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EU's Revised Enlargement Methodology: Emperor's New Clothes As the New Iron Curtain Falls in Europe

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Abstract: The nature of the European Union (EU) as a global actor has long been the subject of academic debate. Proponents of understanding the EU as a normative, civilian force agree that its greatest transformative power lies in its enlargement policy, which allows it to shape reforms in countries that wish to become its members through strong conditioning. It is in this context that we will analyse the new methodology of accession negotiations, with the basic premise that it represents a debatable attempt of the EU to preserve its transformative power in relation to candidate countries despite the crisis of the enlargement policy and to further strengthen the already strong mechanisms of conditionality that accompany this process. Two years have passed since the new methodology was adopted, yet there have been no significant changes. Meanwhile, the dramatic change in the geopolitical situation, caused by the outbreak of war in Ukraine in February 2022, has led to a sudden fall of the new Iron Curtain on the continent, creating additional controversies regarding the enlargement policy: Will it apply also to Eastern European countries in the future, and will it become part of a differentiated integration? Also, the question of whether the EU can act strategically towards establishing new relations in Europe is being raised once again.

Keywords: European Union, enlargement, transformative power, Western Balkans, revised enlargement methodology, Eastern Europe.

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Introduction

As a result of the deep economic crisis and the constant need for reforms in the EU itself, enlargement fatigue began to influence this policy in a decisive fashion. The preferences of some EU Member States towards future enlargements changed significantly since the great enlargement of 2004. The best example of this is France, where the constitutional changes of 2005 and 2008 introduced the obligation to hold a referendum on any subsequent enlargement after the accession of Croatia, and where, in the absence of a referendum, it is only possible to approve such a decision at a session of both houses of the Parliament if there is a three-fifths majority (Zhelyazkova *et al.* 2019, 26–27). According to a 2019 survey, Germany, Austria, the Netherlands, Denmark and France are showing the least support for admitting the Western Balkans to the EU in the next decade (Dennison 2019, 18). Combined with numerous problems that exist in the area of the Western Balkans and the ubiquitous stability-democratisation dilemma (Kovačević 2018), more than twenty years of enlargement policy have not confirmed the transformative power of the EU, which – instead of an idea that was widely accepted – has now become a controversial concept (part one). Although the EU has been in crisis for years, enlargement methodology upgrades were recently introduced, in 2005–2015 (part two) and in 2020 (part three). We posit that the revision of the 2020 enlargement methodology represents a debatable attempt by the EU to preserve its transformative power in relation to candidate countries despite the enlargement policy crisis, and to further strengthen the already strong mechanisms of its conditionality in this process. There is no agreement among the Member States on the perspective of enlargement, while the dramatic change of geopolitical circumstances caused by the outbreak of war in Ukraine threatens to bring new challenges for the enlargement policy (part four) by opening additional questions: Will it apply also to Eastern European countries in the future, will it become part of a differentiated integration, or will it be reduced to the Cold War alignment once the Iron Curtain falls in Europe once again?

Controversies Related to the Transformative Power of the European Union

In both academic debate and policy discourse, the EU has traditionally been viewed as a distinctly different type of international actor. Introducing the idea of the EU as a normative power, Ian Manners (2002) described it as a foreign policy

actor intent on shaping and diffusing rules and values in international affairs through noncoercive means. Tuomas Forsberg distinguished four different mechanisms by which normative power can be used as a means of influence: by persuasion, by activation of international norms, by shaping the discourse, and by setting an example for others to follow (2011, 1184). The key to understanding the EU's normative power is its capacity to shape 'what is considered normal' in international politics based on its internal 'substantive normative principles' such as peace, democracy, respect for human rights and fundamental freedoms and the rule of law (Noutcheva 2009, 1068).

The discourse of the EU as an ideal model/normative power contributes not only to its relevance in world politics, but also provides legitimacy in conditioning countries that strive to achieve closer relations with it (Vukasović 2021, 21). The most obvious influence on third parties has been the enlargement policy, the primary vehicle for the Union's normative power in Europe. The EU has often used enlargement as an instrument for locking its neighbours into stable and democratic transition by establishing, or rather imposing, an EU order in Europe through the transference and diffusion of EU norms, values, rules and regulations (Haukkala 2011, 47). There is ample evidence from earlier enlargement rounds demonstrating that the transformative power of the Union lies in the credible commitments made to candidate states, accompanied by a strong conditionality designed to 'democratise', 'Europeanise' and 'modernise' external states in advance of their accessions: EU incentives are meant to reward progress and publicise shortcomings, creating significant leverage for Brussels within domestic reform processes (O' Brennan 2014, 234). The external incentives model confirms that the credibility of incentives stands out as a crucial condition for the success of EU conditionality (Schimmelfennig and Sedelmeier 2020), but the EU's most significant credibility problem in the Western Balkans stems from the fact that the Thessaloniki promise of membership is no longer sufficient to counter the currents of enlargement fatigue which pervade the process on the EU side (O' Brennan 2014, 237).

