



Reconsidering the Depth and Size of the EU in View of Enlargement in a Time of War

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WHAT IS AT STAKE IN THE FORTHCOMING ENLARGEMENT?

President Volodymyr Zelensky submitted Ukraine's application for membership of the EU on 28 February 2022, only a few days after the Russian invasion. The wish of Ukraine to join the EU was warmly

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welcomed by the President of the European Commission, Ursula von der Leyen, who stated that “[T]hey are one of us and we want them in” (von der Leyen, quoted in Politico, 2022). Less than a week later, on 3 March, President Maia Sandu signed Moldova’s application for membership of the EU joining Ukraine in the process to become members of the Union. Since then, the EU’s institutions and most member states have given their unwavering support to the accession ambitions of Ukraine and Moldova, and breath new life into the enlargement negotiations that have been ongoing for many years with countries on the Western Balkans. On 25 June 2024, the EU held the first intergovernmental conferences with Moldova and Ukraine, respectively, to mark the opening of the accession negotiations for membership (Council of the EU, 2024a, 2024b).

At the end of December 2023, the European Council took the formal decision which marked the beginning of an enlargement process that may allow up to seven, and perhaps more, countries in Eastern Europe and the Western Balkans to join the EU in a not-too-distant future (European Council, 2023b). The question is therefore no longer whether the EU should once again embark on the long and difficult road towards enlargement, but how the EU will incorporate these countries. Without a doubt, the EU’s decision to engage in a wide enlargement was driven by strategic considerations. The link between enlargement and stability in the wider European region was made abundantly clear in the European Commission’s Communication on EU Enlargement Policy of November 2023 where it stated that “EU enlargement is a driving force for long-term stability, peace and prosperity across the continent. EU membership is a geostrategic investment in a strong, stable and united Europe based on common values. It is a powerful tool to promote democracy, the rule of law and respect for fundamental rights” (European Commission, 2023, p. 2). In the decision of December 2023 to open accession negotiations, the European Council adopted a similar language asserting that “enlargement is a geo-strategic investment in peace, security, stability and prosperity” building on the Granada Declaration of October 2023 (European Council, 2023a, 2023b, npn). Nevertheless, despite the fact that the EU’s decision was taken with vigour and in a spirit of solidarity, the process contains many pitfalls and there are reasons to believe that this enlargement will put the EU’s leaders and institutions to the test. As Mats Öhlén argues in this volume, the upcoming enlargement will exhibit many similarities with the Eastern enlargement of 2004 and 2007, but there will also be major differences.

A Geopolitical Enlargement

Indisputably, the biggest difference from previous enlargements is the geostrategic context in which the EU membership negotiations are conducted. Indeed, the enlargement to Ukraine, Moldova, and the Western Balkan countries has already been labelled a geopolitical enlargement. Yet, all previous enlargements of the EU were also surrounded by strategic considerations as geopolitical shifts have triggered the EU to widen its membership in the past. A case in point is the dissolution of the Soviet Union in December 1991, which precipitated the EFTA enlargement in 1995 and was the precondition for the Eastern enlargement of 2004 and 2007 (Anghel & Jones, 2024; Michalski & Wallace, 1992). This time, however, the geopolitical implications of enlargement are profound as they are playing out against a severe lack of regional security, a waning American support for Europe's stability, a full-scale war, as well as a larger shift in the international system characterised by system instability and great power rivalry. Consequently, EU enlargement this time will take place in a very different international setting than the Eastern enlargement in the early 2000s when the rules-based liberal order ruled unchallenged international relations and robust international organisations infused stability into global governance.

The immediate and most significant geopolitical challenge to the EU enlargement process is Russia's war in Ukraine. Deciding to open accession negotiations with Ukraine despite an ongoing war is a clear departure from the EU's previous principles of insisting that candidate states must first resolve any outstanding border disputes or any other significant conflicts with neighbours before accession negotiations can be envisaged. Although the EU allowed a divided Cyprus to join the EU in 2004, the accession negotiations were conducted in close coordination with the UN and in the hope that a later UN-sponsored referendum would result in the unification of the island (Nugent, 2000). In the same spirit, the EU has been active in post-conflict resolution in the Balkans seeking to diffuse various ethnic and border disputes in Eastern Europe, which have been kept separate from the enlargement process but still seen as a precondition for a successful conclusion of accession negotiations (Cooley, 2018; Grillot et al., 2010). However, by opening accession negotiations with Ukraine, the EU has manifestly taken a much more significant role in a future peace settlement and the ensuing reconstruction of the country.

