

ENLARGEMENT: CREATING AN OPPORTUNITY FOR A STRONGER EU

Explanatory paragraph: The following report is based on an online expert discussion “EU enlargement: creating an opportunity for a stronger EU instead of becoming a hostage of institutional debate” hosted by Vilnius University Institute of International Relations and Political Science on June 12, 2023. The discussion panel included analysts and scholars from Denmark, Estonia, Finland, Latvia, Lithuania, Poland, and Sweden.¹ The discussants explored the intersection of the European Union’s enlargement with its institutional development. The discussion, therefore, participates in and contributes to a wider ongoing debate on how to best prepare for and navigate through the potential future EU integration of Ukraine, Moldova, Georgia, and the Western Balkans.

¹ The full discussant list: Lolita Čigāne (Latvia, international consultant), Gunilla Herolf (Swedish Institute of International Affairs), Tyyne Karjalainen (Finnish Institute of International Affairs), Lukasz Maślanka (Centre for Eastern Studies), Melchior Szczepanik (Institute of Public Affairs, Poland), Marta Szpala (Centre for Eastern Studies), Iben Tybjærg Schacke-Barfoed (European Council on Foreign Relations), and Ramūnas Vilpišauskas (Vilnius University Institute of International Relations and Political Science).

KEY POINTS:

- **When there's a will, there's a way** – and there's more momentum in enlargement policy now than there has been in a decade. Institutional problems can be solved if there's political will to do it, but maintaining the momentum will require honest and active engagement by national governments with their citizens, because concerns over governance and budgetary implications are real and considerable.
- **To seize the momentum, enlargement policy must be reinvigorated – but without sacrificing its quality.** Creative solutions, such as gradual/accelerated and staged merit-based integration, or the extension of Qualitative Majority Voting (QMV) to some areas of enlargement policy should be considered. Conditionality on compliance must undergird the process and must be retained after to ensure alignment and avoid backsliding.
- **Institutional constraints and absorption capacity problems should not be overstated.** Formal EU institutions have proven adaptable, and new MS tend to adopt informal practices (such as working in coalitions). Indeed, divergences in national preferences, such as over economic matters, may be more relevant and will require an honest discussion about priorities.
- When considering institutional reform, **solutions beyond the “unanimity vs. QMV” binary must be entertained**, such as the practice of ‘constructive abstention’, ‘supermajority’, or ‘consensus minus one’. Solutions within the existing framework should be prioritized, given the difficulty of Treaty reform.
- **Costs of non-enlargement are many and considerable, including regional stability and geopolitical status.** Security played a role in all waves of enlargement, so the conversation on enlargement should also be a conversation about the concept of EU's long-term security (both hard and soft).
- ***A way forward:*** one of the best ways forward is making sure the EU enlargement process is a success. This includes preparations to be made by both the current members and the candidate countries, without jeopardizing the objectives established by the Treaties.

INTRODUCTION

At its meeting of 23-24 June 2022, the European Council decided to grant the status of candidate country to Ukraine and to the Republic of Moldova, as well as to recognize the European perspective of Georgia. On 15 December 2022 to grant the status of candidate country to Bosnia and Herzegovina, thereby bringing the total number of EU candidate countries to eight, with two more have a European perspective.² These decisions, exhibiting a long-unseen momentum in enlargement policy, have inspired wide-ranging debates on the prospects and challenges associated with enlargement, in particular for the EU's absorption capacity.

Enlargement is arguably the EU's most successful external policy – both in terms of promoting and consolidating democracy, prosperity, and stability abroad, and as a geopolitical tool. However, the integration of new members into the EU and the expansion of the EU borders has profound economic, political, institutional, and strategic implications for the Union, often with strong distributional effects for different countries and citizen groups. Moreover, integration itself depends on the candidate countries' fulfilling the EU's accession criteria and aligning with the EU's values, norms, and policies – a process that may have uneven dynamics long after the formal accession.

These concerns have long informed a cautious position towards enlargement in many EU member states until Ukraine's determined resistance against Russian aggression and demonstrated commitment to a European path reinvigorated the EU enlargement policy last year. Nevertheless,

some caution persists. Throughout 2023, multiple member states in several groupings have expressed that enlargement will require comprehensive EU institutional reforms, including a potential Treaty reform. The most prominent demand concerns the extension of qualified majority voting in Common Security and Foreign Policy, but other issues, ranging from strengthening of the role of the European Parliament to reconsidering the EU's budget allocations, feature as well.