As Börzel and Lebanidze (2017) pointed out, when it comes to democratisation, two conditions are necessary for the EU's consistent application of democratic conditionality: the absence of the stability-democratisation dilemma and the presence of pro-democratic reform coalitions. If neither of these conditions is present, the EU is more likely to act as a *status quo* rather than as a transformative power prioritising (authoritarian) stability over uncertain (democratic) change. By prioritising, for security reasons, effective government instead of democratic governance in the Western Balkans, the EU has helped stabilise non-democratic and corrupt regimes rather than transform them (Pomorska and Noutcheva 2017; Börzel 2015). Another consequence of this trade-off was the inconsistent use of

conditionality which, in turn, contributed to the decline of EU's transformative power in the region (Kovačević 2018, 11).

Also, it was not just the Western Balkans. The EU has faced a general crisis of its actions in the world, which has led it, instead of trying to transform the environment according to its own image, to reduce its political ambitions and direct them towards stabilising the environment. According to the EU's 2016 Global Strategy (Shared Vision 2016), external action will be guided by principled pragmatism, which is conceived as a balance between realistic assessment of the current strategic environment and an idealistic aspiration to achieve a better world. Resilience is defined as the ability of states and societies to reform, thus withstanding and recovering from internal and external crises. Sven Biscop (2016) views principled pragmatism as a return to Realpolitik, since the Global Strategy places emphasis on reducing the fragility of third states rather than on changing their regimes. However, the Global Strategy is not without significant tensions between pragmatic and principled foreign policy, which has left the EU open to the same criticisms about inconsistencies and double standards in its external action (Juncos 2017). The decline in ambition in the EU's external action was evident also in its enlargement policy.

Crisis of the Enlargement Policy and the Enlargement Methodology Upgrades 2005-2015

The EU's enlargement policy functioned for years based on the model of business-as-usual, but it was not possible to conceal the fact that it was placed low on the political agenda. When the then European Commission was inaugurated back in 2014, the announcement of its President Jean-Claude Juncker – that there would be no new enlargements during his five-year term (EC Press Release 2014) and that the EU would instead turn to its own consolidation – made it clear that the policy was in great crisis. In addition, the Directorate-General Enlargement, which has existed since 1999, ceased to be independent, having become part of the Directorate for Neighbourhood Policy and Enlargement Negotiations in 2014. The institutional message was clear, and the region was left to the Berlin Process initiative, which was launched the same year to create a sort of illusion of the dynamics of the integration process. At annual summits, this process brings together leaders of the Western Balkans, representatives of Germany, Austria, France, Italy, Slovenia and Croatia, as well as representatives of the European Commission and international financial institutions. The goals include solving

bilateral problems, improving economic governance, considering social issues, cooperating with the civil society and improving the position of youth. However, not all EU Member States are involved in the process, and it remains only a political initiative for improving cooperation in the region, rather than an enlargement mechanism (Kovačević 2019). The political marginalisation of the Western Balkans was only occasionally interrupted in times of crises, such as the one of 2015 that involved the opening of the so-called Western Balkan migration route.

Federica Mogherini, the then High Representative of the European Union for Foreign and Security Policy, visited the region no earlier than in 2017, which is when she realised the extent of the reduction of EU influence. The need to prevent the expansion of Russian and Chinese influence in the region contributed to the European Commission's 2018 enlargement strategy unexpectedly setting the year 2025 for eligible Western Balkan countries as a possible deadline for enlargement (EC COM [2020] 57 final). This was supposed to create a major stimulus as an instrument of transformative power of the EU. However, just 10 days after the adoption of the Strategy, at their February 2018 Gymnich meeting in Sofia, EU Foreign Ministers expressed reservations regarding the strategy on the Western Balkans that was put forward by the Commission (Zalan 2018; Euractiv 2018). Member States had different assessments of the readiness of some of the Western Balkans to join the EU at a date either earlier or later than 2025. Hungary was of the opinion that the two frontrunners – Montenegro and Serbia – should join as early as 2022, while Slovenia believed that 2025 was not realistic and that more time might be needed to meet the criteria and settle disputes. Germany was highly reluctant, pointing to rule-of-law shortcomings in the recent arrivals – from Romania and Bulgaria, to Poland and Hungary. In addition, several Member States, including France, stressed the importance of conditionality and compliance with the accession criteria. Poland, Italy and Austria were among other EU countries that were in favour of stepping up efforts to open the bloc to the region experiencing growing Russian and Chinese influence.

Confusion regarding the enlargement prospective continued. Just a year and a half after the 2018 European Commission's Enlargement Strategy, the October 2019 meeting of the European Council and the French veto over opening negotiations with Albania and North Macedonia revealed a far less optimistic scenario: a change to the enlargement methodology. As French President Macron said:

“We need to reform our membership procedures as they no longer fit the purpose. They are not strategic. They are not political, are too bureaucratic and are not reversible” (*Economist* 2019).

We do not agree that accession procedures were not reversible. First of all, by their very nature, the negotiations are an open-ended process whose outcome cannot be guaranteed beforehand (General EU Positions: Montenegro 2012 para. 2 and Serbia 2014, para. 20). Besides that, since the 2004 enlargement, the European Commission has produced three enlargement methodology upgrades (in 2005, 2012 and 2015) prior to the most recent one of February 2020.

The upgrade of 2005 introduced several important novelties. In case of serious and persistent breach by the negotiating country of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded, accession negotiations may be suspended (General EU Position Turkey; Croatia Negotiating Framework 2005). In addition, the analytical examination ('screening') was introduced as a step that precedes negotiations. Once a chapter has been screened, the EU will decide, upon a proposal from the Commission, whether it can be opened, or which benchmarks needed to be met prior to doing so. Also, the Union will specify benchmarks for the provisional closure of a chapter.

