

INTRODUCTION



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The fourth part of this book turns from what enlargement has been (Part I), how well it has integrated past entrants (Part II) and how current candidates are preparing (Part III), to the indispensable question that will condition any next wave: what must change – conceptually, institutionally and procedurally – inside the EU and along the accession pathway to make future enlargements work. How must an enlargement-ready EU be designed, legitimated and sequenced so that a larger membership does not mean a weaker polity? Enlargement has never been a purely technical exercise.

We have claimed repeatedly that enlargement concerns not only the candidates but the current members as well, that accepting new members goes hand in hand with internal changes of the EU. To capture this dynamic, this Part brings together five complementary vantage points. Alexander Graser discusses constitutional anatomy of the EU of today and introduces reforms that in his opinion any future enlargement necessarily requires. Matteo Gnes takes a normative-doctrinal lens on how enlargement conditionalities sit with the principles that actually make the EU legal order hold, in particular mutual recognition, solidarity and the rule of law. Focusing specifically on decision-making procedures, Rado Bohinc explores the possibilities of carefully shifting from unanimity to qualified majority voting in order to unblock EU-wide action without sacrificing the safety and security of smaller states. Whereas these three contributions focus more on the EU itself, the following two are concerned more with the candidates. Lénárd Sandor describes the process of gradual integration, aiming at turning long-term promises into near-term, benchmarked gains. Finally, Gyorgy Marinkás examines a menu of differentiated association options that, where full membership is not (yet) realistic, can still advance stability and EU interests without creating permanent ‘second-class’ status.

What emerges is not a single silver bullet but a package: decision-rule calibration, principled conditionality, staged entry and consolidated differentiation,

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held together by constitutional adjustments and communicable political purpose. Together, these chapters speak to three cross-cutting aims that earlier parts of the book have already outlined: internal functionality (can a larger EU act effectively?), geopolitical viability (can it protect and project stability while it enlarges?) and broad acceptability (can citizens and small states see themselves protected and respected in the bargain?).

Enlargement today unfolds inside an EU constitutional order with unusual attributes. Graser maps nine of them, from the sediments of intergovernmentalism and an abundance of veto positions to variable geometries and shows how they condition every choice the EU makes. In an EU that still reserves core decisions to unanimity and makes primary-law change exceptionally hard, each added member increases the transaction cost of collective action, while judicial interpretation tends to ‘constitutionalise’ around that rigidity. Graser’s answer is a deliberately incremental reform agenda: targeted loosening of veto thresholds, a measured empowerment of parliamentary participation (including initiative rights and more binding links between elections and executive leadership), a limited but real fiscal capacity to catalyse a European public sphere, consolidation of proliferating ‘variable geometry’ formats and even removing or re-phrasing the ‘ever closer union’ clause. The yardsticks are clear: functionality, viability and acceptability.

How will the future new members be integrated with the EU? Gnes offers a needed corrective to a ‘checklist’ view of Copenhagen conditionalities. He reconstructs the historical pathway from case-by-case bargains and the deepening-versus-widening debate to the codification of Art. 49 TEU and the Copenhagen criteria and claims that in the absence of a true political union, conditionalities must be interpreted and applied through the fundamental principles that make integration work: mutual recognition, solidarity, and the rule of law. As he concludes:

‘The European Union is more than just a common market, which may be based only on the principle of mutual recognition and some economic conditions. It entails a complex and difficult mix of law and politics, enshrined by principles that have a double face, like solidarity and rule of law’.

As Gnes argues, it is possible to build successful integration around these principles. It requires credible application of mutual recognition to ensure market openness without lowering protection, visible EU-wide solidarity to underwrite adjustment costs and rule-of-law guarantees to sustain trust across borders. Indeed, mutual recognition is a powerful integrative engine, but it presupposes trust. Born in the CJEU’s *Cassis de Dijon* decision and diffused across the four freedoms as well as other areas of law, mutual recognition functions as a unifying glue whenever full harmonisation is absent. But it works only when administrations and courts recognise the functional equivalence of each other’s standards and the EU institutions are credible guardians. In enlargement terms: admitting new members multiplies the number of legal systems whose outputs must be trusted as if one’s own.

