

The EU: Breaking the chains of weariness¹

Abstract

The post-1945 system has today been overcome and a new world order is about to emerge. This new, quite explosive, background does not signal the end of the EU, but provides evidence that its core features must be redesigned to receive broad popular support; a long-term vision coping with the challenges of the twenty-first century is now urgently needed. Furthermore, EU enlargement must take a new profile. First, the over-emphasised trade-off between widening and deepening must be deconstructed. Second, enlargement needs to be a planned political goal, not a confused mixture of technical criteria which get ever harder to meet. Third, the 'regatta principle', counterproductive and lacking results, should be replaced by an innovative and redesigned 'caravan approach'. Fourth, a conditionality package should be prioritised and, as for previous candidates, proactive handling of exemptive differentiation and transitional arrangements introduced. Last but not least, the EU must accept that open questions will be resolved only within the framework of the EU, and will thus require an 'integration follow-up' mechanism targeted at such issues.

Keywords: enlargement, EU treaty, institutional reform, sovereignty, heterogeneity, regional co-operation, regatta principle

The EU: with divides or flexibility?

To state the obvious, the last twenty-five years were shaped by a global democratic expansion coined by Huntington as the 'third wave of democratisation';² the unification of Germany; the collapse of communist regimes in eastern Europe; the dissolution of the Soviet Union; and the progressive emergence of the European Union (EU) through various rounds of enlargement.

The 1989 fall of the Berlin Wall symbolised the triumph of democracy and of a reunited Europe – it is notable that, at that time, nobody was questioning the principle of EU enlargement.³ Nevertheless, the general post-1989 enthusiasm was short-lived. The very idea of 'spreading democracy' became filtered through more realistic lenses.

- 1 This article was first presented on 8 October 2014 in Rome in the framework of the international conference *The Western Balkans: The Futures of Integration* organised by the NATO Defense College Foundation, in co-operation with the Italian Ministry of Foreign Affairs and the Balkan Trust for Democracy.
- 2 Samuel Huntington (1991) *The Third Wave. Democratization in the Late Twentieth Century* Norman: University of Oklahoma Press.
- 3 Jacques Rupnik (Ed.) (2014) *1989 as a Political World Event* Abingdon: Routledge; Pierre Hassner (2009) 'Une révolution aux lendemains difficiles' *Esprit* 10: 68-74.

It became obvious that the different pace of democratisation needed to be acknowledged: rapid democratic consolidation being the exception, a longer-time perspective was unavoidable in most cases – especially for less-developed lower-income countries. Concerning EU integration, this became, over the years, a longer and more demanding process. Despite enjoying the most favourable conditions (compared to those faced in the 2010s by Balkan candidate countries), it is noticeable that central and eastern European candidate members had to wait until 2004 – thus, fifteen years after 1989 – to become fully-fledged EU members.⁴

Against the background of the then-forthcoming 2004 ‘big bang enlargement’, this idea of pace was transposed to the EU integration process in order to resolve its wider/deeper trade-off. Within the framework of a two- or multi-speed Europe, a ‘core Europe’ would bring together a ‘progressive’ group of states developing ‘enhanced collaboration’ and ‘driving’ the union.⁵ However, the facilitated consensus and gains in efficiency that were expected were outweighed, first, by institutional hurdles;⁶ second, by the already-existing tensions between centre and periphery, and between wealthy (donor) and poor (recipient) countries; and, third, by the risk of building second-class membership which would weaken the EU’s internal cohesion and renew the east-west divide.

Meanwhile, the union self-imposed various other divides: between the seventeen member states of the eurozone and the eleven left outside; between the 23 member states applying the Schengen Agreement and those five which do not belong to it (the UK, Ireland, Romania, Bulgaria and Croatia). Further, two member states – Romania and Bulgaria – have been under a ‘Co-operation and Verification Mechanism’ since they joined the EU in 2007.⁷ Last but not least, in relation to the assertion of a particular fiscal discipline within an austerity regime, the EU’s divide switches from a west–east one into a north–south one. Against the background of a divided EU, how should it expand?