To address weaknesses of democracy and rule of law, the EU adopted another change to the Strategy in 2012, emphasising the political criteria related to democracy, rule of law and human rights: those issues should be tackled early in the accession process (EC COM/2012/0600 final). The emphasis on the EU's political criteria was strengthened by the introduction of interim benchmarks and the fact that two inter-related chapters could not be provisionally closed until the end of the negotiations. In October 2015, the EU redesigned its Regular Reports on candidates to make them more easily comparable (EC COM(2015) 611 final), using clear language and indications regarding the level of progress a candidate has reached in comparison with others. The following year, the report of the European Commission thus stated that several countries in the region were continuing to show clear symptoms and various degrees of state capture: companies, institutions or powerful individuals were using unlawful practices to influence and shape policies, the legal environment and the economy to fit their own interests (EC COM(2016) 715 final, 3). The clearer vocabulary started to provoke reactions, as shown in the case of Serbia, whose officials did not hide their dissatisfaction with the report of the European Commission (EC SWD (2019) 219 final, 3), which, in the part that dealt with the political criteria, pointed to the boycott of parliament by opposition parties and the anti-government protests that demanded media freedom and free and fair elections (FoNet, Beta, Tanjug 2019).

After the negotiations with Croatia, EU introduced a new rule and later stipulated it in the Negotiating Frameworks with Montenegro and Serbia (General EU Positions: Montenegro 2012 para. 4 and Serbia 2014, para. 22). In the case of a serious and

persistent breach by Montenegro/Serbia of the values on which the Union is founded, the Commission would, on its own initiative or upon the request of one third of the Member States, recommend suspension of negotiations and propose conditions for their eventual resumption. Having heard the arguments of Montenegro/Serbia, the Council would then decide, by qualified majority, whether to suspend the negotiations and what the requirements would be for their resumption.

On top of this, the so-called “balance clause” was introduced in the cases of these two countries. Should progress in the chapters “Judiciary and Fundamental Rights” and “Justice, Freedom and Security” significantly lag behind the progress made in the overall negotiations, the Commission would, on its own initiative or upon the request of one third of the Member States, propose to withhold its recommendations to open and/or close other negotiating chapters until the disbalance was addressed. The Council would decide on such a proposal by qualified majority (General EU Positions: Montenegro 2012 para. 6 and Serbia 2014, para. 24). The same procedure would apply, *mutatis mutandis*, should progress in the normalisation of relations with Kosovo* significantly lag – due to Serbia failing to act in good faith – behind that which was achieved in the overall negotiations, in particular in the implementation of agreements reached between Serbia and Kosovo* (para. 25). A unique feature was also introduced into the negotiation process with Serbia. It refers to Chapter 35, which usually covers issues such as the new *acquis* that entered into force in various chapters after the negotiations were temporarily suspended, access to various special bodies of the EU, etc. In the case of Serbia, however, this Chapter has been turned into a mechanism for monitoring all the agreements – both those already made and those to be achieved in the future – concluded as a result of the dialogue on the normalisation of relations between Belgrade and Priština (Mišćević and Mrak 2017, 197).

To summarise, the entire enlargement process is now subject to numerous veto points, which the Revised Methodology of 2020 did not change. A country’s status as a candidate is granted unanimously by the Council of the EU, following the opinion from the Commission and subject to endorsement by the European Council, and the same procedure applies to the decision to open negotiations. Based on the Commission’s proposal, the EU Council unanimously decides on opening negotiations on a given chapter. For each chapter, the Council of the EU adopts the Common Position, in which it may set the opening, interim or closing benchmarks for each chapter. Opening of negotiations on chapters for which opening benchmarks have been set can begin only after the EU Council decides that the candidate country has fulfilled said benchmarks. In most cases, the EU will conclude that the level of alignment does not allow chapters to be temporarily closed, and that the EU will determine the closing benchmarks the candidate

country will have to fulfil before the chapter will be allowed to be closed. For particularly significant chapters (e.g. 23, 24 and 35), the EU will determine temporary or interim benchmarks, and the closing benchmarks will be defined only once these are fulfilled. The benchmarks are becoming so numerous that Montenegro, for example, currently has twice more interim benchmarks in Chapters 23 and 24 than Croatia had *in total* at the time of its own EU accession negotiations. Each step taken in the negotiating process is now far more difficult, and more politicised than ever (Mišćević and Mrak 2017, 197).

No negotiations on any individual chapter can be closed until each EU government is satisfied with the candidate's progress in the relevant policy field, as analysed by the Commission. Furthermore, chapters are considered temporarily closed pending the conclusion of the accession negotiations, meaning that "nothing is agreed until everything is agreed". The negotiations on EU accession are deemed concluded once the EU and the candidate country reach an agreement on all 35 chapters, and all is confirmed by the European Council. Prior to this, it is still possible to reopen chapters if the candidate country fails to deliver on the commitments it has assumed. Finally, according to the constitutional rules, the accession treaty is not binding until it wins the support of the EU Council, the Commission and the European Parliament, and until it is signed by the candidate country and representatives of all the existing EU countries, and ratified by the candidate country and each individual EU country.

