

Balance of Competences: EU Enlargement

Impact on the national interest

1. How has the UK influenced the enlargement process?

The UK has played a rather prominent role in promoting enlargement, particularly towards the Central and Eastern European (CEE) countries (2004 and 2007 rounds). The UK has supported a more economically oriented evaluation of enlargement benefits and drawbacks, focusing on the extension of the common market and granting extensive free movement rights to workers from CEE without imposing the transitional periods many other member states demanded. However, the unexpectedly high migration from CEE workers into the UK has somewhat dampened this approach and the UK now, while continuing to be a supporter of enlargement, has become more wary of granting full liberalisation early on.

2. What effect has EU enlargement had on UK interests in specific policy areas? What advantages and disadvantages has the UK experienced as a result? Please give examples.

Given that the UK seeks first and foremost economic advantages from its EU membership, as opposed to driving forward a project of political unification, the addition of new members goes in favour of a cooperation based on intergovernmental discussions and that leaves much room for individual member states to insist on their national interests as opposed to a broader EU perspective that may not equally advantage all members.

Moreover, the CEE countries politically tend to share the UK's transatlantic orientation and thus favour close cooperation with the US.

3. How do you consider the balance between the roles of member states and of the EU institutions in the process? Might UK interests be served by any changes to the balance of competences in this area?

Over the past years, with the growing divergence between the standards in existing and aspiring member states, there has been a certain nationalisation of the EU's enlargement policy in that it is no longer simply accepted as an EU competence by permissive consensus. Instead, various member states are becoming more active and insisting on different aspects they would like to see reinforced in the accession conditionality (e.g. cooperation with the International Criminal Tribunal for former Yugoslavia in the case of the Netherlands). There has therefore already been a shift in that member states no longer readily accept the assessment of candidate countries elaborated by the EU Commission. However, in order for the enlargement policy to remain effective and implementable, it is important that the technical competence remain with DG Enlargement and member states become active only at the crucial political junctures in candidate states' accession processes, such as the closure of critical *acquis* chapters and the closure of overall negotiations. A further change in the balance of competences in the case of enlargement is therefore not desirable, as it would undermine the effectiveness of this policy and decrease the reform will in current candidate states.

Exercise of competence

4. and 5. How effectively have the member states and the EU institutions run the enlargement process? Have lessons drawn from previous enlargement rounds been applied? How do you assess the EU's use of conditionality (eg, the Copenhagen Criteria, the „New Approach“ on rule-of-law issues)? Has conditionality been effective in ensuring candidate countries implement reforms necessary for EU membership? Please give examples.

The EU and its member states have certainly learned from the ‘big bang’ enlargement of 2004/2007 and more particularly from the disappointing performance of Bulgaria and Romania post-accession. Enlargement policy has become more focused on implementation rather than mere rule adoption, and extensive support both in financial and technical terms has been provided to the Western Balkan states in order to bring their administrative capacities up to the required level in order to effectively assume their eventual membership applications. The ‘new approach’, which consists in ‘front-loading’ the accession process with the early opening of chapters 23 and 24, and making further progress conditional upon steps in these two fields, is a lesson learned from the Croatian accession where these chapters were opened late, leaving little time to establish a credible track record of implementation and thus casting doubt over the irreversibility of reforms adopted in this crucial area of rule of law.

While conditionality can generally be judged effective in those countries that are moving towards EU accession (Montenegro and Serbia, to a certain extent also Albania), this is less the case in countries that are still far away from membership (Bosnia and Kosovo, but also Macedonia that is stalled due to the name dispute) and so overwhelmed by the detailed conditionality and implementation requirement imposed upon them that reforms are stagnating in view of their high political costs and the rather distant incentive of membership.

The effectiveness of conditionality can be seen, for instance, in Serbia’s eventual full cooperation with the International Criminal Tribunal in the Hague (ICTY) and by the significant progress made in the dialogue between Belgrade and Pristina.

6. How effective has EU financial and technical assistance been in helping candidate countries prepare for EU membership? Please give examples.

The EU’s financial and technical assistance has been important in creating adequate administrative structures to deal with the accession process, particularly in the countries with small administrations such as Montenegro. However, this tool can be effective only at an institutional level and less with regards to political culture, both when it comes to finding compromises as a member state and in eradicating corruption and nepotism that are still prevalent across the Western Balkans region and Turkey.

Future options and challenges

7. What challenges / opportunities might EU enlargement face in future?

The effectiveness of the EU’s enlargement policy depends to a great extent on the credibility of its core incentive, namely eventual membership. As member states are becoming more wary of admitting new countries, and as the differential between EU standards and the preparedness of candidate states increases, it is becoming difficult to maintain both support for enlargement on the EU’s side and, in consequence, a domestic reform dynamic in the candidate countries. This can be seen clearly in the case of Bosnia, where practically no progress has been made in recent years. The challenge will thus be to maintain the momentum for enlargement and encourage reforms even in those countries lagging behind,

by providing intermediary incentives (such as visa liberalisation or participation in certain EU policy areas) along the way.

8. How might the EU's approach to enlargement be improved in future?

The EU's approach to enlargement is currently overly focused on conditionality and on bilateral relations between the EU and the candidate state government. This neglects other potentially important domestic players such as parliaments, civil society and business actors, who could create reform support inside the countries and drive forward the political elites. The EU should focus more on interactions with these actors and thus send a signal to candidate governments that they must not be neglected throughout the accession process.