We may see things from a slightly different perspective. The EU is, indeed, moving closer to a union *à la carte* driven by a variable geometry approach in order to confront its increased heterogeneity. Such an approach will, most probably, be adopted in the field of European public policy in order to introduce some flexibility for different member states – especially the UK, which is seeking the re-transfer of certain competencies. In the field of foreign policy and security matters, *ad hoc* groups are already implementing the same strategy: new alliances are emerging which effectively change the rules without changing the Treaty. This illustrates the trend – of course, reinforced by successive rounds of enlargement – towards increased heterogeneity in the EU and an inexorable shift towards a more flexible union.

4 Heather Grabbe (2006) *The EU’s Transformative Power. Europeanization Through Conditionality in central and Eastern Europe* Basingstoke: Palgrave.

5 The mechanism of ‘enhanced co-operation’ was first mentioned by the Amsterdam Treaty (1997) and confirmed by the Nice Treaty (2001).

6 Discussed by Wolfgang Merkel and Sonja Grimm (2007) *The Limits of the EU: Enlargement, Deepening and Democracy* Estudio Working Paper 76: 17–18.

7 See the biannual progress reports at http://ec.europa.eu/cvm/progress_reports_en.htm [last accessed 12 August 2014].

This partly fits within Larry Diamond's perspective, focusing on multi-layered and non-linear processes:

*Which often involves progress on some fronts and regression or setbacks followed by increments of progress.*⁸

Thereafter, new keywords such as 'democratic consolidation', 'continued democratic development' and 'invigoration of democracy' have surfaced. Acknowledging the widening gap between democratic form and substance, 'low-intensity democracy', 'poor democracy' and similar terms have emerged to describe 'weak' and 'failed' states. Meanwhile, Guillermo O'Donnell has introduced the more precise notion of 'delegative democracy', referring to countries having the formal constitutional structures of democracy, but being institutionally hollow and fragile.⁹

Understandably the question arises as to whether the 'third wave' is over.¹⁰ Even if there is not a reverse wave of democratisation, we are currently facing stagnation or, to put it optimistically, stability. How do these terms cope with our focus?

First, related to the way the EU is currently organised: the informal extension of the competencies of the Commission and the Council (the latter acting as law-maker and as executive), a still-weak Parliament and poorly-Europeanised parties make it clear that the EU has only been insufficiently democratised. Second, populist setbacks may be observed in central Europe where democratic institutional foundations turn out to be fragile and lacking a firm social foundation – here, the term consolidation may apply.¹¹ Third, looking especially at Bosnia's and Kosovo's poor performances and high levels of corruption, the notion of weak and/or failed states is often used. Is the union strong and flexible enough to integrate the latter?

In spite of all the welcome criticism, both southern and central Europe – not (yet) encompassing the Balkans¹² – can be considered as a 'third wave success story'.¹³ There are, of course, obvious differences – first, between the regimes in transition in southern and in central-eastern Europe; and, second, within the 27 post-communist countries themselves, notably between the different sub-regions: respectively, the post-communist, post-Yugoslav and post-Soviet countries.¹⁴ We may highlight the broader reach of the transition process in central Europe, involving politics, economics, social life and nation- and state-building; and, for the post-Yugoslav area, a transition process of

8 Larry Diamond (1999) *Developing Democracy. Toward Consolidation* Baltimore: John Hopkins University Press, p. 21.

9 Guillermo O'Donnell (1994) 'Delegative Democracy' *Journal of Democracy* 5(1): 55-69.

10 Larry Jay Diamond (1996) 'Is the Third Wave Over' *Journal of Democracy* 7(3): 20-37.

11 See the 2007 special issue: 'Is East-Central Europe Backsliding?' *Journal of Democracy* 18(4).

12 Jacques Rupnik (2002) 'The Postcommunist Divide' in: Larry Diamond and Marc F. Plattner (Eds.) *Democracy after Communism* Baltimore: John Hopkins University Press, pp. 103-109.