What's New in the New Methodology: The (Im)Possible Strengthening of the Conditionality Policy

Despite the existing mechanisms of conditionality, a revised accession negotiation methodology was adopted in 2020 and presented as a credible EU perspective for the Western Balkans that will make the process more dynamic (EC COM (2020) 57 final). As for the technical aspect of the negotiation methodology, the negotiating chapters are organised into thematic clusters, and negotiations on each cluster are to be opened as a whole, rather than on a chapter-by-chapter basis. According to the new methodology, the timeframe between opening a cluster and closing the individual chapters should be limited, lasting preferably one year and fully depending on the progress of the reforms. What remains the same is the individual closure of chapters. In our opinion, however, the political dimension is far more important. It envisages a high level political and policy dialogue with the countries, through regular EU-Western Balkans summits and

intensified ministerial contacts, especially in areas where alignment is progressing well and key criteria are being met. This is an important novelty, because only four EU-Western Balkans Summits have been held till May 2022: in Zagreb in 2000, in Thessaloniki in 2003, in Sofia in 2018, and in Zagreb in 2020. For comparison, since 2012, China has engaged 16 central and eastern European countries, including 11 EU Member States and five Western Balkan countries, under the 16+1 cooperation and the yearly summits format, which it has portrayed as an innovative approach to regional cooperation (Grieger 2018). According to the new methodology, such increased engagement could lead to countries participating as observers in key EU meetings on matters of substantial importance to them. Besides this, country-specific Inter-Governmental Conferences should take place after the publication of the Commission's annual reports on each country, providing the fora for political dialogue on reforms and for taking stock of the overall accession process setting out the planning for the year ahead, including opening and closing of chapters/clusters of chapters and possible corrective measures. If a country manages to make sufficient progress in the reform priorities that were agreed in the course of the negotiations, this could lead to its closer integration with the EU and its accelerated integration and "phasing-in" in EU policies, market and programmes, as well as to the increased financial support and investments. Apart from participation in EU programmes, which is already a common practice, the announced "phasing-in" of individual EU policies and the EU market represents one of the biggest novelties, but is also the least elaborated part of the new methodology – namely, it is unclear how gradual inclusion would take place in practice, in which areas it would take place, what the rights and obligations of the candidate country would be, and so on.

Another significant change relates to the application of the balance clause and implies a much easier suspension of the negotiations. Let us compare the previous and current procedure provided for such a situation. According to the previous procedure, the activation of the balance clause was possible upon the proposal of the Commission or 1/3 of the Member States (at least 9) and had to be adopted by the Council with qualified majority voting (QMV). Since the adoption of the Lisbon Treaty, this requires at least 15 out of 27 Member States, and representing Member States comprising at least 65% of the population of the Union, while the blocking minority must include at least four Council members representing more than 35% of the EU population. According to the new procedure, in serious cases the Commission may submit a proposal at any time, on its own or at the request of any (one) Member State in order to ensure a quick response to the situation by use of – where relevant – simplified procedures, including reverse qualified majority voting (RQMV). In essence, RQMV is a rule that allows for minority

decision-making: for a proposal to be approved, it suffices that it is supported by a coalition as large as a blocking minority, representing at least 35% of the EU population (or said proposal could be turned down with QMV: 15 out of 27 member states). According to Eurostat, Germany has the largest population among the EU Member States (83.2 million residents) accounting for 18.6% of the total EU. It is followed by France (67.1 million or 15.0%), Italy (60.2 million or 13.5%), Spain (47.3 million or 10.6%) and Poland (38.0 million or 8.5%). Fourteen Member States have a share of between 1% and 5% of the EU population, while eight have a share below 1% (Eurostat 2020). This means that, for example, RQMV could be achieved by Germany, France, Netherlands and Denmark, which in 2020 represented 38.8% of the EU population.

As it essentially implies minority decision-making, the RQMV is rarely used in the EU, and its introduction into the enlargement policy suggests easier procedures for the application of sanctions for candidate countries that do not meet the set conditions. But what could these sanctions be? Member States could decide to have negotiations put on hold in certain areas or, in the most serious cases, suspended altogether. Chapters that are already closed could be re-opened or reset if issues need to be reassessed. The scope and intensity of EU funding could be adjusted downward, with the exception of support to civil society and benefits of closer integration, e.g. access to EU programmes. Also, unilateral concessions for market access could be paused or withdrawn. There are numerous dilemmas related to the balance clause. One of them stems from the fact that said clause has never been formally implemented to date. The EU did send diplomatic signals by e.g. not opening chapters in the negotiations, but it had never formally initiated procedures for the implementation of this clause. Also, what is the purpose of the balance clause if there are already numerous veto points in the process? The veto power, as well as its abuse, has been shown by the example involving the start of accession negotiations with North Macedonia. Bulgaria had imposed a veto invoking historical and identity issues, the key among them being, as Sofia claimed, the ethnic and linguistic engineering that had taken place in North Macedonia since World War II (Georgievski 2020). This abuse of the veto power for issues that have nothing to do with the criteria and conditions with which each candidate country must comply highlights the inherent weakness and hypocrisy of the EU's decision-making process in relation to its enlargement policy (Fouéré 2022, 1). Finally, why facilitate the procedure for applying the balance clause, which suggests that the issue was considered but a qualified majority was not reached? The introduction of the RQMV makes it easier for several larger and most determined countries to halt the process depending on their political assessments, which may differ to a considerable extent.

