

# Advocating gradual accession to the European Union

EUROPE IN THE  
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#enlargement

## • Introduction

Faced with the new geopolitical reality brought about by Russia's invasion of Ukraine, the European Union must seriously reconsider the issue of furthering the enlargement process, in particular towards two groups of countries: the Western Balkans and the "Eastern trio", namely Ukraine and Moldova (which already enjoy candidate status) and Georgia (for which only a "European perspective" is recognised).

### I • The shortcomings of the existing EU accession model and its unsuitability given the current challenges

The tried and tested approach during previous enlargements, and particularly during 2004's "big bang", is clearly inadequate. A case in point is the fact that – twenty years after the European pledge made at the Thessaloniki European Council – the accession process has stalled for the countries of the Western Balkans, with the notable exception of Croatia. As the "2004 model" has been so unsuccessful in this region, can more be expected for the countries of the "Eastern trio"?

Naturally, there are specific difficulties inherent to the situation in countries of the Western Balkans, which urged the European Union to review relatively quickly the system it used for Central and Eastern European States. Firstly, the EU introduced the "stabilisation & reconciliation" aspect, due to the legacies of the post-Yugoslav

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Wars. Secondly, the “regatta<sup>1</sup>” approach, which was sidelined for Central European countries, with the relative exception of Bulgaria and Romania, has returned to favour. Unlike the countries of Central and Eastern Europe, **the countries of the Western Balkans are not only making slow progress on the road to accession, but are doing so at different paces<sup>2</sup>.**

However, beyond the undeniable specific features of the Balkan nations, it must be acknowledged that the political backing of the 2004 enlargement suffered from serious failings, with consequences that have hampered the European Union’s action and influence. The main shortcoming of the process to reunify Europe is the “illiberal” drift, which is particularly strong in certain Central and Eastern European countries. More generally, the rise in somewhat Eurosceptic and populist trends in both East and West, and the persistence of a mental iron curtain, were the main limits to the success of the 1989-2004 drive. From the imaginary Polish plumber during the French referendum debate in 2005 to the widespread feeling of “enlargement fatigue” in the West and the role played by the rejection of the free movement of workers within the EU during the Brexit referendum, it is clear that the West has far from finished “digesting” the 2004 enlargement. Yet in the East, the outlook is not any rosier: there is growing radical populism and Euroscepticism, that feed on a strong bitterness towards Western Europe<sup>3</sup>.

This twofold frustration is closely linked to the issue of dual timescales which characterises the conventional EU enlargement model: from the perspective of Member States, access always tends to appear too fast, thus giving credence to the narrative of premature and hasty enlargements. From the perspective of candidate countries, the same accession process feels terribly long and frustrating. Highly symptomatic of this, in the year following the 2004 enlargement, voters in France and the Netherlands buried the draft Constitution for Europe, and in three of the largest new Member States, the heads of government had to resign<sup>4</sup>, at a time when they could have been expected to enjoy major political kudos for finally completing the accession process.

These two different ways of viewing the same timeframe are a result of the **binary nature of the approach to past enlargements which makes a sharp distinction between candidate status and member status**. The accession process appears to be primarily a long sequence of preparation, followed by immediate access to full membership status, rather than a form of gradual integration. The elements that make the process more gradual, namely pre-accession assistance and the transition periods for the new Member States, pale in comparison to the perception of shifting from “nothing” to “everything” on the day of accession<sup>5</sup>. This is why the

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1 This approach involves gradually completing the accession of candidate States as and when they are ready. For the countries of Central and Eastern Europe, this approach was initially considered but the “big bang” strategy was instead adopted, leading to the group accession of ten States in 2004, eight of which are in Central and Eastern Europe. Cf. Macek, L.: *L’élargissement met-il en péril le projet européen*, Documentation française, Paris, 2011, pp. 139-141 (in French).

2 Cf. Macek L. & Couteau B. 2023. “Enlargement of the European Union: an unexpected revival”, *Infographics*, Paris: Jacques Delors Institute, June.

3 In his article for *Euractiv.com* on 8 August 2022, the Polish Prime Minister Mateusz Morawiecki noted that “*political practice has shown that the voice of Germany and France counts above all. Thus, we are dealing with a formal democracy and a de facto oligarchy, where power is held by the strongest. In addition, the strong ones make mistakes and are incapable of accepting criticism from outside.*”

4 Leszek Miller on 2 May 2004 in Poland, Vladimír Špidla on 4 August 2004 in the Czech Republic and Péter Medgyessy on 29 September 2004 in Hungary.

5 For example, in terms of funding, as stated by Pierre Mirel, over the period from 2014 to 2020, Bulgaria (member) and Serbia (candidate), two countries with comparable populations, received European funding at a ratio of 8 to 1 (Mirel, P.: “[The Western Balkans: between Stabilisation and Integration in the European Union](#)”, in *European Issues*, Robert Schuman Foundation, Paris, issue 459, 22/01/2018).

issue of setting an accession date is so dramatic and often involves empty promises and false hopes. This strict separation between “members” and “candidates”, and the approach of a long preparation which does not include milestones of significant and clear gains that would be well received by public opinion contribute strongly to the forging of a highly asymmetrical relationship, broadly overlooking the fact, however glaring, that today’s candidates are most likely to be tomorrow’s members. This asymmetry can be likened to a “teacher - pupil” relationship, with school-related vocabulary often being used in the media in the countries concerned, with in particular the regular reports of the European Commission being compared to “report cards”. This patronising stance breeds a frustration that is akin to the rise in Euroscepticism and the fear that “new” Member States have of not been sufficiently considered and of being treated as second-class Europeans.