13 P. Nikiiforos Diamandouros (2002) 'Southern Europe: A Third Wave Success Story' in: Diamond and Plattner (Eds.) *ibid.* pp. 3-25. For eastern Europe, see Jan Zielonka (Ed.) *Democratic Consolidation in Eastern Europe* Oxford: Oxford University Press.

14 Diamond and Plattner (Eds.) *op. cit.*; see, especially, the chapters by Ghia Nodia (pp. 5-17) and Valerie Bunce (pp. 18-32).

similar magnitude but proceeding through wars (*transition guerrière*) and from federalism to new nation-states. Of course, the strategic and security dimensions were key here. The ‘security void’ after 1989 explains why NATO expansion proceeded faster than that of the EU – even if joining the EU was the ultimate goal.¹⁵

After the post-1989 good weather, 2014 faced profound climate change against the backdrop of Russia’s destabilising strategy: the annexation of Crimea was promptly followed by Moscow’s interference in eastern Ukraine, where the Russian Federation fomented instability, armed separatists and intervened militarily. More globally, the disjunction between conventional arms and nuclear weapons – providing the former with a new strategic use – and the emergence of cyber-warfare possibly characterise a ‘new Cold War’ era. However welcome Germany’s new assertive policy may be, as well as the increased commitment of some European countries including Italy, France and Poland, the EU’s response – consisting mostly of economic sanctions – was far too slow and not sufficiently incisive. Considering this and the weakness of the European Common Security and Defence Policy (CSDP), the almost-immediate NATO expansion to central European countries in the early 1990s provides today the only reliable security umbrella.¹⁶

Breaking the chains of weariness: a new EU in a new world order

These twenty-five years (1989-2014) should thus not be seen as a continuum.¹⁷ First, the 1989-2004 period may be seen positively if we focus on the construction of the EU, including the successful introduction of the euro and the 1995 and 2004 waves of enlargement. Second, the 2005 French and Dutch rejections of the draft treaty establishing a constitution for Europe,¹⁸ the European Council’s painful difficulties in agreeing the EU budget for 2007–2013 and, last but not least, the global economic crisis marked a turning point, confronting the EU with a crisis of unprecedented seriousness. Third, in the meantime, nationalism re-emerged all over, weakening multilateral insti-

- 15 Jacques Rupnik (2002) ‘The International Context’ in: Diamond and Plattner (Eds.) *ibid.* pp. 132-146.
- 16 In the wake of the September 2014 NATO Summit, NATO has enhanced its capacities in central Europe and the Baltic States with the establishment of a so-called spearhead force and, possibly, of a new military base in Szczecin (Poland), where NATO troops would stay close to the facilities of the Multinational Corps Northeast (staffed with German, Danish and Polish divisions). Simultaneously, the US launched a European Reassurance Initiative, increasing its military presence in Europe and improving its military infrastructure to allow for greater responsiveness.
- 17 See the review of the strengths, weaknesses and challenges of the EU by Christian Lequesne (2014) ‘Ce que l’Europe nous a apporté’ *Esprit* May, available at: www.esprit.presse.fr/news/frontpage/news.php?code=322 [last accessed 12 August 2014].
- 18 Of course, the French and Dutch votes did not produce the crisis, they simply brought it to the surface. Laurent Cohen-Tanugi points out that ‘It was the economic, social and political shortcomings of the existing EU that brought about the rejection of the treaty, not the other way around.’ See Laurent Cohen-Tanugi (2005) ‘The End of Europe?’ *Foreign Affairs* 6(84): 55-67.

tutions¹⁹ and the EU. Concerning the latter, particularly worrying is the increased presence, now even in the European Parliament, of movements opposed to what the EU stands for – fundamental values (rule of law, human dignity and human rights);²⁰ solidarity between peoples and nations; and shared sovereignty and institutions. Declining legitimacy and the rise of nationalism, combined with right-wing sovereigntism, go hand-in-hand – with both of them increasing political instability and tensions.