Russia's aggression in Eastern Europe is also directed at Moldova which since its independence in 1991 has seen multiple attempts of political influence and destabilisation leading to a situation of acute insecurity (Deen & Zweers, 2022; Shapovalova & Boonstra, 2012). The precarious situation was clearly visible in the referendum on EU membership on 20 October 2024 which produced a slim majority in favour of the EU against a backdrop of extensive external interference in the form of influence operations and voter bribery (Ivanova, 2024a, 2024b). Since the early 1990s, the break-away republic of Transnistria has received political, economic, and military support from Moscow in the form of subsidies and Russian peacekeepers stationed on the territory since 1992. Russian influence is also strong among the Balkan states where particularly Serbia has long-standing relations with Moscow partly grounded in a shared pan-Slavic identity, partly driven by political opportunism on behalf of Serbia and a sense of solidarity among autocratic regimes (Radeljić & Özşahin, 2023). Serbia's lack of alignment with the EU's foreign and security policy since Russia's large-scale invasion of Ukraine in 2022 has become a hurdle in its accession negotiations with the EU. In particular, Serbia's refusal to implement the EU's sanctions against Russia is seen as aggravating and damaging to its standing in Brussels. The High Representative of EU foreign and security policy, Josep Borrell, 2019–2024, warned in May 2023 after a meeting with Serbian representatives that “maintaining close ties with Russia is not compatible with its EU accession process and is also harmful for the national interest of Serbia” (Borrell quoted in Euronews, 2023).

Beyond the severe military and strategic instability in Eastern Europe, geopolitical challenges arise also in the Western Balkans where China's influence is especially strong. Albeit of a different kind than Russia's aggressiveness, China's involvement in the Balkans has political, economic, and strategic implications as it has been seen as a challenger to the EU in terms of undermining the Western Balkan candidate countries' adoption of the EU's Copenhagen criteria, including the *acquis*, and their alignment with the EU's foreign policy orientation. A previous commissioner of EU enlargement, Johannes Hahn, expressed doubts already in 2018 about China's influence in the region as the “combination of capitalism and a political dictatorship” might turn the Western Balkans countries into Trojan horses in the EU (Hahn, quoted in Politico, 2018). The challenge to the Western Balkan candidate countries' adoption of the EU *acquis* has centred on China's infrastructure investment

through the Belt and Road Initiative, chiefly in Montenegro and Serbia. In this context, concerns have been raised in particular regarding the influence of the EU's conditionality as expressed in the Copenhagen criteria as opposed to China's "no strings attached" policy (Jaćimović et al., 2023; Stanicek, 2022; Zweers et al., 2020). A research report from the European Parliament emphasises that the lack of transparency linked to public procurement, state aid and EU standards in conjunction to Chinese direct foreign investment, especially in public infrastructure projects, risks hampering the Western Balkan candidate states' integration into the EU (Stanicek, 2022, p. 8). Moreover, concerns have been raised regarding these countries' application of EU standards in health and safety for workers, the protection of the environment, and other issues in projects run by Chinese state-owned companies amounting breaches of the EU *acquis* (Stojkovski et al., 2021). Moreover, China's political influence in the Western Balkans is also troubling for the EU primarily due to its ability to act as an alternative partner which despite its "no-strings-attached" policy nevertheless demands political loyalty in return. The most conspicuous example is the China-sponsored diplomatic forum under the name of 14 + 1 (formerly, 16 + 1, then 17 + 1), comprised of nine EU central and eastern European member states, five Western Balkan countries, and China, set up in 2012. The ambition of China to set up this diplomatic forum was to create a framework of political support for its Belt and Road Initiative projects in Eastern Europe and ensure consensus among the participating countries on issues which might interfere with China's economic and political interests. However, diplomatic alignment with China among the countries in Eastern Europe has cooled considerably since the beginning of the 2020s as a result of China's punishment of Lithuania over its relations with Taiwan and the Chinese refusal to align with sanctions against Russia in the wake of the invasion of Ukraine (Kaczynski, 2022). Consequently, Lithuania, Estonia, and Latvia left the forum in 2021 and 2022, and the Czech Republic has been an inactive member since 2023. Nevertheless, EU members, such as Hungary and Serbia, which regularly undermine the EU's policy towards Ukraine and refuse to apply the EU's sanctions against Russia, respectively, want to attract Chinese foreign direct investments and therefore value good diplomatic relations. Their Chinese-friendly foreign policy was made abundantly clear during the official visit of the Chinese President, Xi Jinping, to Europe in May 2024 which, besides Paris, included stops

