contributes to the efficient implementation of European law and the '*acquis communautaire*'. On the other hand, it drives European cooperation in traditional areas of sovereignty such as criminal investigations — for example, the introduction of the European Arrest Warrant in the field criminal justice and the recognition of judgments or jurisdictional arrangements. In these areas, however, the cooperation is traditionally very cumbersome considering that they represent the core parts of sovereignty. This is illustrated by the European Public Prosecutor's Office and a European prosecutorial authority that, as referred above, could only be established

59 *European Commission v. Republic of Malta,* C-181/23, 29 April 2025, ECLI:EU:C:2025:283.

60 Arts. 258–259 of the TFEU.

61 CJEU, *Andrea Francovich and Danila Bonifaci and others v. Italian Republic*, 19 November 1991 (C-6/90 and C-9/90) ECLI:EU:C:1991:428.

within the framework of 'enhanced cooperation', and its function or operation are still subject to vivid debates.

These areas mainly encompass the 'Judiciary and Fundamental Rights' and the 'Justice, Freedom and Security' clusters of the enlargement but also relate to the 'rule of law' and 'democracy' and are part of the 'fundamentals'. This matter is at the core of the accession negotiations and under the 'gradual integration' process, it will be opened as the first cluster and remain open during the whole negotiating process.[62] The Reform and Growth Facility for the Western Balkans was adopted in 2024 to facilitate the adoption of the 'fundamentals cluster'.[63] The aim of the facility was to offer progressive integration into the EU single market and socio-economic convergence with the EU in exchange of the Western Balkan countries' concrete reforms on the 'fundamentals cluster' in support of their alignment with the EU's values, laws, standards, policies, and practices. Therefore, the facility was designed to provide financial and economic incentives for the Western Balkan governments through the Western Balkans Investment Framework to engage in meaningful reforms. It also aims to reward the countries for real progress in implementing agreed ambitious reform agendas. Accordingly, these countries would need to adopt a Reform Agenda with specific benchmarks and deadlines that outline how they would implement concrete steps of reform. A general conditionality for EU support includes that Western Balkan countries respect the 'fundamentals', including effective democratic mechanisms; a multi-party parliamentary system; free and fair elections; pluralistic media; an independent judiciary and the rule of law; and guaranteeing respect for human rights, including the rights of persons belonging to minorities. In the case of Serbia and Kosovo, they are expected to engage in a constructive dialogue on the normalisation of their relations. Similarly, the Moldova Growth Plan was adopted by the European Commission in October 2024 with the aim to accelerate socio-economic and fundamental reforms while enhancing Moldova's accession to the EU's single market and increase financial assistance between 2025 and 2027.[64] The Ukraine Facility entered into force on 1st March 2024 with the aims to support the country in preparing for accession, rebuilding and modernising its infrastructure, implementing structural reforms, and strengthening its administrative capacity. It is designed to serve as an essential tool to ensure Ukraine's convergence and gradual integration into the EU even though the ongoing armed conflict continues to jeopardise this process.[65]

The core questions belonging under the umbrella of 'Judiciary and Fundamental Rights' and 'Justice, Freedom, and Security' are essential for a complete and smooth integration to the single market, and the efforts of the EU enlargement point in this

62 European Parliament, 2023.

63 European Commission, 2024a.

64 The Growth Plan for the Republic of Moldova is worth €1.8 billion and underpinned by a Reform and Growth Facility for the period 2025–2027. See European Commission, 2024b.

65 The Ukraine Facility is worth €50 billion through both grants (€17 billion) and loans (€33 billion) and adapted to the unprecedented challenges of supporting a country at war. See European Council, 2025.

direction. However, these areas of the EU are also subject to ongoing debates, as they concern core questions of sovereignty and national identity. From this perspective, the approach of the 'gradual integration' needs to be flexible enough to accommodate reasonable differences while also remain aligned with the overall and fundamental objectives of the European cooperation.

2.1.3. Foreign and Geopolitical Questions (External Security)

Since the fall of the Berlin Wall and the conclusion of the Maastricht Treaty, one of the largest challenges of the European integration has been how to secure geopolitical autonomy and provide or support the Member States' external security. The Yugoslav Wars of the 1990s were an early indication of the need for a more robust cooperation in the area of common foreign and security policy so that the EU can acquire the capacity to manage and settle conflicts in the immediate vicinity. Nevertheless, partly because of the dominance of the 'Washington Consensus' along with the neoliberal economic policy, and partly because of the ambivalent and different relationships of European countries with the United States, the EU has failed to address the geopolitical objectives, needs, and opportunities following the collapse of the Soviet Union in the early 1990s.[66] The crises period and the geopolitical shifts of the 2010s showed a renewed urgency for the geopolitical autonomy of the EU as President Emmanuel Macron pointed out in his Sorbonne speech in 2017, emphasising the need to establish the conditions for a European autonomy.[67] To this end, the speech also stressed, among other aspects, the need to include the Western Balkans. Even though not without criticism, the European Commission also emphasised its own geopolitical function in the European institutional arrangement, underlining the need to strengthen the European dimension of public discourse and competence on external security questions.[68]

The candidate countries' compliance with the common foreign and security policy of the EU shows great variation. While Albania, Montenegro, North Macedonia, and Ukraine have stronger relations with the EU foreign policy objectives, the preparation of Moldova, Serbia, and Georgia are assessed as moderate. Bosnia and Herzegovina's alignment with the EU position has significantly increased even though there are major differences in regard to sanctions introduced against Russia because of the Russo–Ukraine armed conflict.[69]

The application of the concept of 'gradual integration' in this area offers the advantage of expanding the most important foreign and security policy objectives even before granting a membership status to countries that are considered key countries from the geopolitical security perspective for Europe. Furthermore, geopolitical

66 Middelaar, 2022.
67 The Sorbonne speech of September 2017, see Élysée, 2017.
68 See European Commission, 2025.
69 See European Parliament, 2023.

considerations are the strongest drivers of the enlargement ambitions of the EU. The autonomy of the EU would be strengthened if there was an agreement on the common core principles of foreign and security policy and this agreement is extended to and accepted by the candidate countries. The European continent could thus gain one single voice in the questions of geopolitics and security.

However, the downside of 'gradual integration' in the field of foreign and security policy is either the danger of the dilution or erosion of homogenous positions or rendering European consensus even more difficult.[70] Furthermore, the inclusion of geopolitical or other conflicts between candidate countries or between candidate countries and third countries are also undesirable effects of the 'gradual integration'.

3. Approach of the Member States and Candidate Countries

Prior to the accession of the East-Central European countries, Western European countries and their general public had mixed opinions and also scepticism about the subsequent enlargement process of the EU.[71] Today, similarly, the Member States have varied opinions on the 'gradual integration' of candidate countries.

Some believe that the gradual integration could offset the enlargement fatigue of Western Balkan countries who have been in the 'waiting room' for more than a decade and could also help sustain the renewed enlargement momentum that emerged after the Russian invasion of Ukraine, without compromising the EU's stringent accession criteria, the functioning of the internal market, and the integrity and achievements of the European cooperation. However, some Member States, especially the 'old Europe' and Western European countries, are more sceptical about the continued enlargement of the EU.

According to a public survey conducted in November 2024, 54% of respondents in the EU Member States favour the future enlargement of the EU, with 40% against it.[72] However, and similar to the previous enlargement phase, the data show that among the funding countries, the public opinions in France, Germany, and Luxembourg are rather rejecting, while the public opinion in Belgium is very ambivalent and equally divided over the question of enlargement. The uncertainty stems from

70 Bertoncini and Chopin, 2010, pp. 58–63.

71 For example, Jean Asselborn, Luxembourg Foreign Minister and President-in-Office of the Council of the European Union in an interview in April 2005 gave his views on the fears of the general public in Western Europe regarding the continuing enlargement of the European Union and on the repercussions that these fears might have on the results of the referenda for the ratification of the Treaty establishing a Constitution for Europe. See Centre virtuel de la connaissance sur l'Europe, 2005. See also, Middelaar, 2011, pp. 269–270.

72 Statista, 2025.

'enlargement fatigue', that is, the fear of an uncertain future for the European integration over continuous enlargements. By contrast, the public opinion in 'new Europe' – except the Czech Republic – tend to be much more favourable of the enlargement process; Poland, Lithuania, Romania, Latvia, Croatia, and Hungary are among the strong supporters of further enlargements. Their considerations generally rest on geopolitical, dynamic, and infrastructural considerations. For these reasons, Hungary, for example, has been very favourable to the Western-Balkan region for a long time. Accordingly, the major policy priority when Hungary held the rotating presidency of the Council of the EU in 2024 was the EU enlargement to the Western Balkans. In Hungary's view, the EU has long been engaged in ensuring a European perspective for the Western Balkans, as the Community cannot be complete without the accession of this region and therefore region's integration benefits the EU in economic, security and geopolitical terms.[73]

The enlargement process tends to have a favourable opinion and general support among candidate countries, albeit to a varying extent. Similarly, the support for EU membership is not entirely without reservations. One of the major concerns and source of scepticism in the Western Balkan countries has been the slow pace of the accession process. There are also concerns around the potential impacts of the European integration on national identity and interests. According to the public surveys, economic prosperity has been the most expected benefits of the EU membership.[74] However, the outbreak of the Russian war against Ukraine has given new impetus and interests to the considerations of EU enlargement also with countries like Moldova and Ukraine for geopolitical reasons.

The concept of 'gradual integration' aims to overcome both the difficulties and scepticisms over enlargements both in the candidate countries as well in Member States. The rationale behind the framework and structure of a 'gradual integration' is to provide renewed trusts in preserving the dynamism of the European project in an enlarged EU but also to offset the growing scepticism due to the cumbersome and slow nature of the process. Therefore, the 'gradual integration' ought to be designed in a way to remedy the current situation and offer an intermediate path that would be of interest to both the circle of Member States and the candidate countries. In the meantime, however, the debate around the institutional reform of the EU seems unavoidable.

73 Hungarian Presidency, 2024.
74 See Balkan Barometer 2023 Public Opinion.

4. Conclusions

A European cooperation that can (re)unify the geographical and cultural facets of Europe has been the dream and vision since its very early foundation in the wake of the Cold War. Even though they put forward starkly different structures and opposing spirits, both the Schuman Declaration's 'invitation letter' and President Charles de Gaulle's vision on a 'Europe, from the Atlantic to the Urals'[75] formulated the reunification as the ultimate political objective of Europe in a world that lost its Europe-centric character in the aftermath of the destruction of the Second World War.

The collapse of the Soviet Union and the regime changes in the 1989 and 1990 offered a historic moment for the reunification of Europe. The Eastward enlargement of the early 2000s was therefore considered a historic achievement and also the fulfilment of the change of regime. Besides economic or geopolitical considerations, the main driver was historical duty. The biggest enlargement, also called 'Big Bang', however, was not without controversies, as it made the European community much more diverse in terms of historical perspectives, visions, and expectations, as well as identities. The enlargement was also preceded by debates about the institutional and structural reform of the EU and by multiple treaty reforms. One of the major dilemmas has been how to preserve the achievement and pace of the integration while fulfilling the enlargement successfully. In this context, the idea of a 'multi-speed' or 'concentric circle of Europe' has been raised and partly put into practice.[76]

Instead of historical duty, first and foremost, geopolitical considerations have been driving the enlargement process of Western Balkan countries initiated in Thessaloniki in 2003. Owing to historical reasons, the inclusion of Moldova, Ukraine, and Georgia raises geopolitical questions concerning Russia, and both the Western Balkans and Eastern enlargements shed light on the dilemmas of the frontiers of Europe and how the EU wishes to define itself and its boundaries.[77] The crises period started in the 2010s, and especially the migration crises, Brexit, and the Russo–Ukraine war and the subsequent energy crises highlighted the importance of the geopolitical dimension of European cooperation. This, in turn, stimulated renewed thinking about the necessity as well as the ways and methods of the enlargement process in terms of the Western Balkan countries as well as to Eastward regions. In the face of this geopolitical turmoil, the EU can no longer leave candidate countries in endless accession processes; otherwise, it would lose its magnetic effect and run the risk of creating and allowing instable areas prone to malign influences in its own vicinity and neighbourhood. At the same time, however, applying a swift or rushed and monolithic enlargement does not seem viable nor is it conceivable or rationale,

75 President Charles de Gaulle speech in Strasbourg in 1959, see ceuropeens.fr, no date.

76 The differentiated integration is predominantly a 'multi-speed' Europe; see Schimmelfennig and Winzen, 2020.

77 Middelaar, 2022, pp. 11–39.

as it would endanger the integrity, cohesion, and achievements of the EU. Neither the EU nor candidates seem to be ready for a swift and monolithic accession. Therefore, a delicate balance needs to be found and maintained between the European vision and interests of the enlargement on the one hand and the safeguard of the achievements of the European integration on the other. It is also necessary to secure a credible and more pragmatic way forward that could match the interests of both sides.

Based on previous proposals tabled and debated before the Amsterdam Treaty revision and the Eastward enlargement of the early 2000s, an approach that favours gradual integration seems to offer a balanced and practical alternative to fulfil the enlargement vision while also address the challenges of the integration process. The 'gradual integration' first proposed by academic discourse and then by the European Council suggests the introduction of intermediate stages between the candidate and the full-fledged membership status. If implemented properly, the gradual approach is expected to relaunch the enlargement process that has been slowed down but also incentivise and empower candidate countries by including them as responsible stakeholders in certain and increasing number of areas. Such a gradual and phased approach could break the stalemate and untie the Gordian knot the EU has been facing in regard to the Western Balkan and to further Eastward enlargements.

The 'gradual integration' has been framed and put forward as a theoretical approach for future enlargement, but its expected outcome and success will depend on practical implementation, which still raises open questions awaiting responses. One of the important questions is the exact order of phases that will influence how candidate and/or associate member countries are being incentivised to move forward from one phase to the next. The architecture and phases of the gradual integration should be thus designed in a way to provide increasingly positive benefits to costs balance. Maintaining the incentives and thus the motivation is of great importance since the ultimate objective of the 'gradual integration' remains to be 'complete' or 'full-fledged' membership as well as the permanent enlargement of the EU. For these reasons, the market integration phase should not become an alternative of the complete integration or an objective as it is in the case of the European Economic Area.[78] Therefore, certain views suggest that the initial phases of 'gradual accession' should involve a certain level of commitment to the goals of the political cooperation as well as to fundamental principles or values of the community. This could be both political alignment and legal commitments. Among others, this might include the accession to the EU Charter of Fundamental Rights or an alignment either with the European Political Community or with other geopolitical and political objectives.[79] In addition, this alignment could also include a binding legal commitment to comply with and implement EU legislation and the '*acquis communautaire*' relevant to the 'common policy' part of the gradual integration. In regard to compliance, the legal

78 For Liechtenstein, Norway, Iceland as well as for Switzerland, the market and economic dimension of the integration process is itself an objective which, for various reasons, they are not exceeding.

79 See Macek, 2023.

commitment might also include acceptance of the jurisdiction and authority of the CJEU in the respected field.

Furthermore, a related principle and also precondition of 'gradual integration' shall be that the EU membership ought to remain more favourable within than outside the EU.[80] If the practical architecture along with the exact balance of obligations and benefits will uphold and take into consideration this principle, candidate countries are prevented from stalling in an intermediate stage. Therefore, the access of economic or financial advantages should be proportionally accompanied by market, institutional, value and geopolitical commitments or alignments.

The 'gradual integration' raises challenging questions with regards to the integration to institutional setting of Europe too. Participation in the European institutions and governance has both symbolic force and importance in the eyes of public perception, as it signifies inclusion and a status of being a 'stakeholder' in the institutional arrangement. Therefore, similar to earlier discourse on a Europe of concentric circles and in line with the current discussion in the Franco–German academic paper, the introduction of a certain 'variable geometry' system seems to provide a viable way forward.[81] Such an arrangement can offer further pragmatic advantages by mutual understanding and commencing a socialisation process on an institutional level. The extent and intensity of participation can be dependent on the exact stage the candidate or associate Member States enter, ranging from an observatory status to limited decision-making participation with limited voting-rights to equal participation status. In this way, the representatives of the national institutions – governments and parliaments – can be integrated into the Council and the European Parliament while in the European Commission, 'associate Commissioners' can be appointed for the transition period of 'gradual integration'. Furthermore, establishing a mechanism for the involvement of the judiciary to the gradual integration phase would also present an opportunity not only for involvement but also for accelerating the learning process of the application and compliance with the '*acquis communautaire*' and the related challenges. This could take different shapes, from the involvement of certain national judges in the work of the CJEU to the establishment of an institutional mechanism that includes constitutional or apex courts of candidate or associate Member States. Creating such institutional ties beyond policy integration would be of high symbolic importance but could also provide further incentives and support the advancement and completion of the integration process. Even though there are costs and difficulties associated with the early commencement

80 This was also a key question during the Brexit negotiations.

81 For example, in order to implement a viable integration and enlargement process, the Franco-German academic paper envisions a future European integration as four distinct tiers and each of them represents a different balance of rights and obligations. The core would be the inner circle with deep integration followed by the European Union then the associate member state status. The outer tier would be a structured version of the European Political Community with the condition of Council of European and European Court of Human Rights membership. See Franco-German Working Group, 2023.

of a phased institutional integration, the perceived achievements of the objective of the full completion of the enlargement process could counterbalance and justify them.

In addition to institutional integration, the concept of 'European citizenship', once it was introduced with the adoption of the Maastricht Treaty, had a symbolic force and has also granted certain rights.[82] However, while the majority of rights provided by the status of European citizenship rests on '*exopolitics*' and the rights provided by national citizenships,[83] the 'European citizen' concept clearly indicates a certain belongingness and common roots so that citizens of Member States become (active) parts and rights-holders of a European community and polity. Extending certain aspects and rights of the European citizenship to candidate or associate member countries can therefore have symbolic implications signalling to their citizens a sense of belonging and, in this way, solidify the legitimacy and the popularity of the enlargement process among the peoples.

The practical realisation of a 'gradual integration' would offer the viable avenue for the future enlargement of the EU both to Western-Balkan countries as well as to Eastward regions that have been slowed down in the past decade. In the face of the current geopolitical events and turmoil, including especially the mass migration and the Russo−Ukraine War, continuing and rethinking the enlargement process is of utmost importance for the security and stability of Europe as well as for the continued prosperity of the EU. A differentiated integration formula would consider the geopolitical necessity for the EU to proceed with the enlargement but also preserve the achievements of the European project. Such an approach, if it is streamlined and designed well, could keep the magnetic effect of the European integration while also preserving its dynamism. It could also address two risks at the same time: namely, that candidates would not aim for full accession and Member States would not grant accession in the end. A gradual institutional and political socialisation would be able to avoid the discouragement of a 'never-ending' as well as the unrealistically rapid enlargement process. A transition period that includes a 'multispeed' or 'Europe of concentric circle' approach could guarantee the individualised completion of the accession process for candidate countries. This could solve the increasing urgency to offer a credible perspective for Western Balkan countries and also to propose a

82 The European citizenship depends on the national citizenship and provides additional rights instead of replacing it.

83 The European citizens, among others and under certain conditions, are entitled the right to move and reside freely within the territory of the Member States; the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that State; the right to enjoy, in the territory of a third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State; the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language. See Art. 20 of the Treaty on the Functioning of the European Union.

more realistic vision to East-European countries, including especially Ukraine, instead of the impossible 'fast-tracked' and monolithic approach of the conventional accession.

The success of such an enlargement process depends on the practical design of this theoretical approach. The European institutions and especially the European Commission have therefore great responsibility to accept and implement the European Council's strategic vision for a 'gradual integration'. The pragmatic realisation should navigate the challenges and set the course to maintain the pace and phases of the enlargement process, in a way that is acceptable and realistic to Member States and candidate countries alike and preserves both the strength and dynamism of the European cooperation.

References

Bederman, D.J. (2002) *The Spirit of International Law.* Athens & London: The University of Georgia Press.

Bertoncini, Y., Chopin, T. (2010) 'Politique européenne: États, pouvoirs et citoyens de l'Union Européenne', *Journal of Contemporary European Research*, 8(1), pp. 162–164 [Online]. Available at: https://doi.org/10.30950/jcer.v8i1.431 (Accessed: 10 February 2025).

Bickerton, C. (2021) 'The future of the EU: a retrospective', *ARI*, 105/2021, pp. 1–10 [Online]. Available at: https://media.realinstitutoelcano.org/wp-content/uploads/2021/12/ari105-2021-bickerton-the-future-of-the-eu-a-retrospective.pdf (Accessed: 10 February 2025).

Blatter (1994) 'Überlegungen zur europäischen Politik' [Online]. Available at: https://www.blaetter.de/ausgabe/1994/oktober/ueberlegungen-zur-europaeischen-politik (Accessed: 10 May 2025).

Börzel, T.A. (2005) 'Mind the gap! European integration between level and scope', *Journal of European Public Policy*, 12(2), pp. 217–236 [Online]. Available at: https://doi.org/10.1080/13501760500043860 (Accessed: 10 February 2025).

Centre virtuel de la connaissance sur l'Europe (no date) 'Declaration on European Identity (Copenhagen, 14 December 1973)' [Online]. Available at: https://www.cvce.eu/content/publication/1999/1/1/02798dc9-9c69-4b7d-b2c9-f03a8db7da32/publishable_en.pdf (Accessed: 15 February 2025).

Centre virtuel de la connaissance sur l'Europe (2005) 'Interview with Jean Asselborn: the limits of enlargement', Luxembourg, 10 April 2005. [Online]. Available at: https://www.cvce.eu/en/obj/interview_with_jean_asselborn_the_limits_of_enlargement_luxembourg_10_april_2005-en-5b6de7be-57b6-4f8b-8069-28baf7e78cc0.html (Accessed: 10 May 2025).

ceuropeens.fr (no date) 'Charles de Gaulle' [Online]. Available at: https://www.ceuropeens.fr/images/pdf/references/discours_charles_de_gaulle.pdf (Accessed: 20 May 2025).

economie.gouv.fr (no date) 'Les lettres d'information des ministères économiques et financiers' [Online]. Available at: https://www.economie.gouv.fr/facileco/trente-glorieuses (Accessed: 20 May 2025).

