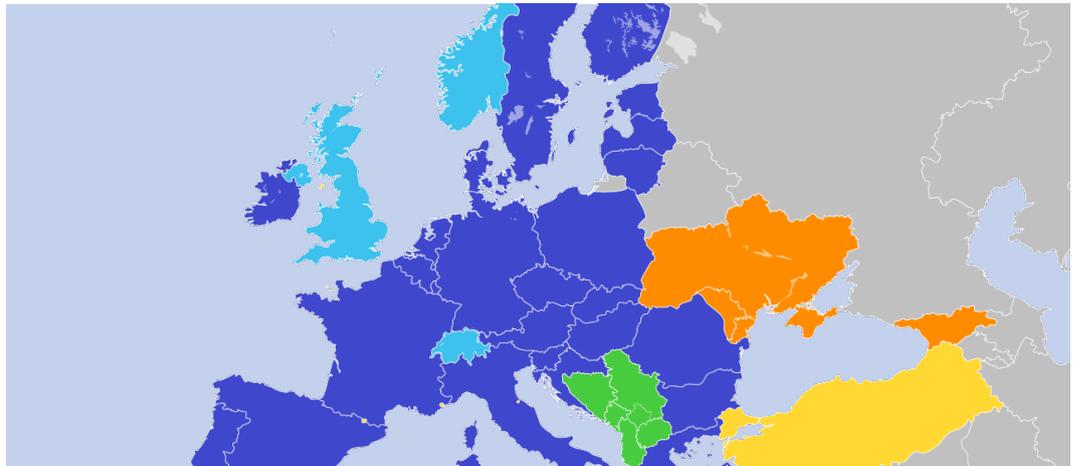


# HOW WOULD THE EU ACCESSION PROCEDURE REALLY IMPROVE?

## COMPARING THE PROPOSALS ON THE TABLE



■ ANDREAS EISL

Research fellow, Jacques  
Delors Institute, Paris.

### Introduction ■

Following its veto of the opening of accession talks with North Macedonia and Albania in October 2019, the French government circulated a non-paper proposing an overhaul of the EU accession procedure<sup>1</sup>. Partly responding to sharp criticism from other Member States on the French No, the document outlined a comprehensive reform based on a reinforced 'carrot & stick' approach. In response, nine EU Member States led by Italy, Poland, Austria and Slovenia shared their own vision of a reformed accession process in December 2019<sup>2</sup>, less ambitious in terms of scope and retaining more flexibility. Drawing on these reform options, the European Commission designed its own reform plan for the EU accession talks, integrating elements from both non-papers<sup>3</sup>.

Ahead of the European Council (26-27.03.2020) and the EU-Western Balkans Summit in Zagreb (05.-07.05.2020), the EU Member States now need to find a compromise among these different reform proposals that can, on the one hand, allow the French government to rethink its veto and, on the other hand, provide a renewed impetus for the EU integration of the Western Balkans. If the EU wants to be a credible partner for the countries of the Western Balkans and give pro-European parties a chance in upcoming elections (North Macedonia votes in mid-April), it has to rapidly find a consensus on the reform of the accession procedure and show unanimous support for further integration efforts.

This policy brief looks at the three different reform proposals for the EU accession procedure in more detail. It provides a com-

1. HERSZHENHORN D.M. & MOMTAZ R. 2019. « France outlines proposal to overhaul EU accession process ». *Politico*, 17.11.2019.

2. BARIGAZZI J. 2019. « 9 EU countries push back on French enlargement revamp ». *Politico*, 13.12.2019.

3. European Commission. 2020. « Enhancing the accession process – A credible EU perspective for the Western Balkans ». COM 2020/57.

parison of the key elements of each reform option and discusses expected improvements as well as potential problems for the accession process. Based on this analysis, the policy brief will also highlight a number of (possibly unintended) broader consequences of the individual reform directions, such as the risk for candidate countries to get stuck in half-in/half-out EU membership limbo.

Building on this assessment, the policy brief argues that **the Commission proposal is a sensible compromise between the French and nine-country approaches. It is ambitious enough to be considered a 'real' reform while not unduly changing the existing logic of the accession procedure. The Commission's reform approach should thus be taken as the basis for negotiations among the EU Member States ahead of the consequential Council Meeting of March 2020.**

## 1 ■ The three reform proposals for the EU accession procedure

With the French, nine-country and Commission proposals, three main reform options are on the table for a revision of the EU accession process. The following sub-sections discuss the key elements of each proposal which are subsequently summarized in Table 1 (see page 6), allowing for a direct comparison between the different approaches.

