

The 'weight' of values in the EU enlargement policy

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5. Conclusions: What «weight» of values in EU membership?

1. Preliminary remarks

- Art. 2 TEU *versus* Art. 6(1) TEU.
- Values common to the MS versus the EU identity of the Union.
- Relationship with the Copenhagen criteria.
- The rule of law acquired a decisive weight.
- The EU enlargement as a process of an intergovernmental nature, whose formal basis is Article 49 TEU, with an increasingly strict and stringent "alignment" with the membership criteria

2. The various enlargements and procedural arrangements

The actual membership of EU is the result of a series of enlargement processes:

- Denmark, Ireland and the United Kingdom (1973)
- Greece (1981)
- Spain and Portugal (1986)
- Austria, Finland and Sweden (1995)
- the Czech Republic, Hungary, Poland and Slovakia, Estonia, Latvia and Lithuania, Slovenia, Cyprus and Malta (2004);
- Bulgaria and Romania (2007);
- Croatia (2013).

2. The various enlargements and procedural arrangements

Main steps to EU accession



1 Country submits an application to the Council.



2 Commission submits an Opinion on the application.



3 EU Member States decide unanimously to grant the country candidate status.



4 After conditions are met, the accession negotiations are opened with the agreement of all Member States.



5 Commission proposes a negotiating framework as a basis for the talks.



6 During negotiations, the country prepares to implement EU laws and standards. All EU Member States must agree that it met all requirements.



7 Once negotiations on all areas are finalised, Commission gives its Opinion on the readiness of the country to become a Member State.

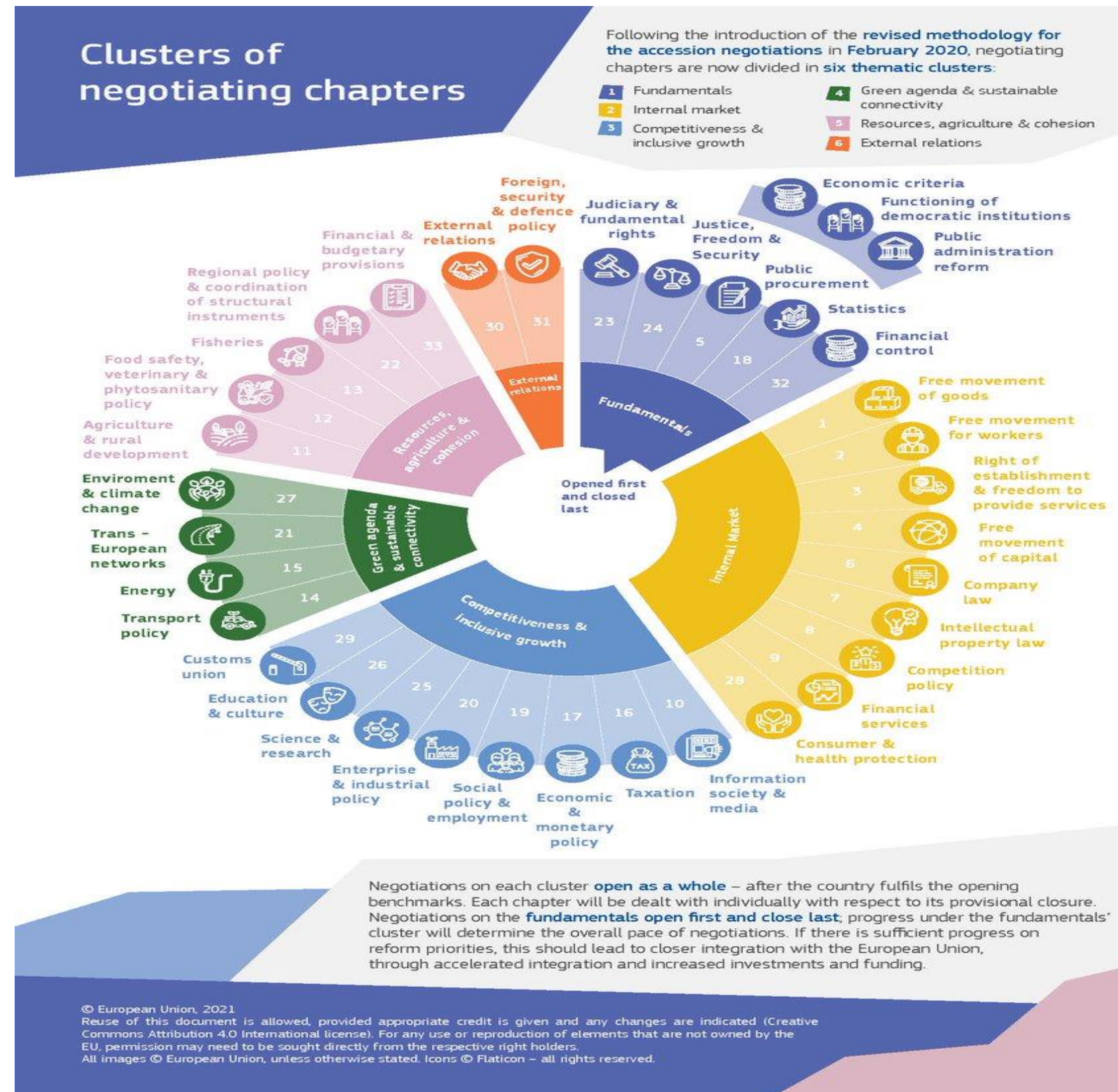


8 Based on this Opinion, EU Member States decide unanimously to close the negotiation process. The European Parliament must also give its consent.