Economist (2007) 'Coalitions for the willing', 1 February 2007 [Online]. Available at: https://web.archive.org/web/20070206162947/http://www.economist.com/world/europe/displaystory.cfm?story_id=8629365 (Accessed: 10 May 2025).

Élysée (2017) 'Initiative pour l'Europe – Discours d'Emmanuel Macron pour une Europe souveraine, unie, démocratique' [Online]. Available at: https://www.elysee.fr/emmanuel-macron/2017/09/26/initiative-pour-l-europe-discours-d-emmanuel-macron-pour-une-europe-souveraine-unie-democratique (Accessed 20 May 2025).

Emerson, M., Lazarević, M., Blockmans, S., Subotić, S. (2021) 'A Template for Staged Accession to the EU', *CEPS Brussels*, October 2021. [Online]. Available at: https://cdn.ceps.eu/wp-content/uploads/2021/10/A-Template-for-Staged-Accession-to-the-EU.pdf (Accessed: 10 February 2025).

EU Monitor (no date) 'Association agreement' [Online]. Available at: https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vh7dosdm4dzj (Accessed: 10 May 2025).

European Commission (no date) 'Deep and comprehensive free trade agreements' [Online]. Available at: https://trade.ec.europa.eu/access-to-markets/en/content/deep-and-comprehensive-free-trade-agreements (Accessed: 20 May 2025).

European Commission (2024) '2024 Communication on EU enlargement policy' [Online]. Available at: https://enlargement.ec.europa.eu/document/download/7c67aed6-e7c2-47de-b3f8-b3edd26a3e26_en?filename=COM_2024_690_1_EN_ACT_part1_v11.pdf (Accessed: 20 May 2025).

European Commission (2024a) 'Reform and growth facility for the Western Balkans' [Online]. Available at: https://commission.europa.eu/strategy-and-policy/eu-budget/performance-and-reporting/programme-performance-statements/reform-and-growth-facility-western-balkans_en (Accessed: 20 May 2025).

European Commission (2024b) 'Growth Plan for Moldova – Regulation' [Online]. Available at: https://enlargement.ec.europa.eu/growth-plan-moldova-regulation_en (Accessed: 20 May 2025).

European Commission (2025) 'A stronger Europe in the world' [Online]. Available at: https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/story-von-der-leyen-commission/stronger-europe-world_en (Accessed: 20 May 2025).

European Council (2022) 'EUCO 24/22' [Online]. Available at: https://www.consilium.europa.eu/media/57442/2022-06-2324-euco-conclusions-en.pdf (Accessed: 20 May 2025).

European Council (2024) 'Statement by President Charles Michel ahead of opening accession negotiations with Ukraine and Moldova' [Online]. Available at: https://www.consilium.europa.eu/en/press/press-releases/2024/06/25/statement-by-president-charles-michel-ahead-of-opening-accession-negotiations-with-ukraine-and-moldova/ (Accessed: 10 May 2025).

European Council (2025) 'The Ukraine Facility' [Online]. Available at: https://www.consilium.europa.eu/en/policies/ukraine-facility/#facility (Accessed: 20 May 2025).

European Parliament (2020) 'A new approach to EU enlargement' [Online]. Available at: https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/649332/EPRS_BRI(2020)649332_EN.pdf (Accessed: 10 May 2025).

European Parliament (2023) 'Enlargement policy: Reforms and challenges ahead' [Online]. Available at: https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/757575/EPRS_BRI(2023)757575_EN.pdf (Accessed: 10 May 2025).

European Policy Center (no date) 'The Initiative for a Staged accession to the EU' [Online]. Available at: https://cep.org.rs/en/the-initiative-for-a-staged-accession-to-the-eu/ (Accessed: 10 May 2025).

European Union (no date) 'European neighbourhood policy' [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:neighbourhood_policy (Accessed: 20 May 2025).

European Union (1950) 'Schuman Declaration May 1950' [Online]. Available at: https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950_en (Accessed: 10 Febrary 2025).

European Union (2000) 'Stabilisation and association process' [Online]. Available at: https://eur-lex.europa.eu/EN/legal-content/glossary/stabilisation-and-association-process.html (Accessed: 20 May 2025).

European West Balkans (2025) 'Marta Kos in AFET: There will be no geopolitical discount, enlargement remains a merit-based process', *European Western Balkans*, 14 January 2025. [Online]. Available at: https://europeanwesternbalkans.com/2025/01/14/marta-kos-in-afet-there-will-be-no-geopolitical-discount-enlargement-remains-a-merit-based-process/ (Accessed: 20 May 2025).

Foucher, M. (2006) 'L'Union politique européenne: un territoire, des frontières, des horizons', *Esprit*, 329(11), pp. 86–114 [Online]. Available at: https://doi.org/10.3917/espri.0611.0086 (Accessed: 10 February 2025).

Franco-German Working Group (2023) 'Sailing on High Seas: Performing and Enlarging the EU for the 21st century' [Online]. Available at: https://www.auswaertiges-amt.de/resource/blob/2617206/4d0e0010ffcd8c0079e21329bbbb3332/230919-rfaa-deu-fra-bericht-data.pdf (Accessed: 10 May 2025).

Havel, V. (1994) 'A Call for Sacrifice', *Foreign Affairs*, March/April 1994 [Online]. Available at: https://www.foreignaffairs.com/Arts./europe/1994-03-01/call-sacrifice (Accessed: 10 February 2025).

Hackaj, A. (2025) 'On Gradual Integration. Bringing In WB6 Peoples and Territories', *CDI Commentaries*, March 2025. [Online]. Available at: https://cdinstitute.eu/2025/03/13/gradual-integration-wb6/ (Accessed: 10 February 2025).

Helsinki European Council (1999) 'Presidency Conclusions' [Online]. Available at: https://www.consilium.europa.eu/media/21046/helsinki-european-council-presidency-conclusions.pdf (Accessed: 20 May 2025).

Hungarian Presidency (2024) 'Viktor Orbán: A presidency marked by tremendous success' [Online]. Available at: https://hungarian-presidency.consilium.europa.eu/en/programme/priorities/ (Accessed: 20 May 2025).

Isaacson, W., Thomas, E. (2012) *The Wise Men. Six Friends and the World They Made*. New York: Simon and Schuster.

Middelaar, van L. (2011) *Valahogy Európába*. Budapest: Typotex.

Middelaar, van L. (2023) *Rögtönzés és ellenpont. Új politika Európa színpadán*. Budapest: MCC Press.

Middelaar, van L. (2022) *Le Réveil géopolitique de l'Europe*. Paris: Éditions du Collège de France.

Macek, L. (2023) 'Advocating gradual accession to the European Union', *Policy Paper*, 2023/290, pp. 1–15 [Online]. Available at: https://institutdelors.eu/content/uploads/2025/04/PP290_Adhesion-graduelle_Macek_EN.pdf (Accessed: 10 February 2025).

Marieni, di A. (2015) 'Merkel, Tsipras and a two-speed Europe', *Formiche*, 3 June 2015 [Online]. Available at: https://formiche.net/2015/06/merkel-tsipras-and-two-speed-europe/#content (Accessed: 10 May 2025).

Mirel, P. (2019) 'The Western Balkans: between Stabilisation and Integration in the European Union', *The Balkans*, 22 January 2018. [Online]. Available at: https://www.robert-schuman.eu/en/european-issues/0459-the-western-balkans-between-stabilisation-and-integration-into-the-european-union (Accessed: 10 February 2025).

Schimmelfennig, F., Winzen, T. (2020) 'Differentiated EU Integration: Maps and Modes', *SSRN Electronic Journal*, 2020/24 [Online]. Available at: https://doi.org/10.2139/ssrn.3630292 (Accessed: 10 February 2025).

Schuman, R. (1963) 'France Forum' [Online]. Available at: https://www.institutjeanlecanuet.org/sites/default/files/france_forum_n52_1963.pdf (Accessed: 10 February 2025).

Serre, de la F., Wallace, H. (1997) 'Flexibility and Enhanced Cooperation in the European Union: Placebo rather than Panacea?', *Research and Policy*, 1997/2 [Online]. Available at: https://institutdelors.eu/content/uploads/2025/04/etud2-delaserrewallace-en-1.pdf (Accessed: 10 February 2025).

Statista (2025) 'Public opinion on whether additional countries should join the European Union in 2024, by EU member state' [Online]. Available at: https://www.statista.com/statistics/1404319/future-eu-enlargement-public-opinion/ (Accessed: 20 May 2025).

The Rt. Hon. Sir John Major KG CH (1994) ‘Mr Major’s Speech in Leiden’, 7 September 1994 [Online]. Available at: https://johnmajorarchive.org.uk/1994/09/07/mr-majors-speech-in-leiden-7-september-1994-2/ (Accessed: 10 May 2025).

Zalan, E. (2020) ‘2004: ‘Big Bang’ enlargement: A homecoming’, *euobserver*, 22 December 2020 [Online]. Available at: https://euobserver.com/20th-anniversary/ar11e2859b (Accessed: 10 May 2025).

Chapter IV.6

Alternative Visions for a Successful Enlargement



György Marinkás

Abstract

Geographical expansion under European integration has been an important political issue from the outset. This process culminated in the 2004 enlargement, which became possible due to the dissolution of the Soviet Union. Earlier too, Russia expressed its concerns about the European Union (EU) and North Atlantic Treaty Organization (NATO) *vis-à-vis* the accession of former Eastern Bloc countries, which remained verbal in the 1990s. After gaining power, with the 2008 Russo–Georgian War as well as the February 2022 aggression against Ukraine – in clear contradiction with the rules of international law – Russia made it clear where its acceptable geopolitical borders lie. The current situation raises serious questions about Ukraine's possible future membership in the NATO and EU. The burdened historical background of the Western Balkan and other countries seeking candidate status should also be considered.

Apart from historical reasons, these countries are lagging behind in realising a market that would be eligible to be integrated into the single market. Some scholars argue that they are performing much worse than the 2004/2007/2013 countries. Last, but not the least, the mixed feeling in the population of these countries is because of the disappointment due to the slow progress of accession and in the case of certain countries, because of past and present conflicts with the West (e.g. regarding the name of North Macedonia or the unsolved issue of Kosovo in the case of Serbia).

In the current study, the author seeks to find answers to these issues. In the case of Ukraine, it should be recalled that the revival and application of the doctrine of 'Finlandisation' was already suggested in 2014. Finlandisation – something that was not desirable but necessary at the given era – also applied to Austria and Sweden;

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however, these countries had to wait until the dissolution of the Soviet Union before applying for membership.
As for the economic issues and incompatibility with requirements of the Single Market the author endeavours to elaborate on the ideas of gradual or differentiated integration – that is, offering a limited membership instead of full membership of a permanent or temporary nature – and examine whether they are applicable to candidate states or states seeking candidate status, and if the answer is affirmative, in what policy areas in particular. In this regard, it is worth examining the lessons learnt from the Cooperation and Verification Mechanism, which allowed Romania to enter the EU despite deficiencies in the judicial system. Apart from gradual and differentiated integration, it is worth examining other possibilities such as a close cooperation with these states. In this regard, it is worth mentioning that at the beginning of the 1990s, there were ideas that the former Eastern Bloc countries would have been offered only a kind of cooperation, but not membership. Last, but not the least, the author examines whether Euroscepticism regarding pro-European attitudes is emerging from the top-down or the other way around — that is, whether ruling political parties are forming public opinion or they are just following it.

Keywords: enlargement, widening, deepening, differentiated integration, Western Balkans, Ukraine, close cooperation, free trade area

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1. Introduction

The current book chapter elaborates on alternative visions for a successful enlargement of the European Union (EU), from a Central European perspective. To draw thorough conclusions, in the first part of the chapter, the author introduces theories on integration, covering the concepts of deepening – that is, extension of the integration to additional policy areas – and widening — that is, geographical extension. The author also examines the types of differentiations and narrows down his research to value-based or so-called constitutional differentiation and enlargement-induced, instrumental differentiation. In the second part, the author examines the lessons learnt from the 2004, 2007, and 2013 enlargements – in other words, widening – and compares these with the experiences of the current candidate states, including the Western Balkan states and some 'new candidates' – Ukraine and Moldova – that are possible candidate states.

Both deepening and widening strategies have achieved incredible success during the integration process lasting more than 70 years: regarding the former, European integration has broadened the functional scope of the *European Coal and Steel Community* (ECSC) and the *European Economic Community* (EEC) – mainly focused on economic policies – to the full range of areas, including internal and external security.

As a result of 70 years of integration, the EU is more or less involved in almost every policy, and in some domains, including monetary policy, the EU enjoys exclusive competence. Similarly, the Parliament and the *European Central Bank* (ECB) have gained far-reaching powers throughout the integration process. At the same time, the EU has enlarged its membership from six to 28 members – 27 more recently after the withdrawal of the UK –, and concluded association agreements with almost every state in the region that is not part of the integration as a member state. In sum, the integration process has been and is still an unprecedentedly successful 'ship' despite certain cracks that have appeared on the hull recently.[1]

Until Brexit, no treaty-based policy had ever been renationalised, and no supranational delegation had been revoked. However, differentiated integration had already commenced by the Schengen Agreements and also with the provisions of the Maastricht Treaty on the future Eurozone. Brexit was a sign that as the EU expands its policy scope, this expansion will necessarily influence core-state powers and values that provoke conflict with the member states due to different historical, cultural, and religious backgrounds and attitudes towards moral issues. These issues, unlike economic cooperation – where good compromise could be reached – trigger concerns about loss of national sovereignty; this was already proven by Charles de Gaulle's opposition to deepening in the 1960s, expressed by the 'empty chair crisis', resulting in the 'Luxembourg Compromise'[2] and the failure of European military cooperation attempts.[3] Similarly, as the EU expanded, the structure and characteristics of its membership changed to a great extent: while the original member states were more or less similarly developed in economic terms – rather more than less – and also shared similar historical and cultural backgrounds and friendly attitudes towards integration, continuous geographical expansion – mainly by the Southern expansion in the 1980 and the 2004/2007/2013 expansions – resulted in an increasingly heterogeneous membership with different historical and cultural backgrounds, thus with differing preferences and economic development trends.[4] The integration of the current and possible candidate states could even intensify the challenge: some authors argue that they are performing much worse than the 2004/2007/2013 countries both in economic terms and the level of devotedness to comply with the accession criteria. The doubtful feeling of the population and/or the political elite in some of these countries originates in the disappointment due to the slow progress of accession and in the case of certain countries, because of past and present conflicts with the current member states: for example, the *North Atlantic Treaty Organization* (NATO) intervention during the Yugoslav Wars, the issue of Kosovo, or the name of North

1 Schimmelfennig and Winzen, 2020, pp. 38–39.

2 cvce.eu, 2024.

3 Whereas the Founding Fathers of the European integration envisioned a uniform integration, the failure of the European Defence Community in the mid-50s showed that it is difficult in the case of core state powers. Instead, the integration focused on economic cooperation in the next three decades. Schimmelfennig and Winzen, 2020, pp. 38–39, 42.

4 Schimmelfennig and Winzen, 2020, pp. 38–39.

Macedonia, just to name a few. These issues need to be settled before a country is let into the community, otherwise – as certain issues of current member states show (introduced in part two below) – they are extremely challenging to address. Regarding Euroscepticism, the author examines whether pro- and anti-European attitudes are emerging in a top-down manner or the other way around, that is to say, whether ruling political parties are forming public opinion or they are just following it.

The above mentioned 'internal factors' dependent of the member and candidate states in themselves could slow down the integration process; however, external factors too shall be taken into account. Russia already expressed its concerns in the 1990s about the EU and NATO *vis-à-vis* the accession of former Eastern Bloc countries; however, at the time, this remained verbal. After gaining power, Russia made it clear – in clear contradiction with the rules of international law – where its acceptable geopolitical borders lie according to its own perception: specifically, in 2008, with the Russo–Georgian War and in February 2022, with the aggression against Ukraine. The current situation raises serious questions about Ukraine's possible future membership in the NATO and EU.

In the current study, I seek to find answers to these issues by examining the other possible alternatives to full-fledged membership, such as close cooperation schemes with these states, similar to a free trade area or bilateral agreements. The example of the European Economic Area (EEA), which comprises all EU member states and three non-member states – Iceland, Liechtenstein, and Norway – and the bilateral EU–Swiss agreements show that there are viable options for both sides. The EU could spare lengthy and exhausting negotiation procedures and secure access to the markets of these countries, which would also be beneficial for tackling the ever-growing Russian and Chinese influence in the region, which also spreads through economic tools. For the candidate or possible candidate states, which have reservations regarding EU accession and do not wish to undertake the obligations of a member state either because of economic considerations – they would be net contributors – or because of considerations based on values and principles, such as the fear of losing their sovereignty and/or national identity, the question is whether a win-win situation is possible.

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2. Differentiated or Gradual Integration

2.1. Definitions

A key question arises here: What is integration? In this regard, the author uses the legal definition of Frank Schimmelfennig and Thomas Winzen, according to which 'integration is the body of binding formal rules to which the states participating

in integration agree to adhere'.[5] As the co-authors argue, in the EU context, these formal rules are the *Acquis Communautaire* (hereafter: *acquis*), the body of EU law. The application of acquis can be either uniform or differentiated: uniform rules are equally valid in all member states, resulting in a single legal border of the EU.[6]

Deepening and widening are the two major issues when it comes to the future of European integration. Deepening means growth in the scope and level of integration.[7] While scope means the extension of competencies across the range of policy areas, level refers to the extent to which rulemaking and rule enforcement are placed at the supranational level – that is, to shift decision-making, implementation, and dispute-settlement competencies from the intergovernmental mechanism to supranational ones and also the extensive use of majority decision making. Deepening and widening are formally agreed in classic international treaties: the former is agreed in the Founding Treaties and in treaties aimed at their revision, while the latter is agreed in accession treaties. Furthermore, the EU concludes agreements with non-members, which results in the application of EU rules with an extraterritorial characteristic. Moreover, it will result in external and mixed differentiation, as is elaborated on later.

As mentioned in the introduction, in European integration, efforts abstained from affecting core state powers in the first three decades of its existence, as the first attempts to cooperate in this respect showed how difficult it could be. After 20 years of what Herbert Giersch labelled as 'Eurosklerose' (Eurosclerosis),[8] European integration again started to deepen under the leadership of arguably the most influential Commission President ever, Jacques Delors. As some member states opposed the process started by Delors, that is, delegating decision making on matters that affect core state powers – for example, border control and monetary policy – differentiated integration became necessary.

Based on the literature, differentiated integration can be defined and typified in several, sometimes overlapping ways: (a) Differentiated legal rules can be internally differentiated, externally differentiated, or a mixture of these two;[9] (b) differentiation may be *de iure* and *de facto*; (c) differentiations may be codified either in the treaties of the EU (primary law) or in its legislative acts (secondary law); (d) enlargement-induced 'temporary', 'multispeed', or 'instrumental' differentiation (differentiation by time) vs. 'permanent', 'multi-tier', or 'constitutional' differentiation (differentiation by space) – the latter is based on the core-periphery contradiction.

Internally differentiated rules are not uniformly valid across the member states of the EU – at least one member state has to be exempted – while externally differentiated EU rules are legally valid in at least one non-member state for some

5 Schimmelfennig and Winzen, 2020, p. 17.
6 Ibid.
7 Börzel, 2005, pp. 217–236.
8 Giersch, 1985.
9 Leuffen, Rittberger and Schimmelfennig, 2022, p. 440.

time. The most prominent example of internal differentiation is the monetary union. The EEA is an ample example of external differentiation, which comprises all EU member states and three non-member states – Iceland, Liechtenstein, and Norway – which follow certain internal market rules of the EU without participating in the decision making with voting rights. The Schengen acquis is the mixed type: while some member states do not participate in Schengen – either on their own will or because they are not eligible to participate – several non-member states do.

De facto differentiation occurs when minimum harmonisation or framework directives set the minimum requirements, but member states are allowed to apply stricter rules, and when some member states are unable or unwilling to comply with compulsory rules. Informal cooperation of member states may also result in de facto differentiation — an example is the informal body of the EU Council comprising the eurozone finance ministers.[10]

Differentiations may be allowed either by primary law – that is, Founding Treaties and their amendments and accession treaties – or secondary law, that is, legislative acts of the EU institutions issued based on their competencies set out in the primary law.

The accession treaties set out the conditions that new member states have to fulfil for accession to the EU. While new member states are obliged to adopt the entire *acquis,* they may be exempted or excluded from some rights or obligations of membership, but only for a limited period. This leads to a distinction, which the current author uses to elaborate on differentiated integration, namely enlargement-induced, temporary differentiation — in other words, multi-speed integration or instrumental differentiation vs. constitutional or multi-tier integration, which is, by its very nature, permanent.[11] The notion of constitutional and instrumental differentiation more or less collides with the typification of Alexander Stubb,[12] namely, constitutional differentiation relates to differentiation by space – in Stubb's words, integration with a variable geometry – which also implies a core-periphery contradiction. In the case of the EU – unlike some would expect based on other examples – the EU periphery countries, the 'refusers' are usually not poor castaways: on the contrary, they are rich and influential countries that can afford opt-outs — the 'reserve of Mavericks'. Instrumental differentiation relates to differentiation by time — in Stubb's words, multi-speed differentiation. The author uses the terms constitutional and instrumental differentiation hereon.