To complete this overview, we may briefly detail the broader context: Asia – not only China – is becoming a new strategic point of reference, but is unwilling or unable to take a position on concrete issues such as the Syrian and Ukrainian ones. Furthermore, the instruments of the international order – including the UN and other inter-governmental bodies – seem increasingly unable to deal with transnational security and climate issues. Last but not least, the US is opting – at least temporarily – for fall-back positions.

Without doubt, the post-1945 system has now been overcome and a new world order is about to emerge: but is it multipolar, bipolar – but in a new way – apolar or unstructured, an anarchy under control? At this stage, it is hard to be more precise. Certainly, globalisation economics strongly contrasts with the fragmentation and the increased heterogeneity of the political sphere. Habermas puts it thus: nation-states are seen by most of their citizens as the only collective entities that act effectively with some legitimacy, but they do not face up to the reality that state-nations have precisely:

*Become more and more entangled in functional contexts which transcend national borders.*²¹

Nicole Gnesotto summarises the key security issues in an unstable world:

Le leadership américain est absent, l'exemplarité européenne est révolue, l'autorité de l'ONU est empêchée, et le dynamisme des puissances émergentes, bien que réel, reste autocentré. D'où la litanie des paradoxes stratégiques, plus faciles à énoncer qu'à résoudre : un monde plus violent mais une communauté internationale plus impuissante. Un contexte plus instable mais une sécurité internationale moins régulée. Des extrémismes plus actifs, des démocraties plus

- 19 Jean-Marie Guéhenno (2014) 'La crise du multilatéralisme' *Esprit* 8-9: 49-57; see also Pierre Hassner (2007) 'L'Union européenne face à la multipolarité et au multilatéralisme' *Esprit* 5: 54-68.
- 20 On human dignity as the moral source of human rights, see Jürgen Habermas (2012) *The Crisis of the European Union: A Response* London: Polity, pp. 71-100.
- 21 Jürgen Habermas (2014) 'Mais que veut dire une « Europe forte »' *Esprit* 5: 79-88, at p. 79. The English translation is provided by the Institute for Public Policy Research's *Juncture* journal of politics and ideas: <http://www.ippr.org/juncture/in-favour-of-a-strong-europe-what-does-this-mean>.

*incertaines. C'est devant ces défis que la volonté d'impuissance collective des Européens apparaît comme le plus formidable gâchis politique de ce début de XXI^e siècle.*²²

Simone Weil's premonitory words may be recalled here, since they receive a new meaning:

*If we do not undertake a serious effort of analysis, one day sooner or later we may well find ourselves at war and powerless not only to act but even to make judgments.*²³

And similarly with regard to Husserl's 1935 Vienna lecture, inviting us to break the chains of weariness:

*There are only two escapes from the crisis of European existence: the downfall of Europe in its estrangement from its own rational sense of life, its fall into hostility toward the spirit and into barbarity; or the rebirth of Europe from the spirit of philosophy through a heroism of reason that overcomes naturalism once and for all. Europe's greatest danger is weariness.*²⁴

Such a new explosive background does not of course signal the end of the EU, but it does provide evidence that its core features – such as competition policy, rules on freedom of movement, the euro and the EU's monetary policy – must be redesigned and receive broad popular support. The quite unproductive 'period of reflection' is over: retooling, a policy of mere adjustments, will not do the job; a long-term vision capable of coping with the challenges of the twenty-first century is now urgently needed.

