THE NEW AGENDA FOR THE EU'S ENLARGEMENT AND NEIGHBOURHOOD POLICIES

Michael Emerson
Steven Blockmans

The New Agenda for the EU's Enlargement and Neighbourhood Policies

Michael Emerson and Steven Blockmans

Abstract

The war in Ukraine, triggering membership applications from Ukraine, Moldova and Georgia and coming on top of widespread calls for reinvigorating the stagnant accession process in the Western Balkans, has led Presidents Emmanuel Macron and Charles Michel to open up a fundamental debate on the EU's enlargement and neighbourhood policies. Ideas include a revamping of accession procedures and creation of a new 'community' to include potentially all of Europe except Russia and Belarus. However, the speeches of these leaders are so far only initial sketches, and it will be up to the European Council on 23 June to take these issues forward.

This paper explores options for the possible membership, organisation and functions of a new community, together with some details of a reformed accession process that would be implemented in stages, replacing the present binary 'in' or 'out' procedure. Politically it is of first-rate importance that the proposed new community would be complementary to the accession process, and not an alternative to it.

Michael Emerson is an Associate Senior Research Fellow and Steven Blockmans is Director of Research at CEPS.

Contents

Boxes, Figures and Tables

Introduction

Recent speeches by French President Emmanuel Macron (9 May) and European Council President Charles Michel (18 May) have opened up the official debate on how to reinvigorate the enlargement process. The debate includes how to respond to the new membership applications from Ukraine, Moldova and Georgia, and the case for a wider, overarching European (geo-)political community. In addition, former Italian Prime Minister Enrico Letta has proposed a European confederation to bring together both the EU and the membership applicants. In May, Austria also submitted a non-paper on both enlargement and neighbourhood policy, and its Chancellor has recently called for an intermediate stage between cooperation and full membership[1].

The next moves are scheduled for mid-June, when the Commission is expected to publish its 'Opinions' on the three new membership applications. Then, more comprehensive discussion is anticipated at the European Council level on 23 June, at which the accession process for the Western Balkans is also expected to be high on the agenda.

For our part, this short paper seeks to do three things:

- first, to clarify the options for the membership map and organisational structure of a new community for the wider Europe;

- second, to outline how the possible functions of the proposed new community might relate to EU policies for enlargement, with a clear definition of respective competences;

- third, regarding accession procedures, to describe how these ideas might fit with more detailed proposals already in circulation for staged accession.

Membership and organisation of a new community

For Macron, a new European political community would embrace 'our democratic European nations', without prejudice to future accession to the EU (implicitly membership applicants), and without excluding 'those that left' (UK). This membership map is not so clear yet, but seemingly wide-ranging.

Michel is somewhat more precise for his European geopolitical community, which would span 'from Reykjavik to Baku or Yerevan, from Oslo to Ankara'. Translated into official language this seems to envisage the EU + the European Economic Area (EEA) + Turkey + those Eastern Partners not applying for membership. There is nothing explicit about either the Western Balkans or the three new Eastern European applicants, but presumably these would also be included.

The Austrian Chancellor advocates a step-by-step process in a 'European preparatory space' *(Vorbereitungsraum),* while his foreign minister adds to the options in saying that the proposals

---

[1] The leaked non-paper of the Austrian Ministry of Foreign Affairs is on file with the authors.

for gradual integration for accession applicants could be extended to 'other neighbouring countries' in a 'new community'.

Overall, these ideas invite consideration of alternative possibilities around the following schematic map.

Figure 1. Schematic map of a wider Europe
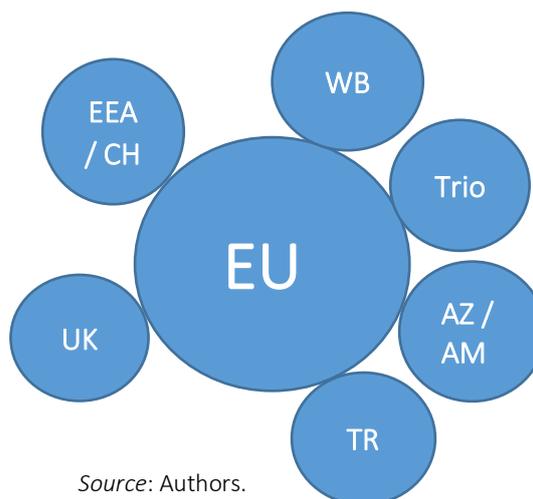
Source: Authors.

