

ALTERNATIVE VISIONS FOR A SUCCESSFUL ENLARGEMENT



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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

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.

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 'Eurosclerosis' (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 memoirs, 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

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 considerations⁴¹ – 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 withdrew 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 Trócsányi⁴⁹ 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 Austria⁵³ – 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 Council⁵⁹ 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 Council⁶⁰ 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 countries⁶⁸ – 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 EU⁷³ – 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 Hungary⁷⁴ (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 Antall⁷⁷ – who was the prime minister before Boross⁷⁸ (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 Horn⁸¹ 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-package⁸³ 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 government⁸⁴ – 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 Kovács⁸⁹ 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. 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, which¹⁰⁵ was reaffirmed in the Commission’s Western Balkans strategy¹⁰⁶ 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 (IRMCT). 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 integrity¹¹¹ 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 Agreement¹¹² 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 initiatives¹¹⁵ 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 states¹¹⁷ 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 incentives¹²¹ 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 unstable 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 initiatives¹²⁹ 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 initiatives¹³⁷ 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 2024¹³⁹ – 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 literature¹⁴¹ 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. Rakić¹⁴³ 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 Stojadinović 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 above-mentioned 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 War¹⁵² 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 perspective¹⁵⁵ 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 Conclusion¹⁵⁶ 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 2028¹⁶⁶ – 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 initiatives¹⁶⁸ 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 programmes¹⁷⁵ 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 ones¹⁷⁹ – 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 ‘Euro-maidan’ (Revolution of Dignity), which ended the reign of the pro-Russian president, Viktor Yanukovich, 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 initiatives¹⁸⁸ 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 Facility¹⁹³ 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 to 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.

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