As already discussed, there are also differences regarding the opening of negotiations with candidates. They are quite obvious from the question that was posed by French President Macron:

“How am I to explain to my constituents that most asylum seekers are coming from Albania, yet many EU ministers believe that Albania is improving and that we should launch EU accession talks?” (Crowcroft and Ristani 2021).

Although visas for Albanian citizens were abolished at the end of 2010, Albanians were the most numerous asylum seekers in France in 2017 and second – after the Afghans – in 2018 (Le Parisien 2019). It is therefore not surprising that the issue of unfounded asylum applications was among the conditions Albania had to meet prior to the first intergovernmental conference, along with electoral reform, judicial reform and the fight against corruption and organised crime (Council of the EU 2020, 5).

Regardless of the general stalemate of the enlargement policy, the step that was taken in December 2021 showed that not everything had ceased: negotiations with Serbia were opened in Cluster 4 – Green Agenda and Sustainable Connectivity. The opening of negotiations in itself should send a positive message to the region, preventing it from falling into the state of complete “EU indifference”, while on the other hand it should allow the EU to have a stronger influence in policies that involve a strong geopolitical dimension – those related to transport, energy, trans-European networks and environmental protection. Even before the outbreak of the war in Ukraine, EU was seeking to reduce the influence of Russia and China in the region in the areas of energy policy and connection with trans-European networks. However, as it seems more and more probable that a new Iron Curtain will soon fall in Europe, the issue of energy is taking the form of alignment into Cold War-era blocs. Still, the opening of negotiations on Cluster 4 shows that it was not realistic to expect negotiations on an entire cluster to be completed within a single year. Experience shows that the field of e.g. environmental protection happens to be one of the most extensive and costly chapters in the negotiations.

Changes in the methodology have also brought back a sharper tone to the EU’s communication with the countries of the region. Thus, for example, the following was stated in the report of the European Commission for Serbia for 2020:

“The Serbian government continued to declare European integration as its strategic goal. However, several statements were initially made by high-ranking officials in the context of the COVID-19 crisis, which were not in line with this strategic commitment. Notwithstanding its latest more positive signals towards the EU, the Serbian authorities overall need to place more emphasis on objective and unambiguous positive communication on the EU, which is Serbia’s

main political and economic partner” (EC Report on Serbia SWD(2020) 352 final).

A similar message was sent via the report for 2021 (EC Report on Serbia SWD(2021) 288 final), this time as a result of open criticism from Serbia against the first restrictions on the export of medical equipment from the EU:

“European solidarity does not exist. It was a fairy tale on paper. I sent a special letter to the only country that can help, and that is China”.

Vučić said this on 15 March 2020, the day when Serbia declared a state of emergency because of the coronavirus pandemic (Simić 2020). The crisis in the relationship was painfully obvious. In April of the same year, the EU proposed macro-financial assistance for dealing with the COVID-19 situation and its consequences, but Serbia was the only country that refused it. Serbia’s president openly questioned the effectiveness of such assistance, saying that the country did not need it and that it was too expensive (Stojanović 2020).

The request to change communication regarding the EU in the countries of the region was also included in the Brdo Declaration from the EU-Western Balkans summit, held in Slovenia in October 2021:

“The EU is by far the region’s closest partner, main investor and principal donor. The unprecedented scale and range of this support must be fully recognised and conveyed by the partners in their public debate and communication” (Brdo Declaration 2021, statement no. 3).

In its 2020 Report, the Commission for the first time assessed the overall balance in the accession negotiations with both Montenegro and Serbia (EC COM(2020) 660 final, 20, 21), concluding that it was ensured in both cases. The same assessment was also repeated in 2021 (EC COM(2021) 644 final). The separate annual assessment of the overall balance heralded a stronger political dimension of the EU enlargement policy, aimed at the Union no longer being seen as an accomplice in the widely criticised legitimisation of stabilocracies in the region (BIEPAG 2017). However, the question remains as to whether EU member states will be ready to sufficiently dedicate themselves to the problems in the region and take more decisive steps, especially with regard to the process of democratisation. Despite signals that indicated the existence of such an intention, it is almost impossible to expect it at the time when there is a war on the European continent, i.e. when the stability and alignment of the region on the Western side are becoming even more important than before.

Despite official statements from the EU institutions and periodic summits between the EU and Western Balkan leaders, the EU’s enlargement agenda has barely moved in the past few years and has lost almost all credibility (Fouéré 2022,

1). The changes in terms of the addition of opening, interim and closing benchmarks, the change of order of negotiation chapters, and the renewed emphasis on fundamental reforms in rule of law, democracy and economic governance are not likely to help bring about major reforms required from the states of the Western Balkans. The main reason for this is the diminished credibility of the EU's conditionality, linked with the declining public support for enlargement in the existing Member States (Dimitrova 2016, 3). On the other hand, accession fatigue in the Western Balkans is quite evident, and the region now views the advantages of EU membership mostly in economic (rather than democratic/political) terms (Stratulat *et al.* 2021, 6).