Notes: AM = Armenia; AZ = Azerbaijan; CH = Switzerland;
TR = Turkey; Trio = Ukraine, Moldova and Georgia; WB = Western Balkans.

The map brings together the EU with 17 neighbouring states (excluding the southern Mediterranean), including all those mentioned by Michel plus the membership applicant states, making a maximum total of 44 states. Macron seems to be pointing to a very wide map, referring to Mitterrand's confederation idea, then to include the former Soviet Union, and now obviously to exclude today's Russia and Belarus. This map of Europe coincides closely with the effective map of the Council of Europe[2], which of course has precious functions in relation to democracy and human rights. Would the European (geo-)political community develop a special relationship with the Council of Europe? Confederation is also the term used by Enrico Letta, but for him it would include only the EU and membership applicants.

Europe has considerable experience with pan-European organisations, whose basic defining characteristics beyond membership include their sphere of policy competence, the legal basis and operational legal commitments (a treaty, or political declaration, or a Communication by the Commission), chairmanship and a secretariat (or not).

The Council of Europe and the Organization for Security and Co-operation in Europe (OSCE) are full organisations in these respects. While the Council of Europe can now function without Russia or Belarus, the OSCE (which includes the US and Canada) has atrophied because of Russia. The Energy Charter was initiated in the 1990s primarily to engage with Russia in this

---

[2] Also excluding the micro-states that are members of the Council of Europe – Andorra, Monaco and San Marino.

sector through an organisation having a treaty basis and secretariat. But Russia declined to ratify the treaty and as a result the organisation has diminished. The European Bank of Reconstruction and Development has been a far more robust and successful organisation for economic transition, with wider (US, Japan and other non-European) membership, and with continued Russian membership for whom nonetheless new investments are suspended.

The Energy Community (not to be confused with the Energy Charter), while limited in responsibility to implementing the EU energy *acquis*, has for present purposes an interesting institutional structure and membership map. Its treaty basis sees the EU as the contracting party with six Western Balkan and three Eastern European membership applicants. In the interests of limiting its institutional heaviness, EU Member States are not contracting parties, but are 'participants' with the option to attend institutional meetings, which 19 of the 27 currently exercise. Also Armenia, Norway and Turkey are 'observers', with the right to attend institutional meetings. Its membership map is thus very close to that of the schematic map above albeit with different formats of status, and excluding only Azerbaijan, Iceland and Liechtenstein. The presidency of its Ministerial Council rotates annually among the contracting parties, and is held by Ukraine currently.

As a precedent for a relatively new, geographically overarching organisation, the Union for the Mediterranean (UfM) may be recalled. This was promoted by French President Nicolas Sarkozy, with a launch summit in 2008 assembling the leaders of 43 states. There are in principle summits at two-yearly intervals, a north-south co-presidency and a project-oriented secretariat based in Barcelona. There are sectoral ministerial meetings for about a dozen policy domains. The UfM was grafted on top of the pre-existing Barcelona Process. Turkey initially objected to the initiative on the grounds that it was to be an alternative to accession, but this was met with assurances that it would be complementary. The original ambitions of the project have been seriously hampered by persistent conflicts and political discord in the region (Syria, Lebanon, Israel/Palestine, Libya, etc.). By comparison, the proposed European (geo-)political community would start with a far more propitious sense of common political purpose.

There remains the option of organising a structured 'process' without a formal 'organisation' or treaty basis. The Eastern Partnership of six countries, but now five with Belarus's unilateral withdrawal, is an example. The European Commission is the driver and hub of the process, with continual negotiations and interaction with EU Member States in council bodies and with the partner states. Meetings with the partner states at the various levels are chaired by the EU institutions.

For a European (geo-)political community there could minimally be an overarching process of policy dialogue involving an extensive membership map, but with reliance for operational activities on existing sector-specific organisations, hub-and-spoke systems and networks. That said, the term 'community' has a strong resonance in EU circles, and may imply a preference for a real organisation.

Functions of a new community

The current Macron and Michel proposals of sectors suitable for a new and wider European community have common features: foreign and security policy, pan-European infrastructure and networks for transport and energy, and education and scientific research – i.e. sectors that are not or not so heavily dependent on EU law (see the box below). This has the logic of facilitating the application of these functions by Member States, membership applicants and other non-Member States.

Most of these activities are already open to the wider Europe in different degrees of amplitude and funding. But at present they are mainly organised on a hub-and-spoke basis, i.e. without an overarching organisational structure. To be sure, a new single organisation with membership as extensive as proposed (up to 44 countries?) would have disadvantages of heaviness, unless its purpose would basically be intermittent policy debate and dialogue, leaving implementation more to the bilateral or regional/group levels. The EEA, for example, has a deep and efficient relationship with the EU, while the Western Balkans and trio of Ukraine, Moldova and Georgia have their own groupings.

