

THE PROCEDURE AND INSTITUTIONS OF ENLARGEMENT



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Abstract

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

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

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1. Introduction

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

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

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

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

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

2. Accession Procedure: Observable Trends

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

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

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

The next ‘wave’ of enlargement was the accession of Bulgaria and Romania in 2007. The accession negotiations were finally concluded during 2004 and 2005, a little later than with other Central and Eastern European countries. The last acceding country thus far has been Croatia, which already started its journey towards EU membership in 2001 but applied for EU membership in 2003. A year later, Croatia was confirmed as a candidate country by the European Council and had participated in the negotiation process from 2005 until 2011; finally, Croatia became an EU member state in 2013.³

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

2.1. AAs as a Preliminary Step to Membership

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

1 Enlargement to the south, 2025.

2 The enlargements of the European Union, 2025.

3 DEA, 2024b.

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

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

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

2.2. Countries Involved

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

4 EU Monitor, 2025.

5 European Commission, 2025.

6 Ukraine, Moldova, and Georgia, all signed in 2014.

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

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

The so called Euro-Mediterranean Association Agreements⁹ were signed as part of the Barcelona Process and the Union for the Mediterranean. These AAs aim to foster cooperation between the EU and Mediterranean countries; strengthen trade and cooperation; enhance economic cooperation and development; support political dialogue, trade, and cultural exchange; and promote trade and reforms in general. Further, AAs with the Palestine Liberation Organization were signed in 1997, which constitute a provisional agreement.

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

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

2.3. Comparison

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

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

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

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

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

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

2.3.1. EAAs vs. EP AAs

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

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

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

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

11 Šišková, 1998.

12 DEA, 2024a.

13 Šišková, 2014.

14 See, for example, Art. 30, AA EU-Ukraine and Art. 30, TFEU.

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

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

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

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

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

15 Tomašek et al., 2021, p. 44.

16 Šišková, 2014.

17 Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part. See AA EU-Ukraine, 2014, pp. 3–2137.

18 DEA, 2024a.

19 Šišková, 2014.

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

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

2.3.2. SAAs vs. EP AAs

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

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

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

20 Šišková, 2014.

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

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

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

2.4. A Very Different Time Scope of Each Accession ‘Wave’

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

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

²² Delcour, 2021.

²³ Delcour, 2021.

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

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

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

24 European Commission, 2025.

25 Nicolaides and Raja Boean, 1998.

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

2.4.1. Different Success Outcomes Within Accession Negotiations

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

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

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

²⁶ The sixth enlargement, 2025.

²⁷ Zenkner, 2024.

²⁸ Telička, 2024.

²⁹ European Union Information Centre, 2018.

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

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

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

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

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

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

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

30 Mencinger, 2004.

31 Report of the Council of Ministers on the results of Poland’s membership negotiations in the European Union.

32 Norway’s refusal, 2025.

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

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

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

33 Negotiations with the United Kingdom, 2025.

34 Enlargement to the south, 2025.

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

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

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

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

³⁵ Ibid.

³⁶ Norway's refusal, 2025.

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

3.1. Role of the Council and the European Parliament

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

The Council (under the General Affairs Council configuration) establishes and supervises the EU enlargement process and the accession negotiations. On matters related to the enlargement policy, the Council generally operates by way of unanimous agreement between all the EU member states. Every year, the Council approves conclusions on enlargement that take stock of progress made by each of the EU candidates and partners on their European path. The latest conclusions on enlargement were adopted on 17 December 2024. Within the last conclusions, the Council reaffirmed its commitment to enlargement in line with the renewed consensus on enlargement approved by the European Council in December 2006, subsequent Council and European Council conclusions, and the EU strategic agenda for the period 2024–2029.³⁷

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

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

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

37 European Council, 2024.

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

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

3.2. Role of the European Commission

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

3.3. DG NEAR

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

38 EU Monitor, 2025.

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

3.3.1. *Historical Perspective*

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

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

39 European Commission, 2024.

40 Nicolaidis and Raja Boean, 1998.

41 European Commission, 2024.

3.4. *Enlargement Strategy of the European Commission*

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

3.4.1. *European Commission’s Monitoring Reports Since the ‘Big/Eastern Enlargement’*

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

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

42 European Commission, 2024a.

43 European Commission, 2024b.

44 European Commission, 1998.

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

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

45 European Commission, 1999.

46 European Commission, 2000.

47 European Commission, 2002.

48 European Commission, 2003.

49 European Commission, 1999.

50 European Commission, 2003.

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

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

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

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

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

51 European Commission, 1999.

52 European Commission, 2003.

53 European Commission, 1999.

54 European Commission, 2003.

55 European Commission, 2004.

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

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

56 European Commission, 2013.

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

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

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

3.6. Association Committees and Councils

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

⁵⁷ The sixth enlargement, 2025.

⁵⁸ European Commission, 2006.

⁵⁹ Zenkner, 2024.

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

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

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

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

60 European Council, 2024.

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

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

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

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

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

61 European Council, 2024.

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

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

3.7. Historical Overview by States

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

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

62 European Council, 2024.

63 Negotiations with the United Kingdom, 2025.

64 Enlargement to the south, 2025.

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

3.8. Central European Countries

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

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

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

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

3.9. Western Balkan Countries

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

⁶⁵ Ibid.

⁶⁶ Nicolaides and Raja Boean, 1998.

⁶⁷ DEA, 2024a.

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

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

3.10. Eastern European Countries

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

68 European Commission, 2025.

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

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

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

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

69 Wolczuk, 2023.

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

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

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

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

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

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

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

70 Stehlík, Hamulák and Petr, 2017.

71 Radulova, Spendzharova and Breuer, 2021.

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

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

5. Final Conclusion

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

72 DEA, 2024c.

73 EMI, 2024.

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

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

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

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

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