The coupling of enlargement and institutional reform may facilitate institutional innovations that help the EU grow stronger as it welcomes new members. However, it also can unnecessarily prolong and complicate the process of enlargement, wasting the present momentum. Consequently, there is a need for a clear-eyed assessment of whether the EU's present institutional architecture is sufficiently well adapted for future enlargement and of how it can be improved in ways that facilitate enlargement and maximizes its benefits. The expert discussion summarized below seeks to provide one such assessment, with a view to inspire further constructive exchange.

1. UNDERSTANDING THE COSTS OF NON-ENLARGEMENT

The current debates regarding the potential accession of the Trio (Ukraine, Moldova, Georgia) and the Western Balkans into the EU largely focus on the possible implications of enlargement to the EU. However, any assessment of the EU's potential enlargement and development thereafter must also explicitly account for the costs of non-enlargement, excessively slow enlargement process, or partial enlargement. Few if any political decisions are risk-free – including the decision not to act. **In the case**

Macedonia, Serbia, Türkiye, and Ukraine. Countries with the European perspective: Georgia, Kosovo.

2. Candidate countries: Albania, Bosnia and Herzegovina, Moldova, Montenegro, North

of enlargement policy, the potential costs of inaction or insufficiently robust action add considerable urgency to preparing for and supporting the accession of the current candidate countries.

First, the failure of enlargement policy may contribute to the deteriorating stability in the EU's neighborhood.

Beyond Ukraine, which is fighting Russia's war of aggression on its people, other candidate countries in the EU's Eastern and Southeastern neighborhood face severe threats to internal and external stability. Social tensions, highly contested domestic politics, and use of authoritarian tactics and templates by political elites in the Western Balkans, Moldova, and Georgia show that the regions face risks of severe disruption, dysfunction, or even outright violence. Violence in Kosovo and growing tensions in Bosnia and Herzegovina in recent months are examples of how regional instability imposes direct costs on the EU members, in terms of resources for crisis management and peacekeeping – for example, faded with the deteriorating security environment, the EU and NATO nearly doubled their peacekeeping force in Bosnia in 2022. At least to an extent, this is attributable to the stagnating enlargement process and the diminishing credibility of enlargement policy over the past decade. Failure to deliver on the enlargement promise in the Western Balkans reduced the stabilizing influence the EU may have in the region, both by weakening the positions of the pro-European political forces and by denying the region's countries the benefits and tools associated with EU membership.

Second, stalled enlargement may undermine efforts to promote and consolidate the democratization in the region. The lack of credible accession also reduces incentives for civic/political mobilization in the society, which may result in a marked decline of civic society strength,

especially if/when citizen groups or domestic NGOs calling for greater respect of democratic values, human rights, or the rule of law may face backlash, penalties, or pressure at home. While the Ukrainian society and the government today are highly motivated to align with the EU values, rules, and norms, the situation is much more complicated in Moldova and certain Western Balkan countries. The prospects of democratization without EU support through enlargement are further diminished as several non-democratic external actors – China, Russia, and Turkey – actively seek to increase their influence in the region, with more or less success.

This leads to the **third cost of non-enlargement for the EU – the potential harm to the EU's geopolitical role and standing.** As the EU aspires to be a global actor in an increasingly contested multipolar world, the ability to influence and stabilize its neighbourhood will be the first litmus test of its ambition, commitment, and capacity. Importantly, the cost would go beyond reputation and signalling. If the EU fails to position itself as the key partner for its neighbours, countries best positioned to consolidate their influence in the region are the EU's geopolitical competitors – Russia and China. This, in turn, would increase their capacity to influence and undermine the EU. Moreover, enlargement also has an important transatlantic dimension. While the US leadership in mobilizing the West's military support for Ukraine and Washington's continuing engagement in the Western Balkans shows that the US remains deeply engaged in the region's security, the US has always expected and continues to expect that the EU will play the primary role in promoting and supporting the reforms that secure broader stability. The EU's inability to do so may further upset the transatlantic burden sharing and empower those in US domestic politics who oppose Washington's

engagement in Europe, partnership with the EU, and membership in NATO.

These risks also caution against a selective approach to enlargement, that is, against the preferential treatment of Ukraine and Moldova vis-à-vis the Western Balkans. Since most countries in the region attained the candidate country status well before Ukraine and Moldova, the EU now moving ahead with the accession of the latter two without a commensurate push in the Western Balkans would risk a political backlash and create an opportunity for third actors.

In sum, costs of non-enlargement are many and considerable, including for regional stability, the EU's geopolitical status, and security in Europe. **The awareness of these costs should inform the assessment of the perceived challenges and the expected costs associated with enlargement.**

2. ASSESSING THE CHALLENGES ASSOCIATED WITH ENLARGEMENT

Insofar as the enlargement process increases the complexity of the EU, it inevitably presents real and significant challenges. The growing number of member states also means new and diverse interest constellations, which in turn may make coherent policymaking, norms of consensus and compromise, and constructive cooperation harder to achieve and sustain. In addition to their specific national preferences, candidate countries also exhibit different levels of democratic consolidation and institutional maturity. Combined, these factors may result in two distinct if interrelated risks to the EU after the enlargement: gridlock and backsliding.

