

Enlargement needs an Associated State status

A bold step towards EU membership

• Summary

Enlargement is a lengthy process, involving gradual integration into the European Union. This progression should be marked by the recognition of an associated state status once substantial progress has been achieved in the accession negotiations. Transitional and reversible, this advanced stage in the process would be subject to strict conditions and give entitlement to defined institutional (participation without voting) and financial benefits. It would enable the country concerned, the European institutions, the Member States and their public opinion to become better acquainted with each other before the country's definitive entry. This new status would give credibility to a possible forthcoming full membership, while sending out a new strong geopolitical signal of the country's close ties with the EU when rival influences try to hamper them.

The war in Ukraine and the three new applications for EU membership following Russian aggression have put enlargement back at the top of Europe's agenda. A portfolio will be specifically dedicated to this in the second Von der Leyen Commission. Because they respond to an overall geopolitical imperative, but also to economic and legal requirements that take a long time to fully satisfy, the accession processes now follow a path of **staged integration**¹. This gradual entry into the bloc

1 Macek L. 2023. "Advocating gradual accession to the European Union", *Policy paper*, Paris: Jacques Delors Institute, May ; Communication of the European Commission on pre-enlargement reforms, 20 March 2024

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would need to be formalised by the granting of European Associated State status. Such a label, which has not been used in the EU, is proposed here to express the completion of a **decisive stage with a view to future full membership**. Other terms could be preferred, such as Observer State, which is also unused in EU terminology. The objective is first and foremost to mark a milestone on the road to EU accession.

I • Arguments

Enlargement is a long process. Accession usually takes a decade² or more. Throughout this period, the negotiations place the candidate country face to face with the Member States in a **binarity, which would benefit from becoming more flexible** as the negotiations move on.

Gradual integration is already making it possible in practice to seal sectoral links (e.g. integration into the electricity market, lifting of telephone roaming charges, access to the single euro payments area, etc.) and to anticipate concrete benefits for citizens of future membership (visa exemption for nationals of the candidate country staying in the EU, participation in European programmes such as Erasmus, Horizon, use of European civil protection, etc.). These successive steps forward are necessarily fragmented in their application and spanned over time. Granting an Associated State status would **officialise an institutional step in the gradual integration underway**.

To date, no such visible recognition exists. “Association agreements” are a common instrument and have been used since the early days of European integration (Greece, 1961), in particular to prepare for accession. This is the purpose of the “Stabilisation and Association agreements” in force with the countries of the Western Balkans. But all these close partnerships are concluded with third countries, without making them Associated States with the EU as such.

This designation would help **distinguish politically and functionally a candidate country from other third countries linked to the EU** by large-scale agreements, which bring them closer to the Union but with no intention or new prospect of entry (e.g. Switzerland, Norway)³ or which had been conceived as an implicit alternative to it (e.g. the association agreements with Ukraine, Moldova and Georgia, providing for deep and complete free trade areas, before the invasion of 2022).

Such distinction is irrelevant, by definition, within the frame of the European Political Community (EPC), initiated in the wake of Russian aggression in 2022. Bringing together heads of state or government in an informal, pan-European setting on a six-monthly basis, the EPC serves instead to place the continent’s 40 or so leaders on an equal footing, irrespective of the nature of their country’s relationship with the EU. By sometimes hosting these summits, the candidate countries (Moldova, June 2022; Albania, first semester of 2025) are highlighting their belonging to the “European family”, rather than their future accession to the EU.

2 With the exception of the 1995 enlargement to Austria, Finland and Sweden, which had already adopted most of the *acquis communautaire* following the 1992 agreement on the European Economic Area between the EFTA States and the European Community.

3 In its concentric circles of European integration, the Franco-German working group on the institutional reforms of the EU designates as “associate members” those states beyond the EU which are focused on the single market and respect the rule of law but are not bound by the objective of “an ever closer union”.

While ten countries are currently recognised as candidates for accession, **Associated State status would put forward the most advanced countries in the enlargement process.** This clarification of the degree of preparation would help to **spread out future accessions more fairly**, as the grouping of these countries is too often based on political considerations, as was the case with the *Big Bang* in 2004. Both the newly reached high number of applications and their very uneven progress make it necessary to **refine the stage of their respective dynamics** by creating an intermediate status.

Acknowledging the far-reaching reforms achieved so far, granting this new rank would test the **shared will of the parties to achieve membership.** Its confirmation would then serve as a **new impetus for enlargement**, the momentum of which could fade once the war in Ukraine is over. In the eyes of foreign powers, notably Russia, **this official status would reaffirm the distinguished country's geopolitical proximity to the EU**, which a cumbersome accession process otherwise ends up blurring.