As Schimmelfennig and Winzen argue, constitutional differentiation is mostly based on ideologies and identities – in other words, on ideas of what a 'good

10 Hofelich, 2022, pp. 1113–1129.
11 Schimmelfennig and Winzen, 2020, p. 16.
12 Stubb, 1996, pp. 283–288.

community' should be – which are principled and therefore persistent.[13] By contrast, in the case of instrumental differentiation, the differences are based on expected economic gains and losses, therefore making it easier to reach compromises if a win-win situation is likely to be achieved.[14] If not, it is most probable that non-member states would refrain from applying for membership and old member states would not engage in accession negotiations.[15] Stubb identifies a third kind of differentiation, namely differentiation by matter, where integration within each policy or policy area is roughly uniform; however, the participating states vary, and this integration may include non-member states of the EU. Stubbs call it '*Europe à la carte*'; however, Schimmelfennig and Winzen suggest that 'multi-menu' integration is a better term.[16]

2.2. Supply Side of Constitutional and Instrumental Differentiation

2.2.1. Constitutional Differentiation

To create differentiation in integration and maintain such differentiation, certain supply conditions need to be met. First, the insider group – who persist on applying uniform rules – has to be large enough to provide for effective and efficient integration. Otherwise, disintegration will occur instead of differentiated integration. Contrary to the size of the insiders, the size of the outsider group is less relevant; however, the participation of an influential Maverick – in most cases, this has been the UK – is beneficial for the group.[17] It is also true that as their number decreases, the less sustainable their position is likely to become.[18] Second, externalities between insiders and outsiders have to be low: once the outsiders are able to 'cherry-pick' or free-ride – that is, they gain positive externalities – or the insiders integrate at

13 The main characteristics of constitutional differentiation according to Schimmelfennig and Winzen are as follows: (a) they are originating from treaties or treaty revisions; (b) long-term or permanent; (c) appear in policies related to core state powers; (d) apply to countries with a strong national identity, and that holds more referendums and has stronger Eurosceptic parties, larger in size and have high influence; further, constitutional differentiation produces multi-tier and multi-menu integration, and generates more follow-up differentiation. Schimmelfennig and Winzen, 2020, pp. 44–46.

14 The main characteristics of instrumental differentiation according to Schimmelfennig and Winzen are as follows: (a) as they originate in accession treaties, they are more likely to be short-term or temporary; (b) they are more likely affecting economic policies than core state powers; (c) they apply to poorer new member states; and (d) they produce multi-speed integration. Schimmelfennig and Winzen, 2020, pp. 44–46.

15 As states outside the EU with societies strongly concerned about the loss of autonomy – for example, Switzerland – know that the acquis is non-negotiable and they can only gain transitional exemptions, they refrain from EU membership altogether. Further, in some cases, the economic disadvantages can be a determining cause, as in the case of Norway. Schimmelfennig and Winzen, 2020, pp. 43–44; Euronews, 2013.

16 Schimmelfennig and Winzen, 2020, pp. 7., 16.

17 Schimmelfennig and Winzen, 2020, p. 32.

18 See the thoughts of Peter Gottfried on the 'Hungarian Euro': Gottfried, 2021, pp. 110–126.

the expense of the outsiders — that is, due to negative externalities – and it is not worth remaining outside, differentiated integration becomes unstable. Positive externalities enjoyed by the outsiders without contribution call into question the point in maintaining deeper integration.

As an example, if the outsiders benefited from the reduction in cross-border pollution as much as the insiders, but without incurring the costs of integration, why would any state contribute to maintaining a deeper integration?[19] Differentiated integration may create negative externalities for the outsiders. In this case, the outsiders have two opportunities: they can either try to prevent or end differentiated integration provided that they possess superior bargaining power – that is, they are able to threaten the integrationist group credibly with sanctions that exceed the benefits they would derive from differentiated integration – or they can give up their position as a refuser and join the insiders. Negative externalities create strong incentives for less developed countries to strengthen their capabilities quickly to qualify for uniform integration. Third, it is easier to agree to differentiation at the beginning of integration, when connections are not that intertwined and supranational actors and institutional path-dependencies are absent or weak. Differentiating an already highly and uniformly integrated policy is costly, and the outcome is risky.[20] Contrary to this approach, opt-outs guaranteed by the treaties from the beginning of the given policy area that have started to be integrated cannot end without the active consent of the refusers.

The uniformity norm has never gained a strong standing in the integration of core state powers, and EU's supranational bodies are relatively weak in this regard: the Common Security and Defence Policy (CSDP) is almost exclusively intergovernmental; in the area of taxation, only the European Parliament has to be consulted until this very day. The ECB, on which the eurozone member states vested an important element of core state powers, including monetary policy, is bound by Founding Treaties to remain within the monetary policy.[21] However it continuously stepped over the margin and the Court of Justice of the European Union (CJEU) always showed an 'amicable' attitude.[22] In the author's view, the issue of the common currency proves the abovementioned 'Maverick' allegation partially wrong: while it is true that certain rich and influential member states – such as the UK and Denmark – have opted out from the very beginning, for the time being, three Central-Eastern European (CEE) states – namely Czechia, Hungary, and Poland – are the main refusers, none of them being a 'UK-calibre Maverick'.

As it was mentioned above, it is easier to opt-out from a new policy area, that is, to ask exemptions before it is carved in stone. Why then would the need for

19 It is worth mentioning that participating in the decision making, thus influencing the further development of a certain policy area, is an important motivation to take part in that policy area even if financial considerations suggest the other way.

20 Schimmelfennig and Winzen, 2020, p. 4.

21 Ibid., p. 42.

22 Marinkás, 2024, pp. 641–668; Angyal, 2015, pp. 129–143.

differentiated integration occur well after the start of the integration process? Besides the already introduced causes – the growing number of member states and the inevitable heterogeneity it brings, as well as the externalities – there are additional, institutional factors: the rules on decision making, power of supranational actors, and path-dependencies, which have their effect on the way the integration develops. According to neofunctionalism, governments typically have a short time horizon: they are either unwilling or unable to anticipate the change of integration preferences or the unintended effect of integration, which starts to 'live its own life'. In this case, the externalities of differentiated integration become what Ernst Haas labelled as 'geographical spillover'.[23] This creates demand for renegotiating and reforming the integration. From an intergovernmentalist perspective, the preferences and bargaining power of the governments are decisive, while the neofunctionalist perspective suggests that the institutional context has a strong effect – first by the state of prior integration that determines the relative bargaining power of states and second by additional factors that constrain the relevance of bargaining power:[24] if integration was started in a uniform manner, the institutional factors emphasised by neofunctionalism constrain differentiation. However, if integration was differentiated from the start or becomes more differentiated over time, the institutional constraints have less of an effect.[25]

In extreme cases, the need for constitutional differentiation may lead to constitutional disintegration, and eventually, the exit of a member state. While the EU–UK negotiations on differentiated disintegration first focused on additional opt-outs without leaving the EU, the 2016 Brexit referendum shifted the focus to the UK's withdrawal from the EU and its selective external differentiation as a non-member state. The UK found itself in a position with inferior material bargaining power: the market size and related economic power of any single member state is small in comparison with the EU as a whole, and being in a single market normally exceeds the importance of alternative economic relationships. Even the UK – one of the largest, economically strongest, and most globally oriented member states – had to face this issue. Earlier, Switzerland experienced this as well, when it tried to renegotiate the rules on the freedom of movement following the 2014 Mass Immigration Initiative. The main procedural difference between differentiation and disintegration is that under Art. 50 of the Treaty on European Union (TEU), other member states cannot legally stop disintegration.[26]

23 Haas, 2004, pp. 313–315.
24 Schimmelfennig and Winzen, 2020, p. 34.
25 Ibid., pp. 31–34.
26 Budai and Fehér, 2023; Kiss, 2018, pp. 36–46.

2.2.2. Instrumental Differentiation

Instrumental differentiation arising from accession treaties usually does not produce any deepening; thus, it does not trigger autonomy concerns for current member states, which is typical in case of treaty revisions. Of course, future member states may have reservations against the depth of integration entailed by membership. However, as mentioned above, if these reservations are serious and they calculate that the advantages of membership do not exceed the disadvantages, they will not engage in negotiations on membership at all. Most often, enlargement generates concerns about welfare – redistribution and efficiency – among old member states or their powerful interest groups: they fear economic and financial losses due to restructuring the allocation policy and the new member states' weak capacity to comply with requirements. The candidate states too may have their own fears and reservations: domestic producers have to implement demanding regulatory standards. These concerns are raised when relatively poor new member states join the EU, as the founding member states of the integration were on a comparatively high level of political and economic development and the institutional framework was tailored for them. If the newcomers are less developed, the greatest fear of extant member states would be the economic competition with countries that have low wage levels and less regulated markets, resulting in cheap export and labour force. Furthermore, subsidies allocated for poor candidates mean less subsidies for extant member states. This is particularly true if they are countries with a significant agricultural sector. Last, candidate states with weaker economic capacities generally have weak governance capacities, which may hinder the implementation of EU rules effectively.

To enforce their interests and minimise losses, old member states make use of their superior bargaining power, which is attributable first and foremost to the fact that poorer candidates are either not interested or capable of finding any reasonable alternative. The European Free Trade Association (EFTA) initiated by the 'outer seven',[27] which was such an attempt in the early integration period, failed, when Denmark, Ireland, and the UK – which was one of the original seven founding states – decided to apply for membership in the EEC. In addition, the number of member states was always larger than the number of candidates, even in 2004. Second, market of candidates is much smaller than the internal market, and – according to Schimmelfennig and Winzen – candidate countries have more to gain from EU membership than the EU has to gain from enlargement. Third, decision rules favour member states too, as accession requires the consent of all member states – which is given by their parliaments or by their population through referendum – and also dependent on various EU bodies. The only two actions that a candidate state may pursue is either try to negotiate favourable terms or give up the idea of accession.[28]

27 Austria, Denmark, Norway, Portugal, Sweden, Switzerland, and the United Kingdom.
28 Schimmelfennig and Winzen, 2020, p. 45.

Given the unequal bargaining power of the parties at the negotiating table – as group size, economic power, and the decision rules all favour old member states – and that member states are well aware that their bargaining power will never again be as large as before accession, old member states have an incentive to demand highly favourable terms for themselves. Consequently, accession treaties are likely to produce differentiated integration arrangements that discriminate against the newly acceded member states.[29]

2.2.3. Support in the Member States and EU Institutions

After the theoretical introduction, it is worth examining the extent to which member states opted for constitutional or instrumental differentiation in the last decades, as well as the dominant contemporary views of the members states and EU bodies. As for the first theme, Schimmelfennig and Winzen have examined both constitutional and instrumental opt-outs from EU policies between 1990 and 2025. The co-authors found that the member states opted out only in 4% of the more than 2000 new policies adopted in the abovementioned period. However, when they took the policies affecting core state powers as the base, they found that one or more member states opted out from 78 out of 521 policies (i.e. 15% of cases). In the case of instrumental differentiation, Schimmelfennig and Winzen found that member states and candidates opted out from 89 out of 500 policy areas (i.e. 18% of cases).[30]

Returning to the first theme, it is worth reiterating that the refusers – who refuse to take part in certain aspects of deepening – are most often wealthy, influential, and most likely 'old member states'. In the case of differentiated integration built on the logic of 'Those who want more, do more',[31] it is again 'old' member states that tend to support it, while 'new' member states and the Northern states tend to be against it due to the fear that their membership would degrade into a 'second-class' citizenship. This is well-illustrated if we examine the political declaration of heads of states and governments: in March 2017, the heads of states and governments of France, Germany, Italy, and Spain advocated a Europe of multiple speeds during a preparatory meeting celebrating the 60th anniversary of the Treaties of Rome.[32] In his speech at the Sorbonne on 26 September 2017, French President Emmanuel Macron – who was elected as the president of France in May 2017 – advocated differentiation as the foundation-stone of the reform of the EU. While he insisted that 'there can be no two-speed Europe' on the values of democracy and the rule of law, he also stated that 'No State must be excluded from the process, but no country must

29 Plümper and Schneider 2007, pp. 568–587.

30 Schimmelfennig and Winzen, 2020, pp. 44–46.

31 'Scenario No. 3: Those who want more, do more' set out in the Commission's 2017 white paper. European Commission: White Paper on the Future of Europe. Reflections and scenarios for the EU27 by 2025. COM (2017) 2025 of 1 March 2017.

32 Kamber, 2017.

be able to block those wanting to make faster progress or forge further ahead'.[33] This resembles Scenario No. 3, 'Those who want more, do more', set out in the Commission's 2017 white paper. These thoughts are less welcomed in the CEE countries: for instance, the then-President of Poland – Andrzej Duda – warned: 'if EU membership becomes less attractive for countries that are thrown out of the first decision-making circle, then this moment […] will be the actual beginning of the end of the union'.[34] In his memoires, János Martonyi – the former minister of foreign affairs of Hungary – also warned that this scenario should be avoided.[35] The Hungarian prime minister's point of view is not that straightforward in this regard: in 2017, alongside other leaders of Visegrad Group (V4) countries, he officially refused the idea of multi-speed Europe – and the second-class citizenship arising from it – drawn up in the Commission's 2017 white book; however, in a 2019 interview, he talked about the three dimensions of European integration – the single market, Schengen, and eurozone – as a political reality and emphasised that the only important thing is the single market and that he does not mind if the others want to pursue more without Hungary.[36]

In strong contradiction to Macron's views, in the very same month, the then-president of the European Commission, Jean-Claude Juncker, expressed his view of a Union '[w]here being a full member of the euro area, the Banking Union and the Schengen area has become the norm for all'.[37] That is, Juncker refused Scenario No. 3. In its January 2019 resolution, the European Parliament acknowledged differentiated integration as 'a political reality' and tool that is sometimes necessary; at the same time, it considered this a 'second-best option' and 'a temporary step on the path towards more effective and integrated policymaking' and demanded an end to the 'practice of permanent opt-outs and exceptions from primary law for individual Member States'.[38]

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3. The EU's *Fata Morgana*: The Never-Ending Geographical Expansion

3.1. How It Became the Fata Morgana

The geographical expansion of integration and the criteria used to determine which states are eligible to become candidate states have been an important political

33 Macron, 2017.
34 Reuters, 2017.
35 Which is called '*In Lieu of Memoirs*', that is, Instead of Memories. See Martonyi, 2021, p. 216.
36 Zgut, 2017; Hungarian Government, 2019.
37 European Commission, 2017.
38 Schimmelfennig and Winzen, 2020, pp. 2–3; European Parliament, 2019.

issue from the outset. This is illustrated by Charles de Gaulle's opposition to British membership due to his twofold fear that, on the one hand, accession of the British would have meant letting the Americans in through the back door, and, the other hand, that the British would challenge the hegemony of the Franco−German tandem.[39] De Gaulle's resignation in 1969 meant the end of the French veto in this issue: in 1973, the first time ever in the history of the integration, new countries acceded: the United Kingdom, Denmark, and Ireland. The integration of the latter two was a real success story: the then 'poor relatives' are now among the richest EU countries.[40] In the next decade, the inclusion of Mediterranean countries – Greece, Portugal, and Spain – posed a new challenge for the community: they were not only poor in terms of Western standards but they also had little historical experience of democracy to say the least. The democratisation of these countries – due to different historical events – has opened up the possibility of including them in the integration process. However, the example of Greece has clearly shown that the premature admission of a country as part of European integration without considering economic realities – but based on essentially political and strategic considerations[41] – can be a source of problems that last for decades.

Yet, the question remains the same: When and how did continuous geographical enlargement become one of the most important objectives of the EU? Today, many people believe that the integration of CEE countries in the EU – called the European Community at the time – was essentially a logical and smooth historical process; however, a necessary consequence of the collapse of the Eastern Bloc and the changes of regimes in these countries as well as the receptiveness of the member states' leaders and citizens were not that obvious at the time. As Endre Juhász, who, among his other assignments related to the integration process,[42] was the Chief Negotiator for the accession of the Republic of Hungary to the EU (1998−2003) and Minister without portfolio for the coordination of matters of European integration right before the accession (2003−2004), recalled in his retrospective speech, different plans were drawn up and many suggestions were communicated. For example, the then French President François Mitterrand argued that the countries of the region should form some kind of loose alliance,[43] which would of course be linked to the West, but not

39 Lundestad, 2004, pp. 111–141.

40 While two of the 1973 countries – namely Denmark and Ireland – were relatively poor in Western-European standards, they managed to allocate the subsidies well and to successfully catch-up: they are among the richest EU countries by now. See WorldAtlas, no date.

41 Angelos, 2015; Karamouzi, 2021; see also Kalaitzidis and Zahariadis, 2015, pp. 71–84.

42 Based on the bibliography available at the CJEU's website. See Court of Justice of the European Union, no date.

43 It is interesting to see how these ideas resemble the thoughts of Ferenc Mádl – a great professor of law and a great statesman – who already in an 1953(!) essay, which he wrote in English as a university student, advocated for a Central European integration based on the integration model of the ECSC. A 'mini-ECSC' in the word choice of Endre Domaniczky, who created and published the most comprehensive biography of Mádl. See Domaniczky, 2024, pp. 126–127, 425–442.

necessarily meaning a membership in the European Communities.[44] As János Martonyi, the Minister of Foreign Affairs throughout the major part of the Accession Negotiations,[45] recalled: one such alternative to EU membership would have been the Central European Free Trade Agreement (CEFTA),[46] of which Hungary and other V4 countries were part, but they finally withdraw when they acceded to the EU. The government of the United States of America also expressed its interest in these countries, offering them free-trade association agreements.[47] However, this idea was dismissed, as it might have disrupted the expected accession process, which remained the primary goal for most CEE countries.[48]

The change in the abovementioned reserved attitude of the 'old member states' is most probably attributable to the 'heightened atmosphere' of the 'Maastricht era', referred by László Trócsányi[49] as '*les trente glorieuses*'[50] or the thirty glorious years of European integration: on the one hand, European integration, under the guidance of Jacques Delors and through the combined efforts of the then heads of state and government, has emerged from its state of so-called Eurosclerosis and has begun to deepen at an unprecedented pace: what had not been achieved in previous decades has now been achieved in just five years.[51] On the other hand, the dissolution of the Soviet Union and the disintegration of the Eastern Bloc made it possible for the so-called 'Finlandised'[52] countries – Finland, Sweden, and Austria[53] – to accede to the integration. The positive experiences with the 1995 enlargement groups – as with the 1973 group – also fuelled expectations towards enlargement.[54] Further, the accession procedure started with the countries of the former Eastern Bloc. At the same time, the Maastricht Treaty created the Common Foreign and Security Policy (CFSP),

44 Juhász, 2019, pp. 2–3.
45 In office: 1998–2002.
46 Martonyi, 2021, p. 142.
47 Juhász, 2019, pp. 2–3.
48 Ibid.
49 Trócsányi, 2025, pp. 59–70.
50 The term was originally used to describe the incredible economic growth of Western Europe after the Second World War. See Oris, no date.
51 The period between the entry into force of the Single European Act in 1987 and the signing of the Maastricht Treaty in 1992.
52 The model is named after the Finns who, after the Second World War, in a 1948 treaty with the Soviet Union (the Friendship, Cooperation and Assistance Treaty), laid down a foreign policy guideline – also known as the Paasikivi-Kekkonen Doctrine, named after the two Finnish presidents – under which the Soviet Union renounced its claim to Finland in exchange for Finnish foreign policy neutrality. The latter required not only military neutrality, but also a renunciation of European integration. See Enander et al., 2025.
53 Austria has followed a similar path to Finland. See Ruggenthaler, 2015, p. 442.
54 The 1995 enlargement was a 'walk in the park'; Austria, Finland, and Sweden successfully accomplished all requirements by 1994, that is, within less than two years after starting the negotiations. Council of Europe Archive, no date.

which formed the second pillar – based on intergovernmental cooperation – of the then three-pillar system of the EU.[55]

In the 'heightened atmosphere' mentioned above, two objectives became the fundamental guiding principles at the EU level: the continued internal deepening of integration – in other words, an 'ever closer union'[56] including the establishment of the Economic and Monetary Union, which became possible after the construction of the single internal market and continued geographical enlargement.[57]

3.2. Lessons Learnt from the 2004/2007/2013 Expansions

The 1993 Copenhagen European Council decided on the possibility of enlarging the EU eastwards, and at the same time defined the basic political, economic, and legal criteria, which the applicant countries of Central and Eastern Europe had to fulfil to join the EU:

> Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union.[58]

Two other notable European Council meetings are worth mentioning: the Madrid European Council[59] stressed the need for the candidate countries to adjust their administrative structures to ensure the harmonious operation of community policies after accession. The Luxembourg European Council[60] added the condition of practical implementation: 'Incorporation of the acquis into legislation is necessary but is not in itself sufficient; it will also be necessary to ensure that it is actually applied'. Indeed, Péter Gottfried, who also played an important role in the accession negotiations in different assignments,[61] emphasised that for the first time ever, not only was legislative harmonisation checked but also its practical implementation.[62]

55 Although the Yugoslav War soon made it clear that, in the words of Jacques Delors, 'the CFSP is a Ferrari racing car with only the engine of a lawnmower'. See Molnár, 2018. pp. 155, 287.

56 It is worth mentioning that the term 'ever closer union' already appeared in the preamble of the 1957 Treaty of Rome.

57 Ferenc Mádl argues that the eastern enlargement would be completed with the accession of Ukraine, and the southern enlargement with the accession of the Western Balkan states. Domaniczky, 2024, p. 136.

58 European Council, 1993, Point 7/A (III).

59 European Parliament, 1995.

60 European Parliament, 1997a.

61 Based on the bibliography available at the Hungarian Central Bank's website. See Magyar Nemzeti Bank, no date.

62 Becsky, 2004, p. 14.

In the European Commission's opinion called 'Agenda 2000 – Vol. I: For a stronger and wider Union'[63] published in July 1997, the Commission evaluated how the different candidate states implemented acquis based on three criteria: (a) the obligations set out in the Europe Agreement, particularly those relating to the right of establishment, national treatment, free circulation of goods, intellectual property, and public procurement; (b) the progress in transposition and effective implementation of the measures set out in the white paper, particularly key single market directives in areas such as taxation, public procurement, and banking; (c) the progressive transposition and implementation of the other parts of the acquis — for example: the environment, energy, agriculture, industry, telecommunications, transport, social affairs, customs administration, and justice and home affairs.

Based on the assessment of the CEE candidate states, the Commission ranked the member states in the following order (starting with the best performer): Hungary, Poland, Romania, Slovakia, Latvia, Estonia, Lithuania, Bulgaria, the Czech Republic, and Slovenia.[64] At its meeting in Luxembourg in December 1997,[65] the European Council decided to launch enlargement of the EU to the east and open accession negotiations with Hungary, Poland, the Czech Republic, Estonia, Slovenia, and Cyprus in spring 1998.