### 1.1. The French proposal

The reform approach of the French government, which was shared in November 2019, lays out a comprehensive set of reforms to the existing accession procedure. The four main principles of the non-paper are "gradual accession", "rigorous conditions", "concrete benefits", and "reversibility". Concrete mea-

sures based on these principles are (1) the reorganisation of the thirty-five accession chapters into seven policy blocks, (2) their completion in a sequential order, (3) a revamped 'stick & carrot' approach, allowing for reversible progress in negotiations but also for more concrete benefits ahead of EU accession, and (4) the reinforcement of the political dimension of the accession process.

First, the French proposal sets out to bundle the different accession chapters that contain the EU acquis into so-called blocks (see also Table 1 and the Annex)<sup>4</sup>. The plan formulates a possible organisation into seven blocks, beginning with a transversal block on the rule of law, fundamental rights, the legal system and security. Other blocks would deal, for example, with economic and financial matters or external affairs. In the view of the French government, this bundling is supposed to create more visibility for ongoing negotiations in specific policy fields.

Second, **a unique feature of the French reform approach is the requirement to complete policy blocks in a sequential order. To reinforce the long-term preservation of the rule of law, the transversal policy block must be completed successfully first, before any other negotiation blocks are opened.** Subsequently, according to the French proposal, there can always be only one block opened (prohibiting the simultaneous negotiation of different blocks), which creates a very rigid system for the EU accession process. The plan suggests a certain order for the different blocks, but as there is no 'natural' sequence for the individual policy fields, the final approach would be open to political discussion and prioritisation.

Third, to make this sequential approach more palatable, the French proposal wants to link the completion of specific policy blocks in the accession process with the partial or full

<sup>4</sup> European Commission. 2020. *Chapters of the acquis*.

access of candidate countries to the corresponding policy fields and EU programmes even before EU membership. In addition, progress in the adoption of the *acquis* should be further incentivized through increased financial help. At the same time, the French reform approach puts a lot of emphasis on the reversibility of the accession process if candidate countries do not comply with the accession requirements, particularly with the rule of law. Allowing for gradual responses from the EU, the French plan would also allow to reduce or cut back previously granted benefits or even move back down the sequence of blocks to the very start of negotiations.

Fourth, the French non-paper calls for a reinforced political governance of the accession process. This includes at the same time more rigorous benchmarking (including more and better indicators), regular evaluations by the Commission of the realized progress by candidate countries even after the completion of individual policy blocks, and the possibility for Member States to review these evaluations afterwards. The French proposal also strengthens the role of the Council regarding the accession of candidate countries to specific sectoral policies and wants to institutionalise more annual high-level meetings between the political leaders of EU member states and the Western Balkans countries.

## 1.2. The nine-country proposal

Responding to the French non-paper on the reform of the EU accession procedure, nine EU countries (Austria, Czech Republic, Estonia, Italy, Latvia, Lithuania, Malta, Poland and Slovenia) provided their own vision for a revamped negotiation format. Partly in line with the French approach, particularly regarding a greater degree of ‘politicisation’ of the accession process, the nine-country proposal is nevertheless considerably less

rigid than the former, and a less ambitious departure from the existing methodology.

It states that “internal EU reform cannot be a precondition for enlargement”, opposing one of the arguments given by the French authorities to justify their veto on the opening of accession talks<sup>5</sup>. Underlining the more incremental reform direction taken by the nine EU countries, the proposal stresses that the ‘enhanced approach’ should be compatible with the already existing negotiating framework for EU accession.

In principle similar to the French vision, the nine-country approach wants to put fundamentals first (the rule of law) and reinforce a merit-based approach through strict but fair conditionality. It puts, however, a stronger focus on the broader political situation in the Western Balkans, also urging to foster regional cooperation and good neighbourly relations among the region’s countries through deepened political exchange.

