

CHAPTER II

EUROPEAN UNION'S ENLARGEMENT POLICY

This chapter explains the history of European Union's enlargement policy and tries to explore the importance of Copenhagen Criteria 1993. The researcher will also explain about the pre-accession and accession process that candidate or potential candidate countries have to get through before become a new Member State of the European Union.

A. European Union's Enlargement Policy History

Enlargement policy is a policy that applies to countries which aspire to join the EU and potential candidates. The prospect of having full membership is a powerful booster for democratic and economic reforms in countries that want to become EU members. This policy has several objectives which are: to foster peace and stability in regions close to the EU's borders, to help improving the quality of people's lives through integration and cooperation across borders, to increase prosperity and opportunities for European businesses and citizens and as guide, support and monitor changes in countries wishing to join the European Union in line with EU values, laws and standards. (Communication, 2019).

Before it officially formed as European Union in 1993, when Treaty of Maastricht came into force, it was still European Coal and Steel Community that consist of six countries which were France, Benalux, Italy and Germany. However, these countries leaders by that time realized that in order to unite European politically and economically as to secure lasting peace, they could not go with six members only. Therefore, the idea of enlargement was emerged as the European Coal and Steel Community was looking to

extend its membership to the North and South. (McCormick & Olsen, 2018).

The EU views the enlargement policy and its process as an extraordinary opportunity to promote stability and prosperity in Europe (Congressional Research Service, 2019). The enlargement process that the Union has been conducted in the past, all could not be separated from its strategic political interests. For instance in the first round of enlargement, Britain, Denmark and Ireland have different motives to join the EEC. (Albi, 2004). Britain saw themselves as Western Europe's major power, some of Britain leaders back then realized that the West European's integration without Britain was weakened from the beginning.

Moreover, some of British government saw the EEC had much potential and they've been concerned on the disadvantages that will later impact on Britain if they did not having access to the single market. Furthermore, becoming part of the decision making on the continent is on top motives of Britain applied to join EEC as it is politically more important. Different motives from Britain, Denmark motives to join EEC by that time was because of agricultural matters, as the EEC could become a big new market for Danish agricultural surpluses along with to boost its industrial development. Ireland on the one hand, saw the EEC will boost its industrial plans and to reduce its reliance on agriculture and on Britain.

However, in the process of application for membership Britain was vetoed twice by President of France, Charles de Gaulle as he saw Britain as a rival of France influence and his interest to build Franco-German axis. Yet, after the resignation of Charles de Gaulle, Britain applied again for a third time and in

1973 along with Denmark and Ireland they were finally joined the EEC. (McCormick & Olsen, 2018).

The second round of enlargements, the EEC expanded to the south, in which Greece was the country that tried to apply for full membership. However, the commissions were concerned on their economy that was still underdeveloped and weak back then, but Greek Government responded that EEC membership would help them to rebuild democracy. The Council of Ministers agreed and finally Greece joined in January 1981 (McCormick & Olsen, 2018).

The third round of enlargement, the EEC saw Spain and Portugal membership would encourage democracy in Iberian Peninsula and to help the two countries come more closely to NATO and Western Europe. Spain and Portugal then made to join EEC in 1986 which brought EEC membership to twelve member states. An increasing membership made EEC had several political and economic consequences that made the members realized, it was time to strengthen its relationship among the twelve members instead of do any further enlargement. It lasted until 1995 when Austria, Finland and Sweden made to join the European Community as the result of the fourth round of enlargement.

The fifth round of enlargement which took place in Eastern part of Europe and considered as the largest enlargement of the EU in 2004 was marked as a very important achievement for the EU by the accession of ten new member states. Enlargement policy indeed became the powerful policy of European Union as it could brought six countries from a form of community to a union with 28 members states of European countries which followed by the joining of Romania and Bulgaria in 2007 and Croatia in 2013.

Enlargement policy could not be separated from the Copenhagen Criteria. In 1993, it was set for the Central and Eastern European. Copenhagen criteria have become the comprehensive criteria that prepared for any wave of enlargement. It was discussed at the Copenhagen Council in 1993 and the Madrid European Council in 1995. In the Madrid European Council meeting in December of 1995, the Council stated that;

Enlargement is both a political necessity and a historic opportunity for Europe. It will ensure the stability and security of the continent and will thus offer both the applicant States and the current members of the Union new prospects for economic growth and general well-being. Enlargement must serve to strengthen the building of Europe in observance of the *acquis communautaire* which includes the common policies (Rezler, 2011).