The CEE countries that entered in 2004 (hereafter the '2004 CEE countries') faced similar hardships striving to fulfil the requirements; however, certain country-specific characteristics were noticeable.[66]

In the case of Czechia – at that time part of Czechoslovakia – at the beginning of the dialogue aimed at concluding its Europe Agreement – the hall of the accession negotiations – , the dissolution of the federal state hindered the negotiations: besides the 'internal' issues with Slovakia, the new independent state had to establish its own diplomatic network to continue the dialogue. The Europe agreement was concluded towards the end of 1994,[67] which unlike its Hungarian and Polish counterparts contained a 'suspension clause', which allowed one contracting party to suspend the implementation of the agreement, even without mutual consultation, if there is a serious breach of essential contractual obligations by the other party. Besides the general Copenhagen Criteria, the Beneš Decrees and the situation of the Roma people were subjected to scrutiny. As for legal and economic support, the Czech authorities participated in the 'twinning' initiative – which facilitated long-term assistance from

63 The Commission Agenda 2000 – Vol. I: For a stronger and wider Union. Brussels, 15.07.1997 COM (97) 2000 final.

64 This fact is also mentioned in the report of the Hungarian Foreign Minister, 1999, para. 1.3.

65 European Parliament, 1997b.

66 Here, the current author heavily relied on country reports on the accession written by the research group members. These country reports were made to help the research group members in identifying similarities and differences in the negotiation process of these countries and are not published in the current book. The country chapters' authors are as follows: Bačić, Petar: Croatia; Bohinc, Rado: Slovenia; Đukić, Dalibor: Serbia; Kokoly, Zsolt: Romania; Krunková, Alena: Slovakia; Păpuc, Teodor: Moldova; Pastuszko, Grzegorz: Poland; Zorková, Eva: Czech Republic.

67 Official Journal L 360, 31/12/1994 P. 0002–0210.

foreign experts in state institutions of the candidate countries[68] – and received funds from PHARE, ISPA, SAPARD, Socrates, Leonardo, and Youth, similar to other countries from the region. Czechia was granted derogations in the following domains: freedom of movement for persons; free movement of capital; agriculture; transport policy; taxation; energy; the environment; the euro; and the Schengen-acquis (entered as a member state with a derogation under the Founding Treaties). At the referendum, the voter turnout was relatively high (55%), with a high percentage (77.3%) voting in support of membership. The country's constitutional court accepted the primacy of EU law only with some reservations, upholding its own rule as the final interpreter of the constitution.[69]

As for Hungary, the country received contributions mainly from PHARE, SAPARD, and ISPA and the other sectoral programmes mentioned above for Czechia. Twinning was widely implemented. Hungary was granted derogations under the Accession Treaty from freedom of movement of persons; free movement of services; free movement of capital; competition policy; agriculture; transport policy; taxation (VAT and cigarettes); the environment; customs union; the Euro; and the Schengen-acquis (entered as a member state with a derogation under the Founding Treaties). The referendum was held with a low turnout (45.6%) but with high support (83.8%). Two years before the accession, Act LXI of 2002 inserted the Europe clause into the Constitution, which was largely based on an earlier decision of the constitutional court (decision No. 30/1998). Otherwise, the Hungarian Constitutional Court took a pro-Europe approach, described as two-pronged by Nóra Chronowski.[70]

The Polish economy was in very poor shape compared with the Czech and Hungarian economies; this issue can be identified as an initial one that had to be addressed. Legislative and economic support was the same as that received by the other 2004 CEE countries. Poland was granted derogations in the following domains: free movement of goods; freedom of movement for persons; freedom to provide services; free movement of capital; competition policy; agriculture; fisheries; transport policy; taxation; social policy and employment; energy; telecommunications and

68 European Commission, 2024.

69 Case Pl. ÚS 50/04, Cukerné kvóty III, ECLI:CZ:US:2006: Pl.US.50.04.; Case ÚS 19/08, Lisabonská smlouva 1, ECLI:CZ:US:2008: Pl.US.19.08.1.

70 The above approach as Nóra Chronowski named it is the 'two-pronged' system, in which community law is part of the domestic law, while international law is a distinct system, which is subject to a differentiated constitutional approach. Contrary to this, the Federal Constitutional Court of Germany (*Bundesverfassungsgericht*, BVerfG) opted for the so-called 'three-pronged' system, which assumes that community law is different both from internal and international law and from a constitutional aspect, a sui generis and autonomous source of law. Thus, in the HCC's case-law the issue of conflicts of law was crowded out from the frame where constitutional questions are to be found. While – quite paradoxically –, when it comes to grammatical interpretation, the expression 'part of internal law' implies a wide-scope of constitutional revision, the HCC emphasised that since the community law is not international law, it is simply not willing to use its competences to resolves the possible collision between EU and domestic law. The international treaty nature of the Founding Treaties was never called into question. They are international treaties of course. Their 'reclassification' was only technical by its nature; Chronowski, 2019.

information technologies; the environment; the euro; and the Schengen-acquis (entered as a member state with a derogation under the Founding Treaties). What could be considered as a peculiar Polish feature was that under the accession treaty, the country retained the 'right to regulate issues of moral importance'.[71] The referendum was held with a relatively high turnout (58%) and with high support (77.45%) for membership. The Constitutional Court adopted a pro-European attitude with reservations, maintaining its role as the final interpreter of the constitution.[72]

In the case of Slovakia, the dissolution of the common federal state also delayed the signing of the Accession Agreement, as in the case of Czechia. As another initial issue, the excessively strong executive, which under the Mečiar-government practically oppressed the opponent parties in the parliament, could be mentioned. Further, Mečiar's 'anti-Western' attitude was a decisive factor in the country's latency when it came to preparedness. Legislative and economic support was the same as that received by the other CEE countries. However, in the case of Slovakia, the constitution's Euro amendment was not only about the inclusion of a 'Euro clause'; rather, the independence of the judicial system also had to be strengthened – by the creation of the Judicial Council. Further, the office of the Ombudsman had to be established and the powers of the Court of Auditors and the Slovakian Constitutional Court had to be strengthened. Slovakia was granted with derogations in the following areas: freedom of movement for persons; freedom to provide services; free movement of capital; competition policy; agriculture; transport policy; taxation; energy; and the environment. The referendum was held with medium turnout (50.69%), with high support (92.3%) for EU membership. The Constitutional Court was not active regarding EU membership.

In the case of Slovenia, the following issues were raised at the beginning of the dialogue: the right of foreigners to own real estate in Slovenia – which was resolved by the constitutional amendment of 1997 – and the issue of free trade shops at the Austrian and Italian borders, which had to be wound up. The legislative and economic support that Slovenia received was the same as that granted to other CEE countries. Indeed, Slovenia, as a rather developed country in the group – which was not considered by the EU[73] – acceded to the EU without any specific hardships; in 2007, the country even became the first among the '2004 CEE countries' to introduce the common currency. Slovenia was granted derogations in the following areas: free

71 A very similar right was granted by the 'British Protocol' – Protocol. No. 30 – to the Lisbon Treaty, according to which no court (including the CJEU) states that the laws, administrative practices etc. of Poland are contrary to the Charter.

72 PCC K-18/04: pro-European attitude with reservations and with a noticeable influence of the German Federal Constitutional Court (*Bundesverfassungsgericht*, BVerfG). Marinkás, 2024, pp. 461–522.

73 Which was not taken into account to a sufficient level, the 'regatta-principle did not apply' according to some sources: the biggest obstacle in the negotiations on the financial package was the European Union's horizontal approach to the candidate countries, which did not sufficiently take into account the specificity of our country as the most developed among the candidates from Central and Eastern Europe; Mencinger, 2004.

movement of goods; freedom of movement for persons; freedom to provide services; free movement of capital; agriculture; taxation; social policy and employment; and energy. The referendum was held with high turnout (60.2%) and high support (89.6%) for EU membership. The EU accession has not been challenged before the constitutional court.

After the above overview of the hardships of CEE countries in striving to fulfil the requirements, the author elaborates on certain aspects of the Hungarian negotiation process through a theoretical lens, namely how certain differentiations – in terms of the accession treaty, derogations – were bargained during the negotiations and how certain preferential conditions were agreed by the member states despite their abovementioned superior bargaining powers. As was already mentioned in the previous section, the EU membership of CEE countries was not that obvious in the first years following the change of regimes: the negotiations on the Association Agreement between the European Communities and Hungary[74] (Europe Agreement) and a meeting with the presence of the then Hungarian prime minister Péter Boross and the then president of the European Commission of the EU Jacques Delors were wake-up calls according to Endre Juhász. The negotiators on the European Communities' side refused to include the words 'accession' or 'membership' into the text. Instead, the parties agreed to include a sentence in the preamble, which can be deemed as a compromise: 'Having in mind that the final objective of Hungary is to become a member of the community and that this association, in the view of the parties, will help to achieve this objective […]'.[75] During the abovementioned meeting – as Juhász recalls the events – Delors reacted in a rather dismissive tone, when Juhász mentioned that according to the Hungarian government, it was time to submit a formal request for accession: Delors stated that the accession process was a long, multi-year process and that there was no point in rushing ahead.[76] However, Juhász recalled Delors's reaction as surprising; based on the other parts of his reminiscence, Juhász himself shared this view — furthermore, he was a solicitor of it well before the meeting with Delors. When József Antall[77] – who was the prime minister before Boross[78] (i.e. the following story preceded the abovementioned meeting) – asked Juhász why they had not submitted the request yet, he told the prime minister that it was premature – as even the effects of the Association Agreement had not been analysed – but assured the prime minister that after the necessary preparations, the request will be submitted.[79] Eventually, it was submitted by the Boross government

74 EC – Hungary Association Agreement, 1991; Resolution of the National Assembly 10/1993 (III.5.) on the implementation of the Europe Agreement.
75 Ibid, Preamble.
76 Juhász, 2019, p. 3
77 In power: 1990–1993.
78 After the decease of József Antall in 1993 December, the former Minister of Interior, Péter Boross became the Prime Minister.
79 Juhász, 2019, p. 3.

on 31 March 1994, based on authorisation of the Hungarian National Assembly (*Országgyűlés*) by Resolution No. 16/1994 (III.31.).[80]

A few years later, when the then prime-minister Gyula Horn[81] appointed Juhász as Ambassador Extraordinary and Plenipotentiary, Chief of Mission of the Republic of Hungary to the EU and then told him about his expectations regarding his assignment, Juhász had to mitigate them, which almost led to his dismissal. The message that Juhász tried to 'transmit' to the prime minister and often to other leading politicians was that diplomatic meetings and political agreements were not enough for the accession. Instead, it was necessary to accurately identify and solve the problems that stood in the way of integration and, finally, transform the country's economy and legal system, which is a long process.[82]

The above statement was proved by the process of Hungary's transition to the market economy after almost 40 years of remaining in the 'comfortable' socialist economy – which provided everybody with a job and certain goods and services were available under fixed price due to intensive state dotation; the issue of agricultural subsidies was also significant in this context. The former proved to be painful for the Hungarian population and economic operators. Worth mentioning in this regard is the so-called Bokros-package[83] of 1995 – named after the then minister of finance – aimed at saving the country from bankruptcy, which imposed serious restrictions on state budget and at the same time enabled a restructuring of the economy. While the Bokros-package was necessary for the accession as well, as it contributed to the creation of a well-functioning market economy – a process started earlier by the Antall government[84] – the official communication of the measures did not mention this aspect. This connection was only established subsequently and only in a vague manner by scientific literature.[85] The most probable reason is that the decision makers did not want to 'taint' the awaited accession to the EU – seen as a land of promise at the time – by making connections with the hardships and struggles ordinary citizens had to endure because of the Bokros-package.[86]

The issue of agricultural subsidies was also a crucial point and clearly illustrates the phenomenon mentioned in part one of this paper – namely, extant member states have superior bargaining power and are well aware that once the accession treaty is signed, they will lose it; therefore, they try to negotiate the most favourable terms for themselves. The candidate states can either strive to negotiate favourable terms

80 8002/1999. (IK.10.) sz. *IM tájékoztató a jogharmonizációs ügyek intézéséről* (hereafter, IM, 1999), p. 4.

81 In power: 1994–1998.

82 Juhász, 2019, pp. 3–4.

83 Government Resolution 1023/1995 (III.22.) on the 1995 adjustment measures for economic stabilisation; for a detailed analysis in Hungarian language, see Molnár, 1995.

84 Szabó, 2015.

85 Várhegyi, 2000; Köves, 1995, pp. 249–266.

86 As an acquaintance of mine demonstrated with a witty example: 'We were seeking to join the regatta as soon as possible, just first had to pump out water from our sinking ship' – Dr. Zoltán Nagy (Currently: Financial Planning and Analysis Manager at Zealand Pharma).

or abandon their plan to accede. This is clearly illustrated by the issue of agricultural subsidies during the negotiation talks in the 2004 round, as the EU's initial position was that new member states should be excluded from the budget. To understand the EU's position, it is necessary to recall that some of these were so-called compensatory payments in the EU, which compensated the farmers for the losses arising from the reduction of guide prices under the common agricultural policy. As it was to be expected that these prices would not fall in Hungary, but rise instead, compensation was not deemed necessary. From the viewpoint of the Hungarian delegation, while it was true that these payments were originally introduced for compensation, they have gradually become a permanent feature of agricultural policy. Thus, their absence in the new member states would have resulted in a serious and unjustified gap in competitiveness in the short and long term. Furthermore, as the Hungarian Chief Negotiator emphasised to Franz Fischler – the then Austrian Commissioner responsible for agricultural policy – the rejection of the direct payments system probably resulted in the end of the common agricultural policy: if the system was not introduced and Hungarian agriculture survived, member states that persistently wanted to abolish the common agricultural policy – the UK and Sweden – would have used this fact to prove their right. Namely, if certain member states' agriculture were proved to be viable without subsidies, what would have justified the subsidies for France or Italy? Juhász believed that these arguments have had an impact, as the Commission subsequently proposed the introduction of a transitional period of direct payments.[87]

In addition to requirements on the economy, the full implementation of the *acquis* was an extremely difficult task. This is especially so if one takes into account the fact that for the first time ever, the EU screened not only the conformity of legal acts with the acquis but also the intuitions that were expected to secure their prevalence, as Péter Gottfried reiterated in a 2004 interview.[88] The governments of the then 15 Member States and Delors most probably foresaw that integrating countries with a legacy of almost 40 years of communism will not be a walk in the park. Indeed, in his 15 December 1997 address to the National Assembly, the then Minister of Foreign Affairs *László Kovács*[89] highlighted: 'The decision in Luxembourg, […] was preceded by much debate. There were many hopes and many doubts that emerged in the process'.[90] These doubts seem to be persistent: in a recent writing, János Martonyi, his direct successor in the seat,[91] reiterated that some still evaluate the 2004 enlargement as premature and the root of later problems.[92]

87 Which, in proportion to the aid to the old Member States, was as follows: 2004: 25%, 2005: 30%, 2006: 35%, 2007: 40%, 2008: 50%, 2009: 60%, 2010: 70%, 2011: 80%, 2012: 90%, 2013: 100%. See Juhász, 2019, pp. 4–7.
88 Becsky, 2004, p. 14.
89 In office: 1994–1998.
90 parliament.hu, 1997.
91 In office: 1998–2002.
92 Martonyi, 2021, p. 100.

For a short conclusion, the '2004 CEE countries' faced rather similar challenges and the derogations they received were also similar. As for the challenges, the similar ones were the creation of a democratic state, which functions according to the principle of the rule of law and the transition to a functioning market economy after almost 40 years of communism, which seriously and negatively affected legal thinking and also left the economies in bad shape. The latter was particularly true for Poland, which was in probably the worst economic situation among the V4 countries. Other V4 countries faced other hardships: the dissolution of the Czechoslovakian federation hindered talks with the EU in both countries. The Slovakian Mečiar government's anti-Western attitude was also a hindering factor. However, despite the hardships (e.g. the Bokros-package in Hungary), the population maintained its pro-European attitude just like most of the political elite. In case the latter one did not align with the population's pro-European attitude – as in the case of Slovakia – it was dismissed. As for the derogations, the '2004 CEE countries' negotiated with success: while they had to accept certain reservations (e.g. on the free movement of persons, which was a request from some of the member states), they also managed instrumental differentiation in the domain of free movement of capital to protect their arable land from a probable instant buy-up by wealthy Western investors.[93] The issue of agricultural dotation was also negotiated with success, despite the superior bargaining power of the member states, which proposed the exclusion of new member states at first.

Romania, which – contrary to the original plans – acceded to the EU in 2007, faced more serious initial issues than the '2004 CEE countries': besides the lack of political will – which only changed after the 1996 presidential elections –systematic deficiencies in the judicial system were centre topics from the outset and related derogations were granted in the accession treaty,[94] which served as the legal basis for the Cooperation and Verification Mechanism (CVM)[95] aimed at measuring the progress of the Romanian judiciary. The CVM became the subject of recent clashes between the Romanian Constitutional Court and the CJEU,[96] which was only wound

93 There is still a debate between Hungary and the European Commission: while the Hungarian legislator seeks to maintain certain restrictions mainly on the acquisition of arable land by foreign legal persons, which is not acceptable in the Commission's view, the sustainability of the current market-oriented regulation of the EU is also questioned in scientific literature. Many argue that it would be better if the member states had larger space to manoeuvre, so that they can decide on the conditions of trading in their arable lands, because the significant differences in the price of arable land among member states still causes a problem that is worth the attention of decision makers. See Szilágyi and Szinek-Csütörtöki, 2023, pp. pp. 318–334; Szilágyi, 2018, pp. 189–212; Szilágyi, 2017, pp. 1055–1072.

94 Treaty of Accession of the Republic of Bulgaria and Romania (2005) OJ L 157, 21.6.2005.

95 2006/928/EC: Commission Decision of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption (notified under document number C (2006) 6569) OJ L 354, 14.12.2006, pp. 56–57.

96 Benke, 2023, pp. 9–40.

up in 2023.[97] The legislative and economic support that Romania received was the same as that granted to other CEE countries. Romania was granted with derogations in the following areas: freedom of movement for persons; freedom to provide services; free movement of capital; competition policy; agriculture; transport policy; energy; the environment; and the CVM. No referendum was held; instead, the 1995 Snagov Declaration (*Declarația de la Snagov*) served as a democratic base for the accession. The Constitutional Court displayed a rather pro-Europe approach at the time of the accession.[98]

In the case of Croatia – which is the newest member state for the time being – the initial issues were as follows: full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY); implementing judicial reform and enhancing the protection of human rights; settling the border dispute with Slovenia; and shipyard privatisation. As for the full cooperation with the ICTY – an issue that emerged related to the majority of the candidate states from the Western Balkans – Croatia managed to fulfil this obligation rather promptly: the country applied for membership and already in 2005, the chief prosecutor affirmed that the country achieved full cooperation.[99] The judicial reform – which also included the domestic handling of war crimes – was realised rather smoothly and the shipyards were privatised as well.[100] The only issue that remained unsolved from the initial issues was the case of Piran Bay.[101] The legislative and economic support that Croatia received was the same as that granted to the '2004 CEE' countries, but of course, novel programs such as CARDS were also included. Croatia was granted derogations in the following domains: free movement of goods; free movement of persons; free movement of capital; agriculture; food safety; veterinary and phytosanitary policy; fisheries; transport policy; taxation; freedom, security, and justice; and the environment.

97 European Commission: Commission closes the Cooperation and Verification Mechanism (CVM) for Bulgaria and Romania, Brussels, 15 September 2023 (QANDA/23/4458).

98 It found that the transfer of some elements of sovereignty does not result in a situation in which these parts of sovereignty became a new sovereignty of their own. The only thing that happened in the RCC's view is that the member states of the European Union decided to jointly exercise certain powers that traditionally belong to the field of national sovereignty. The RCC also emphasised that in the current era of globalisation, it is impossible to conceive national sovereignty as absolute and indivisible, without the risk of isolation. CC, Decision No. 148 of 2003 (16 April 2003).

99 European Parliament, 2005.

100 Bajo et al., 2016, pp. 1–22.

101 The then prime ministers of Croatia and Slovenia held a meeting on 11 September 2009, which paved the way for signing the Arbitration Agreement on 4 November 2009 in Stockholm. The obligation to settle the dispute through arbitration became part of Croatia's obligations by the references in Annex III of the Accession Treaty. However, a July 2015 phone call between the Slovenian judge of the Arbitration Tribunal and a member of the legal team advocating for Slovenia, leaked by a Croatian daily newspaper, served as a ground for the Croatian party to dispense with executing the judgment detrimental to Croatia. Slovenia initiated an infringement procedure against Croatia without success: the CJEU – in line with the opinion of the advocate general – declared the lack of its jurisdiction in the case. The decision induced serious academic debates. For a detailed analysis, see Marinkás and Jecs, 2022.

A referendum was held on 12 January, with a low turnout (43.5%) but high support (66.2%) for EU accession. The rather low turnout is most probably attributable to the disappointment of the population because of the prolonged accession process.[102] The referendum was challenged before the Constitutional Court, which deemed it constitutional in its 30 January decision.[103]

Concluding on the 2007 and 2013 enlargement rounds, Romania and Croatia faced more serious issues than the '2004 CEE countries'. While Romania, as an ex Eastern Bloc country, had similar experiences with communism as the '2004 CEE countries', its Western orientation was hindered until the 1996 presidential elections and its judiciary was so far from fulfilling the EU benchmarks that the country was only allowed to accede with the condition of establishing a mechanism aimed at supervising its efforts to meet the benchmarks. The mechanism that induced serious jurisdictional debate between the CJEU and the Romanian Constitutional Court was closed only in 2023 – that is, more than 15 years after the country's accession. Meanwhile, Croatia, which was the second after Slovenia among the Western Balkan countries to accede to the EU, handled certain past burdens quite well; namely, the country maintained full cooperation with the ICTY and realised the necessary reforms among others regarding the judiciary. However, its border dispute with Slovenia – an obligation that was set in the country's accession treaty – is still unsettled.