Enlargement towards the East: Ambivalence Reloaded

The hitherto unclear prospect of enlargement is now further complicated by the fact that Ukraine, Moldova and Georgia have applied for EU membership in late February and early March of 2022. As part of the Eastern Partnership under the European Neighbourhood Policy (ENP), these countries were encompassed by a contradictory EU policy that was supposed to make a special contribution to stability and good governance in its immediate neighbourhood and contribute to the creation of a circle of well-governed states in Eastern Europe, the South Caucasus and the Mediterranean. In the first ten years of implementation of the ENP – which essentially implies the EU's bilateral relations with each of these countries – the EU used instruments similar to those of its enlargement policy. Thus, the Commission prepared country reports in which it assessed the political and economic situation as well as institutional and sectoral development, evaluating possible ways to strengthen relations with a particular country. The reports were submitted to the Council, which then decided whether or not to proceed to the next level of relations. A special action plan (the ENP Action Plan) was negotiated with each country, defining priorities for a period of three to five years. Priorities included political reforms, economic and social cooperation and development, trade issues, market and regulatory reforms, cooperation in the field of justice and home affairs and sectoral policies (transport, energy, environment, information society, etc.) (Kovačević 2020, 160-161). The incentives that were offered included greater participation in EU programmes, financial assistance and easier access to the market.

From the very beginning, one of the contradictions of the ENP was the issue of potential membership. Unlike the Union's relationship with the Western Balkans,

which includes the membership perspective, the ENP represented everything *but* membership, where the EU's goal was to halt the wave of enlargement when it comes to countries in the eastern neighborhood that might be aspiring to become members, while simultaneously convincing its new "partners" to embrace liberalisation, democratisation and alignment with its *acquis* (Edwards 2008, 46). In other words, the neighborhood was offered "enlargement lite", i.e. a diluted version of the original partnership without the promise of accession. The ENP experience has shown that the EU has not in fact been very successful in projecting its normative power in cases where full membership was not on the agenda: the EU's expectations of normative convergence and harmonisation in Europe are viewed as legitimate and warranted only when the incentive provided by accession is on offer. Once it is not available, the situation is radically altered and the EU's capacity to act as an anchor for reforms is proven to be severely limited (Haukkala 2011, 48). Despite the above, the EU has continued with its policy of strategic ambiguity towards the Eastern Partnership.

Ukraine, Moldova and Georgia stand out in the Eastern Partnership because they have already openly stated that their goal is full membership in the EU, and because all three have signed ambitious Association Agreements with the EU in 2014. As President of the European Council Herman Van Rompuy said in 2013, these were the most advanced agreements of their kind ever negotiated by the European Union (European Council 2013). Political aspects of the association include rapprochement in foreign and security issues, strengthening of democratic institutions, rule of law and good governance, cooperation in the field of justice, freedom and security – a sort of political integration without membership. One of the innovations of these Association Agreements is its integral part – "Deep and Comprehensive Free Trade Agreements" (DCFTA), which aims to create conditions for strengthened economic and trade relations that would lead to gradual integration into the internal EU market. In addition to mutual abolition of customs duties, Ukraine, Moldova and Georgia have pledged to gradually harmonise their technical rules and standards with those of the EU, and to harmonise their legislations in the area of e.g. public procurement services, adopting all existing and future EU *acquis*. The EU's key interest lies precisely in extending the *acquis communautaire* to trade and investment sectors and in eliminating non-tariff barriers through regulatory alignment in areas such as protection of intellectual property, the right to competition, product origin rules, labour market standards and environmental protection. Such a wide scope of integration soon started to be called 'enlargement-lite' (Hug 2015, 9) or shadow membership, as it led to harmonisation with the *acquis communautaire* without formal membership (Kovačević 2020, 156).

Same as with the Western Balkans, the EU kept sending contradictory messages to Eastern Europe. For example, in 2014, the Council of the EU “expressed its conviction” that the Association Agreement does not constitute the final goal in the EU-Ukraine cooperation (Council of the EU 2014, 8). On the other hand, the very signing of the Agreement was controversial. The consultative referendum held in the Netherlands in April 2016 (See more in Van der Loo 2016) refused to ratify the Association Agreement with Ukraine, which led the European Council to adopt, in December 2016, a decision that was legally binding on the Member States of the EU and could be amended or repealed only by common accord of their Heads of State or Governments:

“While aiming to establish a close and lasting relationship between the parties to the Agreement based on common values, the Agreement does not confer on Ukraine the status of a candidate country for accession to the Union, nor does it constitute a commitment to confer such status to Ukraine in the future” (European Council 2016).

Other elements of this decision also reveal controversies that could be opened – like the Pandora’s box – especially by the candidacy of Ukraine: the Association Agreement does not contain an obligation for the Union or its Member States to provide collective security guarantees or other military aid or assistance to Ukraine; does not grant to Ukrainian nationals or Union citizens, respectively, the right to reside and work freely within the territory of the Member States or Ukraine; and does not require additional financial support by the Member States to Ukraine. Also, it is stressed that respect for democratic principles, human rights and fundamental freedoms and respect for the principle of the rule of law, including the fight against corruption, are the essential elements of the Agreement. Each Party is allowed to take appropriate measures in case of non-fulfilment of obligations. As a last resort, such measures may include suspension of any rights or obligations provided under the provisions of the Agreement.