The second major failing of the pre-2004 process was that **technical aspects took precedence over the political message**, a risk that had already been identified and criticised by Václav Havel, speaking at the European Parliament in 1994<sup>6</sup>. Can it be said that compliance with the technical standards of the internal market is more essential than sharing common values? The accession process implemented in the 1990s and 2000s seemed to be focused more on adding new consumers to the single market rather than citizens to the political community. This perception was heightened by the ease with which the 1995 enlargement was conducted, without consideration of the issue of neutrality affecting the three States concerned, Austria, Finland and Sweden, right as the EU was launching its Common Foreign and Security Policy (CFSP).

Lastly, the lack of effective long-term work on public opinion on both sides is the third shortcoming of the 2004-2007 enlargements and perhaps the most serious. It is also related to the binary nature of the process as discussed above. The lack of gradual familiarisation and socialisation between candidates and members at all levels fostered two typical reactions on both sides of the process: public opinion (but also political elites) in candidate countries had a vision that was too theoretical, naive and often fantasised of reality in the EU, while in Member States it tended to “discover” the accession process only upon its completion, due to a somewhat blanket lack of political discourse ahead of enlargement. Needless to say, this method was fertile ground for all kinds of disillusionment for the “new” members. For the “old” members, this stoked fears of a sudden disruption of the EU’s functioning, making citizens distrustful of enlargement, viewing it as a sudden break from business as usual<sup>7</sup>.

The two decades since the Thessaloniki pledge have hardly shown a firm drive to remedy these failings. The binary approach is still in use and the “teacher/pupil” relationship is perhaps even more pronounced for the Balkan nations, with disillusionment and a gradual erosion of trust in the very meaning of the process, on both sides, but particularly for the candidate countries<sup>8</sup>. **Considerable attempts to make**

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6 Address to the European Parliament, 8 March 1994.

7 This explains the difficulty experienced by some of the traditionally “pro-European” circles in France to have a positive perception of enlargement, with a recurring trend to contrast deepening and enlargement. (cf. for example Lequesne, C.: *Assumer un nouveau projet d’Europe élargie*, CERI – Sciences Po, September 2011) (in French). Yet, such a break is not verified in facts: a study on the adoption of all European secondary legislation from 1976 to 2007 reached the conclusion that “no significant reduction of legislation goes along with an increase in the number of member states”. (Hertz, R.; Leuffen, D.: “Business as Usual? Analyzing the Effects of Enlargement on EU Legislative Output” in CIS Working Paper n° 38, Uni/ETH Zurich, 2008).

8 According to the [survey published in 2020 by the Balkans in Europe Policy Advisory Group \(BiE-PAG\)](#), 44.9% of respondents in Bosnia and Herzegovina, 42% in Serbia, 40.5% in North Macedonia and 36.8% in Albania think that their country will join the EU in 2040 at the earliest, or never.

**the process more political** – with emphasis on the “fundamentals” (chapters 23, on judicial reform and fundamental rights, and 24, on freedom, security and justice) and the “**new methodology**” which asserts a stronger political steer – have not resulted in significant effects to counter the feeling of a technocratic process that has become bogged down. They cannot overcome the fact that, **within the Commission, enlargement is at best a secondary priority**. One significant fact is that no Commissioner responsible for this dossier has come close to the political influence of Günther Verheugen who was in charge within the Prodi Commission. Lastly, work on public opinion is even more lacking than pre-2004 levels, which is not surprising in candidate countries, given the growing feeling that enlargement has become a fool’s game. Yet for Member States, if we take the example of France, hardly any lessons have been learned from the 2004-05 enlargement. The deafening silence that met Croatia’s accession in 2013 is a glaring illustration of this. Prior to 24 February 2022, rhetoric on enlargement, with the exception of the Turkish spectre that was waved by certain Eurosceptics, was more or less non-existent in the French public arena.

Russia’s invasion of Ukraine changed this situation: enlargement became an audible topic, and even a political priority for the European Union and its Member States<sup>9</sup>. The theme, which was hitherto under-utilised, of the importance, and indeed the **geopolitical necessity for the EU to stabilise its neighbourhood**, returned to the fore. The political impossibility of ignoring Ukraine’s application firmly revived the question of enlargement – for Ukraine, and also for the Western Balkans. Against this backdrop, sticking to the same approach would have been a monumental mistake. It goes without saying that the EU cannot accept express accessions that could destabilise or detract from any of its fundamental principles. This means that to shift the position lines without taking an unreasonable risk for the future of the European project, it is necessary to tackle the very heart of the issue discussed above, namely the binary nature of the candidate-member relationship and the idea of a “monolithic” accession process.

## **II • A reform proposal that is gradually gaining traction in public debates: “gradual accession”**

The growing awareness of this necessity can be seen by the increasing popularity of the concept of “gradual accession”. Similar ideas had emerged during the 2004 enlargement but were not a feature of political debate before and after this<sup>10</sup>. More recently, in response to the stalling accession process for the Balkan nations, the idea of a more gradual approach has started to take root in think tanks, with in particular the two approaches presented in greater detail below: the proposal of Pierre Mirel and that resulting from the work of the CEP Belgrade, in partnership with CEPS Brussels. The idea of “gradual access to European Union policies and programmes” appears in the *non-paper* published by France in November 2019. The proposal of a two-stage integration process, starting with single market entry and continuing subsequently with other policies and access to the institutions, was put forward by the European Stability Initiative (ESI) in January 2020. Yet it is above all Ukraine’s application that pushed these ideas back into the forefront of top-level political debate: in the section of its conclusions of 23 June 2022 on the Western Balkans (point IV.16), the European Council invited “the Commission, the High Representative and the Council to further advance the gradual integration between