In the author's view, the examples of Romania and Croatia clearly show that any shortcomings should be tackled before a country is allowed to enter the EU; otherwise, these issues can seriously impede the country's ability catch up in specific fields or practically cause a permanent halt in solving them. It is worth examining the situation of the Western Balkan states with this in mind.

3.3. Western Balkan Countries

While some of the Western Balkan countries already expressed their interest in European integration in the beginning of the 1990s, it was not until the end of the decade that there were certain strides, when the EU launched the Stabilisation and Association Process (SAP) to create a framework for the nexus of the EU and the Western Balkan states and the Stability Pact,[104] which involved all key international players. The 2003 European Council in Thessaloniki affirmed that the SAP countries were potential candidates for EU membership, which[105] was reaffirmed in the Commission's Western Balkans strategy[106] in 2018 and in the declarations following successive EU–Western Balkan Summits.

102 As is elaborated on in the next chapter, this is a common characteristic of Western Balkan states, most prominently of Serbia.

103 Constitutional Court Decision: U-VIIR-474/2012 of 30 January 2012 (Official Gazette Narodne Novine No. 15/2012).

104 The latter was replaced by the Regional Cooperation Council in 2008.

105 European Council, 2003.

106 European Commission, 2018.

Albania applied for EU membership in 2009. The negotiation process started in July 2022, and the screening of the acquis was completed on 24 November 2023. As for the initial requirements, Albania had to fulfil only the average requirements. With compliance with the 'Rule of Law Chapters' – namely chapter 23, judiciary and fundamental rights, and chapter 24, justice, freedom, and security – the country is moderately prepared, and political influence on the judiciary is not entirely excluded. Albania has deficiencies in complying with requirements of the single market despite the enormous efforts the country made after the change of regime to create a functioning market economy.[107] In fact, Albania was among the fastest growing European economies before the 2008 crisis and successfully went from being one of the poorest countries in Europe to an upper-middle-income country.[108] The compliance with other EU policies and neighbourly relations ranges from satisfactory to excellent: the functioning of democratic institutions is partially satisfactory, and parliamentary oversight of the executive is limited. Meanwhile, EU accession is a top priority for the government and the CFSP – including the sanctions against Russia – fully aligned in this regard. The country participates in regional cooperation.[109] Overall, the country maintains good or excellent relations with neighbouring and other candidate countries. Financial assistance has been received, among others, through the Instrument for Pre-accession Assistance (IPA) and by active participation in the New Growth Plan for the Western Balkans (NGPWB). The popular support for EU membership is extremely high (92%).

Bosnia and Herzegovina applied for EU membership in 2016, and the negotiation process started in December 2023. The screening of the acquis has not yet started, despite preparatory work that commenced in April 2024. As an initial requirement, the country had to undertake to fully cooperate with the ICTY and its successor, the International Residual Mechanism for Criminal Tribunals (IRCMT). As for the Rule of Law requirements, the Commission found that the independence and impartiality of the judges and case management (procedures are lengthy) need improvement, as is the case with public trust in the judiciary. The 2023 amendment on the law on judicial appointments is an important step in this process. The country cooperates closely with the IRMCT. Bosnia and Herzegovina has deficiencies in complying with requirements of the single market and its economy faces serious challenges despite years of stable economic growth. One of these challenges is the emigration of the skilled and mostly young work force.[110] The functioning of democratic institutions is partially satisfactory; however, the election system lacks integrity[111] and parliamentary oversight of the executive is limited. Furthermore, the United Nations (UN)

107 Eurodyce, 2024.

108 World Bank, 2024a.

109 Central European Free Trade Agreement (CEFTA), the Energy Community, the Transport Community, the South-East European Cooperation Process (SEECP).

110 World Bank, 2024b; Kromják, 2021, pp. 148–169.

111 E.g.: the ECtHR's Sejdić and Finci judgment is still not implemented fully (Judgment of the Grand Chamber, 22 December 2009, Applications nos. 27996/06 and 34836/06).

supervision regime – the High Representative for Bosnia and Herzegovina, together with the Office of the High Representative – created by the Dayton Agreement[112] raises certain questions regarding democratic legitimacy,[113] including the country's unusually staffed constitutional court.[114] EU accession is a top priority for the government and the country fully aligns with the CFSP, including the sanctions against Russia. The country participates in regional cooperation initiatives[115] and overall, it maintains good or excellent relations with neighbouring and other candidate countries; however, it does not acknowledge Kosovo as an independent state and had some tensions with Serbia as well due to burdens of the recent past (Srebrenica) and Serbia's relations with the '*Republika Srpska*' entity. Financial assistance has been received, among others, through active participation in the NGPWB. The popular support of EU membership is high (68%).

Kosovo applied for EU membership in December 2022; the decision of the EU is still pending, and accession negotiations and related processes still have not started. As the website of the EU Office in Kosovo states: 'Given Kosovo´s recent history, its relations with the EU are complex and multi-faceted'.[116] This is a highly diplomatic description of a situation where a potential candidate state is not officially recognised by certain member states[117] and certain neighbouring candidate countries, including Serbia from which Kosovo unilaterally seceded.[118] In the author's view, settling this issue will be extremely difficult for the EU, and it is possibly one of the most challenging issues the EU has ever faced during an accession negotiation. As for the Rule of Law requirements, the Commission found that the decision makers of Kosovo display a general lack of willingness to strengthen the judicial system. Fundamental rights protection is generally in line with European standards; however, there are issues in North Kosovo, including police operations targeted against organisations supporting Serbia. This is in contradiction with the arrangements set out in the Serbia–Kosovo dialogue. The legal framework on prosecuting war crimes is satisfactory; however, its implementation is hampered by limited capacities and a lack of mutual legal assistance between Kosovo and Serbia. Kosovo has deficiencies in compliance with the single market, despite the country experiencing steady economic progress since independence, with a nearly 50% increase in per capita income and a 35% reduction in the poverty rate. For further growth, Kosovo will need to prioritise

112 Dayton Peace Agreement (Signed on 21 November 1995).

113 Dijkstra and Raadschelders, 2022, pp. 285–311; Paulsson, 2010, p. 63.

114 Under Art. VI.1. of the Constitution of Bosnia and Herzegovina, the Constitutional Court consists of nine judges, out of which four are selected by the House of Representatives of the Federation of Bosnia and Herzegovina, two are selected by National Assembly of the Republic of Srpska, and the remaining three members are selected by the President of the European Court of Human Rights after consultation with the Presidency of Bosnia and Herzegovina.

115 Such as the Central European Free Trade Agreement (CEFTA), the Energy Community, the Transport Community, the South-East European Cooperation Process (SEECP).

116 European External Action Service, 2025.

117 Namely: Spain, Slovakia, Cyprus, Romania, and Greece.

118 International Court of Justice, 2010, p. 403.

human capital investment and create an environment more conducive to private sector development.[119] The functioning of democratic institutions is unsatisfactory in the Commission's view: the parliament faces challenges in the exercise of its powers and the local authority elections in 2024 failed due to boycott of the Serbian minority. EU accession is a top priority for the government; however, implementation is hampered by several factors. While alignment with the CFSP as a potential candidate is not monitored officially by the Commission, it is known that Kosovo imposed sanctions against Russia and emphasises its commitment to CFSP goals.[120] Kosovo participates in several regional incentives[121] and maintains, overall, good or excellent relations with neighbouring and other candidate countries, which recognise Kosovo as an independent state. Despite developments, the nexus with Serbia is burdened, which is attributable to Kosovo's attitude towards Serbian minorities, as mentioned above. Kosovo receives financial assistance under the IPA, among others. Popular support for EU membership is high (89%).

Montenegro applied for EU membership in December 2008, two years after the dissolution of the federation of Serbia and Montenegro. Before the dissolution of the federal state, the EU used a so called twin-track approach, which proved to be ineffective. The negotiation process that started in 2012 has advanced in a slow pace: only three chapters were provisionally closed until 2024. The screening of the acquis has been conducted in 2020.[122] As for the rule of law chapters, Montenegro met the benchmarks; however, there are still issues to be addressed – for example, judges selected by their peers are in the minority and cooperation with the IRMCT must be improved. Montenegro has a few deficiencies in compliance with the single market; that is, the country achieved a good level of alignment coupled with a small and vulnerable economy.[123] The functioning of democratic institutions is mostly satisfactory, the parliamentary system exercises its functions – despite a prolonged politically instable period in recent times –and the electoral system is deemed mostly satisfactory by the Commission. EU accession is a key priority for the government. The country aligns 100% with the CFSP – including the sanctions against Russia – and participates in several regional cooperation.[124] Overall, Montenegro has good or excellent relations with neighbouring and other candidate countries; however, there are occasional mutual accusations with Serbia and tensions with Croatia due to unsettled border disputes. Montenegro recognises the independence of Kosovo.

119 World Bank, 2024c.

120 Stasiukevych and Malovec, 2022.

121 Central European Free Trade Agreement (CEFTA), the Energy Community, the Transport Community, the South-East European Cooperation Process, and the Regional Cooperation Council.

122 See the website of the European Commission. European Commission, no date.

123 World Bank, 2024d.

124 Central European Free Trade Agreement (CEFTA), the Energy Community, the Transport Community, the South East European Cooperation Process (SEECP) and the Regional Cooperation Council (RCC). Montenegro also actively participates in initiatives such as the Central European Initiative (CEI) and the Centre for Security Co-operation (RACVIAC).

Financial assistance is granted based on the Stabilisation and Association Agreement with Montenegro.[125] Popular support for EU membership is high (79%).[126]

North Macedonia applied for EU membership in 2004. The negotiation process started in July 2022, and the screening of the acquis was completed in December 2023. In the case of North Macedonia, the initial requirements – as a prerequisite of lifting the veto on negotiations by two member states – were changing the official name of the country from Macedonia to North Macedonia and the official recognition of Bulgarian minorities in the Constitution. The preceding was pressured by Greece and was settled in the 2018 Prespa Agreement; the latter was demanded by Bulgaria and although North Macedonia committed to amend the constitution accordingly. The incorporation of the Bulgarian minority as a constitutive part of the state is still pending. As for the Rule of Law chapters, further improvements are needed.[127] Additionally, external political influence remains a serious concern and in connection with this issue, the level of trust in the judiciary is low. Furthermore, the government's plans to dissolve the Judicial and Prosecution Councils raised concerns of the Commission. There are deficiencies in complying with the single market, which is accompanied by low productivity, inefficient capital deployment, and weak external demand, compounded by limited fiscal space and rising fiscal risks amid high interest rates, which continue to impede growth prospects and further slow the pace of income convergence with EU peers, according to the World Bank.[128] The Commission found the functioning of democratic institutions mostly satisfactory; however, owing to political polarisation, the parliament was delayed in adopting reforms crucial for accession to EU and reform of the local self-government is an urgent issue. EU accession is a top priority for the government and fully aligns with the CFSP, including the sanctions against Russia. The country participates in several regional cooperation initiatives[129] and overall, it maintains good or excellent relations with neighbouring and other candidate countries; however, there are tensions with Greece and Bulgaria due to the abovementioned reasons. Financial support is

125 2010/224/ Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part OJ L 108, 29 April 2010, pp. 3–354.

126 Balkan Insight, 2024.

127 In May 2024, the Constitutional Court found the claims of the Judicial Council and of the Association of Judges that the amendments to the laws on salaries of judges and of the Members of the Judicial Council, of February 2024, jeopardise the independence of the judiciary to be inadmissible. The Court assessed that the minimal increase in the salaries will match the status of the judges and prosecutors, as they would be among the public officials with the highest income in the country.

128 World Bank, 2024e.

129 Central European Free Trade Agreement (CEFTA), the Energy Community, the Transport Community and the Regional Cooperation Council. In July 2023, North Macedonia took over the one-year Chairpersonship in Office of the South-East European Cooperation Process. North Macedonia also actively participated in initiatives such as the Central European Initiative and the Centre for Security Cooperation.

provided through the IPA, among others. Popular support for EU membership is at 68%.[130]

Serbia applied for EU membership in 2009. The earlier 'twin-track' approach with Montenegro – a constituency of the common federal state – proved to be ineffective. The negotiation process started in January 2014 and the screening of the acquis was completed by 2015.[131] However, only two chapters were provisionally closed until 2024. Although Serbia is regarded as the country closest to accession among the candidate states, this outcome is not surprising considering the many unsettled issues: the nexus with Kosovo, prosecuting war crimes, and alignment with the EU's CFSP. The latter two – to say the least – is executed only half-heartedly. In line with the above context, the initial issues were full cooperation with the ICTY and its successor (IRCMT) and normalising the nexus with Kosovo, which Serbia has not recognised as an independent state thus far, alongside five other member states and four candidate or possible candidate states. Kosovo presents a unique issue because as mentioned above, even some EU member states refuse to recognise Kosovo's independence; further, earlier, the Republic of Cyprus was not demanded to settle its nexus with Northern Cyprus.[132] Even if the latter is in a slightly different situation, the question arises as to how EU member states could require Serbia to recognise the independence of Kosovo. As for the Rule of Law chapter, further improvements are needed to reach the benchmarks, including the adoption of the Law on Judicial Academy and the amendment of the Law on Seats and Territorial Jurisdiction of Courts. The political influence is still high, including the ongoing practice of high-level politicians to comment on ongoing investigations. Further, Serbia needs to improve its track record in prosecuting war crimes and its cooperation in this field both with the IRCMT and two neighbouring countries, Croatia and Kosovo. Furthermore, the Commission noted that showing support for convicted war criminals and denying war crimes remain unprosecuted by the authorities.[133] The recent political crisis has also impacted the negotiations on accession.[134] While there are deficiencies in complying with the single market, the Serbian economy performs well, according to the World Bank.[135] The functioning of democratic institutions is not satisfactory, parliamentary oversight of the executive and law-making process is constrained, and the election system requires improvement and reform. Although EU accession is declared as a top priority, high-level relations with the Russian Federation and the ever-intensifying relations with China raise certain questions regarding the government's commitment, as does the moderate alignment with the CFSP: while Serbia condemned the Russian aggression against Ukraine, it refused to align with

130 Balkan Insight, 2024.
131 Sigma Web, 2025.
132 The Greek Cypriots voted against the unification of the country, while the Turkish Cypriots were in favour, because they hoped to become EU citizens through the referendum.
133 Ristic, 2017.
134 Baletic and Stojanovic, 2025.
135 World Bank, 2024f.

the sanctions against Russia. Furthermore, the president recently apologised to the Serbian citizens for voting in favour of a UN resolution calling for just and lasting peace in Ukraine, which the *Kremlin* generously accepted.[136] Serbia participates in several regional cooperation initiatives[137] and overall, it has good or excellent relations with neighbouring and other candidate countries. However, tensions occur with Bosnia and Herzegovina – due to Serbia's high-level cooperation with the government of the '*Republika Srpska*' entity in Bosnia and Herzegovina – and also with Montenegro and Croatia. Serbia receives support from the IPA and NGPWB, among others.[138] Popular support for EU membership was 40% as of 2024[139] – a 2023 poll revealed even lesser support, at 33%.[140]

Before a short interim conclusion on the Western Balkan states, the issue of low popular support of EU accession in Serbia is worth a thorough investigation. The literature[141] proves that in the case of other Western Balkan countries too, there is a mixed feeling concerning EU accession *vis-à-vis* the relatively low willingness to meet admission requirements, which is interdependent with historic reasons.[142] The study by Branko M. Rakić[143] highlights particularly well that the causes are multi-fold: there is a mixed feeling in the Serbian population due to past and present conflicts with the West – including the unsolved issue of Kosovo – and there is also a certain disappointment due to the slow progress of the accession and sometimes non-consequent requirements on the EU's side. While Rakić is of the view that Serbia – as a European country, completely territorially surrounded by EU member states and candidate states and sharing a common culture and values – must seek its place in the EU, if there is no will for the same in the EU or only under conditions that Serbia, as a sovereign country, cannot accept, Serbia has to seek alternative solutions (e.g. a close cooperation). In the view of the current author, there is however another

136 Giordano and Melkozerova, 2025.

137 Central European Free Trade Agreement (CEFTA), the Energy Community, the Transport Community, the South East European Cooperation Process (SEECP) and the Regional Cooperation Council (RCC).

138 See the fact sheet of the European Commission, see European Commission, 2023.

139 Balkan Insight, 2024.

140 Demostat, 2023.

141 The mixed feelings of the population are emphasised by Aleksandar Spasenovski as well, who points out that the Republic of Macedonia has been a candidate state for membership in the European Union since 2005, but the decision to start membership negotiations was made only in 2022. These 17 years in vain have led, among other things, to excessive growth of Euroscepticism in the country. As Karakamisheva-Jovanovska highlights, in the case of Macedonia – that is, North Macedonia as it is called officially since 2019 – the political pressure exerted by the Greek and Bulgarian governments has caused bitterness in the population: while the former pushed forward the change of the country's name, the latter continuously emphasised the Bulgarian roots and identity of the population and demanded that the Bulgarian minority be mentioned in the constitution. The amendment is in progress. See Karakamisheva-Jovanovska, 2025, pp. 131–160; Spasenovski, 2025, pp. 551–566.

142 Bickerton, 2021, p. 10.

143 Rakić, 2025, pp. 381–408.

factor: the revival of the Pan-Slavic notion, which originates in the 19th Century.[144] In the second half of the 20th Century – except for its last decade –Pan-Slavism was a tool for legitimising Soviet hegemony, which lost its rationale due the dissolution of the Soviet Union. In the case of Serbia, however, it has continued to exist in some forms and became something close to *Russophilia* expressed by the political elite by emphasising a Serbian−Russian ethnocultural and religious closeness through the concepts of friendship and brotherhood, including solidarity, strong national emotions, and mutual sacrifice, as Dejana Vukasović and Miša Stojadinovi argue.[145] In the author's view, the million dollar question is whether the EU can offer a similarly strong cultural identity that Serbians could accommodate. It is worth reiterating the thoughts of János Martonyi, who argues that EU integration could be strengthened through the cultural sphere.[146] However, historical experience shows that exporting the European integration model achieved by economic means and consolidated by the principle of the 'rule of law' to other countries not only failed in countries on another continent, but it also proved to be problematic in countries at the periphery of Europe.[147] The very same is emphasised by Snježana Vasiljević;[148] while the link between diverse European national cultures and the bridge between old and new member states can be seen in the concept of European integration in practice, what are considered fundamental values in the EU, they are not perceived in the same way outside it.

While Rakić names a close cooperation with the EU as an 'alternative solution', there are other 'alternative solutions' present in the Western Balkan context: China, Russia, and Türkiye have become major investors in the area.[149] There is no such thing as a free lunch, however: with the money comes the influence of the abovementioned states, which are clearly interested in the region and ready to extend their influence, as former European Commission President Jean-Claude Juncker has pointed out.[150] However, every coin has two sides. There is a clear aversion to the integration of Western Balkan countries among Western European citizens and politicians.[151] Some the abovementioned authors also refer to this issue, namely that the population of the candidate countries, too, perceive this negative attitude after long years of waiting for membership, inducing Euroscepticism even before accession.

Having considered the abovementioned factors, the EU has to juggle between two necessities: while it cannot abandon its 'merit-based' accession policy, it therefore

144 For a historic elaboration, please see Ljuboja, 2018, pp. 67–85.
145 Dejana and Stojadinović, 2023, pp. 123–153.
146 Martonyi, 2021.
147 Bickerton, 2021, p. 10; Manners, 2002, pp. 235–258.
148 Vasiljević, 2025, pp. 365–380.
149 Stanicek and Tarpova, 2022; Stanicek and Caprile, 2023; see also: European Council of Foreign Relations, 2024.
150 Luca, 2018.
151 One manifestation of this was when Emmanuel Macron vetoed the opening of accession negotiations with Albania and Northern Macedonia in 2019. See Nielsen, 2019; Tcherneva and Varma, 2019.

cannot turn a blind eye to the unsettled issues – most of them originating in historic tensions – and with the low benchmarks of the Western Balkan countries in certain accession policy chapters, it cannot leave the Western Balkans to be turned into a Chinese or Russian sphere of interest. In the author's view, the real question is whether the EU should stick to its ever-growing Union principle and offer full membership to all Western Balkan countries or offer 'alternative solutions' as raised by Rakić. This question is also applicable to the newest candidate states, as is elaborated on in the next section.

3.4. Oldest and Newest Candidates: When Political Considerations Prevail

As mentioned in the introduction, Russia's awakening from the 'nightmare' of the inglorious period following the dissolution of the Soviet Union marked a new era: instead of expressing its opposition to the idea of being a neighbour to NATO countries only verbally, with the Russo–Georgian War[152] in 2008 and with the aggression against Ukraine in 2022, Russia made it clear where its acceptable geopolitical borders lie. In both cases, the Russian aggressions – entirely in contradiction with international legal norms – raised serious questions about Georgia's and Ukraine's possible future membership in the NATO and EU. In the case of Ukraine, it should be recalled that the revival and application of the doctrine of 'Finlandisation' – once forgotten at the time of the signing of the Maastricht Treaty – was already suggested in 2014.[153] However, based on the Finnish experience,[154] Ukrainian decision makers rejected its application. Sibilla Buletsa provides an insight from the Ukrainian perspective[155] into what the Ukrainian people and their decision makers hope from the accession – for example, the opportunity for accelerated economic and social development – the hardships faced by the Ukrainian party in meeting the requirements of accession in a state of war, and the progress that has been made. In the author's view, it is worth examining how these expectations are met in practice by Ukraine and other 'new' member states.

Türkiye is the odd one out in this context. In fact, it is the oldest candidate state: It applied for EU membership in 1987, and the negotiation process started in October 2005. Despite the time lapsed, the screening of the acquis is still not complete, and some chapters have not even been opened so far. The negotiations came

152 Rácz, 2008, pp. 52–57; Euronews, 2018.

153 Henry Kissinger, the former US Secretary of State, proposed applying 'Finlandisation' to Ukraine as early as 2014, with the difference that, unlike the original Finnish model, he did not rule out close economic and political cooperation with the European Union. Kissinger, 2014; see also de Borja Lasheras, 2014.