If not a new European treaty, then the existing ones need to be utterly revised: first, a truly monetary union – effectively co-ordinating the economic policies of the member states – must address the structural defects of monetary union; second, a nation-state based and democratically-legitimised EU – as a transnational community and multi-level form of governance, meeting democratic benchmarks of legitimation – seems to be the only model capable of overcoming the false dichotomy between nation-state and

- 22 Nicole Gnesotto (2014) 'La mondialisation politique n'existe pas' *Esprit* 8-9: 32-38, at p. 38. Editor's translation: 'American leadership is absent, the period of European example has passed, the authority of the UN has been held up, and the dynamism of the emerging powers, although real, is still self-centred. Hence the litany of easier-said-than-resolved strategic paradoxes: a more violent world, but a powerless international community; a more volatile environment, but less regulated international security; more active extremism, but more uncertain democracies. In front of such challenges, the movement towards a collective impotence among Europeans appears to be the most formidable political mess of the early twenty-first century.' See also Nicole Gnesotto (2014) *Faut-il enterrer la défense européenne?* Paris: La documentation française.
- 23 Simone Weil (1987) 'Reflection on Wars' *Formative Writings 1929–1941* Amherst: University of Massachusetts Press, p. 237. This essay was first published in *La critique sociale* (1933) 10.
- 24 Edmund Husserl (1970) 'Philosophy and the Crisis of European Humanity (The Vienna Lecture, 1935)' *The Crisis of European Sciences and Transcendental Phenomenology* Evanston: Northwestern University Press, p. 299.

European federal state.²⁵ Habermas highlights that, in a federation without a state, shared – thus not superimposed – sovereignty at EU level and state sovereignty are not two levels competing for control over centralised authority but constitute distinct and, at the same time, interweaved levels. Nation-states continuing to uphold their constitutional role as guarantors of law and freedom does not lead to a loss of legitimacy in establishing a political order beyond the nation-state.²⁶ In place of an absolutely unrealistic supranational form, such a transnational option – one which is admittedly certainly complex to introduce – offers the only credible way of settling a new political framework.

Enlargement: wider or/and deeper?

After more than fifty years of European integration, the EU has to tackle a crisis of delivery and a crisis of identity. People worry more about the EU's unfulfilled economic and social promise,²⁷ somewhat less about the EU's inability to play a bigger role on the world scene and only marginally about 'excessive expansion'. Nevertheless, we have to acknowledge that an enlarged EU is perceived as increasingly ineffective. Trust in the enlargement policy has significantly declined in EU member states – including in traditionally pro-enlargement countries – as well as in candidates countries.²⁸ More than frustration, this disenchantment expresses the rather rational opinion that a 28-member union is hardly workable in the context of what amounts to a loosely-connected network of transnational regimes.²⁹

Nonetheless, the symptoms of the EU's crisis should not be taken for its causes. It is not enlargement *per se* which burdens the future deepening of the EU, but the way it was planned – the then 15-member union having been unable to achieve the necessary institutional reforms for further enlargement waves. In other words, the previous round of enlargement was conducted without the institutional reform that would have strengthened both the EU institutions and the EU's cohesion, but the EU cannot ignore these things now.

- 25 One key argument, based on the distinction between popular and state sovereignty, is made by Habermas: 'Restricting national sovereignty by transferring sovereign rights to supranational authorities by no means necessarily comes at the cost of disenfranchising democratic citizens.' Habermas (2012) *The Crisis of the European Union op. cit.* p. 18.
- 26 Such a 'stateless EU', as a non-state polity, may be seen as a response to the problem of nationalism and international relations. See Habermas *ibid.*
- 27 We may remember that the 2000 Lisbon agenda promised over the next decade to turn the EU into 'The most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth, with more and better jobs and greater social cohesion.' (www.europarl.europa.eu/summits/lis1_en.htm).
- 28 See Standard Eurobarometer, 2013 (http://ec.europa.eu/public_opinion/archives/eb_arch_en.htm); see Sara B. Holbot (2014) 'Ever Closer or Ever Wider? Public Attitudes Towards Further Enlargement and Integration in the European Union' *Journal of European Public Policy* 21(5): 664-680.
- 29 Michel Rocard (2003) 'Du bon usage d'une Europe sans âme' *Le Monde* 27 November, p. 1 & p. 17.