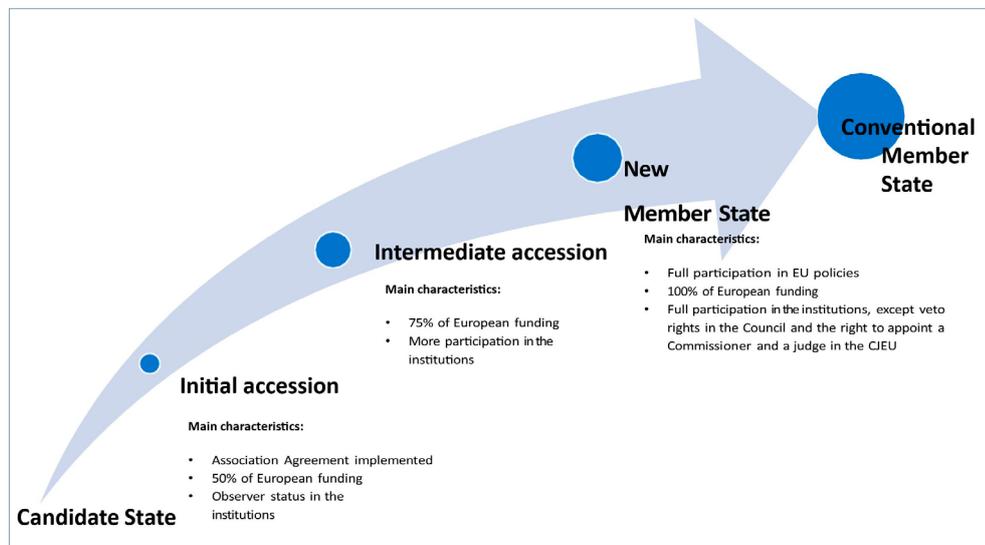
<sup>9</sup> Cf. Maillard, S. “[How enlargement accomplishes European unity while changing its nature](#)”. Original version published in French in *Politique étrangère*, issue 4, 2022. English translation available on the Jacques Delors Institute website (see link).

<sup>10</sup> Macek, *op. cit.*, p. 132-134 and 137-139.

the European Union and the region already during the enlargement process itself in a reversible and merit-based manner". The launch of the European Political Community in 2022 could also be viewed as an opportunity to pave the way for the transition from candidate status to member status.

However, while the concept of gradual accession is becoming a tenet of political debate, it can encompass quite different ideas, even though there is a common denominator: the drive to break the monolithic nature of accession by making the process more motivating for candidates, with positive effects on public opinion on both sides of the process.

**DIAGRAM 1. Staged accession according to the CEP Belgrade and CEPS Brussels**



▲ Source: Emerson, M.; Lazarević, M.; Blockmans, S. and Subotić, S.: A Template for Staged Accession to the EU, CEP Belgrade, CEPS Brussels, October 2021.

**DIAGRAM 2. Proposal of gradual accession with Associate Member Status (AMS)**

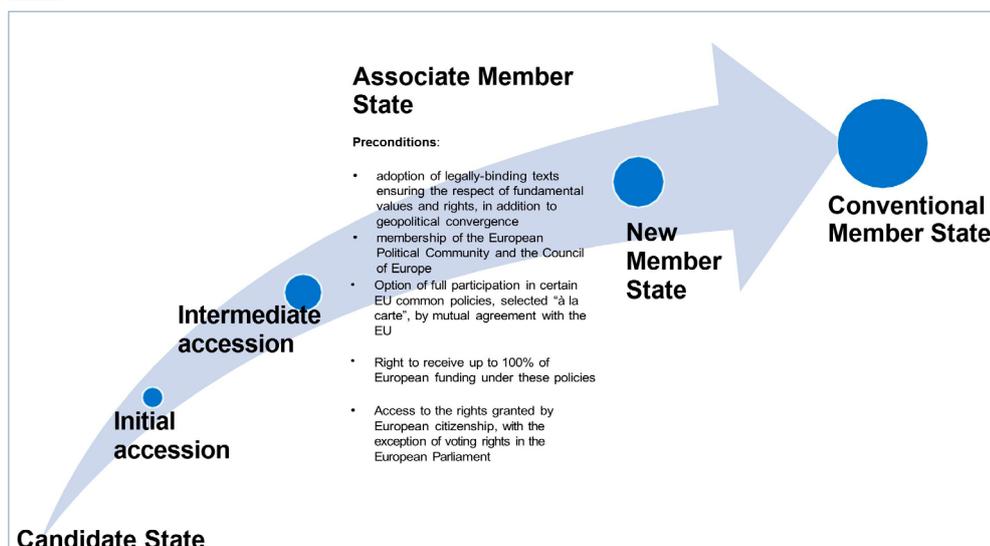
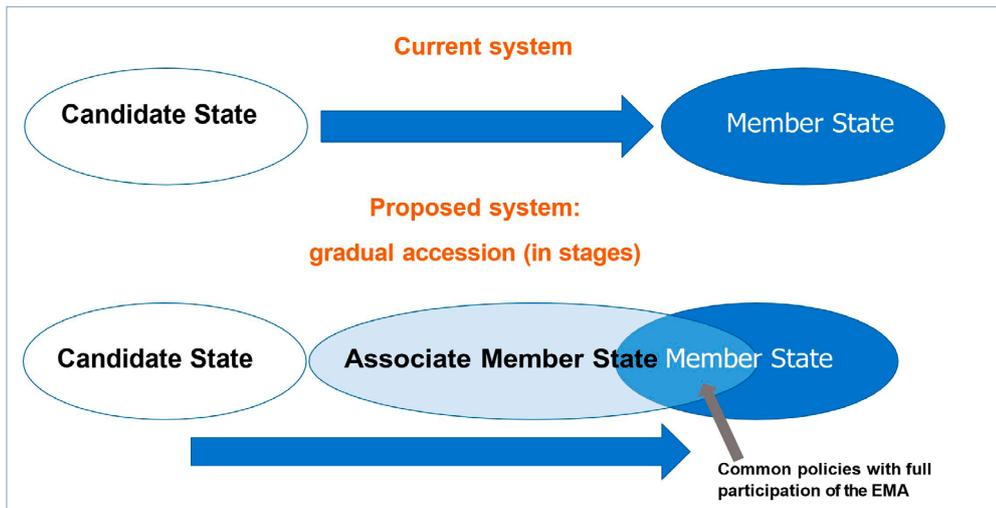