Box 1. Sectors being cited for inclusion either in a new community or in early stages of accession

For Macron's European political community:
    political and security cooperation
    energy
    transport
    investment
    infrastructure
    movement of people, especially youth.

For Michel's European geopolitical community:
    foreign and security policy
    education, Erasmus
    research, Horizon
    transport and energy infrastructure.
For Michel, sectors for early stages of accession:
    certain sectors of the single market
    roaming
    energy market.

For the Austrian non-paper, sectors for early stages of accession and a new community:
    single market for goods, services, labour and capital
    trade and tax policies
    energy and climate policies
    Trans-European Network for Transport
    education, science and research
    foreign security policy
    food security
    EU agencies.

Functions for achievement in stages

A further major feature of the emerging policy debate is how the currently stagnant accession process in the Western Balkans might be reinvigorated, and applied to the new Eastern European applicants. A pivotal idea is to break away from today's binary 'in' or 'out' process, in favour of accession in stages.

For this, the most developed proposal is *A Template for Staged Accession to the EU*. Of the four stages advocated, stages I and II would be pre-accession, stage III would be upon accession subject to just a few transitional limitations (most importantly exclusion from veto powers in the Council), while stage IV would be for full conventional membership. The passing from stage to stage would see progressive inclusion in the institutions of the EU and in the scale of its funding, all conditional upon ratings of the performance of the applicant states in relation to chapters and clusters of the present enlargement methodology. The Commission already produces annual, detailed qualitative assessments and these could be readily built upon as a basis for quantified ratings. Quantification would have the important advantage of permitting the aggregation and averaging of chapters and clusters, thus providing an objective basis for decisions by the European Council for individual applicants to pass from stage to stage.

The Austrian non-paper and some of Michel's proposals address the case for certain sectors to be put on track for implementation and achievement of results in early stages of the accession process, and not just upon accession. Given the length of the accession process this sounds like a reasonable idea in principle. But its operationalisation has to take into account what is being accomplished step by step in any case in the processes of opening and closing the 'chapters' of the enlargement process. For example, many regulatory chapters deliver their own benefits when the EU's quality legislation is properly implemented (e.g. company law, intellectual property rights, competition policy, and consumer and health protection).

Still, there is a credible political case for a staged accession process to attain certain significant and politically visible landmark benefits on the way, beyond the progressive increases in funding and institutional participation. For that, Michel points to 'certain sectors of the single market', while the Austrian non-paper goes for the whole single market, for goods, services, labour and capital[3].

These ideas make it relevant to identify the different sectors of the single market as to their suitability for early or later implementation, both for their relative ease or difficulty of implementation and for their importance. For example, the liberalisation of capital movements would be the easiest to implement in stage I, but also has less appeal in that it is closest to the status quo already.

---

[3] See also European Stability Initiative (ESI) (2022), 'Offer the four freedoms to the Balkans, Ukraine, and Moldova: For a merit-based EU accession process that offers a credible goal', ESI, Berlin, Brussels and Istanbul.

On the other hand, recent enlargements have seen full liberalisation of the movement of people subject to transitional delays for years even after accession, i.e. only in stages III or IV.

As for services, this is a highly complex field defying early and sweeping implementation, with EU Member States retaining a plethora of bilateral reservations over the opening of their markets until the last minute (i.e. not before stage III). However, there is room for some important service sub-sectors to achieve full single market status before the entirety of the service sector, for example in stage II. This could concern financial services, telecommunications and civil aviation, assuming that the onerous regulatory requirements would be fully met.

By contrast, road transport would seem on current experience not to be a plausible sector for the complete liberalisation in pre-accession stages.

This leaves the free and frictionless movement of goods as potentially the biggest prize for stage II. For that, there would have to be an abolition of all tariffs and quantitative restrictions, and compliance with all European technical standards or regulations for industrial and agri-food products. To this could be added adoption of the common external tariff and various customs code provisions to enable access to the customs union. This is a complex agenda for the free movement of goods, but together the whole is much more than the sum of its parts.

Overall, this means that the idea of accession to the whole single market at an early stage is not realistic, but that when its component parts are considered there could be possibilities for some early achievements.

There are also possibilities for associated states to participate in the EU's Green Deal, with Ukraine already keenly engaged and having big ambitions. The process was seriously underway before the war or the membership application, but full participation will at best be a long-haul affair.