Copenhagen criteria has become important criteria that set for countries who wishing to join European Union for either candidate or potential candidate countries. Moreover, these candidate or potential candidate countries have to conform with the membership conditions which divided into political criteria, economic criteria, and legal criteria or used to known as *acquis communautaire* , it is a collective legal term for European Union law. It stands for the whole body of written and unwritten EU laws, the EU's political aims, and the obligations, rights, and remedies the Member States share and must adhere to with regard to the EU (Max Planck Encyclopedias of International Law, 2009). Therefore, either candidate or potential candidate countries are require to have the ability to take these body of laws and regulations which already adopted by the European Union. Furthermore, it is important for candidate or potential

candidate countries to achieve these criteria, as it will create a good governance of a country which in line with European Union values that upholding democracy, human rights and rule of law. These will contribute to the stability and security of the European region. In addition, by achieving these criteria, particularly in economic criteria, it will help the candidate or potential candidate countries to get sound financial rules and budgets in place before they join, and it ensures that acceding countries will not only be able to fully implement European Union obligations, but also to face future challenges (European Commission, 2013).

B. Pre-Accession Process

The pre-accession process or also known as pre-accession strategy was introduced in the Essen European Council of 1994 in order to help the candidate countries prepare for EU membership. In Luxembourg European Council of 1997, an enhanced pre-accession strategy was launched and was set in motion 1998 (Nello, EU Enlargement, 2005). The pre-accession strategy presents procedures and priorities in which the process based on these instruments below:

1. Bilateral Agreements between the EU and Candidate Countries

The bilateral agreements between EU and the candidate countries is related to an accessions agreement, which establish the conditions of countries who wish to join the EU must meet some criteria (e.g. how to adapt its institutions, improve infrastructure, ensure a functioning market economy etc.) (Barnard & Emilija, 2018).

For instance, The Stabilisation and Association Agreement is the framework of relations between the European Union and the Western Balkan countries for implementation of the Stabilisation and Association Process. The agreements are adapted to the specific situation of each partner country. Furthermore, it was not merely establishing a free trade area between the EU and the country concerned, but they also identify common political and economic objectives and encourage regional co-operation. In the context of accession to the European Union, the agreement serves as the basis for implementation of the accession process. The EU and Albania has signed the Stabilisation and Association Agreement (SAA), in June 2006 following with Montenegro in 2007 (BBC News, 2014).

2. Accession Partnerships

The instrument defines the framework of the accession process. At the point when a country applies to join the EU, between that country and the EU has agreed upon an accession partnership. The Accession Partnership agreement sets out the following:

In the area wherein the candidate country needs to make progress in the short and medium term, in view of the accession criteria. The commission's opinion on that country's membership application will identify these areas. (EUR-Lex, 2019).

In order to preparing the candidate country for the rights and obligations that come with EU membership, EU has the pre-accession assistance in order to support candidate country economic and political reforms by providing financial and technical help. (European Commission, 2016).

Each of Candidate countries issues a National Programmes for adoption of the Acquis (NPAAs) which putting the partnership into practice by set up a detailed adaption action plan that in accordance with national specifics in order to strengthen their administrative and judicial capacities (Petrov, 2007).

3. European Partnerships

The European partnerships are instruments of the Stabilisation and Association process and define the principles, priorities and conditions of the relations between the EU and Western Balkan potential candidate countries and serve to prepare them for European integration. They aim at promoting stability in the Western Balkan region while bringing it closer to EU standards through alignment with the [*acquis*](#). (European Commission, 2016).

The Stabilisation and Association Process (SAP) itself is the European Union's policy towards the Western Balkans, in which the relationship between EU and the western Balkans is contained in this framework, it was launched in June 1999 with the aim of eventual EU membership (Muhammad, 2017). The SAP sets out common political and economic goals although progress evaluation is based on countries' own merits (European Commission, 2016). The SAP rests on:

- Contractual relations (bilateral Stabilisation and Association agreements)
- Trade relations (autonomous trade measures)
- Financial assistance (the Instrument for Pre-accession Assistance – IPA)
- Regional cooperation and good neighbourly relations.

4. Pre-Accession Assistance

The Pre-accession assistance are the instrument that helps the candidates and potential candidates for EU membership meet the accession criteria and bring their institutions and standards in line with the EU *acquis* (European Commission, 2016). The Instrument for Pre-accession Assistance (IPA) is about which the supports reforms come from EU in the 'enlargement countries' with financial and technical help.

The purpose of IPA funds is an investment into the future of both the enlargement countries and the EU itself. They help the beneficiaries make political and economic reforms, preparing them for the rights and obligations that come with EU membership. Those current beneficiary countries are: Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia, and Turkey. The reforms should provide their citizens with better opportunities and allow for development of standards equal to the ones we enjoy as citizens of the EU.

Furthermore, The IPA also help the EU to reach its own objectives such as sustainable economic recovery, energy supply, transport, the environment and climate change, etc. the Pre-accession assistance is an investment in public administration reform, rule of law, sustainable economy, people and agriculture and rural development. Once the candidate countries join the Union, the new member states, which are no longer entitled to pre-accession assistance, may receive temporary financial assistance through a Transition Facility in which provided for by the treaty of accession. The Transition Facility is the post-accession financial assistance granted to countries that joined the EU. It aims to strengthen the new Member States' administrative capacity to implement EU

legislation and to encourage exchange of best practice among peers. (European Commission, 2019).