in Belgrade and Budapest, but not to Brussels thus shunning the EU institutions which China regards as unfriendly (Camroux & Wang, 2024).

Taken together, the geopolitical tensions in Eastern Europe and the Western Balkans, in large part due to Russia's military aggressiveness in Ukraine and destabilisation attempts in Moldova on the one hand and China's influence in the region on the other, constitute the backcloth against which the EU's Eastern European and Western Balkan enlargement is taking place. These tensions risk destabilising the candidate countries' political, economic, and social adaptation to the EU membership and seed distrust between them and the EU member states, varying according to the former's positions vis-à-vis Russia and China. At the same time, the geopolitical reality makes a transparent and predictable enlargement process all the more important.

These contextual factors are influencing the question how the enlargement will be carried out and whether strategic considerations should trump decisions regarding the candidate countries' fulfilment of the EU's membership criteria. Most of these countries have made the choice to embrace democratic values and governance, and turned away from the autocratic, corrupt, and arbitrary Russian political model, but others, particularly Serbia, appear to be playing an opportunistic game orchestrated by the populist right (Seebass, 2024). The EU enlargement process is vulnerable in the sense that it is based on a comprehensive Europeanisation of the state apparatus, form of government, and policy obliging these states to reform in line with a modern, democratic welfare state. This transformation will take a long time, challenge domestic elites, and is usually not able to deliver the material well-being that the population is hoping for quickly enough. From this perspective, the EU must find ways to tackle the geostrategic challenge at the same time as it seeks to prevent doubts about the EU's intentions and benefits of membership from getting the upper hand.

In this context, it should be noted that experiences from the negotiations with the Western Balkan countries, which in some cases have been going on for several years, have been far from unequivocally positive. As discussed above, alignment to the EU *acquis* has been problematic, as some countries, primarily Serbia, have repeatedly sought partnerships with China within the framework of the Belt and Road Initiative and maintained close links to Russian state-owned companies. On the EU side, there has been frustration and some EU member states have blocked the progression of the candidate countries with reference to obstacles that are

not motivated by alignment to EU laws and regulations, but by national particularistic interests. One example is Bulgaria's language and national identity demands in relation to North Macedonia, which adds unnecessary arbitrariness to the accession negotiations (see the chapter by Öhlén in this volume).

As mentioned earlier, in previous enlargements the EU insisted that candidate states address unresolved border issues with neighbours and settle disputes regarding ethnic minorities before becoming member of the EU as a way not to import intractable conflicts into the Union. In future enlargements, regional instability will be endemic and must be managed outside the accession negotiations in conjunction with allies in NATO and beyond. The decision to open negotiations on EU membership for Ukraine, well ahead of any peace agreement is even contemplated with Russia, shows that the EU will mantle some of the security implications arising from pulling Ukraine and Moldova increasingly tighter to its orbit. Nonetheless, EU membership cannot replace NATO membership when it comes to extending security guarantees to Ukraine and Moldova which is important in a context where NATO membership seems far from assured for these countries.

The Challenge of Heterogeneity

Another difference compared to the enlargement of 2004 and 2007, albeit in degree rather than in nature, is the economic, political, and social development of the candidate countries compared to the EU average. Compared to the countries joining the EU in 2004 and 2007, the differences this time around are even greater. In terms of gross domestic product (GDP) per capita in 2022, Luxembourg was at the top at around USD 125,006, followed by Ireland at USD 103,983 and Denmark at USD 67,790. The lowest per capita GDP in 2022 for the current member states was in Bulgaria at USD 13,974. These figures can be compared with a per capita GDP of USD 4534 for Ukraine, USD 5714 for Moldova, and USD 6675 for Georgia (World Bank, 2024). This concerns Ukraine primarily, whose size and extensive agricultural sector would challenge the distribution of funding of the EU's current structural and cohesion funds and agricultural policy. Calculations show that all current net recipient countries of the EU's budget would become net contributors, and the biggest transfers would go to Ukraine. These calculations were made