9 All EU Member States and the candidate country sign and ratify an Accession Treaty which enables the country to become an EU Member State.

2. The various enlargements and procedural arrangements



2. The various enlargements and procedural arrangements

Article 237 TEEC

“Any European State may apply to become a member of the Community. It shall address its application to the Council, which shall act unanimously after obtaining the opinion of the Commission ...”

- First Northern Enlargement to **Denmark, Ireland and the United Kingdom**
- Enlargement to the South first with **Greece** and then with **Spain and Portugal**

2. The various enlargements and procedural arrangements

Article O TEU

*“Any European State may apply to become a Member of the Union. It shall address its application to the Council, which shall **act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members....***

- Second Enlargement to the North: **Austria, Finland and Sweden**

2. The various enlargements and procedural arrangements

Article O TEU

*“Any European State may apply to become a Member of the Union. It shall address its application to the Council, which shall **act unanimously after consulting the Commission and after receiving the assent of the European Parliament**, which shall act by an absolute majority of its component members....*

- Second Enlargement to the North: **Austria, Finland and Sweden**

3. The Copenhagen criteria and respect for the fundamental principles of the Union: The enlargement towards Central and Eastern Europe

*“The European Council today agreed that the associated countries in Central and Eastern Europe that so desire shall become members of the European Union. Accession will take place as soon as an **associated country** is able to **assume the obligations of membership** by satisfying the economic and political conditions required.*

Membership requires that the candidate country has achieved

*[1] **stability of institutions** guaranteeing **democracy**, the **rule of law**, **human rights** and respect for and **protection of minorities**,*

*[2] the **existence** of a **functioning market economy** as well as the capacity to **cope with competitive pressure** and **market forces within the Union**. Membership **presupposes***

*[3] the candidate's ability to **take on the obligations of membership** including adherence to the aims of political, economic and monetary union”.*

**[Presidency Conclusions, Copenhagen European Council,
21-22 June 1993]**

3. The Copenhagen criteria and respect for the fundamental principles of the Union: The enlargement towards Central and Eastern Europe

It took place within the regulatory framework of the **new art. 49 TEU** (ex article O), which states that:

“Any European State which respects the principles set out in Article 6(1) may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members ...”

The 1995 **European Council of Madrid added** that the candidate country must be **able to apply EU law** and must be able to **ensure that the EU law transposed** into national legislation is **implemented effectively** through appropriate administrative and judicial structures.

3. The Copenhagen criteria and respect for the fundamental principles of the Union: The enlargement towards Central and Eastern Europe

- the adoption of **pre-accession tools**, namely the pre-accession strategy and accession partnerships
- A ‘pre-accession period’ was considered essential to ensure that candidates properly prepare for membership
- Bulgaria and Romania did not join in 2004, but only in 2007, following the adoption by the ***Commission of Decisions 2006/928 / EC (13 December 2006) establishing a mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption and 2006/929/EC (13 December 2006) establishing a mechanism for cooperation and verification of progress in Bulgaria to address specific benchmarks in the areas of judicial reform and the fight against corruption and organized crime***

4. The conditional approach of the Enlargement to Croatia and the criticalities of the Western Balkans

- **A strict conditionality for the accession of Croatia.**
- In December 2006, the European Council agreed that an enlargement strategy based on **consolidation, conditionality and communication, combined with the Union's capacity to integrate new members**, forms the basis for a renewed consensus on enlargement.

Commission Opinion of 12 October 2011 on the application for accession to the European Union by the Republic of Croatia

4. The conditional approach of the Enlargement to Croatia and the criticalities of the Western Balkans

The EU's relations with the Western Balkan countries take place within a **special framework** known as the **Stabilisation and Association Process (SAP)**. It has **three aims**:

1. **stabilising the countries** politically and encouraging their swift transition to a market economy;
 2. promoting **regional cooperation**;
 3. eventual **membership** of the EU.
- Western Balkan countries are involved in a **progressive partnership** with a view of stabilising the region and establishing a free-trade area.
 - The SAP sets out **common political and economic goals** although progress evaluation is based on countries' own merits.
 - The SAP was launched in June 1999 and strengthened at the **Thessaloniki Summit** in June 2003 taking over elements of the accession process.

4. The conditional approach of the Enlargement to Croatia and the criticalities of the Western Balkans

Additional features introduced by the SAP process:

- European integration and **regional cooperation** are closely intertwined;
- a stronger emphasis on rule-of-law issues (2011-2012 'Enlargement Strategy');
- negotiating chapters on judicial reform and fundamental rights (chapter 23) and on justice, freedom and security (chapter 24) are opened at an early stage in all future negotiations and that they are the last ones to be closed.

4. The conditional approach of the Enlargement to Croatia and the criticalities of the Western Balkans

The current Western Balkans candidate countries to join EU are:

- **North Macedonia** (since 2005);
- **Montenegro** (since 2010);
- **Serbia** (since 2012);
- **Albania** (since 2014);
- **Bosnia and Herzegovina** (since 2022).

Kosovo only has “potential EU candidate” status.

5. Conclusions: What «weight» of values in EU membership?

Differentiated Approach

- the EU enlargement process toward the Western Balkans has been permeated by **the goals of stabilizing and furthering EU security**
- **major geostrategic interests *versus* 'stop-and-go' approach of EU institutions**
- strict anchoring to the respect of the rule of law: **a list of endless benchmarks**

Limits

- the **requirement for unanimity in the enlargement policy**
- the exploitation of the **good neighborliness condition** for national interests
- the **wording of Article 2**

Double standards?



Further enlargements?