DIAGRAM 3. Accession process of the European Union



### III • Two approaches to “staged accession”

Pierre Mirel’s approach – outlined in January 2018<sup>11</sup> and developed in May 2022<sup>12</sup> – is based on considerations of the financial resources allocated to candidate countries and to Member States, noting the overwhelming and counter-productive threshold effect between the two statuses: candidates receive too little in view of their needs, while new Member States become the recipients of colossal amounts practically from one day to the next, which are difficult to absorb. His proposal is therefore to roll out a gradual integration of candidate countries in the internal market, “*if real progress in chapters 23 and 24 were made*”, together with equally gradual access to “*post-membership programmes and notably the Cohesion Fund*”<sup>13</sup>. The new accession process would therefore be based on three principles: “*ending the binary system of limited pre-accession assistance and then massive post-accession funds once a member; progressing towards accession in stages according to reforms achieved, with each stage giving access to increased funds; establishing a consolidation phase at the end of the negotiations before full membership*”<sup>14</sup>. The key intermediate stage would be integrating the internal market, with “*participation in the various Commission and Union bodies in the policies concerned, first as an observer and then in its own right. Priority should be given to new EU flagship policies, such as the Green Deal, as well as association with security and defence policy*”.

This concept of “staged accession” therefore highlights EU policies: the different stages include integration into some of the EU’s policies, with access to the “almost member” status, whereas the **candidate in the current system remains a distant observer that is hardly ever consulted**. In other words, this approach entails proposing candidate countries a pathway towards full membership in line with the concept of an “à la carte Europe”, which is not the ultimate goal but rather a transition phase. While the wide-ranging application of this approach would be a major reform of the enlargement policy and the accession process, it is already somewhat present in the current system with the distinction between EU and EMU accession. In theory,

11 Mirel, *op. cit.* (2018)

12 Mirel, P.: “In support of a new approach to the Western Balkans: step-by-step membership with a consolidation phase” in *European Issues*, Robert Schuman Foundation, Paris, issue 633, 23/05/2022.

13 Mirel, P. *op. cit.* (2018), p. 13.

14 Mirel, P. *op. cit.* (2022), p. 6.

EU membership could have been made more difficult by making the integration of the euro area, which is mandatory through the European treaties, a pre-condition. In practice, it was decided to separate the two, partly because it would be politically untenable to require candidates to comply with a condition that certain Member States are exempt from meeting. Candidate countries are nevertheless required to commit to joining the EMU in the future, though this remains declaratory in nature, without a specific or binding framework or schedule. If the separation between the EMU and the rest of the *acquis communautaire* is accepted, couldn't other breakdowns be possible, with quick accessions resulting in candidates joining the ranks of Member States with temporary opt-outs for other EU policies? The current process only allows for very partial exemptions, with in particular transition periods that apply to highly targeted measures<sup>15</sup>. Staged accession would extend this approach to entire fields of competence (EU policies).

Other areas of work have attempted to develop considerations on staged accession that could be called “accession by competence segments”, highlighting different priorities or focal points. Thus, the French *non-paper* of November 2019 states the “the possibility to participate in EU programmes, to be involved in certain sectoral policies and, where appropriate, to benefit from certain targeted finance”. It even proposes some concrete examples of potential stages/areas: “Connection to the instruments on the digital agenda (roaming, digital Europe, etc.) or participation in the European Research Area and the LIFE+ and Creative Europe programmes could be planned for an early stage in the process. Involvement in the Banking Union or in the European arrest warrant could be envisaged in a middle stage, while access to the internal market would be better left towards the end of the process”.

More recently, the project of the European Political Community may have fostered the implementation of “staged accession”, insisting chiefly on the political aspects of European construction rather than the internal market: the EPC was becoming the first step to accession between candidate and member status, as the “tool to satisfy the opposite need [to that which the European Economic Area (EEA) offers to European States wishing to take part in economic integration without the political dimension of European construction]: to respond to States expressing the desire to join the political project, without having the short- and medium-term ability to become part of the single market, without endangering their own economy and/or destabilising the single market<sup>16</sup>”. It must be acknowledged that the EPC, which could have been a means of reviving the enlargement policy, is now taking a different direction. However, the idea of developing within it “reinforced sector-based cooperation” (such as the accompanying policies to the internal market, including the environment, transport and energy policies), bringing together the EU and some of its European neighbours and candidate countries in particular, remains an option to be explored.