on the Ukrainian economy *before* the war. The EU will also be responsible for organising the reconstruction of Ukraine and the cleanup of the environmental damage caused by the war with the participation of the international community. In addition to these economic factors, there will be institutional and political changes brought about by the next enlargement. On top of this, there will be an inevitable impact on the development of the EU's foreign and security policy, as countries with very problematic experiences of Russia, such as Ukraine and Moldova, will then be members. In the Western Balkans, World Bank (2024) figures on GDP per capita from 2023 present a somewhat better situation compared to Georgia, Moldova, and Ukraine, with Albania at USD 8367, Bosnia and Herzegovina at USD 8426, Kosovo at USD 5943, Montenegro at USD 12,016, North Macedonia at 8146, and Serbia at USD 11,361. Still, these countries' GDP per capita remain low compared to most current EU member states and therefore future financial transfers to new member states in an enlarged EU is an issue that will no doubt require serious negotiations among the member states. As a prelude to this debate, the political guidelines of the European Commission 2024–2029 emphasise the need for a reform of the EU budget and make some initial proposals to this effect (von der Leyen, 2024).

Rule of Law, Conditionality, and the Challenge of Unity

Among the challenges of the forthcoming enlargement to the countries in Eastern Europe and Western Balkans are the intractable issues related to the candidate countries' democratic transformation, the fulfilment of rule of law, civic and political rights, the protection of minorities, and adherence to fundamental values as stated in the EU treaties. Ahead of the enlargement of 2004 and 2007 fears abounded that the candidate states of central and eastern Europe, which emerged after many decades of Communist regimes, would encounter problems in completing the twin transition to democracy and market economy (see, for instance, Pridham, 2002; Vachudova, 2005). The Copenhagen criteria of 1993 constituted the EU's response to these fears. They resulted in an expansion of the requirements for countries that seek to become members by strengthening the EU's conditionality in order to coax the candidates along the path towards economic, social and political transformation. The democratic criteria which required the candidate country to have "achieved stability of institutions guaranteeing democracy, the rule of law,

human rights, respect for and protection of minorities” before joining the EU were formulated with the central and eastern European countries in mind. Moreover, it was deemed important that the evaluation of whether or not the candidates fulfilled the criteria would be based on their implementation and enforcement of these principles on the ground (Kaldor & Vejvoda, 1999). The underlying idea was that the Central and Eastern European countries needed to not only amend old laws and enact new, but also set up the institutions required to implement democratic values and principles, as well as transform the national political culture to fully embrace liberal democracy. Yet, already during the first years of EU membership hybrid political systems emerged in Central and Eastern Europe merging experiences from the Communist rule with historical legacies, long-standing traditions, and regional identities to challenge the EU’s values and rule of law (Klingemann et al., 2006). The special brand of Eastern European political culture varied from country to country but tended to produce weak political parties, parliamentary instability, and a penchant for personalised politics spearheaded by strong leaders. Further, several countries experienced a gradual weakening of independent judiciary and minority rights. Although EU membership certainly worked as an anchor for the transition in Central and Eastern Europe, the strain of economic reform led to resentment towards Brussels for the perceived dictate of compliance to its rules and regulations. In certain new member states, such as Hungary under Viktor Orbán (in power since 2010), Slovakia under successive Smer-governments with Robert Fico and Peter Pellegrini as prime ministers, and Poland during a series of Polish Law and Order governments, 2005–2007 and 2015–2023, the unwillingness to observe democratic values and rights became apparent accompanied by an erosion of the rule of law and free media (Börzel & Schimmelfennig, 2017). During the 2010s and early 2020s, Hungary and Poland (up until the re-election of Donald Tusk in December 2023) have been monitored by the European Commission for their breach of EU values (Södersten, 2023). In the case of Hungary, the European Court of Justice has allowed the European Commission to withhold financial transfers and apply other punitive measures. Overall, however, the EU has struggled to prevent Viktor Orbán from blocking the EU’s financial support to Ukraine, the transfer of armament and the reimbursement of EU member states that have gifted arms to Ukraine (Thorpe, 2023). Hungary has also regularly prevented EU policy from going forward on a number of other matters linked, for instance, to the EU’s relations with China, human rights and

immigration. The growing contestation from within the EU on behalf of recalcitrant member states is an issue that the EU cannot allow to worsen in an enlarged and more diverse Union. Therefore, a strong emphasis on compliance with the rule of law and fundamental norms and values has been introduced in the reformed enlargement framework (see below).