Against this background, the EU's deepening – supranational centralisation – and its further enlargement – the expansion of its membership – may hardly be conceived as business as usual. The context factor – highlighting the increasing politicisation of the integration process – does of course matter, and the misleading alternative proposition of horizontality (widening) vs. verticality (deepening) must be discussed as such. Both aspects are intertwined, but it would be wrong to consider them separately: what is at stake is their interaction.

In recent years, many scholars and politicians have over-emphasised the trade-off between widening and deepening, arguing that the first would obstruct the second. However, the long and winding road of the EU actually demonstrates the contrary: deepening and widening go hand-in-hand. Enlargement has constantly affected the EU's own functioning, producing a systematic deepening of supranational policy-making capacities. Eva Heidbreder pinpoints:

Enlargement extended the policy agenda beyond the traditional pool of EU policies to political realms in which the old member states had not seen the need to pool competences but felt pressured to introduce safeguards for the incoming members. Consequently, enlargement served as a powerful catalyst of policy-generated integration.³⁰

This is consistent with the research conducted by Kelemen, Menon and Slapin. Based on a theoretical model and empirical evidence, these authors suggest that widening facilitates deepening:

It does so, first, by generating legislative gridlock that in turn increases the room for manoeuvre of supranational administrative and judicial actors who exploit their discretion to pursue their preferences for deeper integration. Secondly, because it encourages legislative bottlenecks, enlargement creates functional pressures for institutional reform that eventually facilitates deepening.³¹

The same authors observe that successive enlargements have enhanced the centrality of the EU system, notably strengthening the EU's judicial system and empowering meaningfully, albeit with poor legitimacy, the Commission's co-ordination and brokerage role.

Beyond the above-mentioned trade-off, the past six rounds of enlargement illustrate also a 'differentiated integration' – the eurozone and the Schengen area exemplify this. Furthermore, weaker candidates have benefited in previous enlargement rounds from preferential treatment: for example, receiving more time to adopt the *acquis*.³² Schimmelfennig highlights:

- 30 Eva G. Heidbreder (2014) 'Why Widening makes Deepening' *Journal of European Public Policy* 21(5): 746-760, at p. 758.
- 31 Daniel Kelemen, Anand Menon and Jonathan Slapin (2014) 'The European Union: Wider and Deeper?' and 'Wider and Deeper? Enlargement in the European Union' *Journal of European Public Policy* 21(5), pp. 643-646 and 647-663; at p. 660.
- 32 Frank Schimmelfennig (2014) 'EU Enlargement and Differentiated Integration' *Journal of European Public Policy* 21(5): 681-698.

*The EU uses differentiated integration as an instrument to smooth the enlargement process and to reduce the costs of enlargement for both old and new member states.*³³

What is at stake is, therefore, not widening versus deepening, but the homogeneity versus heterogeneity alternative – the latter favouring deeper co-operation inside the EU.³⁴ To sum-up: recent research has deconstructed the false dichotomy of widening vs. deepening and highlighted the key role of heterogeneity and, thus, flexibility. The remaining challenges are, first, to increase the legitimacy of EU procedure within the framework of a new treaty (see above section); and, second, to review the enlargement process.

Enlargement: who, when and how

Who

Excepting Iceland, no enlargement is on the table other than that of the Balkans. Albania became a candidate in 2014 and Macedonia in 2005 – but both countries are miles away from opening accession talks; Bosnia and Herzegovina concluded its negotiations on a Stabilisation and Association Agreement (SAA) in 2008 – but this agreement is still not in force; Serbia started accession negotiations formally in January 2014; Kosovo started negotiating its SAA in late 2012. Turkey, which has been negotiating since 2005, has not yet opened half its negotiations chapters. To sum up, all these countries are in the slow lane.