The approach proposed by Michael Emerson, Milena Lazarević, Steven Blockmans and Strahinja Subotić also recommends the concept of staged accession<sup>17</sup>. However, these stages correspond to three status levels granted to the State in question, involving a certain level of rights and located between the two statuses currently in force, namely candidate status and Member State status (which they

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<sup>15</sup> These are sometimes essential, such as for example the transition period for the free movement of workers in 2004, in other words running counter to one of the four fundamental freedoms of the internal market.

<sup>16</sup> Chopin T., Macek M. & Maillard S. 2022. “[The European Political Community. A new anchoring to the European Union](#)”, *Policy Brief*, Paris: Jacques Delors Institute, 18 May 2022, p. 3

<sup>17</sup> Emerson, M.; Lazarević, M.; Blockmans, S. and Subotić, S.: [A Template for Staged Accession to the EU](#), CEP Belgrade, CEPS Brussels, October 2021. A series of publications that set out the proposals of this document is due to be released in June 2023.

call conventional membership). There are three intermediary levels of status: (1) initial accession, (2) intermediate accession and (3) new Member State. The authors propose an elaborate concept according to which the (reversible) right to progress to the next stage would be the automatic result of a certain level of preparation noted by the European Commission - with proposals aimed at making the Commission's assessment more transparent and explicit, with a "rating" system and including more assessment elements from third parties (NGOs). Each status would offer increased access to funding from the EU budget, by defining a percentage of the amount to which the State in question would be entitled, if it were already a conventional Member State: 50% for initial access, 75% for intermediate accession and 100% for the new Member State. Symmetrically, each stage would result in greater integration into the EU's institutions. De facto, the difference between "new Member State" and "conventional Member State" is limited to the institutional aspect, the former enjoying no veto rights during unanimity voting in the Council, no European Commissioner and no Judge in the EU Court of Justice<sup>18</sup>.

This proposal from the CEP Belgrade and the CEPS Brussels is the most developed and practical contribution to date to considerations of reforming the EU accession process. It is based on the differentiated integration approach, applicable not to States which are already members (as is the case with opt-outs, in particular since the Maastricht Treaty), but to candidate countries. It calls for a clearer and more objective methodology to assess the progress made by candidate countries. It explores very realistic avenues which, for the most part, would be easy to implement on both legal and technical levels, if there is a strong political drive. Its implementation would address the major failing of the accession/enlargement process identified above: with clearly defined intermediate statuses, it fills the gap which currently separates candidates and members. The proposal has one major incentive effect for candidate countries - which is one of the key points where their approach is fully consistent with that put forward by Pierre Mirel as discussed above - namely that they would be able to access EU funding that far exceeds the current level of pre-accession assistance (IPA). While it was designed chiefly to address the issue of the Western Balkans, it can easily be applied to the applications of the "Eastern trio". The terminology would likely have to be modified, but it could also meet the aspiration for greater political consideration for States that have long been stuck in the candidate status. Moreover, once again, the proposal for a European Political Community lifted hopes and fostered ideas, with for example the Prime Minister of Albania discussing the idea of an EU associate member status.

However, this approach also broadly sidesteps the question of gradually integrating EU policies, although the authors open the door in this direction, considering whether or not "the stages [in their definition, i.e. the three intermediary stages between candidate and "conventional" member status] should be 'monolithic', i.e., simply passing from stage to stage as unified blocks<sup>19</sup>". Yet, if the idea of intersecting the two approaches (stages such as common policies vs. stages based on status levels) is shelved, isn't there a risk of overlooking the potential of the gradual accession concept?

The risk of a staged accession scenario as proposed by the CEP/CEPS is that the timeframe for its implementation may be somewhat irregular, resulting in the

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<sup>18</sup> This difference may well almost cease to exist, if prior to the next enlargement the current Member States reconsider the issue of veto rights in the Council (which would imply a treaty amendment, except in cases where "bridging clauses" of the treaties in force may be used) or that of the composition of the Commission (in which case a decision by the European Council would suffice, given the system defined for this purpose in the Treaty of Lisbon).

<sup>19</sup> Emerson, Lazarević et al., *op. cit.*, p. 7

stakeholders and above all public opinion feeling like the gradual nature of the process has been lost: it is plausible that most candidate countries could quickly attain stage 1 (initial accession), and even stage 2 (intermediate accession), but may get bogged down at this level with a new long period, albeit in a more comfortable “waiting room” (enjoying 75% of the funding of a Member State). Yet ultimately, this may prove to be just as frustrating as the current system and may lead to the same adverse effects, particularly through a sense of lassitude in candidate countries’ public opinion towards the “West”, with institutional integration that remains relatively limited in stage 2: the right to speak, but along the lines of a simple consultation, without voting rights, and without access to European citizenship<sup>20</sup>. This may be all the more the case as the political elites in candidate countries may - while criticising this unfair treatment - stand to gain from the situation, enjoying 75% of the European windfall in funding, without bearing the responsibilities and all the duties of a Member State. This situation runs the risk of becoming an “à la carte Europe”, in the negative sense of the term, resulting in British-style cherry-picking of the best bits of the EU.