WHERE DOES THE EU STAND TODAY ON ENLARGEMENT?

In November 2023, the European Commission declared that the Union was ready to begin accession negotiations with Ukraine and Moldova; to intensify ongoing negotiations with Serbia, North Macedonia, Montenegro, and Albania; and announced that Georgia would become an official candidate country alongside Bosnia and Herzegovina, which was granted candidate status already in December 2022, as soon as the conditions were in place (European Commission, 2023). The Commission pointed out that the process concerning Kosovo, which applied for membership in December 2022, is problematic because not all member states recognise the country's independence and that the process has been slowed by internal unrest and tensions between its ethnic Albanian government and the Serbian minority. With regard to developments in Turkey, the Commission confined itself to noting that the country remains very far from resuming accession negotiations with the EU. The Commission's view on the situation and its proposals on how the EU should proceed was endorsed by the European Council in December 2023. As mentioned earlier, the EU's motivation for recommitting itself to a comprehensive and complex enlargement is primarily geopolitical. Yet, this does not mean that the EU intends to compromise on the demands placed on countries that want to be members. In reaction to the slow progress of the ongoing accession negotiations with the Western Balkan countries and the experiences gained during these negotiations regarding the candidates' adaptation to the requirements of membership, questions abound about the ability of the EU to successfully pull off this complex project without jeopardising its internal strength and cohesion.

In an effort to strengthen the process, the European Commission set out a number of principles for the enlargement in its November 2023 Communication drawing on the enhanced enlargement methodology (see below). The most important principle is that membership is granted on the basis of the progress made by the candidate country in adopting the EU *acquis*—a requirement recognisable from previous enlargement

rounds. However, the process of applying EU laws and regulations must be preceded by alignment with certain fundamental principles which, according to the Commission, relate to “the rule of law, fundamental rights, the functioning of democratic institutions, public administration reform and the economic criteria” (European Commission, 2023, p. 8). These principles are no different from those expressed in the Copenhagen criteria, but have been given a higher priority in the Commission’s Communication. This priority should be understood in light of the experiences of the enlargements in 2004 and 2007 (see above) and the recurrent breaches of certain member states of the EU’s fundamental values and principles, and concerns about democratic backsliding and a more general rise of populist right-wing parties in Europe. The emphasis on stronger conditionality reflects a dilemma the EU faces. Demands for reform and transformations can be placed on candidate countries until they become members, but after membership is completed, the EU loses that power. Once candidate countries become members of the EU, they can block measures aimed at obliging them to comply. Another principle reinforced in the Commission’s assessment of the candidate countries’ alignment to the EU *acquis* is that it counts as progress the observance in practice of reforms, not just the formal introduction of new laws and regulations; and that monitoring this may continue after the country formally becomes a member. Addressing prospective member states, the Commission stressed that the decision to join the EU is “a strategic choice” emphasising the assumption that “[P]artners must embrace and promote EU values firmly and unequivocally” and that “alignment with the EU’s common foreign and security policy is a more significant signal than ever of shared values and strategic orientation in the new geopolitical context” (European Commission, 2023, p. 2).

In February 2020, the European Commission launched an enhanced methodology for the enlargement towards the Western Balkan countries in order to strengthen the credibility of the process in terms of both candidate and member state undertakings (European Commission, 2020). In its communication, the Commission stressed the importance of a more predictable process grounded in positive and negative conditionality, based on real progress and stronger political involvement. Unlike previous enlargements, the negotiations now take place in six thematic clusters, where cluster 1 (the fundamentals) is dealt with first and last in the negotiations in order to maximise the EU’s ability to persuade the candidate countries to stick to their commitments to fulfil the criteria

regarding the rule of law, fundamental rights, the proper functioning of democratic institutions, and public administration reform. Positive conditionality includes support of various kinds, such as financial support for reforms and participation in the work of the EU's institutions, agencies, and programmes. In contrast, negative conditionality refers to the principle of reversibility, that is, that the enlargement process can be suspended, even terminated prematurely, if deemed necessary. The proposals contained in the 2020 Communication were at the time already applied in negotiations with the Western Balkan candidate countries. The fact that they are mentioned explicitly in the Commission's October 2023 Communication indicates that they will act as fundamental principles in the enlargement process with Ukraine and Moldova, as well as the remaining Western Balkan candidate countries.