Picking up on the French government’s idea to bundle the accession chapters into blocks, the nine EU countries want to group them by main policy areas and propose to base them on the existing sub-committees of the Stabilisation and Association Agreements (SAAs) the EU has with the Western Balkans states. Existing sub-committees are focusing, for example, on (1) customs, (2) trade and sustainable development, (3) economic and financial issues and statistics, (4) transport, energy, environment, climate change and regional development, and on (5) agriculture, fisheries and food safety. The nine-country proposal, however, does not discuss these different policy fields nor the final composition of the blocks in more detail.

In contrast to the French vision, there is no requirement for a sequential ordering of negotiation blocks. The nine EU countries explicitly allow for the possibility to nego-

<sup>5</sup>. See EISL A. 2019. « France’s questionable arguments against EU enlargement. Why the French government should rethink its veto on the EU accession talks with North Macedonia and Albania, while pushing for reform of the accession procedure ». *Blogpost*, Paris: IJD.

tiate several blocks in parallel. Importantly, however, the chapters related to the rule of law should be reinforced by becoming more central to the negotiation talks, also through clearer recommendations and more thorough benchmarking. Regarding a possible reversibility of accession progress, the nine-country proposal merely calls for the better use of existing instruments such as the so-called 'imbalance' clause<sup>6</sup>.

Partly mirroring the 'carrot & stick' approach of the French authorities, the nine-country vision also wants to increase benefits, and thus incentives, for the candidate countries of the Western Balkans, including both financial and non-financial support. The 'enhanced approach' wants to introduce "effective and targeted financial incentives that reward as well as facilitate progress", e.g. through gradual participation in the EU's Single Market and specific EU programmes. It also aims at increasing EU support to fight organised crime and corruption.

**The nine-country proposal puts a particular emphasis on a strengthening of the political dimension of the accession process, to be achieved through more high-level political exchange and the integration of Western Balkans countries into European conferences, committees and working groups.**

It wants to give more importance to inter-governmental conferences, establish annual meetings of the European Council with Western Balkans leaders (as the French proposal suggests) as well as regional 'Europe Conferences' to improve the dialogue between the region's countries.

Another key element of a reinforced political dimension is to provide (similar to the stance of the French authorities) a "more measurable, easily communicable and comparable" presentation of the level of EU acquis implementation in each policy block by the Commission. In the view of the nine EU countries, this heightened clarity

and visibility would help facilitate the evaluation of reform progress and could thus help to shape "a broader consensus on the assessments of reforms and ensure advancements".

Finally, there should be a more pronounced communication strategy explaining the benefits of EU accession among Western Balkan countries and their citizens to improve the acceptability of reforms.

### 1.3. The Commission proposal

Reflecting on these two different reform proposals, the European Commission published its own vision for a revamped EU accession process in February 2020. Overall, it integrates key elements of both (non-)papers, nuancing the rigid French approach, while also going beyond the nine-country proposal. Picking up the framing of the different national proposals, the Commission argues that the accession processes "has to become more predictable, more credible – based on objective criteria and rigorous positive and negative conditionality, and reversibility – more dynamic and subject to stronger political steering". The Commission proposal is also the most detailed and applied one, moving from rather general reform ideas to more practical implementation options.

Following the previous reform visions, the Commission also suggests reorganising the accession chapters into blocks, calling them 'thematic clusters'. While also referring to the sub-committees of the SAAs (like the nine-country proposal), it provides a bundling of chapters into six blocks: (1) fundamentals (rule of law), (2) internal market, (3) competitiveness and inclusive growth, (4) green agenda and sustainable connectivity, (5) resources, agricultures and cohesion, and (6) external relations. In principle similar to the French proposal, the Commission's

6. See MAJSTOROVIĆ S. 2019. « To be or not to be – the case for Serbia's European integration ».

aggregation of chapters seems to make for thematically more coherent policy blocks (see Table 1 and the contents of the current accession chapters in the Annex).

**Finding a compromise between the rigid sequential approach of the French authorities and the more flexible one of the nine EU countries, the Commission suggests that “negotiations on the fundamentals will be opened first and closed last, and progress on these will determine the overall pace of negotiations”.** This clearly puts a stronger focus on the rule of law dimension of accession talks. At the same time, the Commission approach does not forbid to open the negotiations of several blocks in parallel.

