

EU ENLARGEMENT POLICY TODAY

EUROPE MATTERS

EU enlargement is one of the few European issues widely debated by European citizens. As Europe has become an ever closer political union – with a single market, a single currency, the removal of most internal borders, an elected European Parliament and a broad extension of the scope of European policy to include justice, home affairs and foreign and defence policy – it has enlarged to encompass almost half a billion people. This enlargement policy has been an economic success, for both the old and new Member States. However, this is not widely recognised. Instead, fears of social dumping, *délocalisation*, the EU losing itself as a political project, and Turks finally breaking down the gates of Vienna, have slowly eroded public support for enlargement – at exactly the same time as the need for public approval has become more critical. The French Constitution has been amended to require a referendum on all future enlargements, after Croatia. Popular debate is now heavily impacting on the EU's enlargement policy and thus also on the candidate countries (Croatia, Turkey and the FYR Macedonia, and potentially Albania, Bosnia-Herzegovina, Montenegro, Serbia and, should it become independent, Kosovo).

There are three elements to a new country joining the EU. The first, the Copenhagen criteria, is familiar: the country must meet EU standards in institutional stability, democracy, the rule of law and human rights; it must be a functioning market economy; and it must adopt and apply the body of EU law (*acquis communautaire*). Now, however, debate is focused on the other two elements: whether a country is a "European state" and whether the EU has the "absorption" (now termed "integration") capacity to enlarge. The European Commission and Parliament both have important roles to play in answering these questions. However, in the end, whether a country can join, and when, is decided by an Intergovernmental Conference, meaning that every one of the 27 EU Member States needs to agree to every stage of every application. This makes the key body for determining the EU's enlargement policy the European Council, namely the Heads of State or Government.

WHAT IS A "EUROPEAN STATE"?

Although some case-by-case considerations have been made about what the Treaty means by a "European state" (e.g. Morocco's application was rejected as it was not deemed to be in Europe),

there is now increasing pressure for a proper definition of Europe's borders. Although this will not feature in the new treaty

now being negotiated, it is likely to feature in the next one. In a general sense, it is a geographic concept and, whilst not unchallenged, a consensus exists on Europe's geographic borders: reaching north to the Arctic, west to the Atlantic and south to the

Mediterranean. Its eastern border is generally taken to be on a line following the Urals, the Emba, the Kuma-Manych Depression and then the Caspian, Black, Aegean and Mediterranean seas. This includes Cyprus, an island 200 km from Lebanon, south of Tunis and east of Kiev.

However, geography is only one parameter for deciding what the Treaty means. It is a moving target, to which European values are also relevant, as is the concept of a common European culture. Ultimately, however, the determination of what is, and what is not, a European state, is an entirely political decision taken at the political level by the Member States.

WHAT IS THE EU'S "INTEGRATION CAPACITY"?

This third element was only born when the European Council set out the Copenhagen

criteria in 1993, adding that "The Union's capacity to absorb new members is also an important consideration". After the "big bang" of the 2004 enlargement and the 2005 French and Dutch rejections of the Constitutional Treaty, this concept became a focal point for efforts (ongoing since the mid-1990s) to adapt or develop EU decision-making structures built for a relatively-homogenous group of six Member States to the new context of 27 or more. Enlargement makes the need for institutional reform to maintain effective European governance compelling. How will the EU's enlargement policy develop in this respect? Firstly, it would seem to make a new treaty indispensable to future enlargement, although efforts have already been made to ensure that Croatia can join at the end of the decade, even if a new treaty is not ratified. Secondly, it means new requirements on the Commission to take full account of the impact of each country's accession on other EU policies, such as agriculture, cohesion funding and the EU budget. Generally, this can be expected to slow the process, and in particular to make it more difficult for larger, poorer countries. In any case, when the European Council opened accession negotiations with Turkey, it stressed, extraordinarily, that "the outcome cannot be guaranteed beforehand" and expressly allowed for "long transitional periods" and even "permanent safeguard clauses" in core areas of the Internal Market and European law including the free movement of persons.

CONCLUSION

What this means for the EU's enlargement policy is that things will not go on as they have before. Negotiating

chapters will not be quietly opened and closed at a technical level. Croatia might be relatively easily "integrated" in the wake of a new EU treaty, without triggering any referendums, but it will be the last such candidate. For the other Western Balkan countries, conditionality will be crucial and the process can be expected to be a longer one. For Turkey, the political decision after which Turkish accession is guaranteed on the EU's side has yet to be taken, and may be some time away. In the short term, this issue is an increasingly divisive one and the continuation of the current process is under heavy attack. For other aspirant countries, such as Ukraine and Georgia, the prospect of EU membership is retreating ever further into the distance.

Having been an exceptionally dynamic and successful EU policy therefore, and the "only game in town" in the Western Balkans, enlargement seems set, in the medium term, for a more dormant period, possibly opening the door to closer exploration of alternative policies. The EU's neighbours have already begun to take note.

By Baron Frankal, DG-I