However, what was not mentioned in the European Commission's 2020 Communication is its position on the EU's absorption capacity and the potential need for a reform of EU institutions, decision-making procedures, and financial frameworks. This being an ultimately political issue for the EU member states, the European Council addressed the question at its summit in December 2023 by stating that successful integration implies that the Union's policies are geared towards the future, that their financing is sustainable and that the EU institutions must continue to function in an efficient manner. In June 2024, the political leaders revisited the issue of future reforms and drew up a road map for the way ahead underlining "the need to lay the necessary internal groundwork and reforms to fulfil the Union's long-term ambitions" ... and preserve "its capacity to act in the face of a new geopolitical reality and increasingly complex challenges" (European Council, 2024). Further, the European Council advanced that the internal reforms should proceed in parallel to the enlargement process and to that effect, it foresaw in-depth policy reviews by the spring of 2025 building on the following elements:

- i) values, including tools and processes to protect the rule of law;
- ii) policies, to ensure inter alia the EU's long-term competitiveness, prosperity and leadership on the global stage and to strengthen its strategic sovereignty;
- iii) budget, including in the context of the next negotiations on the Multi-annual Financial Framework for which the proposal will be presented by 1 July 2025; and
- iv) governance. (European Council, 2024, p. 12)

On 18 July 2024, Ursula von der Leyen was re-elected president of the European Commission by the European Parliament for the period 2024 to 2029. Before the vote, the President-elect presented the political guidelines for the next European Commission (von der Leyen, 2024). Laying out her view, von der Leyen emphasised the “moral, political and geostrategic imperative to further complete our Union”, but also stressed that “[A]ccession to the EU will always be a merit-based process” ... where “each candidate will be assessed on its own progress towards meeting all criteria”. Further, she underlined that “[T]he rule of law and fundamental values will continue to be the cornerstones of the EU’s enlargement policy, and they will be the foundations of our reformed and enlarged Union in the future” (von der Leyen, 2024, pp. 25–26). In view of the work on the review to be presented by mid-2025, von der Leyen suggested that there is a need for reform of the EU budget, including the improvement of the member states’ respect for the proper use of financial transfers from the EU, and that, overall, the budget should become simpler, more focused and better targeted. In view of the task ahead, she also implied that new own resources, i.e. the sources of EU revenues, should be contemplated. On the subject of reforms to the EU’s functioning, von der Leyen stated, without giving away any specific measures, that she envisaged “proposals to enhance Europe’s capacity to act, looking at new formats and decision-making processes”, even if such reforms would entail reforms of the EU Treaties (von der Leyen, 2024, pp. 29–30).

DEEPENING THE EU: WHAT MIGHT INTERNAL REFORMS ENTAIL?

The demand by the European Council to flesh out a road map for enlargement in parallel to enact the necessary internal reforms of the EU is a daunting task which will occupy the new European Commission, the European Parliament and the EU member states in the next decade. In the beginning of 2025, enlargement was firmly in progress in the framework of the accession negotiations with four countries on the Western Balkans, as well as Ukraine and Moldova. The process of internal reform is less advanced, but given the significance of the reforms considered necessary ahead of the next enlargement, the issue will be hotly debated throughout Europe. Before looking closer at these proposals, it is worth noting that the issue of internal reforms in view of expanding