Furthermore, while the major advantage of “gradual accession” is a **gradual socialisation of all stakeholders of EU political life, including citizens themselves**, but above all politicians on both sides of the accession process, gradual yet proactive integration into EU sector-based policies is necessary. It is by working – daily and on an equal footing – on practical dossiers with visible benefits for citizens that this socialisation can be achieved and the binary image of the process can be overcome. This requires significant effort from Member States, which must accept to work with candidates – in given areas – exactly as if they were already fully-fledged members. It **also empowers candidates**, which can no longer act as victims of a shortfall in EU readiness, making them jointly responsible stakeholders, at least in certain areas. This is why gradual accession in the strongest sense of the term implies significant political effort and courage, but it is also how it can become a credible means of upending the untenable status quo with the Western Balkans. It would also solve the impossible conundrum raised by Ukraine’s application, with the geopolitical and moral need to not let Ukrainians down, and the practical impossibility of granting Ukraine a “fast-tracked” approach to conventional accession<sup>21</sup>.

The other limitation of the aforementioned approaches is their relatively technical nature, which is not likely to be understood and endorsed by “normal” citizens who are not experts in European affairs. The system proposed by the CEP/CEPS introduces a refined and technically well thought-out approach, with three accession levels between the “all” of the conventional member status and the “nothing” of candidate status: but would citizens in candidate countries accept that these levels are sufficiently substantial? In the necessarily simplified view of a non-specialist observer, only full accession would continue to count. The rest would be seen as consolation prizes of no great importance. From this perspective, the “new Member State” status, where everything is done like the “established Member States” but without the veto rights and the European Commissioner, may be particularly poorly received, as a sort of humiliating trial period. Twenty years on from their accession, the extent to which Central and Eastern European countries remain highly sensitive to anything that may be interpreted as “second class European” status can still be observed today. Given the failings of the last twenty years, one can assume that this sensitivity may be even more keenly felt in the Balkan States.

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<sup>20</sup> Reserved for stage 3 (New Member State), cf. Emerson, Lazarević *et al.*, *op. cit.*, p. 15

<sup>21</sup> Here, it should be noted that the country that supported Ukraine’s membership the most, Poland, did not hesitate to protect its farmers from Ukrainian competition (<https://www.touteleurope.eu/agriculture-et-peche/la-pologne-et-la-hongrie-interdisent-les-importations-de-cereales-ukrainiennes/>) (in French)

## IV • Three lines of approach to arrive at a new methodology based on the concept of gradual accession

With a view to contributing to a deepening of the founding works presented and commented above, this is a proposal built around three lines of approach: (1) strengthening the political nature of the EU gradual accession system to make it more engaging for States (both members and candidates) and more convincing for citizens; (2) combining the two approaches discussed above, to “smooth out” the process to a greater degree and heighten its incremental roll-out, with a larger number of potential milestones to be achieved, which strongly differentiates the situation in each Candidate State; (3) anticipating and countering the potential adverse effects of this new approach.

### I A MORE POLITICAL APPROACH THAT IS MORE VISIBLE TO CITIZENS

The situation in which a State is part of the internal market without adhering to the political dimension of the European Union already exists: in broad strokes, this is the case of the Member States of the European Economic Area (EEA), which are not EU Member States: Iceland, Liechtenstein and Norway. Opting for this purely economic approach is not an issue for these three countries, for three key reasons. They do not express – at least for the moment – the desire to join the European Union. Taking part in the internal market is therefore an end in itself for them, not a stepping stone. There are no doubts surrounding the quality and robustness of their democracy. They are wealthy nations which do not call on the financial solidarity of EU Member States. The opposite is true of candidate countries – which declare their wish to join the EU (and therefore, to quote the Copenhagen criteria, “adherence to the aims of political, economic and monetary union”) and are young democracies still in the consolidation phase, in danger of regressing what it comes to the rule of law. For a long period of time, they are to be the recipients of budgetary redistribution within the EU – whereas financial solidarity requires the sharing of common values and a common political project.

As a result, **gradual accession must begin with a clear and binding declaration of acceptance regarding common values.** The most natural way of achieving this would be the signature of the European Union’s Charter of Fundamental Rights. From a strictly legal standpoint, commitment to this Charter cannot be separated from the capacity of EU Member State, since it is only applicable to EU institutions and Member States to the extent that they apply EU legislation. A specific system must be designed but it is essential that the start of the gradual accession process begins with a strong affirmation – which is both a legal and political commitment with great symbolic value and visible to citizens both in the candidate country and in the EU – of adherence to the fundamental rights guaranteed under the Charter and the values it underpins. This means that there is no need to reopen the debate on the current wording of the Charter.

Similarly, the gradual accession process must also be part of a **strong convergence approach on a geopolitical level.** At the very least, it implies active participation in the European Political Community, if this initiative continues to be developed along the lines of what was launched at the Prague summit in 2022. Joining the EPC – and if this is structured according to varying degrees of commitment, operating at different “speeds”, participation at the most ambitious “speed” – could be the very first step of gradual accession, like joining the Council of Europe. Once again, it would be better to go further and require a condition that is more directly and exclusively related to the European Union itself. This could involve **the signature of a common declaration that summarises the key elements – in particular the shared analysis of challenges and threats – of the [EU Strategic Compass](#).**

To continue this line of approach, one of the first stages of accession could be full or partial integration into the CFSP. This would involve, on the one hand, full alignment with the *acquis* in this area and a commitment to ensure that the candidate country's foreign policy complies with CFSP rules. And on the other hand, full participation in the roll-out of the CFSP (participation of the foreign minister of the candidate country in the CFSP Council and its representatives in all the other bodies responsible for the CFSP, and in addition citizens of the candidate country become eligible to serve within the EEAS). All this would be on an equal footing, with one exception: no veto rights but the option of applying constructive abstention. However, if the acceptance of a statement that covers the key points of the Compass is a pre-requisite to starting the gradual accession process, participation in the CFSP should be a means of beginning this procedure, not an obligation – as gradual accession should be a flexible process, in which candidate countries can select the stages with which they wish to progress, as long as they respect the framework: pre-conditions to launch the process and the commitment to ultimately proceed to full membership. It is clear that the decision to join the CFSP as quickly as possible (or in policies that come under the former “third pillar” such as participating in Eurojust) would be a very strong indicator of political integration and a symbolic step that would influence public opinion on both sides.