II • Conditions

To be recognised as an Associated State of the EU, three conditions would have to be met, inspired from the Copenhagen criteria⁴ :

The first one is political and would show the candidate country's commitment to the EU's democratic principles and core values through a broad vote in its parliament: a **resolution on the country's willingness to respect the Charter of Fundamental Rights of the European Union** and another resolution committing **the candidate country to adhere to the "strategic compass"** approved in Versailles in 2022, which currently serves as the EU-27's doctrine for strengthening the EU's security and defence by 2030. This commitment should be corroborated by full alignment of the EU's Common Foreign and Security Policy for at least two consecutive years (e.g. application of European sanctions against the Russian regime). Tariff alignment should also be expected (e.g. application of tariff increases to Chinese vehicle imports as decided by the EU).

The second condition, of a legal nature, would require **substantial progress** to have been made **in the 33 chapters** negotiated for the future accession treaty. This progress is regularly assessed by the Commission for each candidate country. It should be particularly eloquent on chapters 23 and 24 relating to the rule of law, which is also assessed by the Commission as part of the European Semester.

The third condition, linked to the previous one and with an economic content, would relate to the candidate country's capacity to already **participate in the single market.** This would require the satisfactory adoption and implementation of key directives, such as those on public procurement, state aid and intellectual property.

The Commission would be responsible for assessing whether these three conditions are met and, if appropriate then, for proposing to the Council that the applicant country be granted Associated State status. The assent of the European Parliament would be required, as well as **unanimous adoption by the European Council** before formal adoption by the Council.

⁴ Established in 1993 under the Danish Presidency, the so-called Copenhagen criteria are those that must be met by a country in order to be recognised as a candidate for membership: it must be a democracy, have a market economy and adopt the *acquis communautaire*.

The granting of status would be reversible once one of the three conditions is no longer met. Withdrawal would be based on a proposal from the Commission to the Council, acting by qualified majority, after approval by the European Parliament. The status should be easier to lose than to obtain in terms of the benefits to which it would give entitlement.

III • Benefits

If it is to be both an incentive and a commitment, and not just regarded as a mere honorary political title, Associated State status would confer three types of benefits, which resonate with the three award criteria:

Institutionally, it would open up the right to **participate in the Foreign Affairs Council and other Council configurations concerned** by the substantial progress made. Such participation would give the Associated State a **right of expression but no right to vote**, nor to co-author resolutions or decisions. The rotating presidency of the Council would retain the possibility of excluding the Associated State's participation in certain items on the agenda.

This status would also allow a delegation of national elected representatives from the country concerned to sit as **observers at plenary sessions of the European Parliament and in certain parliamentary committees** - ones covered by its recognised progress towards accession -, still with the right to express their views without the right to vote. The number of observers would be derived from the number of MEPs foreseen for that State once it becomes an EU member. The Associated State's parliament could also **participate as an observer in COSAC** (Conference of Parliamentary Committees for EU Affairs), which brings together the national parliaments of the EU and the European Parliament. As for European political parties, they already include ones from outside the EU, regardless of enlargement.

With regard to the continuation of accession negotiations and the adoption of the *acquis*, the transition from the status of candidate country to that of Associated State could be accompanied by a **move from unanimity to qualified majority voting** for the opening and closing of the remaining chapters to be negotiated, with the exception of the final vote to close the negotiations. Such a change in decision-making could even be considered as soon as the accession negotiations have been opened⁵ as part of a reform of the entire way in which these are conducted.

Finally, in financial terms, the status would allow **to access funds part of the common policies provided for on accession** in proportion to the progress made in the negotiations. Their total amount should be substantially greater than the pre-accession aid and should continue to evolve as the negotiations move on, according to the logic of gradual integration. This would require the multiannual financial framework to be amended accordingly.

These various advantages are without prejudice to the adjustments that are made as a country approaches actual accession to the EU, such as the appointment of a *shadow* commissioner and other measures to prepare for entry.

In addition to these prerogatives, which directly benefit the Associated State and distinguish it from the other candidate countries, this designation should also

5 This proposal is partly inspired by the one advocated in the above-mentioned Franco-German report.

spur **closer links between civil societies and between local authorities**. Those partnerships would receive greater support from the EU.