the membership of the EU has been discussed at several moments in the history of the EU. A number of proposals to this effect have been put forward in the context of enlargement and constitutional reform, mainly probing the consequences of flexibility and alternative forms of cooperation as an alternative to political and economic integration (see, for instance, Bakardjieva Engelbrekt et al., 2023; de Búrca & Scott, 2000; Stubb, 1996; Lavenex, 2022; Warleigh, 2002). Prior research has discussed different forms of differentiated integration. Among the suggestions, we find integration *à la carte* which is based on a low level of ambition for common policies and allows countries to pick and choose, like on a menu, depending on which parts of EU policy they wish to participate in. Another variant—concentric circles—is instead based on the level of integration not being the same for all countries, and that countries group themselves into different levels (circles) based on the degree of policy/supranational integration they advocate. A supranational EU membership forms the inner circle and is surrounded by a series of concentric circles entailing less and less binding forms of cooperation. A third form of differentiated integration is based on enhanced cooperation, introduced by the Amsterdam Treaty in 1997 and practised in the EU ever since. It builds on deepened integration among existing EU member states in specific policy areas within the confines of the Union and involves the EU institutions. Moreover, areas of enhanced cooperation must remain open to member states which want to join at a later stage (see, for instance, Philippart & Edwards, 1999). Leading up to the Eastern enlargement 2004 and 2007 most discussion on internal reform of the EU was in the end centred more directly on the Union's functioning, more specifically on reforms of institutions, competences, and decision-making rules, including the extension of majority voting.

According to Italian political scientist Sergio Fabbrini (2023), proposals of this kind concern the core of the constitutional order of the EU as they regulate how relations between different constituent units should be organised, the degree of centralisation that should be allocated to the EU institutions vis-à-vis the member states, and what should actually be “common” within the Union. From such a perspective, Fabbrini advocates, in a similar way to the Franco-German report (see below), that in the future, the EU should develop into a multi-tier Union where the external tier is the European Political Community proposed by French President Emmanuel Macron in 2022 (Cohen, 2022). It would take the form of a European confederation and comprise cooperation with up to

40 or more countries based on common interests in different areas identified in intergovernmental agreements. The intermediate tier would consist of a community organised around the internal market in which the EU's institutions would have approximately the same responsibilities and functions as in the first half of the 2020s. The Community should include the EU's existing members, but with the distinction that countries that do not recognise the supranationality of EU law would no longer have a place in the Community,stead participate solely in the European Political Community. The core tier would be a union, a kind of European confederation, formed around the countries in the euro area which, through a constitutional pact, would render further power to a common federal government.

Although Fabbri's model for a future political order for Europe is more of a thought experiment than a fully fledged plan, other reports (see below) also stress that the EU should consider combining the great enlargement to include countries to the East and in the Western Balkans with a major overhaul of the EU's structure. This perspective emphasises a staged accession in which the membership of existing EU countries may also be made conditional from policy, budgetary and fundamental rights perspectives.

A French-German group of academics and policymakers presented a report in 2023, commissioned by the French Secretary of State for European Affairs and the German State Minister for Europe and Climate, with more fleshed-out options for internal reform of the EU in view of enlargement (Franco-German Working Group on EU Institutional Reform, 2023). The report outlines various reforms to the EU institutions: (1) reducing the members of the College of the Commissioners, or, if that is not possible, at least organise it into groups where commissioners have different statuses as in the UK's system of ministers of state and junior ministers; (2) maintaining the number of members of the European Parliament at the current level, i.e. 751; and (3) the setting up new bodies, such as an Office for Transparency and Probity to strengthen the oversight of the correct use of the EU financial transfers in the member states, as well as a Joint Chamber of the Highest Courts and Tribunal of the EU for judicial dialogue between European and national courts. The report endorses the termination of the unanimity requirement in the areas still necessitating consensus among the member states for decision-making and, at a minimum, allow decisions to be taken by majority voting in the EU's Common Foreign and Security Policy.

In view of preparing the EU for enlargement, the strengthening of the rule of law in the EU, enhancing democracy, and preserving fundamental European values are seen as paramount. Some of these reforms suggested in the report can be enacted through a decision in the European Council while others necessitate a change of the treaties. A treaty reform is possible through a number of different venues: (1) the ordinary treaty reform process, preceded by a convention, an Intergovernmental Conference (IGC) and the ratification by the European Parliament and the EU member states; (2) an ordinary treaty reform process through an IGC; (3) a variation of the treaty reform process by encapsulating internal reforms in the accession treaties or, alternatively, a framework reform and accession treaty negotiated by an IGC; and (4) a supplementary treaty negotiated by the EU member states expressing the will to deepen integration among them in a new constellation at the heart of the Union.