154 Even though the policy of Presidents Paasikivi and Kekkonen had no realistic alternative under the circumstances, the assessment of posterity is not positive. The Finnish–Soviet relationship remained asymmetrical throughout, and the sensitivities of Moscow had to be taken into account in shaping Finnish domestic and foreign policy. In view of the latter, even the press was censored. See Central Intelligence Agency, 1972.

155 Buletsa, 2025, pp. 321–364.

to a 'standstill' in 2018, because 'Türkiye has been moving further away from the European Union' according to the Council Conclusion[156] from the same year. In addition, the European Parliament called on the Commission and the member states in 2019 to officially suspend the negotiation with Türkiye, largely due to the anti-democratic turn.[157] In 2023, the High Representative of the EU for Foreign Affairs and Security Policy and the Commission issued a joint communiqué, in which they articulated recommendations on how to overcome the disagreements and cooperate on certain strategically important issues.[158] As for the rule of law, there are structural shortcomings in the judiciary system, including the strong influence of the executive in appointing members and the political pressure on judges and prosecutors (e.g. by commenting on ongoing cases). Türkiye is the world's 18th and Europe's seventh largest economy. Türkiye, which is an active member of the Group of 20 (G20), represents one of the most powerful economies in the world.[159] Despite the deficiencies in screening, the EU framework for the free movement of goods is largely in place. In the near future, there will be a window of opportunity to revive the issue of renegotiating the customs union, and possibly liberalising the visa regime, but no breakthroughs should be expected in these areas either.[160] The functioning of democratic institutions is poor, and there is a general lack of checks and balances that would constrain the president's powers; parliamentary oversight of the executive is weak, public administration is highly politicised, and the local governments under opposition leaders are subjected to pressure. The country aligns poorly with the CFSP. In fact, Türkiye performs the worst among the candidate states. Türkiye describes its policy as 'balanced': while the country maintained its importance in Ukraine's military procurements and took measures to prevent the re-export of EU-origin dual-use items to Russia and procured fighter planes from the US, it also developed its trade and economic relations with Russia, and increased its energy dependency on Russia. Overall, Türkiye has good or excellent relations with neighbouring and other candidate countries. Türkiye has received funds from the IPA and funds related to handle the refugee crisis (e.g. Emergency Social Safety Net (ESSN)) between 2016 and 2023.[161] Popular support for EU membership is relatively high (58%).[162]

Georgia applied for EU membership officially in March 2022 and was granted candidate status in 2023. However, the country started to 'flirt' with the EU much earlier: the abovementioned 2008 war was not only because of the country's proposed

156 The Council notes that Türkiye has been moving further away from the European Union. Türkiye's accession negotiations have therefore effectively come to a standstill and no further chapters can be considered for opening or closing and no further work towards the modernisation of the EU-Turkey Customs Union is foreseen. General Secretariat of the Council, 2018.

157 Pangalos, 2019.

158 European Commission, State of play of EU-Türkiye political, economic and trade relations. Brussels, 29.11.2023 JOIN (2023) 50 final.

159 Eurodyce, 2024b.

160 Michalski, 2024.

161 European Commission, 2025.

162 Ünlühisarcıklı, Tastan and Canbilek, 2022.

NATO membership, but also because of its efforts towards possible EU membership in the future. In 2014, the country concluded the association agreement with the EU.[163] The negotiation process has not yet started due to the concerns of the European Council (July and October 2024). As for the Rule of Law chapter, the Commission found that a backsliding, which undermines the independence and integrity of the judiciary, is observable. The 2024 law on the transparency of foreign influence was also criticised by the Commission. The country concluded the agreement on the EU–Georgia Deep and Comprehensive Free Trade Area (DCFTA),[164] which removes tariffs on most goods (in case of industrial goods: 100%). However, according to reports, the country's companies struggle with utilising this properly, which is among others attributable to an underdeveloped capital market. That is, the Georgian economy has great opportunities, but much work needs to be done.[165] The functioning of democratic institutions is unsatisfactory: the election system raises concerns and parliamentary oversight of the executive is limited. EU accession is not a priority on the government agenda – continuing the talks is postponed until 2028[166] – and the country's alignment with the CFSP (including the sanctions against Russia) is poor, which is not surprising considering the political views of the party and its prime minister that emerged to power in 2024.[167] The country participates in several regional cooperation initiatives[168] and overall, it has good or excellent relations with neighbouring and other candidate countries. However, the non-alignment of Georgia with EU sanctions against Russia and the imprisonment of former Georgian president Mikheil Saakashvili – a Ukrainian citizen – despite his poor health continues to cause diplomatic tensions with Ukraine. Georgia does not recognise Kosovo as an independent state. Alongside postponing accession talks, the Georgian government declared that it will take no grants until 2028. The popular support for EU membership ranges between 70% and 81%.[169]

Moldova applied for EU membership in March 2022; the negotiation and screening processes started in June and July 2024, respectively. As for the initial issues and requirements, there are several. First, there is the issue of Transnistria,

163 Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part (OJ L 261, 30.8.2014, pp. 4–743).

164 Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part (OJ L 261, 30.8.2014, pp. 4–743).

165 Benson, 2024.

166 Matchavariani, 2024.

167 Elaborated on in details at the end of part 2.4.

168 Eastern Partnership, the Central European Initiative (CEI), the Organization of the Black Sea Economic Cooperation (BSEC), the Organisation for Democracy and Economic Development (GUAM), the Southeast European Cooperation Process (SEECP) and the Regional Cooperation Council (RCC).

169 While the International Republican Institute (IRI) measured only 70%, the National Democratic Institute (NDI) measured 79%. James, 2023; NDI POLL, 2023; EU Neighbour East, 2024.

a quasi-independent part of the country,[170] where the central government has no real power. The question arises whether it will also be part of the EU, if and when Moldova accedes to the EU, or the 'Cyprian-model' will prevail, that is, the country will accede without that region.[171] The other issues are the non-satisfactory independence of the judiciary, corruption, the lack of media pluralism, and need for reform of public administration and education systems. As for the judiciary, the government shows determination to execute the strategy: in 2023, a new law on vetting was adopted; however, overall efficiency and accountability should be strengthened. Moldova has deficiencies in compliance with the single market. The country concluded the agreement on the EU–Moldova DCFTA,[172] which removes tariffs on most goods. Moldova has a relatively small and developing economy, which is heavily reliant on agriculture, remittances, and foreign aid. Economic reforms and modernisation aimed at growth are underway. However, the desired economic growth is constrained by several factors, including a lack of diversification, weak infrastructure, and limited foreign investments.[173] Half of the working force is employed in the agriculture sector.[174] Overall, the functioning of democratic institutions is mostly satisfactory; parliamentary oversight of the executive is in place. However, the election system is not in line with international standards: the ban and de-registration of candidates have occurred. EU accession is a top priority for the government and the country aligns itself well with the CFSP, including the sanctions against Russia. Moldova participates in several regional cooperation programmes[175] and overall, it has good or excellent relations with neighbouring and other candidate countries. Moldova does not recognise the independence of Kosovo. Moldova receives funds from the Commission's Macro-Financial Assistance programme. While the popular support for EU membership based on 2021, 2022, and 2023 polls is high (63%–64%),[176] the referendum on EU-related constitutional amendment only gained some support (50.46%).[177] The constitutionality of the referendum was revised by the

170 See Britannica, 2025.

171 It also has to be taken into account that the country is heavily dependent on the electricity produced in the region.

172 Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part (OJ L 260, 30.8.2014, pp. 4–738).

173 Eurodyce, 2024c; World Bank, 2024g.

174 Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung, 2025.

175 It held the 2023 Presidency of the Central European Initiative (CEI) and convened the CEI Annual Meeting of Foreign Affairs Ministers in Chişinău in November 2023. In September 2023, Moldova, along with Ukraine, joined the Three Seas Initiative (TSI) as an associate member and hosted a TSI conference in March 2024. Moldova is active in the Black Sea Economic Cooperation Organization (BSEC), the Organization for Democracy and Economic Development (GUAM), the Southeast European Cooperation Process, and the Regional Cooperation Council and contributes to the Central European Free Trade Agreement.

176 Thompson, 2023.

177 Corman, 2024.

constitutional court, which took a 'pro-Europe' approach, stating that it was indeed constitutional.[178]

As in the case of Serbia, the support for EU accession needs a thorough examination in Georgia and Moldova. The 'Georgian Dream' Party – an originally centre-left, pro-European party, which gradually transformed into a syncretic party with leftist economic policy and culturally conservative views mixed with illiberal ones[179] – and the prime minister Irakli Kobakhidze are often accused of pursuing an anti-Western, pro-Russian foreign policy – which they deny. Further, the party is the creator and the prime minister is a main advocate of the conspiracy theory on the 'Global War Party', an alleged global 'deep state'. The prime minister asserts that the Global War Party exerts significant influence on decision makers of the United States and the EU,[180] even accusing the then Commissioner for Neighbourhood and Enlargement – Olivér Várhelyi – of threatening his life during a phone conversation.[181] In Moldova, the referendum on EU-related constitutional amendment only gained some support (50.46%), which is alarming in itself, but if one takes a closer look, the picture is even worse: as Mihai-Razvan Corman points out, in 24 out of 32 regions, the citizens voted against EU accession and it appears that the governing 'Party of Action and Solidarity' (PAS) – which was the first pro-EU party to gain majority in the parliament – remained the only proponent of EU accession among the Moldavian parties.[182]

Ukraine signed the Association Agreement with the EU after the 2014 'Euromaidan' (Revolution of Dignity), which ended the reign of the pro-Russian president, Viktor Yanukovych, who hindered the country's efforts to accede. In 2016, the country entered the DCFTA and in 2017, Ukrainians gained visa-free access to the Schengen area for up to 90 days within a 180-day period. In 2019, the country amended its constitution and incorporated its commitment to EU and NATO membership. Ukraine applied for EU membership in February 2022. The negotiation and screening processes started in June and July 2024, respectively. As for the rule of law, despite the constitutional and statutory guarantees, the independence of the judiciary is threatened by the high level of corruption. Furthermore, the infrastructure is damaged; there is a high vacancy and severe underfunding due to the war. The implementation of judgments of the European Court of Human Rights (ECtHR) – mostly related to lengthy procedures and the conditions in detention facilities – is poor and in the case of minority language education in schools, does not conform with European standards.[183]

178 Moldavian Constitutional Court, 2024.Opinion no. 1 of 16 April 2024 of the Moldavian Constitutional Court

179 Hughes, 2024.

180 For credible details, please see the short entry of the European Digital Media Observatory (EDMO) – which was created as a part of the Commission's detailed action plan against disinformation, published in December 2018. European Digital Media Observatory, 2024.

181 Gavin, 2024.

182 For a detailed analysis, please see Corman, 2024.

183 Venice Commission, 2017.

In August 2024, there were approximately 142,059 pending war crime-related cases. In the case of Ukraine, the most severe problem is the ongoing war and the hardships caused by it in the economy, among others. Ukraine's economic situation was – to say the least – burdened even before the war, and compliance with the single market was questionable.[184] Not only the 2008 world economic crisis but also the 2014 annexation of Crimea by Russia and the subsequent armed conflict in the Donbas area had effects on the Ukrainian economy.[185] According to a World Bank estimation, Ukraine would need approximately 486 billion USD to rebuild its economy.[186] Further, the 2024 Commission report still highlights several areas where unsatisfactory or no efforts were made to comply with the single market. According to the DCFTA Agreement, almost every tariff (roughly 99%) on the industrial goods and on agricultural goods were largely removed.[187] The functioning of democratic institutions is satisfactory, parliamentary oversight of the legislation is undisrupted, and the use of urgent legislation is limited. EU accession is a key priority for the government and – as the elemental needs of the country dictate –alignment with the CFSP is 100%, including the sanctions against Russia. Ukraine participates in several regional cooperation initiatives[188] and overall, it has good or excellent relations with neighbouring and other candidate countries, because of poor alignment with sanctions against Russia, including Georgia,[189] Serbia, and Türkiye. Serbia is an important trade partner and has allocated humanitarian funds to help Ukraine.[190] Despite the current Slovakian prime minister's gestures to Russia, the Slovakian–Ukrainian relationship remained good, based on practical cooperation.[191] In the case of Hungary, the issue of Hungarian minorities burdens bilateral relations as the Ukrainian side adopted a law on education, seriously hindering the rights of the Hungarian minorities to use their language in the field of education. The tensions further increased by certain manifestations of the Hungarian government after the Russian aggression in 2022.[192] Ukraine does not recognise Kosovo. Ukraine received EU funding from various sources, including the Ukraine Facility[193] and other funds, which by November 2024, reached € 122 billion.[194] Popular support for EU mem-

184 Iwański, 2017.
185 Eurodyce, 2024d.
186 World Bank, 2025.
187 Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part. Official Journal of the European Union L 161/3 29 May 2014.
188 Eastern Partnership, and is part of a number of regional formats, including the Central European Initiative, Black Sea Economic Cooperation, the Organization for Democracy and Economic Development and the Regional Cooperation Council.
189 In the case of Georgia, the imprisonment of the former Georgian president Mikheil Saakashvili, who is a Ukrainian citizen and is now in a poor health condition, also causes tensions.
190 Furthermore, leaked US intelligence documents suggest that Serbia helped Ukraine with weapons and ammunition; Reuters, 2023.
191 Dębiec, 2025.
192 Ukraine World, 2024.
193 European Commission Factsheet, 2024.
194 European Commission, 2024b.

bership is on the rise, which in 2021 – one year before the Russian aggression – was only approximately 60% but has risen to approximately 90% in 2023.[195]

4. Conclusion

In the first, theoretical part of this work, the author introduced the theories on integration, covering the concepts of deepening – that is, extension of the integration to more policy areas – and widening – that is, geographical extension. The author also examined the types of differentiation, namely so-called constitutional differentiation – which is mainly value-based and permanent in nature – and instrumental differentiation, which is enlargement-induced and temporary by its nature. In the first section, the author also briefly introduced the stance of the different member states and EU institutions on differentiated integration.

Then, the author drew the conclusions on different enlargement rounds. As we move away geographically from the founding states or the 'core', it is evident that – except for the 1973 and 1995 enlargement rounds –integration of the newcomers by extant member states and conforming the rules by the candidates or possible candidates became harder and more demanding. While Denmark and Ireland – two of the 1973 countries – were relatively poor compared with the member states of the EEC, they used the EU contributions well and became members of the richest EU countries club. The 1995 enlargement also went smoothly. Contrary to this, the premature and politically motivated accession of Greece became the root of serious issues later and the accession of the '2004 CEE countries' was a more demanding process on both sides: while those who sought membership had to build a democratic state based on the rule of law and also a functioning economic market after almost 40 years of communism, the EU had to contribute to their preparation both financially and professionally. However, from a retrospective view, these hardships were minor compared with those faced by the current candidate and possible candidate states, even if most '1995 Hungarian citizens' would certainly not agree.[196] However, the 2004 CEE countries had a highly distinctive feature compared with the current candidate or possible candidate states: their population was pro-European with high hopes in accession from the very beginning of their newly acquired independent statehood. This enthusiasm was also typical for their governments, except for Slovakia, where the 1995 elections were determinative in this regard. In the author's view, this factor was probably the most important in the success of the 2004 CEE countries to accede to the EU within 15 years of the change of their regimes.

195 High in the WB except for Serbia: Balkan Insight, 2024.
196 Provided that we could travel back in time and conduct interviews then.

The 2007 enlargement round already foreshadowed the future hardships: Romania had so many unsolved issues with its judiciary that in its accession treaty, the country had to undertake active post-accession monitoring by the Commission, which became a root of continuous clashes of the Romanian Constitutional Court and the CJEU between 2018 and 2023. The monitoring mechanism, the CVM, was only closed in 2023 – that is, more than 15 years after the accession. Croatia, which acceded to the EU in 2013, carried the burdened past of the Western Balkan states. However, the country came over relatively smooth and showed a pro-EU attitude: the country cooperated in prosecuting war-crimes and implemented the necessary reform of the judiciary. Meanwhile, Croatia did not settle the border dispute over Piran Bay with Slovenia, contrary to the obligation settled in its accession treaty. The cases of Romania and Croatia show that any major issue that could hinder a country's accession should be settled before the country's accession; otherwise, it is difficult or even impossible to address it.

The group of Western Balkan countries, which now seek membership notwithstanding the 'average issues' of all the new candidates – namely, lack of independence of the judiciary and partly satisfactory functioning of democratic institutions – face region-specific hardships, though to different extents: some of them carry the extra burden of the 'Yugoslav Wars', which accompanied the dissolution of Yugoslavia. Other Western Balkan countries too carry their burdens from the past and have had to make sacrifices to facilitate their EU membership: for example, Macedonia had to change its official name to North Macedonia, which is – to say the least – not popular among the citizens of the country. The country also had to undertake the obligation of amending its constitution and include Bulgarian minorities due to Bulgarian political pressure. Probably the most important issue is Kosovo, which is not recognised as an independent state by five member states, two candidate states from the Balkans – namely Serbia and Bosnia and Herzegovina – and by two non-Balkan candidates, Moldavia and Ukraine. Georgia, a possible candidate state does not recognise Kosovo as an independent state either. The author is of the view that the issue of Kosovo has to be settled before Serbia joins, because as the cases of Piran Bay and Romania's CVM show, it is extremely difficult to achieve alignment with issues affecting core state powers or sovereignty if they are left open at the moment of accession. As was elaborated in the theoretical section, instrumental differentiation is only viable for economic issues, where the freshly admitted members strive to eliminate the differences that rendered the derogations necessary, because doing so is in their own interest as well.

Every hardship can be tackled if the population and the political elite deem EU accession as a strategic goal, which is common in every Western Balkan state except for Serbia. As was introduced in the theoretical section, if a country evaluates that accession would require too much sacrifice – for example, giving up the notion of integrity of the state and acknowledging the secession of a part of the state – or does not agree with the basic principles of integration – which in the case of Serbia may be assumed, among others, on the fact that the country does not align with the

CFSP – or does not expect economic benefits from participation – as Chinese and Russian inventors offer alternatives – it will most probably refrain from taking part in it. As a refusal of this theoretical assumption, the successive Serbian governments always emphasised their devotedness to accession. However, in practice, it is not the theory that fell flat: the words of the Serbian governments do not coincide with their actions. Even if Serbia's economy is well aligned with the requirements of the single market, the opposing views on certain core values do not offer any good in case of accession and as pointed out in the literature, would result in constant value based opt-outs, that is, constitutional differentiation. The same applies for Türkiye – with the longest period of candidate status in the EU's history – and for some of the new candidate states. In the case of Türkiye, the problems are similarly ideological than economical: as the Council noted in 2018, 'Türkiye has been moving further away from the European Union. Türkiye's accession negotiations have therefore effectively come to a standstill and no further chapters can be considered for opening or closing […]'. The current referendum on the amendment of the Moldavian constitution showed low popular support of the population for EU membership, which is in contrast with the actively pro-European stance of the government. The situation is the opposite in Georgia: while the government displays anti-Western sentiments, the population is in favour of the country's integration in the EU.

The potential membership of Ukraine raises serious questions. While no one can call into question the devotedness of the population and the government of Ukraine for EU membership, its candidate status based solely on political considerations disregarding the earlier merit-based approach may cause serious issues in the future. First, if some countries are exempted from the strict criteria applicable to start the negotiation process solely on political consideration, then how could the EU credibly demand these from other countries? Second, from an economic point of view, Ukraine would have been seriously unfit for EU membership in the near future even without the war. Ever since, the destructions of the war have further increased the problems and the EU funds spent on the recovery are still far from the whole sum estimated by the World Bank.

In the author's view, considering the theories on differentiated integration and the issues of some of the current candidate and possible candidate states – and also some internal problems of the EU – the question is whether it would be more reasonable to abandon the idea of the ever-growing union and instead strive to create a permanent cooperation with these states without considering membership as the only and final goal — something that became a dogma in the 'Maastricht era'. Leaving the '*aut Caesar, aut nihil*' attitude opens the road for external differentiation, with a free-trade agreement and limited access to the single market without all the other requirements, which these countries do not want to fulfil. The EEA – Iceland, Liechtenstein, and Norway – or the system of bilateral agreements with Switzerland show that these are viable options. In these cases too, the EU was able secure the prevalence of its economic interests – as the failed attempts of Switzerland to renegotiate the free movement of persons show – while in the meantime, possible halts

due to differences in preferences and values could be avoided. Georgia, Moldova, and Ukraine have already concluded country-specific DCFTA agreements with the EU, which eliminate tariffs on industrial and agricultural goods to varying extents, depending on the country. The Commission's 2023 *communiqué* regarding Türkiye could also be cited as an example. In the said document, the Commission recommended cooperation with Türkiye in certain areas that are important for one or the other side – for example, helping Türkiye in taking care of refugees there – without negotiating issues where the opposing views could not be bridged. These kinds of cooperation could also help the EU tackle the ever-growing influence of Peking and Moscow in Serbia without the lengthy and probably unsuccessful negotiation talks. Of course, the doors should be left open for every Western Balkan state if it wishes to enter and has the will to comply with the requirements.

To conclude, the momentum of the Maastricht era has blown out, and the EU most probably reached the geographical borders beyond which it is not reasonable to stretch – I wish I will be proven wrong.

References

Angelos, J. (2015) 'Why on Earth is Greece in the EU? Reverence for the Ancient Greeks Led to the Modern Greek Crisis', *Politico*, 22 June 2015 [Online]. Available at: https://www.politico.eu/article/why-is-greece-in-the-eu-grexit/ (Accessed: 27 February 2025).

Angyal, Z. (2015) 'Jogvita az európai értékpapír-piaci hatóság rendkívüli körülményekkel kapcsolatos beavatkozási hatásköréről', *Publicationes Universitatis Miskolcinensis, Sectio Juridica et Politica,* 33(1), pp. 129–143.

Bajo, A., Primorac, M., Hanich, M. (2016) 'The restructuring and privatisation of the shipyards in Croatia', *Fiscus*, 2016/1, pp. 1–22.