IV • Effects

In addition to the direct benefits for the country concerned, their implementation would have beneficial effects for the EU as a whole. Firstly, it would enable **the associated country, through its elected representatives and administration, to get better acquainted with European procedures** ahead of its full membership. Reciprocally, the Member States would become better accustomed to a future Member State, in view of its accession treaty that they each shall be called upon to ratify.

For the EU as a whole, this transitional period would help to **check the bloc's capacity to absorb** further enlargement. This would pave the way for institutional reform possibly needed to bring the EU up to 36 members. Member States are due to prepare a reform of the EU in parallel of the on-going accession negotiations.

Politically, the status of Associated State would help to **convince public opinion and foreign investors of the credibility of the accession process on-going**. Inside the EU, it would **reassure public opinion in the Member States against any irreversible headlong rush** for enlargement.

An emulation effect would also be expected vis-à-vis the other candidate countries. The lack of efforts to reach this stage would test their real motivation to join or not the EU. Candidates who are wavering on the EU's position, such as Georgia and Serbia today, would be pushed to overcome their lasting ambiguity. A candidate country's inability to achieve associate status after ten years of negotiations with the EU could even lead to a complete overhaul of the process in order to **prevent it from further stalemate and acknowledge that it has reached a dead end**.

Finally, as mentioned above, **the geopolitical effect** of this recognition would be to anchor the country concerned even more firmly in the EU. **The tangible reaffirmation of this close link to the Union is strategic** during an accession process that lasts for several years, and which Russia is doing its utmost to halt, as witnessed in Moldova.

V • Risks

The first risk is that **the reversibility of the status remains theoretical** but never works in practice. Withdrawing this rank would require much political grit from the Member States towards the country concerned. However, the threat can be used skilfully to exert pressure. Even if the reversibility were to not be put into practice all the way, triggering the procedure should dissuade the Associated State not to expose itself to such a sanction, for which it would be accountable to public opinion.

A second risk of this project of new status is that it could be **contested by candidate countries**. An initiative that would be interpreted as a new obstacle likely to delay their full membership would make them wary of it. Some already reject the very principle of gradual integration. To avoid this risk, the project must be supported politically by the Member States most in favour of enlargement. The communication would have to emphasise the transitional nature of the status of Associated State and underline that its inherent advantages, as well as the conditions for its loss, are designed to discourage a prolongation of this stage, meant, on the contrary, to accelerate the process.

The understanding that Associated State status creates a dynamic and does not freeze a situation should limit **the political risk of its use in the EU being abused by opponents of enlargement**. They could favour its granting in order to block any further progress by the country concerned. To avoid this trap, the absence of further progress in accession negotiations (closure of chapters) within a fixed number of years following the granting of the status should lead to its **automatic loss**. The clock would thus be ticking and parties would be dissuaded to keep the negotiations on a status quo as the deadline nears.

The temporary nature of the status of Associated State should also prevent the risk of this status being confused with the situation of other countries that have long-term links with the EU but have no vocation to join. The risk would be that **other countries would in turn claim the right to sit as observers in the European institutions without being Associated States**. This distinction is vital at a time when the United Kingdom is looking for new ways to engage in regular dialogue with the Twenty-Seven as part of its drive for a reset.

Last but not least, there is a **geopolitical risk**. Far from discouraging Russia, China or other powers present in the enlargement countries, the granting of associate status could, on the contrary, encourage them to **intensify their intrusive internal pressures**. Recognition as an Associated State by the EU should then lead the EU-27 to enhance its support to the gratified country in countering attempts to destabilise the revived process.

VI • Implementation

An Associated State status is not provided for in the European treaties. But it should not wait until they are ever reformed to come into effect. The new impetus in accession negotiations calls for a rapid implementation of this project, which could come as a follow-up of the new methodology for accession adopted by the Commission in 2020, without any treaty changes. It would need to be politically supported by the Member States most in favour of enlargement in order to lift any doubts from the candidate countries of new hurdles to the process.

Invited by the European Council, the Von der Leyen 2 Commission could submit a **communication specifying the project to the General Affairs Council** for debate and validation of the conditions and advantages attached to the status, after receiving the opinion of the legal services and a budget simulation. **The European Parliament should adopt a resolution** recognising this new status. Once technically and politically mature, the project should be referred to the European Council for a **unanimous decision** – one which could possibly initiate a simplified revision of the Treaties. The Parliament should adapt its Rules of Procedure to accommodate observers.

The new status could be **incorporated into the Treaties** at a later stage in the light of its implementation experience and, if necessary, be introduced while a future accession treaty is ratified.

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