The perceived risk of gridlock, institutional paralysis, or a marked decline in efficiency of European policymaking, has arguably been the dominant concern in the current debates on the potential enlargement and drives

the recent proposals for extending the practice of QMV into new areas of policymaking. Beyond the simple challenge that the requirement of unanimity in taxation, social, foreign, and enlargement policy may slow down policymaking in these highly sensitive areas, the rule of unanimity also enables willing member states to pursue hard bargaining tactics through issue-linkage and the threat of veto. The increased number of veto players following the enlargement thus increases the potential to manipulate unanimity. This is especially relevant as the EU relies extensively on informal institutions of consensus, collective action, and cooperative spirit, which the new candidate countries may not share or will take time to develop.

However, as the experience of past enlargements shows, concerns about institutional gridlock are somewhat overstated. The so-called “Big Bang” enlargement of 2004-2007, whereby 12 new member states joined the Union, had no notable negative effect on the EU's decision-making, as estimated by the rate of completed legislative initiatives. On the one hand, all of the EU's key institutions proved capable of efficiency-enhancing internal reforms that helped manage the increased number of member states and politicians: e.g., the Commission established greater organizational hierarchy and expanded the practice of dedicated working groups; the Council adopted stricter rules on speaking times and agenda management. On the other, the new member states themselves quickly adopted the already established practices of working in coalitions of like-minded allies and seeking consensus, while political parties from the new member states had little problem integrating into the broader European party families. Indeed, Council voting data shows not only that the practice of unanimity voting has been dominant even in areas where QMV is the formal rule, but also that, in cases where

decision-making stalled, it was not invariably the new member states that held the process up.

The other prominent concern relates to the risk of democratic backsliding in the new member states upon accession, especially as all candidate countries exhibit serious governance issues. This fear is further exacerbated by the observed democratic backsliding and violations of the rule of law in Hungary and Poland. As backsliding on the rule of law in these countries materialized more than ten years since the accession, it is important to ensure that the EU has adequate conditionality mechanisms and disciplinary tools for its member states, and not only candidate countries. That being said, the majority of the EU member states that have joined since 2004 do not exhibit persistent democratic backsliding. Furthermore, the new EU member states consistently demonstrate high compliance with the EU internal market rules and norms, likely due to strict conditionality procedures that preceded the accession as well as material consequences of violating the internal market rules.

In short, then, it seems that the two dominant concerns about enlargement can be abated with tools already at the EU's disposal or targeted reforms that do not require an institutional overhaul. However, beyond efficiency and compliance, there also remains the question of the substance and quality of policymaking. **Divergent national preferences between the member states of an expanded EU need not result in fewer laws passed or more frequent deviations from Union-wide rules, but they may result in more shallow, incoherent, overly complex, or otherwise sub-optimal policy outcomes, contributing to the so-called “[European progress illusion](#)”.**

3. CONSIDERING THE POTENTIAL PATHS FORWARD

Given the high potential costs of non-enlargement or delayed enlargement on the one hand, and the considerable but not insurmountable challenges of integrating the candidate countries, **the EU must find the right balance between ensuring the speed and quality of the enlargement process.** Insofar as it is the prospect of enlargement that drive the current debates on institutional reform, any institutional innovation discussed should be assessed from the perspective of whether it facilitates the integration of Ukraine, Moldova, Georgia and the Western Balkans. This does not preclude working towards improving the EU institutions beyond what is specifically relevant to the enlargement – but this process should not be made conditional upon the success of this broader effort.

In this light, a full-fledged Treaty reform should not be considered as a prerequisite for enlargement. On the one hand, the entrenched differences among current member states as to the preferred form of European integration in the future make any Treaty revision impossible in the foreseeable future. On the other, **the key challenges associated with integration either do not require Treaty reform (in the case of potential institutional gridlock or democratic backsliding) or cannot be prevented through Treaty reform alone (in the case of policy divergence).**

Short of the Treaty revision, several solutions to respond to the perceived integration challenges can be identified. While in recent years there has been a notable rise in support of extending the QMV practice in CFSP, the prospect remains controversial with multiple member states. When considering appropriate institutional changes to facilitate decision-making after the enlargement, **the EU should move beyond the dichotomy of “unanimity vs. QMV” and explore such already available solutions as the increased practice of ‘constructive**



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abstention' or *passerelle* clauses in CFSP and other appropriate areas. Further options, such as **a potential 'supermajority' or 'consensus-minus-one' rule**, should be considered when searching for the right balance between consensus-seeking and legislative efficiency.