Mirroring the reform trajectories of the two previously circulated papers, the Commission also wants to reinforce a conditionality and incentive logic for the accession talks. It proposes “accelerated integration and ‘phasing-in’ to individual EU policies, the EU market and EU programmes, while ensuring a level playing field”. In addition, it foresees more financial support both in the form of direct funding and loans.

The Commission proposal is largely in line with the French non-paper on “the need for more decisive measures proportionally sanctioning any serious or prolonged stagnation or even backsliding in reform implementation and meeting the requirements of the accession process”. It lays out a number of sanctions such as reducing financial support, cutting the access to EU programmes, putting negotiations in certain policy areas on hold or to suspend them altogether. Also already closed chapters/blocks could be re-opened or reset following an assessment by the Member States.

Even more so than the nine-country proposal, the Commission puts a particular focus on the political dimension of the accession

process, also suggesting a detailed annual policy cycle for the negotiation talks.

In this policy cycle, the Commission’s annual enlargement package is supposed to take on a central role, providing better guidance for candidate countries on the reform priorities and alignment criteria as well as the broader EU expectations, while also checking the compliance of candidate countries with the EU acquis. Recommendations of the EU can also include proposals for corrective measures. Following the publication of the enlargement package, the Commission proposal suggests country-specific inter-governmental conferences which serve to discuss the contents of the package and to shape the reform agenda through political dialogue.

In terms of broader political exchange, the Commission proposal includes a comprehensive set of new or revamped meetings between leaders of the EU (Member States) and the Western Balkans countries. Next to intergovernmental conferences, it calls for the holding of regular EU-Western Balkans Summits, the inclusion of national public officials as observers in EU meetings and committees, and a stronger “focus of SAA bodies on key political issues and reforms”.

Going beyond the – at times – vague suggestions of the French and the nine-country proposal for a better inclusion of EU Member States in the negotiation process, the Commission proposal is more concrete. It invites Member States to contribute to the accession process through direct input to the annual reports on the progress of negotiations, the provision of sectoral advice by national policy experts, and their monitoring of reform progress on the ground in the candidate countries. Through the proposed reinforced policy cycle, Member States should also have more and better opportunities to review the overall progress of accession talks.