The dilemmas highlighted by the Netherlands have not been resolved. In fact, the submission of candidacy for membership has brought the enlargement policy into a new context and has opened up controversy over the possible response of the EU. At its Versailles summit, the EU declared that “Ukraine belongs to the European family”, extending an invitation to the Commission to produce an opinion on the matter (Versailles Declaration 2022). However, contradictory signals are once again coming from the EU. Immediately after Ukraine submitted its candidacy, presidents of 8 central and eastern European countries called on EU Member States to immediately grant Ukraine a candidate country status and open membership talks (*Reuters* 2022a). President of the European Commission Ursula von der Leyen announced in April that “it will not, as usual, take years to form this opinion, but

rather weeks” (*Euronews* 2022), but only a month later French President Emmanuel Macron said that he favoured a new type of European political community, warning that the process of Ukraine’s accession would take several years, probably even decades (Reuters 2022b).

On the other hand, one can already hear opinions that DCFTA provides an opportunity for accelerated opening of membership negotiations with Ukraine (Emerson *et al.* 2022). Emerson *et al.* are of the opinion that Ukraine’s accession process would not start from scratch because all the chapters of the enlargement process are featured in commitments Ukraine has already made in the Association Agreement including DCFTA and are part of the regular evaluation of the implementation of the Agreement. Unlike the case of Serbia, whose condition for accession is the normalisation of relations with Kosovo*, the position here is that the EU cannot let its enlargement procedures be taken hostage by Russia, and that territorial issues should be resolved separately. It remains to be seen how this will be applied in practice, but it would obviously constitute a policy of double standards. On the other hand, Ukraine’s candidacy and the possible EU response are now reviving the long-standing ideas about possible forms of differentiated accession to the EU (See more: Kovačević 2020, 197-214).

As regards the application of the methodology for accession negotiations, Emerson *et al.* proposed in October 2021 to revive the process by elaborating the possibilities provided by “phasing-in” individual EU policies and the EU market, which would consist of four phases: initial accession, intermediate accession, New Member State and conventional membership, where each phase would involve meeting the appropriate conditions and realising a certain scope of rights by the acceding country (Emerson *et al.* 2021). Gradual integration concepts propose very specific integration levels that are compatible with the revised methodology approach, as they contain all the EU-required elements: the merit-based system, focusing on the fundamentals, increased credibility through greater predictability of positive and negative conditioning, as well as very tangible benefits for the candidates earlier, ahead of the full membership stage (Petrović 2022, 316). These proposals, however, require a strategic EU response, rather than reactive forced responses.

Conclusion

The war in Ukraine and its application for membership have created a “perfect storm” for the enlargement policy. Tired of enlargement and internal crises, the EU has left the Western Balkans on its periphery, dominated by interests of stability.

The political and strategic approach, which should have underpinned the EU's policies towards the Western Balkans from the start, has over the years been sidelined in favour of an excessively bureaucratic and technical process that prioritised form over substance (Fouéré 2022, 2). An attempt to return to a more determined conditionality via the revised methodology could be used for applying pressure aimed at geopolitical alignment, and it therefore looks like democratisation and the establishment of the rule of law in the region will be sacrificed once again – before, it was done for the sake of stability, while this time it will be done for the sake of creating an anti-Russian bloc.

The key problem is still the absence of a strategic vision of relations on the European continent and the EU's role in establishing them. The entire process of spreading 'Europeanisation' outside the EU is inspired by the ambivalent and conflicting geopolitics that the Union applies as a strategic instrument, creating an image of friends, special friends, and the hesitant, inferior neighbourhood that needs to comply with EU standards as soon as possible (Boedeltje and van Houtum 2011, 130–131). This approach of the EU has sacrificed the policy of enlargement, turning its most successful transformative foreign policy instrument into a means of short-term and medium-term influence in certain European countries. We should recall the now all-but-forgotten case of Turkey, which constituted a precedent in the enlargement policy because a country whose candidacy was controversial from the beginning was given the status of a candidate, followed by accession negotiations (Nugent 2007). The Member States' different views of enlargement have always existed, but they mostly referred to the timeline of the enlargement, the conditionality, and the protection of their own interests in this process. What set the case of Turkey apart is that the EU opened the negotiations by clearly stating in its Negotiating Framework that the outcome of the negotiations does not necessarily have to be full membership:

“While having full regard to all Copenhagen criteria, including the absorption capacity of the Union, if Turkey is not in a position to assume in full all the obligations of membership it must be ensured that Turkey is fully anchored in the European structures through the strongest possible bond” (General EU position Turkey 2005, 1).

In addition, it provided that long transitional periods, derogations, specific arrangements or permanent safeguard clauses, i.e. clauses which are permanently available as a basis for safeguard measures, may be considered in areas such as freedom of movement of persons, structural policies or agriculture. The EU practically offered Turkey “discriminatory membership minus” (Karakas 2013, 1057) and, with the discreet charm of hypocrisy, most European countries would in fact

like Turkey to remain in the limbo between being an insider and an outsider (Aydintasbas, 2018).