Baletic, K., Stojanovic, M. (2025) 'Buying Time: Serbia Gets New Government Amid Ongoing Political Crisis', *Balkan Insight*, 15 April 2025. [Online]. Available at: https://balkaninsight.com/2025/04/15/buying-time-serbia-gets-new-government-amid-ongoing-political-crisis/ (Accessed: 05 July 2025).

Balkan Insight (2024) 'High in the WB except for Serbia: Balkan Support for EU Accession High, Except in Serbia', Survey [Online]. Available at: https://balkaninsight.com/2024/05/14/balkan-support-for-eu-accession-high-except-in-serbia-survey/ (Accessed: 27 February 2025).

Becsky, R. (2004) 'A változást és az állandóságot együtt kell képviselnünk (interjú Gottfried Péterrel)', *Európai Tükör*, 2004/3, pp. 13–17.

Benke, K. (2023) 'The Saga May Continue: On the Intricate Dialogue Between the Constitutional Court of Romania and the Court of Justice of the European Union', *Central European Journal of Comparative Law*, 4(2), pp. 9–40 [Online]. Available at: https://doi.org/10.47078/2023.2.9-40 (Accessed: 27 February 2025).

Benson, B. (2024) 'Georgian economy ready to compete in the EU – report Tbilisi's geopolitical pivot injects uncertainty into export growth prospects', *Eurasianet*, 6 August 2024 [Online]. Available at: https://eurasianet.org/georgian-economy-ready-to-compete-in-the-eu-report (Accessed: 27 February 2025).

Bickerton, C. (2021) 'The Future of the EU: a Retrospective', ARI 105/2021 (9/12/2021) [Online]. Available at: https://media.realinstitutoelcano.org/wp-content/uploads/2021/12/ari105-2021-bickerton-the-future-of-the-eu-a-retrospective.pdf (Accessed: 27 February 2025).

Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (2025) 'Potential as a production location' [Online]. Available at: https://www.bmz.de/en/countries/moldova/economic-situation-107502 (Accessed: 27 February 2025).

Börzel, T.A. (2005) 'Mind the gap! European integration between level and scope', *Journal of European Public Policy*, 12(2), pp. 217–236 [Online]. Available at: https://doi.org/10.1080/13501760500043860 (Accessed: 27 February 2025).

Britannica (2025) 'Transdniestria separatist enclave, Moldova' [Online]. Available at: https://www.britannica.com/place/Transdniestria (Accessed: 27 February 2025).

Budai, P., Fehér M.Z. (2023) 'Az Egyesült Királyság Európai Unióból történő kilépésének jogi aspektusai' [Online]. Available at: http://ijoten.hu/szocikk/az-egyesult-kiralysag-europai-uniobol-torteno-kilepesenek-jogi-aspektusai (Accessed: 27 February 2025).

Buletsa, S. (2025) 'The Legal Implications of European Union Enlargement: A Ukrainian Perspective' in Szilágyi, J.E., Marinkás, Gy. (eds.): *Maastricht 30: A Central European Perspective*. Miskolc–Budapest: Central European Academic Publishing, pp. 321–364; https://doi.org/10.54237/profnet.2025.jeszgymmcep_13.

Central Intelligence Agency (1972) 'Finlandization in action: Helsinki's experience with Moscow', August 1972 RSS. No. 0059/72, Principal Observations [Online]. Available at: https://www.cia.gov/readingroom/docs/esau-55.pdf (Accessed: 27 February 2025).

Chronowski, N. (2019) 'Az Európai Unió jogának viszonya a magyar joggal [in:] Internetes Jogtudományi Enciklopédia', *IJOTEN* [Online]. Available at: http://ijoten.hu/szocikk/az–europai–unio–joganak–viszonya–amagyar–joggal (Accessed: 27 February 2025).

Council of Europe Archive (no date) 'The accession of Austria, Finland and Sweden to the European Union' [Online]. Available at: https://www.cvce.eu/en/collections/unit-content/-/unit/df06517b-babc-451d-baf6-a2d4b19c1c88/ff4dba1b-7691-48a8-b489-51393c82c951 (Accessed: 27 February 2025).

Corman, M.R. (2024) 'Three Takeaways from the Nearly Failed EU Referendum in Moldova', *VerfBlog,* 01 November 2024 [Online]. Available at: https://verfassungsblog.de/three-takeaways-from-the-nearly-failed-eu-referendum-in-moldova/ (Accessed: 27 February 2025).

cvce.eu (2024) 'Historical events in the European integration process (1945–2009)' [Online]. Available at: https://www.cvce.eu/en/collections/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/6f8b270c-ec7b-4d21-b1d9-e36d7438d236 (Accessed: 27 February 2025).

Court of Justice of the European Union (no date) 'The Institution' [Online]. Available at: https://curia.europa.eu/jcms/jcms/rc4_170590/en/ (Accessed: 27 August 2024).

Dębiec, K. (2025) 'Dr Fico and Mr Hyde: Slovakia's game with Ukraine and Russia', *OSW Analyses*, 08 October 2024 [Online]. Available at: https://www.osw.waw.pl/en/publikacje/analyses/2024-10-08/dr-fico-and-mr-hyde-slovakias-game-ukraine-and-russia (Accessed: 27 February 2025).

de Borja Lasheras, F. (2014) 'The Finlandisation of Ukraine', *ECFR Alumni*, 7 November 2014 [Online]. Available at: https://ecfr.eu/article/commentary_the_finlandisation_of_ukraine342/ (Accessed: 27 February 2025).

Demostat (2023) 'Research and Publishing Center: Public opinion of the citizens of Serbia – Omnibus May 2023' [Online]. Available at: https://demostat.rs/upload/Demostat_Presentation_Jun%202023_English.pdf (Accessed: 27 February 2025).

Dijkstra, G.S.A., Raadschelders, J.C.N. (2022) 'The High Representative in Bosnia-herzegovina: The Unusual Institutional Arrangement of a Non-authoritarian, Yet Controlled, Democracy', *World Affairs*, 185(2), pp. 285–311 [Online]. Available at: https://doi.org/10.1177/00438200221087971 (Accessed: 27 February 2025).

Domaniczky, E. (2024) *Az ismeretlen Mádl Ferenc: Írások tőle és róla*. Mádl Ferenc Emléksorozat. Budapest: Ferenc Mádl Institute of Comparative Law.

EC – Hungary Association Agreement (1991) 'Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part' [Online]. Available at: https://edit.wti.org/document/show/b4465a1e-22db-4e6c-8e37-8923fab825ed (Accessed: 27 February 2025).

European Council of Foreign Relations (2024) 'Mapping China's Rise in the Western Balkans: Serbia' [Online]. Available at: https://ecfr.eu/special/china-balkans/serbia/ (Accessed: 15 September 2024).

European Digital Media Observatory (2024) 'Three False Claims About 'Global War Party' and 'Deep State' spread by Georgian pro-government media', 24 October 2024 [Online]. Available at: https://edmo.eu/publications/three-false-claims-about-global-war-party-and-deep-state-spread-by-georgian-pro-government-media/ (Accessed: 27 February 2025).

European External Action Service (2025) 'The European Union and Kosovo' [Online]. Available at: https://www.eeas.europa.eu/kosovo/eu-and-kosovo_en?s=321 (Accessed: 27 February 2025).

Enander, H., Sandelin, C.F., Henriksson, M.I., Larson, S.R., Sandvik, G., Sundblad, I., Weibull, J. (2025) 'The postwar period' [Online]. Available at: https://www.britannica.com/place/Finland/The-postwar-period (Accessed: 27. February 2025).

EU Neighbour East (2024) 'More Georgians than ever trust the EU, according to latest opinion poll', 11 November 2024 [Online]. Available at: https://euneighbourseast.eu/news/opinion-polls/more-georgians-than-ever-trust-the-eu-according-to-latest-opinion-poll/ (Accessed: 27 February 2025).

Eurodyce (2024a) 'Albania (Overview)', 15 February 2024 [Online]. Available at: https://eurydice.eacea.ec.europa.eu/national-education-systems/albania/political-and-economic-situation (Accessed: 27 February 2025).

Eurodyce (2024b) 'Turkey (Overview)', 17 October 2024 [Online]. Available at: *https://eurydice.eacea.ec.europa.eu/national-education-systems/turkiye/political-and-economic-situation* (Accessed: 27 February 2025).

Eurodyce (2024c) 'Moldavia (Overview)', 4 October 2024 [Online]. Available at: https://eurydice.eacea.ec.europa.eu/national-education-systems/moldova/political-and-economic-situation (Accessed: 27 February 2025).

Eurodyce (2024d) 'Political and economic situation (Ukraine)' [Online]. Available at: https://eurydice.eacea.ec.europa.eu/national-education-systems/ukraine/political-and-economic-situation (Accessed: 27 February 2025).

Euronews (2013) 'Why isn't Norway in the EU?', 29 March 2013 [Online]. Available at: https://www.euronews.com/my-europe/2013/03/29/norway-and-the-eu (Accessed: 27 February 2025).

Euronews (2018) 'Európa bűne, avagy az orosz-grúz háborúról őszintén', 08 August 2018 [Online]. Available at: https://hu.euronews.com/2018/08/08/europa-bune-avagy-az-orosz-gruz-haborurol-oszinten (Accessed: 27 February 2025).

European Commission (no date) 'Montenegro' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/montenegro_en (Accessed: 27 February 2025).

European Commission (2017) 'President Jean-Claude Juncker's State of the Union Address 2017', 13 September 2017 [Online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_17_3165 (Accessed: 27 February 2025).

European Commission (2018) 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkan', COM(2018) 65 final, Strasbourg, 6 February 2018 [Online]. Available at: https://eur-lex.europa.eu/resource.html?uri=cellar:d284b8de-0c15-11e8-966a-01aa75ed71a1.0001.02/DOC_1&format=PDF (Accessed: 27 February 2025).

European Commission (2023) 'The EU and Serbia' [Online]. Available at: https://enlargement.ec.europa.eu/system/files/2023-11/EU-SRB%20FS.pdf (Accessed: 27 February 2025).

European Commission (2024a) 'Twinning European Neighbourhood Policy and Enlargement Negotiations' [Online]. Available at: https://neighbourhood-enlargement.ec.europa.eu/funding-and-technical-assistance/twinning_en (Accessed: 27 February 2025).

European Commission (2024b) 'Fact sheet on EU support for Ukraine' [Online]. Available at: https://www.consilium.europa.eu/media/rjie2vx4/2024_224_factsheet_eu-action-in-support-of-ukraine_12_november_2024.pdf (Accessed: 27 February 2025).

European Commission (2025) 'European Civil Protection and Humanitarian Aid Operations: Türkiye' [Online]. Available at: https://civil-protection-humanitarian-aid.ec.europa.eu/where/europe/turkiye_en (Accessed: 27 February 2025).

European Commission Factsheet (2024) 'A new Ukraine Facility - Recovery, Reconstruction, Modernisation of Ukraine', 13 August 2024 [Online]. Available at: https://enlargement.ec.europa.eu/factsheet-new-ukraine-facility-recovery-reconstruction-modernisation-ukraine_en (Accessed: 27 February 2025).

European Council (1993) 'Presidency Conclusions of the Copenhagen European Council', 21–22 June 1993 [Online]. Available at: https://www.consilium.europa.eu/media/21225/72921.pdf (Accessed: 27 February 2025).

European Council (2003) 'Presidency Conclusions of the Thessaloniki European Council', 19 and 20 June 2003 [Online]. Available at: https://www.consilium.europa.eu/media/20847/76279.pdf (Accessed: 27 February 2025).

European Parliament (1995) 'Madrid European Council, Presidency Conclusions', 15 and 16 December 1995 [Online]. Available at: https://www.europarl.europa.eu/summits/mad3_en.htm#annex6 (Accessed: 27 February 2025).

European Parliament (1997a) 'Luxembourg European Council, Presidency Conclusions', 12 and 13 December 1997 [Online]. Available at: https://www.europarl.europa.eu/summits/lux1_en.htm (Accessed: 27 February 2025).

European Parliament (1997b) 'Presidency Conclusions of the Luxembourg European Council', 12 and 13 December 1997 [Online]. Available at: https://www.europarl.europa.eu/summits/lux1_en.htm (Accessed: 27 February 2025).

European Parliament (2005) 'Parliamentary question - E-1258/2005(ASW) European Parliament Reply', 6 October 2005 [Online]. Available at: https://www.europarl.europa.eu/doceo/document/E-6-2005-1258-ASW_EN.html?redirect (Accessed: 27 February 2025).

Gavin, G. (2024) 'EU commissioner denies he threatened Georgia's prime minister', *Politico*, 23 May 2024 [Online]. Available at: https://www.politico.eu/article/georgia-pm-kobakhidze-eu-commission-threat-fico-slovakia/ (Accessed: 27 February 2025).

Geir, L. (2004) 'The United States and Western Europe Since 1945: From 'Empire' by Invitation to Transatlantic Drift', *Oxford Academic* [Online]. Available at: https://doi.org/10.1093/0199266689.003.0001 (Accessed: 27 February 2025).

General Secretariat of the Council (2018) '10555/18 ELARG 41 COWEB 102', Brussels, 26 June 2018 [Online]. Available at: https://www.consilium.europa.eu/media/35863/st10555-en18.pdf (Accessed: 27 February 2025).

Giersch, H. (1985) 'Eurosclerosis', *Kieler Diskussionsbeiträge*, 1985/112 [Online]. Available at: https://www.econstor.eu/bitstream/10419/48070/1/025296167.pdf (Accessed: 27 February 2025).

Giordano, E., Melkozerova, V. (2025) 'Serbian president walks back support of Ukraine in UN resolution', *Politico*, 25 February 2025 [Online]. Available at: https://www.politico.eu/article/president-aleksandar-vucic-serbia-vote-in-favor-un-resolution-ukraine-mistake/ (Accessed: 27 February 2025).

Gottfried, P. (2021) 'Thoughts on the Dilemma of When to Introduce the Euro in Hungary', *Financial and Economic Review,* 20(3), pp. 110–126 [Online]. Available at: https://doi.org/10.33893/FER.20.3.110126 (Accessed: 27 February 2025).

Haas, E.B. (2004) *The Uniting for Europe, Social and Economic Forces, 1950-1957*. Notre Dame: University of Notre Dame Press.

Hofelich, T.C. (2022) 'De facto differentiation in the EU's economic and monetary union – A rationalist explanation', *Journal of European Integration*, 44(8), pp. 1113–1129 [Online]. Available at: https://doi.org/10.1080/07036337.2022.2101048 (Accessed: 27 February 2025).

Hughes, C. (2024) 'Georgian PM vows to eradicate liberal fascism' amid crackdown on pro-EU protests', *France 24*, 05 December 2024 [Online]. Available at: https://www.france24.com/en/live-news/20241205-georgian-pm-vows-to-eradicate-opposition-amid-pro-eu-protests (Accessed: 27 February 2025).

Hungarian Government (2019) 'Interview with Prime Minister Viktor Orbán in the Italian newspaper La Stampa', 2 May 2019 [Online]. Available at: https://2015-2019.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/interview-with-prime-minister-viktor-orban-in-the-italian-newspaper-la-stampa (Accessed: 27 February 2025).

Iwański, T. (2017) 'The Stable Crisis. Ukraine's Economy Three Years After the Euromaidan', *OSW Commentary*, 05 April 2017 [Online]. Available at: https://www.osw.waw.pl/en/publikacje/osw-commentary/2017-04-05/stable-crisis-ukraines-economy-three-years-after-euromaidan (Accessed: 27 February 2025).

James, E. (2023) 'IRI Georgia Poll Finds Support for EU Accession High, Weariness of Russian Presence, Lack of Faith in Political Parties', *International Republican Institute* [Online]. Available at: https://www.iri.org/news/iri-georgia-poll-finds-support-for-eu-accession-high-weariness-of-russian-presence-lack-of-faith-in-political-parties/ (Accessed: 27 February 2025).

Juhász, E. (2019) 'Magyarország főbb problémái a csatlakozási tárgyalásokon – és hogyan látom ezeket ma', *Európai Jog*, 2019/6, pp. 1–8.

Kalaitzidis, A., Zahariadis, N. (2015) 'Greece's Trouble with European Union Accession', *Cahiers de la Méditerranée*, 2015/90, pp. 71–84 [Online]. Available at: https://doi.org/10.4000/cdlm.7951 (Accessed: 27 February 2025).

Kamber, A. (2017) 'Mein Europa: Meine Geschwindigkeit, Politik', 25 March 2017 [Online]. Available at: https://www.dw.com/de/mein-europa-meine-geschwindigkeit/a-38104381 (Accessed: 27 February 2025).

Karakamisheva-Jovanovska, T. (2025) 'Macedonian Constitutional Identity Versus ever 'Closer Union Concept' – Challenges, Dilemmas and Perspectives' in Szilágyi, J.E., Marinkás, Gy. (eds.) *Maastricht 30: A Central European Perspective*. Miskolc–Budapest: Central European Academic Publishing, pp. 131–160; https://doi.org/10.54237/profnet.2025.jeszgymmcep_5.

Karamouzi, E. (2021) 'The promotion of EEC membership', 07 May 2021 [Online]. Available at: https://www.ekathimerini.com/opinion/1160551/the-promotion-of-eec-membership/ (Accessed: 27 February 2025).

Kiss, L.N. (2018) 'Unilateral Withdrawal of a Member State? Some Thoughts on the Legal Dimensions of Brexit', *Pécs Journal of International and European Law,* 2018/1, pp. 36–46.

Kissinger, H. (2014) 'To Settle the Ukraine Crisis, Start at the End', *The Washington Post*, 5 March 2014 [Online]. Available at: https://www.washingtonpost.com/opinions/henry-kissinger-to-settle-the-ukraine-crisis-start-at-the-end/2014/03/05/46dad868-a496-11e3-8466-d34c451760b9_story.html (Accessed: 27 February 2025).

Köves, A. (1995) 'After the Bokros Package: What Next? (Dilemmas and Alternatives of Hungarian Economic Policy)', *Ada Oeconomica*, 47(3–4), pp. 249–266.

Kromják, L. (2021) 'Bosnia and Herzegovina's Economic Prospects, and Historical Background', *Financial and Economic Review*, 20(2), pp. 148–169 [Online]. Available at: https://doi.org/10.33893/FER.20.2.148169 (Accessed: 27 February 2025).

Leuffen, D., Rittberger, B., Schimmelfennig, F. (2022) *Integration and Differentiation in the European Union Theory and Policies*. London: Palgrave Macmillan Cham; https://doi.org/10.1007/978-3-030-76677-1.

Ljuboja, D. (2018) 'Herder's Ideas and the Pan-Slavism: A Conceptual-Historical Approach Pro&Contra', 2(2), pp. 67–85 [Online]. Available: https://doi.org/10.33033/pc.2018.2.67 (Accessed: 27 February 2025).

Luca, A.M. (2018) 'Juncker Appeals for EU Unity Over Western Balkans', *Balkan Insight*, 12 September 2018 [Online]. Available: https://balkaninsight.com/2018/09/12/juncker-slams-lack-of-eu-cohesion-on-enlargement-foreign-policy-09-12-2018/ (Accessed: 27 February 2025).

Macron, E. (2017) 'The 'Sorbonne speech of Emmanuel Macron' [Online]. Available at: https://international.blogs.ouest-france.fr/archive/2017/09/29/macron-sorbonne-verbatim-europe-18583.html (Accessed: 27 February 2025).

Manners, I. (2002) 'Normative power Europe: a contradiction in terms?', *Journal of Common Market Studies*, 40(2), pp. 235–258 [Online]. Available at: https://doi.org/10.1111/1468-5965.00353 (Accessed: 27 February 2025).

Marinkás, Gy. (2024) 'Aktualne kwestie związane z (bezwarunkowym) pierwszeństwem prawa UE w orzecznictwie sądów konstytucyjnych Niemiec, Węgier i Rumunii' in Grosse, T.G. (ed.) *Trzecia władza w Unii Europejskiej. Od teorii do praktyki Od teorii do praktyki.* Centrum Badań Polityki Europejskiej. Warsaw, 461–522. [Online]. Available at: https://cbpe.pl/current-issues-of-the-unconditional-primacy-of-eu-law-in-the-case-law-of-the-constitutional-courts-of-germany-hungary-and-romania/ (Accessed: 27 February 2025).

Marinkás, Gy. (2024) 'The 'Almost Completed House': An Introduction to the Economic and Monetary Union' in Nagy, Z. (ed.) *Economic Governance. The Impact of the European Union on the Regulation of Fiscal and Monetary Policy in Central European Countries*. Miskolc–Budapest: Central European Academic Publishing, pp. 641–668; https://doi.org/10.54237/profnet.2024.znecogov_28.

Marinkás, Gy., Jecs, F. (2022) 'A horvát-szlovén határvita a Pirani-öböl kapcsán', *Miskolci Jogi Szemle*, 17(4), pp. 96–117. [Online]. Available at: https://real.mtak.hu/158500/1/09_marinkas_jecs_tordelt.pdf (Accessed: 27 February 2025).

Martonyi, J. (2021) *Nemzet és Európa: Emlékirat helyett.* Budapest: Ludovika Kiadó.

Matchavariani, M. (2024) 'Georgia Postpones EU Membership Talks Until 2028 and Rejects EU Grants', 28 November 2024 [Online]. Available at: https://united24media.com/latest-news/georgia-postpones-eu-membership-talks-until-2028-and-rejects-eu-grants-4097 (Accessed: 27 February 2025).

Mencinger J. (2004) 'Transition to a National and Market Economy: A Gradualist Approach' in Mrak, M., Rojec, M., Silva-Jauregui, C. (eds.) *Slovenia: From Yugoslavia to the EU.* Washington, D.C.: The World Bank, pp. 67–82.

Michalski, A. (2024) 'Turkey and the European Union: in a maze of disputes', *OSW Commentary*, 03 April 2024. [Online]. Available at: https://www.osw.waw.pl/en/publikacje/osw-commentary/2024-04-03/turkey-and-european-union-a-maze-disputes (Accessed: 27 February 2025).

Ministry of European Integration (no date) 'Screening reports' [Online]. Available at: https://www.mei.gov.rs/eng/documents/negotiations-with-the-eu/screening/screening-reports/ (Accessed: 27 February 2025).