5. Political Dialogue

The instrument is about the political dialogue that conducted between European Union and the candidate countries. For example, a high level political dialogue between European Union and Turkey, in which to improve relations of EU with Turkey. Furthermore, it stresses on the accession process of Turkey itself that can provide an important framework for the EU-Turkey relationship as well as for the economic, social and political reforms in Turkey (Kocijancic & Smerilli, 2018).

6. Evaluation and Monitoring from the Commission

The instrument is to provide the Commission with hard evidence about how actions (projects/programs) are implemented, to improve their design, efficiency and accountability (European Commission, 2019).

- **Monitoring**

Monitoring uses systematic collection of data on specified indicators to provide the management and the main stakeholders of an on-going intervention with indications of the extent of progress and achievement of objectives and progress in the use of allocated funds (OECD). It can be internal which performed by Commission staff or implementing partners, such as agency's staff, government's personnel, other donors, non-state actors (private sector companies, NGOs, etc.) or external (Results Oriented Monitoring). Internal monitoring is about analysing action's reporting documents & data, attending action's steeringcommittee meetings & reviews of budget

support operations, and meetings/contacts with the action's team, beneficiaries, authorities, other stakeholders. On the one hand, External monitoring (ROM) provides an independent view and focuses on problematic actions pinpointed by operational managers in their annual risk assessment exercise.

- **Evaluation**

Systematic and objective assessment of on-going or completed interventions (actions/policies), their design, implementation and results according to the following criteria: relevance, effectiveness, efficiency, sustainability, impact, coherence and EU added-value. It assesses how well a specific measure has worked (or is working) and whether it is still justified or should be changed.

C. Accession Process

The accession process or known as the accession negotiations must be concluded before a new member state can join the European Union. The negotiations take place between ministers and ambassadors of the EU governments and the candidate country in what is called an intergovernmental conference. However, a candidate member country will step to the accession negotiations only when EU governments, meeting in the European Council, have one voice agreed upon the accession.

These are steps in preparing for accession negotiations under each chapter are based on the following elements:

- a. Screening**

The Commission carries out a detailed examination, together with the accession countries, of

each policy field (31 chapters of *acquis*), to determine how well the country is prepared. The findings by chapter are presented by the Commission to the Member States in the form of a screening report. The conclusion of this report is a recommendation of the Commission whether the negotiations had been opened or not (Nello, The Accession Process, 2005).

b. Negotiating positions

Before negotiations can begin, the candidate country must present its position and the EU must adopt a common position. For most of the chapters, the EU will set the closing benchmarks in this position, which must be met by the candidate country before negotiations can be concluded in the relevant policy area. For chapters 23 and 24, the Commission recommends that these chapters be opened in the future on the basis of action plans, with interim benchmarks to be met on the basis of their implementation before the benchmarks are established. (European Commission, 2016).

Table 2.1 Chapters of *acquis*

1.	Free movement of goods	19.	Telecommunication and information technologies
2.	Freedom of movement for persons	20.	Culture and audio-visual policy
3.	Freedom to provide services	21.	Regional policy and coordination of structural instruments
4.	Free movement of capital	22.	Environment
5.	Company law	23.	Consumers and health

			protection
6.	Competition policy	24.	Co-operation in the fields of justice and home affairs
7.	Agriculture	25.	Customs union
8.	Fisheries	26.	External relations
9.	Transport policy	27.	Common foreign and security policy
10.	Taxation	28.	Financial control
11.	Economic and monetary union	29.	Financial and budgetary provisions
12.	Statistics	30.	Institutions
13.	Social policy and employment	31	Other
14.	Energy		
15.	Industrial policy		
16.	Small and medium-sized enterprises		
17.	Science and research		
18.	Education and training		

c. Concluding the negotiations

1. Closing the chapters

No negotiations on any particular chapter will be concluded until all EU governments are satisfied with the candidate's progress in this policy area, as assessed by the Commission. And the whole negotiation process will only be concluded unequivocally once every chapter has been completed.

2. Accession treaty

This is the document that sets out the country's membership of the EU. This includes the terms and conditions of membership, all transitional arrangements and deadlines, as well as details of financial arrangements and any safeguard clauses. It is not final and binding until:

- It wins endorsement of the EU Council, the Commission, and the European Parliament
- It is signed by the applicant country and by the representatives of all current EU countries
- The candidate country and each individual EU country shall be ratified, as shown by their constitutional rules (parliamentary vote, referendum, etc.).

3. Acceding country

Once the treaty has been concluded, the applicant will become an acceding member. This means that it is supposed to become a full EU member on the date laid down in the Treaty, given that the Treaty has been ratified. (European Commission, 2016).