**Table 1 ■ Key elements of the three different reform options for the EU accession procedure**

	FRENCH PROPOSAL	NINE-COUNTRY PROPOSAL	COMMISSION PROPOSAL
<b>Publishing date</b>	November 2019	December 2019	February 2020
<b>Negotiations in blocks</b>	Yes (in 7 blocks)	Yes (along the lines of the 8 SAA sub-committees)	Yes (in 6 blocks)
<b>Blocks (areas, clusters) and included chapters (see Annex for description of chapters)</b>	<p>Block 1 (Rule of law):</p> <ul style="list-style-type: none"> <li>• 23, 24</li> </ul> <p>Block 2 (Education, research, youth, culture, sport, environment, transport, telecommunications, energy):</p> <ul style="list-style-type: none"> <li>• 14, 15, 21, 22, 25, 26, 27</li> </ul> <p>Block 3 (Employment, social policy, health policy, consumers, competitiveness):</p> <ul style="list-style-type: none"> <li>• 5, 7, 8, 19, 20, 28</li> </ul> <ul style="list-style-type: none"> <li>• Block 4 (Economic and financial affairs): 4, 16, 17, 18, 32</li> </ul> <p>Block 5 (Internal market, agriculture and fisheries):</p> <ul style="list-style-type: none"> <li>• 1, 2, 3, 6, 10, 11, 12, 13</li> </ul> <p>Block 6 (Foreign affairs):</p> <ul style="list-style-type: none"> <li>• 30, 31</li> </ul> <p>Block 7 (Others):</p> <ul style="list-style-type: none"> <li>• 33, 34, 35</li> </ul>	<p>Grouping of negotiation chapters along the lines of the eight SAA sub-committees</p> <p>Examples of sub-committees from existing SAAs are:</p> <ul style="list-style-type: none"> <li>• Customs</li> <li>• Trade and sustainable development</li> <li>• Economic and financial issues and statistics</li> <li>• Transport, energy, environment, climate change and regional development</li> <li>• Agriculture, fisheries and food safety</li> <li>• Sanitary and phytosanitary sub-committee</li> <li>• Migration issues</li> <li>• Geographical indications</li> </ul>	<p>Block 1 (Fundamentals):</p> <ul style="list-style-type: none"> <li>• 5, 18, 23, 24, 32</li> </ul> <p>Block 2 (Internal market):</p> <ul style="list-style-type: none"> <li>• 1, 2, 3, 4, 6, 7, 8, 9, 28</li> </ul> <p>Block 3 (Competitiveness and inclusive growth):</p> <ul style="list-style-type: none"> <li>• 10, 16, 17, 19, 20, 25, 26, 29</li> </ul> <p>Block 4 (Green agenda and sustainable connectivity):</p> <ul style="list-style-type: none"> <li>• 14, 15, 21, 27</li> </ul> <p>Block 5 (Resources, agriculture and cohesion)</p> <ul style="list-style-type: none"> <li>• 11, 12, 13, 22, 33</li> </ul> <p>Block 6 (External relations)</p> <ul style="list-style-type: none"> <li>• 30, 31</li> </ul>
<b>Sequential negotiations</b>	<p>Yes</p> <ul style="list-style-type: none"> <li>• No parallel negotiations of different blocks allowed</li> <li>• Rule of law as the first block</li> </ul>	<p>No</p> <ul style="list-style-type: none"> <li>• Allows explicitly for parallel negotiations</li> <li>• More importance given to the rule of law block</li> </ul>	<p>Partly</p> <ul style="list-style-type: none"> <li>• Rule of law block is opened first and closed last</li> <li>• Parallel negotiations are possible</li> </ul>
<b>Reversibility (linked to conditionalities)</b>	<p>Yes</p> <ul style="list-style-type: none"> <li>• Possibility of gradual withdrawal of financial support and participation in EU programmes</li> <li>• Possibility of reopening of closed blocks or even restart of negotiation process</li> </ul>	<p>No (or at least not discussed explicitly)</p>	<p>Yes</p> <ul style="list-style-type: none"> <li>• Possibility of gradual withdrawal of financial support and participation in EU programmes</li> <li>• Possibility of reopening of closed blocks or even restart of negotiation process</li> </ul>
<b>Incentives</b>	<ul style="list-style-type: none"> <li>• Financial support</li> <li>• Gradual access to the policy fields and EU programmes linked to completed blocks</li> </ul>	<ul style="list-style-type: none"> <li>• Financial support</li> <li>• Gradual access to the policy fields and EU programmes linked to completed blocks</li> <li>• Support to fight organised crime and corruption</li> </ul>	<ul style="list-style-type: none"> <li>• Financial support (funds and loans)</li> <li>• Gradual access to the policy fields and EU programmes linked to completed blocks</li> </ul>
<b>Role of Member States</b>	<ul style="list-style-type: none"> <li>• More rigorous benchmarking which facilitates evaluation of progress by Member States</li> <li>• Strengthened role of Council regarding the accession of candidate countries to specific sectoral policies</li> </ul>	<ul style="list-style-type: none"> <li>• Better presentation of EU acquis implementation for evaluation by Member States</li> </ul>	<ul style="list-style-type: none"> <li>• Direct input to annual reports on the negotiation progress</li> <li>• Provision of sectoral advice by national policy experts</li> <li>• Monitoring of reform progress in the candidate countries</li> </ul>
<b>Political institutions &amp; processes</b>	<ul style="list-style-type: none"> <li>• Institutionalisation of more annual high-level meetings between EU Member States and Western Balkans countries</li> </ul>	<ul style="list-style-type: none"> <li>• Intergovernmental conferences</li> <li>• Annual meetings of the European Council with Western Balkans leaders</li> <li>• Regional Europe conferences</li> <li>• Integration of candidate countries into European committees and working groups</li> </ul>	<ul style="list-style-type: none"> <li>• Intergovernmental conferences</li> <li>• EU-Western Balkans Summits</li> <li>• Inclusion of national public officials as observers in EU meetings, committees</li> <li>• Refocusing of SAA sub-committees</li> <li>• Introducing a strengthened policy cycle centred around the Commission's annual enlargement package</li> </ul>

Sources: Own summary based on the three proposals for a reform of the EU accession process

More broadly, **the Commission proposal calls for increased transparency and communication activities to improve the public's understanding of the accession process and to create more support for EU integration.** And finally, the document also explicitly discusses what a revamped accession process would mean for the ongoing negotiations with Serbia and Montenegro. Rather than imposing a new model on them, the negotiating framework can be amended but only if the two candidate countries agree to this.