President Macron also pointed out the need to design new EU relations with other European countries, presenting the idea of creating a European political community. The proposal was once again EU-centric: the new European organisation would enable democratic countries that share EU values to achieve cooperation in the areas of politics, security, energy, transport, investment, infrastructure and the movement of people, especially the young. Membership would not prevent future accession to the Union, nor would it exclude Great Britain. This proposal is in line with the idea of a Europe of concentric circles that Macron has advocated for several years (Initiative pour l'Europe 2017). In May 2022, he reiterated his commitment to reform the Lisbon Treaty, expand the use of the majority in decision-making, and further differentiate integration (Présidence française 2022). The project of concentric circles could actualise the phasing-in envisaged in the Revised Methodology, but it requires the development of new models of integration. Much like in 2017, Macron's proposal was not elaborated in detail and was presented as individual. Rapid support came from the President of the European Council, who proposed reform of the enlargement policy and the establishment of the European Geopolitical Community (*European Western Balkans* 2022). He admitted that the problem with the current enlargement process lies in the fact that it is based on "all or nothing", and that the process should be faster, gradual and reversible. Once a country meets the necessary standards in a given sector, it would be allowed to actively participate – with an advisory vote – in the work of the Council of Ministers, depending on the agenda. The country would also be gradually integrated into EU actions. He also announced increased financial support to countries that manage to achieve certain benchmarks. The organisation would be managed by heads of state or governments of the participating countries, who would be meeting at least twice a year. Foreign ministers would join the EU Foreign Affairs Council on a regular basis, while other formations of the Council could follow the same example.

It is likely that gradual integration will become the new model of accession that would resolve dilemmas over the candidacies of Eastern European countries and provide the EU with a "middle ground" solution that would apply to both Turkey and the Western Balkans. On the one hand, this proposal is realistic and could improve cooperation between the interested countries and the EU. On the other hand, however, Michel announced that foreign policy would be a major area of cooperation within this Community, which could bring new challenges for Serbia. The adoption of the exclusionary approach, which would condition Serbia to impose sanctions on Russia in order to become a member of this organisation,

could lead to destabilisation. For years now, regional public opinion polls have been showing that Serbian population is the least interested in EU enlargement (Stratulat *et al.* 2021, 4), while EU accession has become Serbia's controversial foreign policy goal since most EU member states recognised Kosovo's* independence (Kurek and Obradović 2019; Đukanović 2015; Gajić 2014; Mladenović 2019). The long-standing ambivalent attitude of the governing structures in Serbia towards the question of what is implied by “the comprehensive normalisation of relations between Serbia and Kosovo* in the form of a legally binding agreement by the end of Serbia's accession negotiations” will become less and less applicable under pressure. This would expose the paradox of the process of Serbia's accession to the EU. Namely, as Serbia progresses in fulfilling the conditions from the negotiating Chapter 35, its foreign policy orientation could come into conflict with its own constitutional order and national interests (Stanković 2021, 187). A public opinion poll conducted in May 2022 shows that 84.7% of Serbian citizens are against recognising Kosovo's* independence in exchange for EU membership, while 82% are against imposing sanctions on Russia over the war in Ukraine (NSPM 2022).

Establishing an organisation aimed at consolidating the new Cold War division on the continent cannot have a long-term perspective, and it is difficult to expect e.g. Turkey to become a member of such an organisation. In other words, what is needed is a strategic response from the EU, rather than another missed opportunity to significantly affect relations on the continent. Let us recall that, in the speech made on 31 December 1989, French President Mitterrand presented the idea – which was quickly rejected at the time and is completely forgotten today – of Europe which should go back to its own home and geography, through the establishment of a European confederation that would include all the countries of the continent (Dumas 2001). Had this or a similar proposal been accepted and further elaborated, it is quite possible that we would not have a war in Europe today.

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**IZMENJENA METODOLOGIJA POLITIKE PROŠIRENJA EU:
CAREVO NOVO ODELO DOK NOVA GVOZDENA ZAVESA PADA PREKO EVROPE**

Apstrakt: Priroda Evropske unije (EU) kao globalnog aktera dugo vremena predstavlja predmet akademske debate. Zastupnici razumevanja EU kao normativne, civilne sile slažu se da njena najveća preobražajna moć leži u politici proširenja, dozvoljavajući joj da oblikuje reforme u zemljama koje žele da postanu članice putem snažnog uslovljavanja. Upravo u tom kontekstu analiziraćemo novu metodologiju pristupnih pregovora, polazeći od osnovne premise da to predstavlja upitan pokušaj EU da zadrži svoju preobražajnu moć spram kandidata za članstvo uprkos krizi politike proširenja, i da dalje ojača ionako snažan mehanizam uslovljavanja. Dve godine po usvajanju nove metodologije izostaju značajne promene u tom pogledu. U međuvremenu, dramatične izmene geopolitičke situacije, uzrokovane izbijanjem rata u Ukrajini 2022. godine, vodile su naglom padu nove Gvozdene zavese preko kontinenta, stvarajući dodatne kontroverze u pogledu politike proširenja: da li će se ubuduće odnositi i na istočnoevropske zemlje, ili će postati deo diferencirane integracije? Pored toga, iznova se rađa pitanje da li EU može da deluje kao strateški akter u pravcu uspostavljanja novih odnosa u Evropi.

Ključne reči: Evropska unija, proširenje, preobražajna moć, Zapadni Balkan, izmenjena metodologija politike proširenja, Istočna Evropa.