When considering ways to counter the risk of backsliding, the EU must make full use of its available conditionality mechanisms to encourage continuous compliance during and after the accession process. However, **beyond conditionality, promoting and sustaining candidate country alignment with the EU norms and rules will also require greater direct member state engagement with the candidate countries**, e.g., by more twining projects, expertise sharing, support for governance reforms and civil society, among others.

Finally, several different but complementary institutional innovations are available to accelerate the enlargement process itself, without sacrificing its quality or rigor. First, in the context of the broader discussion on changes to voting rules, a moderate revision of the unanimity principle in enlargement policy could be entertained. For example, **QMV could be extended to all enlargement policy decision-making except on the most politically sensitive steps** – i.e., the granting of candidate status, opening and closing of the negotiations, and admission decisions. Linking the extension of QMV in enlargement policy to the discussions of extending QMV in CFSP also has the benefit of encouraging a broader reflection on the unanimity principle between member state coalitions that support QMV in one area but not the other and incentivize constructive compromise between the two camps. Second, **to encourage candidate countries to pursue reform and maintain momentum during the accession negotiations, the EU should consider a gradual/accelerated and staged**

accession : i.e., giving rewards to candidate countries, for example the right to participate in the Council meetings as an observer, after the attainment of specific accession objectives, or gradual/accelerated and staged accession into the EU Single Market. Properly designed, this approach would help retain the merits-based enlargement policy while minimizing the risk of fatigue in the candidate countries.

Pursuing a gradual/accelerated and staged access approach to enlargement, however, must not replace the ultimate ambition to fully integrate the candidate countries into the EU, provided they meet all of the accession criteria. This relates to a broader concern that embracing tiered or 'multi-speed' integration in order to sidestep institutional gridlock could result in the lock-in of the different levels of integration and exacerbate problems with cohesion, hierarchy, and distributional gains within the EU. This kind of fragmentation could in turn drive anti-European sentiments, hamper policy cooperation, and ultimately undermine both enlargement and integration. While the depth and scope of integration varies across individual member states, formalizing this practice for groups of member states may be risky – and, given the scope for efficiency-enhancing reforms identified above – does not seem warranted.

4. MAKING SURE THE CURRENT MOMENTUM CARRIES BEYOND THE PRESENT MOMENT

The reinvigorated will to pursue enlargement represents just one of the many shifts the EU has undergone since the start of Russia's ongoing war of aggression against Ukraine. Though the EU's multiple 'turning points' in military, energy, economic, and enlargement policies are often discussed as if they appeared fully formed in the moment of crisis following February 24, 2022, they evolved gradually as long-established



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practices, interest constellations, and public attitudes slowly shifted. The incremental change that belies the transformational rhetoric may be frustrating, but today the EU demonstrates more political will to start the next phase of enlargement than at any time in the past ten years.

The current enlargement momentum gives hope that the EU can again utilize what remains its most effective external policy. As the discussion above shows, the EU has enough space and sufficient tools to resolve or minimize the various integration challenges, provided it has enough political will. Likewise, the societies and the political elites in various candidate countries have repeatedly demonstrated the capacity to organize and mobilize in pursuit of the reforms required for accession.

The ultimate challenge, then, is to maintain the current momentum beyond the present moment. The gradual endorsement of EU enlargement in the previously cautious Western European member states primarily reflects the fact that enlargement is seen through a geopolitical lens and supported by a public that inspired by Ukraine's resistance and sensitized to the Russian security threat. However, while such strategic-level considerations have been crucial to bring about the present moment, the complexity of

issues, actors, and preferences will increase as the enlargement process transitions into a more mature stage. In that moment, broad public support – whose sustainability itself should not be assumed – may not be enough to overcome the pressure of specific domestic interests.

As such – and as always – much will depend on the ability and willingness of member state governments to engage with their societies and domestic stakeholders. Insofar as the conversation on enlargement today is driven by security concerns, EU leaders should seize the moment to undergo a broad and comprehensive discussion about the EU's long-term security, covering both military, economic, social, and identity domains. Making the strategic case for enlargement and doing the necessary homework – both in terms of evaluation of EU decision making and in terms of substantive policy change – will be crucial for all European leaders who have today committed to enlargement. Delivering on this promise will be crucial for the future of Europe.

One of the best ways forward is making sure the EU enlargement process is a success. This includes preparations to be made by both the current members and the candidate countries, without jeopardizing the objectives established by the Treaties.



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