#### 1.4. Commonalities and differences of the three reform options

Following the analysis of the three reform proposals for the EU accession process, Table 1 summarizes their most important elements along a number of key dimensions, which allow for a better comparison across the different reform approaches. They include (1) the bundling of accession chapters into policy blocks, (2) the parallel and/or sequential negotiation of these blocks, (3) the possibility for reversibility mechanisms, (4) the forms of incentives and conditionalities, and (5) the political institutions and processes to be created and/or utilized. For all of the following comparisons it should, of course, be acknowledged that informally circulated non-papers and an official commission proposal do not have the same status nor are they subject to the same amount of scrutiny ahead of publication.

As visible from a comparison of the different reform proposals, the Commission proposal has integrated key elements of both the French and nine-country proposals. The Commission paper borrows from the French approach particularly concerning the bundling of accession chapters into blocks, the reversibility of negotiation progress and accompanying sanctions and more rigorous benchmarking to facilitate the evaluation of accession-related reforms. The Commission, however, also attenuates some

elements of the French vision such as the very rigid sequential approach to the different policy fields.

From the nine-country-proposal, the Commission adopted many suggestions for the political dimension of the accession talks, including the better integration of candidate countries into existing EU bodies and the creation of more platforms for political dialogue, also on the regional level. **In some regards, the Commission approach goes even further than what was suggested by the nine countries, detailing a reinforced role of Member States in the accession talks across the policy cycle.**

In terms of financial and non-financial incentives, all three proposals largely agree, calling for more financial support, expert help and the gradual accession of candidate countries into EU policy fields and programmes.

## 2 ■ Expected improvements and potential problems with the different reform options

The different reform options entail a number of expected improvements but also potential problems for the future EU accession process in comparison to the status quo. The analysis of these anticipated outcomes is based on the following underlying assumptions and premises.

First, a reorganisation (and simplification) of the existing 35 accession chapters is seen as an advancement in comparison to the status quo by raising political visibility and thus supporting broader reform efforts. A reinforcement of the rule of law dimension of the negotiation talks is also deemed positive as it raises the likelihood that basic tenets of the rule of law will be better anchored in candidate countries in the medium- to long-term, drawing lessons from past enlargement rounds.

Second, gradual and proportional sanctions and incentives are viewed as positive, as they help to steer the negotiation progress, additionally supporting reforms while deterring faulty implementation or step-backs in the accession process.

Third, reforms of political institutions, processes and participation are regarded in a favourable manner, if they allow for more political exchange among the EU, its Member States and candidate countries, a better integration of candidate countries into EU fora, and if the role of Member States in the accession process is fostered in a way that makes them stakeholders rather than outsiders in a largely technocratic process. In addition, increased transparency and clearer benchmarking would also constitute an improvement to the current situation, allowing for a better monitoring of the negotiation talks and reform agendas.

Fourth, and more broadly, reform proposals are assumed to be sensible if they do not undermine the general objective of the EU accession process, which is that candidate countries will become full EU Member States if they fulfil all the requirements set out by the European Union at the start of the negotiations. Approaches which make it more likely that negotiation progress can be blocked due to political reasons beyond the actual accession obligations are thus viewed as negative.

Based on these assumptions and premises, the different elements of the three reform proposals are evaluated and ranked with + (positive), ~ (neutral), and – (negative) in comparison with the existing EU accession process. Table 2 (see page 9) summarizes the anticipated outcomes of the French, nine-country and Commission proposals, also allowing for a comparison across the different reform visions.

Common to all three reform proposals is the move towards a reorganisation and simplification of the different accession chapters.

Giving it different names (blocks, areas, clusters), the individual reform visions improve the visibility of the actual reform agenda, creating broader (and generally coherent) policy blocks, which can help to improve reform efforts, by raising the stakes and linking them with clearer benefits. Among the three reform visions, the Commission's suggestions for the new negotiation blocks seem to be the most coherent one, making it slightly preferable to the other ones.