Without administrative capacity, judicial independence and effective enforcement, recognition falters and politics re-erects barriers in practice. The lesson for future enlargement is in this reading two-fold: The EU must be willing to backstop economic and administrative convergence (solidarity) and to enforce shared constitutional minimums (rule of law) not just before accession but throughout membership. This has already been the case in the past, as we have seen in the previous Part with respect to Bulgaria and Romania, and will presumably have to be so in the future as well.

If Gnes provides the ‘why’ of principled application, Bohinc targets a critical ‘how’ while discussing the prospects of carefully extending the qualified majority voting in Common foreign and security policy and in key intermediate steps of the accession process. The Lisbon Treaty already provides for constructive abstention, an emergency brake for vital interests as well as a ‘*passerelle*’ enabling to move specific decisions to qualified majority. These tools can reduce the possible paralysis when unanimity cannot be reached while preserving salience and ‘safety’ of all the Member States. At the same time, working on the ideas contained in Gnes’s Chapter, Bohinc explains how these fundamental principles are necessary for proper functioning of the EU in practical terms of decision-making.

Moving to the position of the candidate countries Sándor’s Chapter addresses what the path looks like for candidates whose reform trajectories are uneven or whose domestic support for EU risks failing. Gradual integration replaces the binary outside/inside position with a benchmarked, reversible staircase: early access to parts of the internal market and EU programmes, funding that tracks verified reforms and reversibility in case of backsliding. The goal is to deliver tangible incentives early, to maintain leverage through the process and to keep full membership worth more in rights and voice than any intermediary stage.

Sándor’s design directly operationalises Gnes’ principles. Pre-accession participation in the common market, based on mutual recognition, only works if compliance is real. Hence his emphasis on administrative capacity-building, judicial co-operation and other enforcement bridges long before the accession, that recognition is earned, not presumed. Similarly, phased access to funds and EU programmes is not a ‘giveaway’: it is incentive-compatible solidarity, paced by verifiable reforms, and reversible when trust is breached.

Finally, Marinkás confronts a politically sensitive scenario: what if structural constraints, unresolved sovereignty questions, deep value misalignments or acute geopolitical exposure make full accession unrealistic for some candidates in the foreseeable future? He pragmatically warns that ‘the momentum of the Maastricht era has blown out, and the EU most probably reached the geographical borders beyond which it is not reasonable to stretch’. He therefore re-examines external differentiation (European Economic Area arrangements, Deep and Comprehensive Free trade Agreements, sectoral frameworks) and instrumental differentiation (transitional clauses, post-accession monitoring) to argue that the EU should maintain

clear, standardised and upward-mobile association formats that stabilise the EU's neighbourhood without hollowing the identity and functionality of the EU itself.

The final research question, addressed in this Part, is what specific features should be included in the current enlargement process in order to help to achieve successful integration of the future members. The answer will have to balance several criteria. Concerning the internal reforms of the EU, there needs to be an equilibrium between effectiveness of the processes (symbolised by expansion of the qualified majority voting into new policy areas) and the concerns of (in particular smaller) Member States with being overvoted by others. More fundamentally, the concept of membership may need to be re-evaluated in order to strike balance between diversity, accommodating specific preferences of individual Member States, and homogeneity, allowing for the EU to work as a single mechanism. Similarly, given the increasingly diverse historical and political background of the Member States and the candidates, the mutual trust based on shared values and the space for national identity needs to be balanced. Concerning the accession process, the (time-consuming) necessity of the complicated approximation process and the need to see tangible results and the foreseeable prospect of membership will need to be balanced as well. And ultimately, where lies the boundary between 'full' membership in the distant future and rapid implementation of some alternative format of cooperation between the EU and the candidates of today? Crucially, all these choices must be supported by the majority of the population of the EU, both as a whole and individual Member States, as well as the population of the candidate countries.