Magyar Nemzeti Bank (no date) 'dr Peter Gottfried' [Online]. Available at: https://www.mnb.hu/en/monetary-policy/the-monetary-council/members-of-the-monetary-council/dr-peter-gottfried (Accessed: 27 February 2025).

Moldavian Constitutional Court (2024) 'Opinion no. 1 of 16 April 2024 of the Moldavian Constitutional Court' [Online]. Available at: https://constcourt.md/ccdocview.php?tip=avize&docid=79&l=ro (Accessed: 27 February 2025).

Molnár, A. (2018) *From external relations to foreign, security and defence policy*. Budapest: Dialóg Campus Kiadó.

Molnár, L. (1995) 'A gazdasági stabilizációs törvénycsomag (Bokros csomag) társadalmi modellje és következményei' [Online]. Available at: http://www.inco.hu/inco4/global/cikk2h.htm (Accessed: 27 February 2025).

NDI POLL (2023) 'Georgian citizens remain committed to EU membership; Nation united in its dreams and shared challenges', 11 December 2023 [Online]. Available at: https://www.ndi.org/publications/ndi-poll-georgian-citizens-remain-committed-eu-membership-nation-united-its-dreams-and (Accessed: 27 February 2025).

Nielsen, N. (2019) 'Historic mistake against Balkan EU Hopefuls', *EU Observer*, 18 October 2019 [Online]. Available: https://euobserver.com/eu-and-the-world/ar51cc3e14 (Accessed: 27 February 2025).

Oris, M. (no date) 'The Golden Age of the Western Economy: The Thirty Glorious Years (1945-1973)' [Online]. Available at: https://baripedia.org/wiki/The_Golden_Age_of_the_Western_Economy:_The_Thirty_Glorious_Years_(1945-1973) (Accessed: 27 February 2025).

Pangalos, P. (2019) 'The European Parliament has called on the European Commission and member states to officially suspend negotiations for Turkey's EU accession', *Euro News*, 13 March 2019 [Online]. Available at: https://www.euronews.com/2019/03/13/european-parliament-calls-for-suspension-of-turkey-eu-accession-talks (Accessed: 27 February 2025).

parlament.hu (1997) 'Address of the Minister of Foreign Affairs to the National Assembly', 331st meeting, December 1997 [Online]. Available at: https://www.parlament.hu/naplo35/331/331tart.htm (Accessed: 27 February 2025).

Paulsson, H. (2011) 'An Institution of Benevolent Despotism? An Examination of the Office of the High Representative in Bosnia and Herzegovina', Master's Degree, 2010, LUP Student Papers 2011 [Online]. Available at: https://lup.lub.lu.se/luur/download?func=downloadFile&recordOId=1785634&fileOId=1785643 (Accessed: 05 July 2025).

Plümper, T., Schneider, C.J. (2007) 'Discriminatory European Union Membership and the Redistribution of Enlargement Gains', *The Journal of Conflict Resolution,* 51(4), pp. 568–587 [Online]. Available at: https://doi.org/10.1177/0022002707302793 (Accessed: 05 July 2025).

Rácz, A. (2008) 'Az ötnapos háború – a grúziai konfliktus', *Nemzet és Biztonság*, September 2008 [Online]. Available at: http://www.nemzetesbiztonsag.hu/cikkek/racz_andras-az_otnapos_haboru___a_gruziai_konfliktus.pdf (Accessed: 27. February 2025).

Rakić, B.M. (2025) 'The Dilemmas of Geographical Enlargement from the Perspective of an EU Candidate Country – the Republic of Serbia' in Szilágyi, J.E., Marinkás, Gy. (eds.) *Maastricht 30: A Central European Perspective*. Miskolc–Budapest: Central European Academic Publishing, pp. 381–408; https://doi.org/10.54237/profnet.2025.jeszgymmcep_15.

Reuters (2017) 'Polish president says 'multi-speed' EU will lead to break-up of bloc', 5 September 2017 [Online]. Available at: https://www.reuters.com/article/us-poland-eu-duda/polish-president-says-multi-speed-eu-will-lead-to-break-up-of-bloc-idUSKCN1BG2AJ/ (Accessed: 27 February 2025).

Reuters (2023) 'Leaked U.S. Intel Document Claims Serbia Agreed To Arm Ukraine' [Online]. Available at: https://www.rferl.org/a/serbia-arms-ukraine-leaked-us-document/32360134.html (Accessed: 27 February 2025).

Ristic, M. (2017) 'How Did War Criminals Become Serbia's Heroes?', *Balkan Transitional Justice*, 9 October 2017 [Online]. Available at: https://balkaninsight.com/2017/10/09/how-did-war-criminals-become-serbia-s-heroes-10-09-2017/ (Accessed: 27 February 2025).

Ruggenthaler, P. (2015) *The Concept of Neutrality in Stalin's Foreign Policy, 1945–1953*. London: Lexington Books.

Schimmelfennig, F., Winzen, T. (2020) 'Ever Looser Union? Differentiated European Integration' [Online]. Available at: https://doi.org/10.1093/oso/9780198854333.001.0001 (Accessed: 27 February 2025).

Sigma Web (2025) 'Joint EU-OECD Project' [Online]. Available at: https://www.sigmaweb.org/countries/serbia-sigma.htm (Accessed: 27 February 2025).

Spasenovski, A. (2025) 'Institutional Reforms in the European Union from the Perspective of a Candidate Country for Membership (Selected Macedonian Experiences and Effects)' in Szilágyi, J.E., Marinkás, Gy. (eds.) *Maastricht 30: A Central European Perspective*. Miskolc–Budapest: Central European Academic Publishing, pp. 551–566; https://doi.org/10.54237/profnet.2025.jeszgymmcep_21.

Stanicek, B., Tarpova, S. (2022) 'China's strategic interests in the Western Balkans', June 2022 [Online]. Available at: https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733558/EPRS_BRI(2022)733558_EN.pdf (Accessed: 27 February 2025).

Stanicek, B. Caprile, A. (2023) 'Russia and the Western Balkans. Geopolitical confrontation, economic influence and political interference', April 2023 [Online]. Available at: https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747096/EPRS_BRI(2023)747096_EN.pdf (Accessed: 27 February 2025).

Stasiukevych, I., Malovec, M. (2022) 'EU sanctions against Russia: alignment of the EU enlargement countries', *Policy Department for External Relations Directorate General for External Policies of the Union*, July 2022, AFET committee [Online]. Available at: https://www.europarl.europa.eu/RegData/etudes/IDAN/2022/639327/EXPO_IDA(2022)639327_EN.pdf (Accessed: 27 February 2025).

Szabó, Zs. (2015) 'Bokros-csomag kulisszatitkai - ezeket fogadjunk, Ön sem tudta', 15 March 2015 [Online]. Available at: https://www.economx.hu/szerzok/Szab%C3%B3%20Zsuzsanna (Accessed: 13 October 2024).

Szilágyi, J.E. (2017) 'Cross-border acquisition of the ownership of agricultural lands and some topical issues of the Hungarian law', *Zbornik Radova*, 51(3–2), pp. 1055–1072 [Online]. Available at: https://doi.org/10.5937/zrpfns51-13620 (Accessed: 27 February 2025).

Szilágyi, J.E. (2018) 'Agricultural Land Law: Soft Law in Soft Law', *Hungarian Yearbook of International Law and European Law*, pp. 189–212 [Online]. Available at: https://doi.org/10.5553/HYIEL/266627012018006001011 (Accessed: 27 February 2025).

Szilágyi, J.E., Szinek Csütörtöki, H. (2023) 'The Past, Present, and the Future of Hungarian Land Law in the Context of EU Law', *Hungarian Yearbook of International Law and European Law*, pp. 318–334 [Online]. Available at: https://doi.org/10.5553/HYIEL/266627012023011001022 (Accessed: 13 October 2024).

Tcherneva, V., Varma, T. (2019) 'After the French veto: The new Scramble for the Western Balkans', *European Council of Foreign Relations, 25 October 2019 [Online]. Available at: https://ecfr.eu/article/commentary_after_the_french_veto_the_new_scramble_for_the_western_balkans/* (Accessed: 27 February 2025).

Thompson, B. (2023) ‘IRI Polling Shows Strong support for EU accession in Ukraine and Moldova’, 15 December 2023 [Online]. Available at: https://www.iri.org/news/iri-polling-shows-strong-support-for-eu-accession-in-ukraine-and-moldova/ (Accessed: 27 February 2025).

Trócsányi, L. (2025) ‘The Maastricht Treaty in a Thirty-Year Perspective’ in Szilágyi, J.E., Marinkás, Gy. (eds.) *Maastricht 30: A Central European Perspective*. Miskolc–Budapest: Central European Academic Publishing, pp. 59–70; https://doi.org/10.54237/profnet.2025.jeszgymmcep_2.

Ukraine World (2024) ‘Ukraine’s Troubled Relations with Hungary and Slovakia: What at the Core?’, 16 February 2024 [Online]. Available at: https://ukraineworld.org/en/articles/analysis/ukraine-hungary-slovakia (Accessed: 27 February 2025).

Ünlühisarcıklı, Ö., Tastan, K., Canbilek, C.A. (2022) ‘Turkish Perceptions of the European Union. German Marshall Fund of the United States’, 14 April 2022 [Online]. Available at: https://www.gmfus.org/news/turkish-perceptions-european-union-2022 (Accessed: 27 February 2025).

Vasiljević, S. (2025) ‘The dilemma of geographical enlargement from the perspective of a Central Eastern European country: Croatia’ in Szilágyi, J.E., Marinkás, Gy. (eds.) *Maastricht 30: A Central European Perspective*. Miskolc–Budapest: Central European Academic Publishing, pp. 365–380; https://doi.org/10.54237/profnet.2025.jeszgymmcep_14.

Várhegyi, É. (2000) ‘Mit hozott a Bokros-csomag’, *Hetek*, 4(12) [Online]. Available at: https://epa.oszk.hu/00800/00804/00105/7082.html (Accessed: 27 February 2025).

Venice Commission (2017) ‘Opinion on the Provisions of the Law on Education of 5 September 2017 which concern the Use of the State Language and Minority and Other Languages in Education’, Opinion No. 902/2017 Strasbourg, 11 December 2017 [Online]. Available at: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad(2017)030-e (Accessed: 27 February 2025).

Vukasović, D., Stojadinović, M. (2023) ‘On Pan-Slavism, Brotherhood, and Mythology: The Imagery of Contemporary Geopolitical Discourse in Serbia’ in Suslov, M., Čejka, M., Đorđević, V. (eds.) *Pan-Slavism and Slavophilia in Contemporary Central and Eastern Europe: Origins, Manifestations and Functions*. London: Springer International Publishing, pp. 123–153; https://doi.org/10.1007/978-3-031-17875-7_8.

WorldAtlas (no date) ‘The Richest Countries In Europe 2025’ [Online]. Available at: https://www.worldatlas.com/gdp/the-richest-countries-in-europe.html (Accessed: 27 February 2025).

World Bank (2024a) ‘The World Bank in Albania’, 24 October 2024 [Online]. Available at: https://www.worldbank.org/en/country/albania/overview (Accessed: 27 February 2025).

World Bank (2024b) ‘The World Bank In Bosnia and Herzegovina’, 24 October 2024 [Online]. Available at: https://www.worldbank.org/en/country/bosniaandherzegovina/overview (Accessed: 27 February 2025).

World Bank (2024c) ‘The World Bank In Kosovo’, 22 October 2024 [Online]. Available at: https://www.worldbank.org/en/country/kosovo/overview# (Accessed: 27 February 2025).

World Bank (2024d) ‘The World Bank In Montenegro’, 24 October 2024 [Online]. Available at: https://www.worldbank.org/en/country/montenegro/overview (Accessed: 27 February 2025).

World Bank (2024e) ‘The World Bank in North Macedonia’, 22 October 2024 [Online]. Available at: https://www.worldbank.org/en/country/northmacedonia/overview#3 (Accessed: 27 February 2025).

World Bank (2024f) ‘The World Bank In Serbia’, 22 October 2024. [Online]. Available at: https://www.worldbank.org/en/country/serbia/overview#3 (Accessed: 27 February 2025).

World Bank (2024g) ‘The World Bank Group in Moldova’, 23 October 2024 [Online]. Available at: https://www.worldbank.org/en/country/moldova/overview (Accessed: 27 February 2025).

World Bank (2025) ‘The World Bank In Ukraine’, 31 January 2025 [Online]. Available at: https://www.worldbank.org/en/country/ukraine/overview (Accessed: 27 February 2025).

Zgut, E. (2017) ‘Visegrád Divided’, Emerging Europe, 28 November 2017 [Online]. Available at: https://emerging-europe.com/opinion/visegrad-divided/ (Accessed: 27 February 2025).

Chapter IV.7

Conclusions



Michal Petr

The analyses presented in Part IV of this volume converge on a single, overarching proposition: the future of EU enlargement is inseparable from the future of the EU itself. Enlargement is no longer merely a policy area or an external instrument. It is an existential test of the EU's constitutional architecture, decision-making capabilities, value-based identity and political legitimacy. It reveals the kind of polity the EU is, and the kind it may plausibly become.

While Parts I to III traced the historical evolution of EU enlargements, assessed the integration success of past waves and examined the preparedness of current applicants, Part IV has brought into focus a deeper structural question: What legal, institutional and conceptual adjustments are needed to ensure that enlargement strengthens – rather than strains – the EU? Since enlargement and integration have become inseparable variables in the EU's political equation, the chapters in this Part collectively articulate a structural vision of an EU capable of acting, deciding, absorbing and stabilising in a rapidly changing geopolitical environment.

The following concluding reflections draw out the core analytical insights, identify the tensions and complementarities among them and sketch the implications not only for the next enlargement round, but for the EU's future as a constitutional entity.

One of the most fundamental realisations evolving from this Part is that enlargement has matured into an internal constitutional problem, not merely an exercise of external governance. As Alexander Graser's contribution demonstrates, the European Union today is characterised by a series of entrenched features: its sedimented intergovernmentalism, its dense distribution of veto rights, its complex semi-federal layering of competences, its extreme difficulty in formal amendments and its reliance on judicial constitutionalisation rather than political constitutional revision. These attributes make the EU at once highly legalised and yet politically brittle. The prospect of enlargement intensifies this duality. Every new Member State becomes

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another node in the web of unanimity-based decisions that still govern crucial policy areas like foreign policy, taxation, treaty reform and accession itself. In a constitutional order where amendment requires the unanimous consent of potentially thirty-plus national parliaments, and sometimes referenda, adding new members amplifies the difficulty of political recalibration. At the same time, the EU's reliance on judicial integration and variable geometry generates a form of constitutional plasticity that is not always matched by equivalent political flexibility.

Graser introduced an incremental reform agenda, including loosening veto thresholds in selected domains, empowering parliamentary initiative and political responsibility, developing a limited but meaningful fiscal capacity, consolidating variable geometries, and rephrasing the 'ever closer union' mandate. Yet even though this may seem as a restrained articulation of minimum structural adjustments necessary to ensure the future effective functioning of the EU and specifically, that future enlargements are coherent with the EU's operability, some of the proposals remain controversial. The issue of qualified majority voting, discussed in detail by Bohinc, serves as an example. There is a strong position in favour in many Member States, justified by the EU's effectiveness, meeting equally strong opposition in others, justified by fear of further eroding their sovereignty within the block. The message is nonetheless clear: without some degree of constitutional reforms, the EU's absorptive capacity will remain politically constrained even when candidates fulfil all the technical criteria.

In any event, any technical changes must be based on fundamental principles, defining EU integration. While the EU has long relied on accession conditionalities to shape candidate behaviour, Matteo Gnes's chapter demonstrates that conditionality has always been an incomplete tool unless embedded within the substantive principles that define the EU's legal order. The Copenhagen criteria brought transparency to the accession process. Yet, as Gnes explains, they did not by themselves generate the political confidence, mutual trust or social acceptance required among the existing Member States. The 2004 enlargement is illustrative. Legally, it was meticulously prepared. Politically, it triggered anxieties over social dumping, competitive deregulation and the potential erosion of national welfare systems. These fears were not fundamentally about the applicants' formal compliance with the acquis; they concerned whether existing Member States perceived the newcomers as partners capable of upholding mutual recognition, solidarity, and the rule of law, the three principles that, in Gnes's analysis, form the normative backbone of the integration project. The core implication is straightforward but far-reaching: future enlargements cannot rely solely on technical conditionalities; they must be anchored in principles that sustain trust inside the EU.

If decision-making reforms address the EU's internal readiness for enlargement, Lénárd Sándor's contribution addresses the architecture of accession itself. Gradual integration, as Sándor conceptualises it, responds to two persistent challenges. On the one hand, the extremely long time-horizon of accession negotiations, which deprives candidates of tangible benefits and weakens reform incentives, and the EU's

need to maintain leverage in the 'fundamentals' (judicial independence, anti-corruption, public administration and minority protection), on the other. The solution is a benchmarked, reversible, merit-based sequencing of integration steps. Candidates can be gradually integrated into elements of the internal market, sectoral programmes, infrastructure networks and regulatory domains before full accession, provided they meet specific criteria. Funding follows performance; progress brings new rights; backsliding triggers reversals. It transforms the accession process from a distant promise into a dynamic cycle of reform and reward, while ensuring that the value of full membership remains distinctive and worth striving for.

Still, the conditions for full membership might be too burdensome for some candidates, popular support for structural reforms may be low and the willingness of some Member States to actually accept some candidates (their 'trust' in them) may be insufficient. György Marinkás's chapter highlights a reality that EU policymakers rarely acknowledge explicitly: not all candidate countries will become full members in the foreseeable future, whether because of unresolved sovereignty disputes, acute geopolitical exposure, structural governance weaknesses or fundamental value misalignments. In these cases, the EU must avoid two dangers: false reassurance, where membership is promised but politically unachievable, leading to disillusionment and instability; and permanent second-tier status, which undermines both the candidates' agency and the EU's normative consistency.

The appropriate solution, as Marinkás argues, lies in clear, standardised and upward-mobile forms of differentiated association: deep and comprehensive trade arrangements, regulatory alignment through the European Economic Area, participation in specific EU programmes and conditional integration into selected policy areas. Such arrangements must be ambitious enough to generate stability and convergence, but principled enough to protect the EU's identity and values.

Beyond Marinkás' contribution, but stemming from the book as a whole, lies another alternative, the re-definition of the membership itself that would provide for more diversity. Due to its complexness, this topic goes far beyond the scope of this book. It will, however, arguably become one of the key topics of discussion concerning the reforms of EU's architecture.

Taken together, the contributions of Part IV present a comprehensive, multi-layered blueprint for a future EU ready to pursue a successful enlargement strategy. Thus, in order for the enlargement process to be successful, the following points need to be taken into account.

First, the EU is based on mutual trust. It is perhaps currently waning within the EU itself, and it is definitely not strong enough vis-à-vis (most of) the candidates. As a result, the accession process cannot be shock-accelerated. The candidates need years of deep structural reforms. Some form of post-accession verification will also most probably need to be introduced, potentially for a very long time.

Consequently, there will necessarily be differences in the 'level' of membership. Acknowledging this might enable a more fundamental discussion about the meaning of membership. The unity of the EU might not be compromised by allowing for more

diversity, enabling the Member States to choose 'their' level of depth of integration, while still being synchronised by the core principles of integration.

Second, the 'gradual integration' methodology is arguably the only viable strategy for the future. For too long have the accession negotiations been open-ended without bringing tangible benefits to successful candidates. The parameters of the process may be re-adjusted, but the general direction is correct.

Third, solidarity, another fundamental principle of EU integration, must already be in place before the accession. The candidates deserve far-reaching assistance, be it technical, personal or financial. This, again, must be accompanied with mutual trust. Insisting on the fulfilment of the rule-of-law requirements is therefore unavoidable. Implementing them may be difficult due to cultural and value-based differences and, as repeatedly observed, takes time. This makes the principles of solidarity, trust and rule of law mutually dependent.

Fourth, EU membership is not a status symbol. There are other meaningful forms of cooperation which may be more appropriate for some candidates, if the accession conditions are too burdensome or when the mutual trust is not sufficiently high. With the current candidates, the EU might have found its boundaries. It does not mean that all the candidates must necessarily become Member States.

And finally, any future enlargement seems to be impossible without deeper changes in the EU's architecture. More differentiation, as argued above, should be one of them.

In conclusion, three overarching insights emerge. First, the enlargement has always transformed not only the candidates but also the EU itself. From the very first round in 1973 to the post-Cold War expansion of 2004–2007–2013, enlargements have consistently engineered institutional, procedural and doctrinal change. The EU is a polity shaped by widening as much as by deepening. Future enlargements will be no different. But the pace and scale of geopolitical pressures make the stakes higher today than ever.

Second, successful integration requires more than compliance. Past enlargements have shown that technical transposition of the *acquis* does not guarantee functional convergence or political trust. Integration succeeds only when it is built on mutual confidence, shared responsibility and respect for common constitutional standards. And third, the EU's identity is contested but cohesive. The EU is neither a classical federation nor a mere international organisation. It is a constitutional order with plural sovereignties, layered competences and a unique blend of legal supranationalism and political intergovernmentalism. Enlargement forces the EU to clarify precisely what it is; and what it is not. The future of the EU will depend on its ability to find a model of membership and association that is principled, flexible and democratically legitimate.

Europe's geopolitical environment has shifted dramatically. The war in Ukraine, the growing strategic competition with China, the instability in the Western Balkans and the fragility of global governance create new pressures on the EU to stabilise its neighbourhood and protect its values. Enlargement is a tool of that strategy.

But it may be effective only if the EU itself is structurally capable of absorbing new members. Without reform, enlargement risks paralysis. Without enlargement, the EU risks irrelevance and insecurity. The challenge, then, is not to choose between deepening and widening, but to design an institutional order that can sustain both.

The analyses in this book suggest that this is possible. It will require political courage, institutional creativity and renewed public engagement. It will require an EU that is confident in its values, realistic about its diversity and committed to a shared European future. In that sense, enlargement is not only an accession process. It is a constitutional project, a political commitment and ultimately a statement of what the EU aspires to be.