Also concerning the rigidity of the procedure of accession talks and the reinforcement of the rule of law dimension, the Commission proposal probably provides the best overall package, mixing a refocused negotiation process based on a central rule of law block while retaining sufficient flexibility for negotiations to move forward even if there are blockades in particular policy areas. In comparison to the French proposal, which demands the completion of the rule of law block before any other block can be opened, the Commission wants the rule of law block to be opened first and closed last, as mentioned above.

In terms of reversibility, two aspects make the Commission approach preferable to the French one. First, the Commission plan seems more practical, as it is politically easier to simply not close an opened policy block rather than reopening an already completed one. Second, the French model is not clear about how to deal with problems in the rule of law block while other blocks are already finalised. Given the sequential logic, would all other completed policy blocks also be invalidated if one of the blocks on the lower steps of the accession ladder are not implemented correctly? This is a potential shortcoming, at least in the current version of the French proposal, making the Commission proposal a clearer choice.

On the issue of better incentives all three reform options contain improvements by wanting to provide more financial support and gradual access in EU policy fields and

**Table 2 ■ Evaluation of expected improvements and potential problems of the three reform proposals for the EU accession process**

	FRENCH PROPOSAL	NINE-COUNTRY PROPOSAL	COMMISSION PROPOSAL
<b>Negotiations in blocks</b>	+ Blocks make the accession process more accessible ~ Aggregation of chapters for the individual blocks not particularly intuitive	+ Blocks make the accession process more accessible ~ Does not provide an explicit proposal for the aggregation of chapters	+ Blocks make the accession process more accessible + Aggregation of chapters for the individual blocks rather coherent
<b>Sequential negotiations</b>	+ Clear order of negotiations - Rigidity of the sequential order of negotiation talks might be counter-productive for the negotiation progress	~ Proposal for strengthened rule of law block, but no special role in negotiation organisation + Possibility of parallel negotiations of blocks allows for more political flexibility	+ Gives a more important role to the rule of law block + Possibility of parallel negotiations of blocks allows for more political flexibility
<b>Reversibility (linked to conditionalities)</b>	+ Clear and proportional sanctions ~ Lack of clarity concerning the consequences of a sequential order for reversibility	~ No explicit information on reversibility given	+ Clear and proportional sanctions
<b>Incentives</b>	+ Better financial support + Gradual access to EU policy fields and programmes	+ Better financial support + Gradual access to EU policy fields and programmes	+ Better financial support + Gradual access to EU policy fields and programmes
<b>Role of Member States</b>	+ Better benchmarking of negotiation progress ~ Strengthened participation of Member States in deciding gradual accession of candidates to EU policy fields and programmes	+ Better benchmarking of negotiation progress ~ Role of Member States not particularly strengthened	+ Strengthened participation of Member States in the monitoring, evaluation and guidance of accession reforms
<b>Political institutions &amp; processes</b>	+ More high-level political dialogue between the EU, its Member States and candidate countries ~ Remains rather vague about the political dimension of a reformed accession process	+ More high-level political dialogue between the EU, its Member States and candidate countries + Inclusion of candidate countries as observers in EU bodies ~ Increased complexity through creation of several new exchange platforms	+ More high-level political dialogue between the EU, its Member States and candidate countries + Inclusion of candidate countries as observers in EU bodies ~ Increased complexity through creation of several new exchange platforms + Inclusion of a detailed policy cycle to analyse and foster negotiation progress
<b>Broader consequences</b>	- Rigid structure of accession process could lead to the risk of candidate countries getting stuck in negotiation talks	~ Reform proposal does not differ very much from the existing accession process in terms of setup	+ Comparatively ambitious reform, which retains nevertheless a certain degree of flexibility

Sources: Own analysis

programmes if there is adequate reform progress. The French proposal links this with a bigger say for Member States in the Council for the concrete participation of candidate countries, which, on the one hand, would make the process less technocratic, but, on the other hand, could also lead to blockades from particular Member States for domestic political reasons rather than European concerns. This point should be taken into consideration for the upcoming negotiations on the reform design.

More broadly, the Commission proposal contains the most concrete and comprehensive suggestions for a reinforced participation of Member States in the accession process. Beyond the general call for clearer benchmarking and thus easier monitoring of reform progress, the Commission wants to make Member States stakeholders of the negotiations from the provision of national expertise, over the monitoring on the ground, to the co-writing of annual reports.