There could be question of whether accession to the Schengen area might be achieved already in stage II, but this looks a rather remote possibility given the delays still being experienced by Romania, Bulgaria and Croatia.

Access to the euro area would be reserved for stage III, following the established conditions.

The Austrian non-paper mentions EU agencies. These are in many cases already open to participation by associated states, but usually on condition that the relevant sectoral *acquis* is implemented and that an administrative agreement is concluded. So progress here will have to be determined on a case-by-case basis, given the large number of agencies and also operating programmes that could be concerned (see Tables 1 and 2).

Table 1. EU agencies open to associated states

Agencies		
European Fisheries Control Agency (EFCA)	European Aviation Safety Agency (EASA)	European Maritime Safety Agency (EMSA)
European Agency for Safety and Health at Work (EU-OSHA)	European Defence Agency (EDA)	European Food Safety Authority (EFSA)
European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)	European Police College (CEPOL)	European Institute for Gender Equality (EIGE)
European Union Institute for Security Studies (EUISS)	European Union's Judicial Cooperation Unit (Eurojust)	European Police Office (Europol)
European Agency for the Management of Operational Cooperation at the External Borders (Frontex)	European Centre for Disease Prevention and Control (ECDC)	European GNSS Agency (GSA)
European Chemicals Agency (ECHA)	European Environment Agency (EEA)	European Network and Information Security Agency (ENISA)
European Foundation for the Improvement of Living and Working Conditions (Eurofound)	European Asylum Support Office (EASO)	

Source: Authors' compilation.

Table 2. EU programmes open to associated states

Programmes		
Asylum, Migration and Integration Fund	Copernicus, European Earth Observation Programme	Competitiveness of Enterprises and SMEs (COSME)
Creative Europe, programme for the cultural and creative sectors	Customs 2020	Erasmus+
European Maritime and Fisheries Fund	European Statistical Programme	European Territorial Cooperation
Fiscalis 2020 (tax administration support)	Galileo and EGNOS Programmes, Global satellite navigation system	Health for Growth
Hercule III Anti-fraud Programme	Horizon 2020	Internal Security Fund
Life Programme, environment and climate change	Pericles 2020, programme for the protection of the euro against counterfeiting	SESAR JU, Air Traffic Management modernisation
European Union Civil Protection Mechanism	–	–

Source: Authors' compilation.

Conclusions

Potentially big ideas of strategic consequence have been put forward by EU leaders for both reinvigorating the accession process, and in parallel creating a new political or geopolitical community of the wider Europe to include the EU, membership applicants and other non-applicant states, without Russia or Belarus.

The official ideas so far in circulation are only sketches, and are due to be the subject of deliberations at the European Council level and the preceding EU-Western Balkans leaders' meeting on 23 June. Work is surely underway in official circles to specify the ideas in operational detail and test their acceptability.

The proposals being made for a new community indicate that it would be complementary to the accession process, not an alternative to it. Even so, there is a certain nervousness among membership applicant countries on this point, which the EU will need to assuage convincingly in its deliberations.

Regarding the membership of a new community it seems that ideas are converging on the whole of Europe to the exclusion of the dictatorships of Russia and Belarus. As to its possible organisation, there will have to be a primary deliberation over whether this should be institutionally structured, or a less formalised and law-heavy process. Europe has experience of several models of both types.

In the former category, there are interesting features seen for example in both the Energy Community and the Union for the Mediterranean. The latter's real difficulties in achieving effectiveness due to political conflict and discord within the region should not detract from its institutional features, which could have a better chance of success with the politically much more convergent states of the proposed new community.

On the other hand, the Eastern Partnership has seen the development of a substantial process with a light institutional and legal basis. Its features bear consideration even if the new membership applications of the three Eastern European associates call into question how the Eastern Partnership would itself fit into the new political landscape.

On the widespread search for the means to reinvigorate the accession process for both the Western Balkans and potentially the Eastern European membership applicants, the main idea under debate is for accession in stages with progressive institutional and financial integration. It would – in our view -be conditional upon quantified ratings for performance in relation to the chapters and clusters of the process. There is also interest in identifying sectors of the process that could deliver manifest benefits at as early a stage as possible. It is sometimes suggested that the single market could be the priority for early achievement. As a general proposition this is not plausible, although a selection of certain elements would be possible – for example, for trade in goods.

Whatever the shape of the future community, it should be complementary to the process that leads accession applicants to full EU membership, not an alternative to it.