Yet, the issue of treaty reform has been off the EU agenda since the ratification of the Lisbon Treaty in 2009, culminating a period of nearly a decade and a half characterised by a gradual deepening of the EU through the enactment of the Treaty of Maastricht (1993), Amsterdam (1997), Nice (2001), and the Lisbon Treaty (building on the failed Constitutional Treaty of 2005). As a reaction to the upheavals that the negotiation and ratification of these treaties caused the European leaders united behind a dictum of no more treaty reform. However, some 15 years later, in a radically different external context and with the perceived imperative of enlargement, European political leaders recognise that they are again forced to consider the necessity of treaty reform. The Franco-German report recognises the difficulties arising from an ever greater diversity in a larger Union alongside the lack of commitment to integration and unity among the current 27 member states. As a possible answer to this dilemma, it introduces the concept of differentiated integration according to a four-tiered formula based on an inner circle of member states around the eurozone, the Schengen border regime and other policies; a European Union largely comprising states which are willing to avail themselves of the level of integration currently in play; an outer circle constituted by associate members, such as the UK, Norway, and Iceland along with any current candidate states unwilling to commit fully to the EU; and, finally, the European Political Community based on a loose form of integration and alignment among states in the larger European region (Franco-German Working Group on EU Institutional Reform, 2023, pp. 41–42).

BUSY TIMES AHEAD FOR THE EU: THE WIDER CONTEXT OF INTERNAL REFORM AND ENLARGEMENT

These suggestions regarding internal reform of the EU in view of the forthcoming enlargement inevitably raise questions about the future composition of the Union, the extent of its powers, and the scope of its policies. In the context of an enlarged EU, the contributions of the authors of this volume have shown that the principles of subsidiarity, the rights and obligations of membership, the balancing of the regulation of different industries and policy areas, and the development of the meaning of European identity and citizenship are once again topicalised.

In the debate on how to shape the EU's forthcoming enlargement to the east and to the Western Balkan countries, these themes are back on the agenda, albeit in a somewhat new guise. A fundamental theme is whether the necessary reforms of the EU's institutions and policies must be implemented before the Union can accept new members. This is especially true in a situation where external factors require the EU to enact a (relatively) rapid accession in the context of a war in Europe, an increasingly volatile geopolitical environment, and in which new member states may not be in a position to fulfil the obligations of membership, including the EU *acquis*. The problem is that extensive reforms are most likely to require a treaty change, which is time-consuming and fraught with great uncertainty. An extensive reform of the EU treaties could further jeopardise the enlargement and other pressing topics on the EU's agenda, such as social cohesion and integration of newcomers on the labour market, economic competitiveness, and the uptake of new technologies, including artificial intelligence. Nonetheless, the sensitive issue of regulating minimum wages, and how "free" the freedom of movement of workers *de facto* is, have after long negotiations been addressed in recent developments pertaining to EU labour law (see Hartzén and Hyltén-Cavallius respective contributions in this volume). Hopefully, this development may mitigate issues of dwindling social cohesion and promote the integration of a low paid worker force from new member states. In this vein, the Draghi's report from 2024 opened a debate regarding EU competitiveness and lack of innovation, possibly encouraging further integration of the internal market (Draghi, 2024).

Still, the EU is faced with a very difficult choice that includes major risks and challenges and ultimately the question of how many member states the Union may comprise before becoming unwieldy (Forslind &

Nyberg, 2020). Which alternative is seen as the least costly—enlargement with or without internal reform—is fundamentally linked to two competing views on the function of the enlargement. Is it essentially a tool—a means of achieving higher goals—such as peace in Europe and sustainable economic, social technological development on the continent? Or is it an existential question for the EU, tied to member states' compliance to the Union's fundamental values, rule of law, and democracy? The answer lies, as many times before, somewhere in-between, with the implication that the EU has no other choice than to handle challenges both from the widening and deepening of the Union and the broader societal developments. Yet, in our opinion, the EU should take a leap of faith. Enlargement should also be regarded as an opportunity for the EU to modernise the voting system and abandon unanimity where it is obsolete. To prevent new and old members from blocking the implementation of the Common Foreign and Security Policy would promote European fundamental values and stimulate continued economic development and expansion of the internal market.

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