Regarding additional and strengthened political exchange and institutions, the Commission and nine-country proposals are the most ambitious ones, suggesting the inclusion of candidate countries as observers in existing EU fora. In addition, the Commission provides a detailed and operational vision for a reinforced annual policy cycle centred around the annual enlargement package. Again, this makes the Commission proposal the best starting point for the upcoming negotiations between the Member States and the EU institutions.

All three reform proposals for the EU accession process stress that its final objective remains 'full and complete' EU membership. But how do these promises match with the actual reform plans put forward?

Especially the French proposal entails the potential risk that candidate countries could get stuck in the accession process. Particularly the rigid structure of the sequential

negotiation setup and the planned increased role for Member States in deciding on candidate countries' participation in specific EU policy fields and programmes seem problematic in this regard.

Difficulties in implementation limited to individual policy blocks could potentially derail the whole accession process. While aimed at ensuring consistent reform efforts and sincere implementation of the EU acquis, the French plan for the organisation of accession talks and the inbuilt logic of reversibility of negotiation progress could actually undermine such efforts on the side of candidate countries. The peculiarities and the functioning of national political arenas have to be taken into consideration when assessing reform trajectories, which an overly rigid approach might not be able to integrate.

At the same time, **giving Member States a more political say over the participation of candidate countries in EU programmes and policy fields could go beyond the general idea to make EU members stakeholders of the accession process. It could rather 'over-politicize' the accession process, as national parties could use such situations to block accession progress to appeal to domestic audiences and to win electoral battles on the national level.**

In the end, while containing several clear improvements to the status quo, the French reform proposal thus entails the potential risk for candidate countries to get stuck in a half-in/half-out EU membership limbo due to domestic political factors among both the candidate countries and the EU Member States.

In comparison, the nine-country proposal differs significantly less from the currently existing accession process. Its most ambitious reform elements are about creating additional political exchange and participation, which are supposed to increase a stakeholder logic to the negotiation talks. **There are considerably fewer**

**risks for candidate countries to get stuck in the accession process following the nine-country reform option, but as their vision does not depart considerably from the status quo, it might not be enough to overcome a French veto and existing problems in the accession process and thus could seem like an insignificant reform.**

The Commission proposal finally has an ambitious reform objective but alleviating some of the potentially unintended consequences of the French reform plan. The reorganisation of the accession process should allow for a renewed impetus for the advancement of negotiation talks and the planned increased stakeholder role of Member States seems to find a good balance between a technocratic and political governance of the process.

### **3 ■ The Commission proposal as a sensible foundation for the upcoming negotiations**

Based on the analysis and comparison of the French, nine-country and Commission proposals on a reform of the EU accession process, this policy brief believes the latter proposal to constitute a very good point of reference for the negotiations amongst EU Member States ahead of the Council Meeting in late March 2020. It is a sensible compromise between the different reform visions laid out by France and the nine countries led by Italy, Poland, Austria and Slovenia.

The scope of the Commission plan should be able to convince the French authorities that it is a significant reform going beyond the creation of additional fora for political dialogue among Member States and candidate countries. At the same time, the Commission's suggestions for a revamped accession process should also weaken the concerns of other EU Member States that saw the French reform proposal as a potential 'poison pill', rendering future EU accession considerably more difficult or

even impossible under the veil of a progressive reform. The Commission plan excludes most of the inbuilt rigidities and eventual pitfalls of the French plan, which should give more enlargement-friendly EU Member States confidence in the actual reform direction.

The coming weeks will show how the negotiation positions of the different EU Member States and the European Commission will evolve. On the French domestic level, the passing of the local elections in France (15<sup>th</sup> and 22<sup>nd</sup> of March) should give the national government more leeway to agree to a reform compromise and to simultaneously end its veto for the opening of accession talks with North Macedonia (and potentially with Albania as well). With a reform largely in line with the Commission proposal, the French authorities could also claim that their veto was successful in bringing about considerable change to the existing EU accession process. A lifting of a veto could thus be justified to the domestic electorate while being potentially able to limit the damage done to the national political sphere particularly in North Macedonia.

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## Annex ■

### List of accession chapters

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2	Freedom of movement of workers
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4	Free movement of capital
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7	Intellectual property law
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