Beyond the content issues discussed above, another aspect provides strong symbolic value and should not be overlooked: the issue of the terminology used, starting with the process itself. The term “staged accession” is unfortunate, due to the dual meaning of the term “staged”, namely “something brought about in stages”, but also “adapted or produced for a performance”. This enables opponents of the concept of gradual accession to mock a “simulated accession”, or in other words a fool's deal.

There is also the question of the terminology used to describe the States undergoing the process. The terms used in the works of the CEP/CEPS – “initial accession”, “intermediate accession” – are not very practical for modern political communication. Speaking of an “initial Member State” is not really conceivable. Yet sticking with the “candidate-member” binary runs counter to the very idea of gradual accession. The most appropriate solution is probably the term already suggested by some (for example Edi Rama, see above): **Associate Member State** (not to be confused with “Associated State” which refers to Association Treaties, a status at a greater remove from the EU than “candidate” status).

Lastly, the key point to strengthen the political and symbolic dimension, which is fundamental for public opinions' perception and acceptability of the process, is integration in the institutions. For the population of a candidate country, it is important to see that its representatives are treated as much as possible on an equal footing, that the country is “part of the family”. From Member States' perspective, it is preferable that the socialisation and familiarisation process begins as early as possible. This is why, on this issue, the process needs to be bold and proactive. This can be achieved by adopting a variable geometry system, particularly in the Council, ranging from a simple presence in an observer capacity as of the first stages (for the agenda points that do not correspond to a stage already completed by the State in question) to equal participation with the exception of veto rights (for stages already completed – see the example of the CFSP discussed above). At the Commission, once a number of stages have been completed, a system of “associate Commissioners” could be implemented in collaboration with serving Commissioners. These representatives would not enjoy voting rights but would otherwise be fully integrated in the institution's work. The system of MEP-observers in the European Parliament – as for States going through the accession process, during the period between the signature date of the Accession Treaty to the date of its entry into force (leaving the States concerned the choice of their appointment method: simple

delegates from the national parliament or a specific election) would be a welcome development to be implemented as early as possible, once again to **step up the socialisation of future Member States**, particularly as concerns the political groups in the EP. Sceptics will not fail to criticise the complex nature of such a system, but it is merely the natural consequence of a pragmatic and nuanced approach, the costs and disadvantages of which remain perfectly justifiable in view of the deadlock the EU enlargement process would face should it be forced to limit itself to binary solutions.

Lastly, the issue of European citizenship is another topic of very strong political and symbolic value. The candidate country's level of commitment in the gradual accession process should be defined, prior to stage 3 of the CEP/CEPS proposal, which would make citizens in that country eligible for European citizenship, with the exception of voting rights in the European Parliament. A connection could be made in particular with integration in the CFSP – given the provisions of article 23 of the TFEU.

### I COMBINING THE TWO AFOREMENTIONED APPROACHES

While the two approaches summarised above are separate, they could be combined. Moreover, as already discussed above, the proposal put forward by the CEP / CEPS opens the door for an approach based on “stages and common policies”. This approach stands to benefit from being part of a system of progression between several candidate/member statuses, defined consistently and supported by an assessment of merits. The two approaches share the idea of a financial incentive, through a smoothing of access to EU funding, and the key concept of reversibility, or that of a “trial period” during which the new Member State must not have the right to block a unanimity decision (if the EU does not reform this aspect before the date of the new accessions).

The ultimate goal is to enable candidate countries to start to integrate the EU's common policies as of stages 1 and 2 (within the meaning of the CEP/CEPS), according to terms which are similar to those of stage 3 but remain strictly within the remit of the policies in question. This solution is not at all simple but the EU would not be venturing into uncharted land. Since its creation, it has always managed the opt-outs of its Member States. In a similar way, this approach is relatively close to that of closer cooperation as provided for by the Treaties. The implementation of this model would therefore require a change of order that is more quantitative than it is qualitative. However, it does imply a genuine revolution in concept as regards the definition of the boundary separating candidate status and member status. Is this not exactly what we need to break the deadlock with the Balkan nations and to square the circle of Ukraine's accession?

In practice, this model could be envisaged as follows<sup>22</sup>: the candidate country undergoing the gradual accession process that would have attained stage 2 as defined by the CEP/CEPS project (intermediate accession) and respected the above-mentioned prerequisites (compliance with fundamental rights, geopolitical convergence) obtains the status of an Associate Member State (AMS) which authorises it to take part in common EU policies, provided that they comply to the letter with the following procedure:

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<sup>22</sup> The following passage refers and adds to points discussed in a brief drafted for the EEAS by the Jacques Delors Institute (Couteau, B. and Macek, L.: *La Communauté politique européenne : Après Prague, transformer l'essai*, 11 October 2022) (in French).

- The basic principle is a strict and legally binding commitment to comply with EU legislation resulting from the articles of Treaties that make up the legal basis of the common policy in question, including in particular the *acquis* (and case law of the CJEU) concerned in its national legal order and to submit to the authority of the CJEU as regards oversight of compliance with this commitment.
- The AMS notifies the European Commission of the areas in which it wishes to participate. The Commission issues an opinion regarding the feasibility and opportunity of this plan, stating where necessary any pre-requisites (prior assimilation of the *acquis* concerned).
- If the Commission issues a positive opinion, the European Council decides on response to the AMS' request, after obtaining approval from the European Parliament.
- The AMS is then fully integrated in the EU's legislative work within the defined scope. It receives the same level of information as Member States, its experts and diplomats attend working group meetings and the COREPER for the section of the agenda concerned. Its minister attends Council meetings, but does not enjoy voting rights. Nevertheless, a political commitment from Member States (along the lines of the Luxembourg or Ioannina Compromises) may guarantee an additional timeframe for negotiations, if the AMS' negative position was likely to reach the threshold of a blocking minority (on the basis of qualified majority calculated by including the AMS).
- The AMS undertakes to comply with legislation adopted in this way as if it were already a Member State and, in reference to this legislation, submits to the oversight of the competent EU institutions.

In financial terms, this approach could entail a variable component of European funds made available to the AMS: the simple fact of completing stage 1 (within the meaning of the CEP/CEPS) would give access to a percentage of funding (if we use the suggestion of the CEP/CEPS, this would be 50% of the amount allocated to a Member State), though additional funding may be granted of up to 100% for funding related to the policy in which the AMS is already integrated. This system would constitute another means of making a distinction between States undergoing the accession process and would be an additional incentive to make efforts to align with the EU. Furthermore, along the lines of what was suggested above in relation to the Charter and the Compass, access to this system should be conditional upon acceptance of the European Public Prosecutor's jurisdiction. Lastly, it goes without saying that AMS would have to commit to compliance with the [Rule of law conditionality regulation](#).

## I PREVENTING ADVERSE EFFECTS

Any approach based on a gradual concept raises “major legal questions, and the issue of compliance with the principle according to which the balance between rights and duties resulting from EU membership must remain more favourable within than outside the EU, a principle that was key in the Brexit negotiations<sup>23</sup>”. The combined approach suggested here may well even maximise these difficulties. Yet let us remember the words of Jean Monnet, at the end of his *Memoirs*: “In the construction of Europe, as with any other great endeavour, people put off the greatest difficulties, leaving them for their successors to resolve. I am not worried to see so many on the road ahead, because we have already overcome so many that were just as arduous”.

<sup>23</sup> Adam, A.: “EU 36: clearing the horizon” in *State of the Union. The Schuman Report on Europe 2023*, Rapport Schuman Foundation, 12 April 2023.

While we must wager on Europeans' ability to once again display significant political and legal creativity, the clear weaknesses in the aforementioned proposals must not be overlooked – starting with the key question raised by Alexandre Adam: this enlargement approach must not result in a system that gives some countries a free ride. Neither must it encourage British-style cherry-picking. In other words, we must **find a differentiated integration formula that does not herald an unravelling of the European project**. Moreover, the issue of whether this new method is acceptable to candidate countries must absolutely be considered. They must receive convincing guarantees that it is not a fool's deal through which the EU is backing out of the promise of accession it made to candidate countries.

The response to these risks consists in two commitments: candidate states undertake to aim for full accession, taking on all the obligations of a Member State. Meanwhile current Member States commit to granting accession to any State that has fulfilled the conditions. In other words, a candidate country cannot decide to stall at an intermediate stage. Neither can it be kept at this stage by Member States lacking good will.

The most plausible risk concerning the attitude of a candidate country would be the temptation to benefit solely from the economic advantages of the European project (access to the internal market and EU funding), without endorsing political objectives or respecting EU values. In the approach discussed above, this risk is averted as access to economic advantages is conditional upon respect for values, the convergence of geopolitical directions and the acceptance of conditionality in relation to the rule of law. Moreover, as stated above, the system must be reversible: the simple act of stalling on the road to integration could constitute possible grounds for initiating a regression in terms of the rights already obtained (participation in common policies and access to EU funding). In addition, the desire to achieve full equal rights within institutions will be a strong incentive for AMS to continue until reaching full accession.

The situation is more complicated when it comes to the credibility of Member States' commitments, so that candidate countries do not perceive staged accession as a ploy designed to cut them off from full accession in the long term. The incentives for current Member States to avoid candidate countries being kept in a situation of inferiority (in the spirit of Romano Prodi's words "everything but institutions") are not easily apparent<sup>24</sup>. A clear commitment from the European Council and a strong involvement from national parliaments to assist – and encourage – the staged accession process, clearly asserting that full accession remains the ultimate goal, may convince candidate countries. Moreover, **the gradual political socialisation should reassure all stakeholders and downplay the moment of total completion of the accession process**.

Against the geopolitical backdrop since 24 February 2022, the European Union can no longer leave candidate countries bogged down in a never-ending process, otherwise it runs the risk of allowing zones of instability and malign influences to become established in its neighbourhood. A rapid enlargement enacted according to the 2004 method is neither conceivable or preferable: neither candidate countries nor the EU are ready. Gradual accession therefore seems to be the real solution at the EU's disposal: the European Commission should use the European Council's

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<sup>24</sup> The specific case of France should be noted, where a referendum to authorise any new accessions is provided for in law, unless the Parliament opposes it with a majority of three fifths of the two houses (article 88.5 of the French Constitution). Abolishing this article would be strong gesture towards candidate countries, clearly demonstrating that France does not intend to take the risk of their accession being hijacked by domestic policy issues.

invitation to adopt this approach and propose its practical implications, drawing inspiration from the considerations discussed in this paper and re-engaging with the political vision and courage which, in the 1990s, set a course with the *Agenda 2000* to address the challenge of integrating the countries of Central and Eastern Europe.

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