Despite the modest results and serious shortcomings, especially in Bosnia and Kosovo, where the EU is part of the problem, substantial progress in modernisation and democratisation has been achieved since the 1990s. Compared to Afghanistan and Iraq, the Balkans stands as an example of successful post-conflict reconstruction even though, notably, the EU has been unable to resolve Macedonia's name dispute, Kosovo's status and the Bosnian conundrum. Nevertheless, the perspective of EU accession, the major anchor of stability for all countries, remains the most efficient incentive for the on-going post-communist transition and reform process. Within the framework of the already-existing trend towards a flexible and more heterogeneous EU mentioned above, some five additional new incomers – thus here excluding Turkey – will not affect the continuing process of (de)centralisation – and neither will they overburden the 'absorption capacities' of the EU.³⁵

Even if we acknowledge the proactive presence of Turkey, China and Russia in previous years, these countries do not currently represent a credible alternative for the western Balkans.³⁶ However, if the EU integration perspective does not gain in credibility, major setbacks cannot be excluded. A halt in transition and democratisation

33 *ibid.* p. 695.

34 An issue discussed in more detail by Christina J. Schneider (2014) 'Domestic Politics and the Widening-Deepening Trade-Off in the European Union' *Journal of European Public Policy* 21(5): 699-712.

35 Michel Roux (2014) 'Avec ou sans les Balkans' *Outre-terre* 7: 119-132; at pp. 130-131.

36 Adam Balcer and Veton Surroi (2013) *In Search of a New Paradigm: The Western Balkans and EU Integration* Warsaw: Centre for European Strategy, pp. 32-39.

processes could well introduce a vicious circle and lead to the consolidation of clientelist and semi-authoritarian regimes – most probably leading to an increase in the influence of China and Russia in the region. In this case, EU membership would become a ‘dead deal’.

When

After the 2004 ‘big bang’ enlargement, distinguished experts and politicians extended the ‘pause for reflection’ on the Treaty to the enlargement process. Soon, the pause became ‘enlargement fatigue’. Ten years later, things are going from bad to worse: presenting officially the political guidelines for the next Commission on July 15th, the new President of the European Commission, Jean-Claude Juncker, mentioned clearly a ‘break’:

*The EU needs to take a break from enlargement so that we can consolidate what has been achieved among the 28. This is why, under my Presidency of the Commission, ongoing negotiations will continue, and notably the Western Balkans will need to keep a European perspective, but no further enlargement will take place over the next five years.*³⁷

But what does this mean? The most advanced candidate countries, Montenegro and Serbia, are not likely to join before 2020 anyway; for the remaining candidates, 2030 is more realistic. This means some twenty or thirty years since the launch of the Stabilisation and Association Agreement process in 1999. It is not clear whether Juncker’s statement refers to this timetable or whether he is adding a further five years – thus, being willing to slow enlargement down further. If so, we would face a never-ending negotiations scenario that might seriously affect the reform process in the Balkans.³⁸

That the Directorate General for Enlargement has been renamed European Neighbourhood and Enlargement Negotiations tends to confirm this scenario. Certainly, the 2014-2019 Juncker Commission is not looking outwards, but inwards. For some candidate countries, the new EU priorities might strike a blow, but they may well be welcomed by those in the region and in different European capitals who only seemingly supported the accession process and who have – albeit different – interests in preserving their private economic goals and/or political power further.

Is there no appetite anymore? Curiously, on the very same day that Juncker presented his political guidelines, the German Chancellor, Angela Merkel – meeting in Dubrovnik the presidents of Albania, Croatia, Bosnia i Herzegovina, Kosovo, Macedonia, Montenegro, Serbia and Slovenia – sent a quite different message stating that, provided the criteria and treaties were respected, the (not yet EU member) countries from the Balkans had a ‘clear prospect’ of joining the EU.³⁹ Merkel emphasised that:

37 Jean-Claude Juncker *A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Changes* Strasbourg, 15 July 2014, p. 11.

38 See the four scenarios discussed by the Balkans in Europe Policy Advisory Group (2014) *The Unfulfilled Promise: Completing the Balkan Enlargement* Belgrade and Graz: European Fund for the Balkans and Centre for Southeast European Studies.

39 As reported by Deutsche Welle and AFP on 16 July 2014. Greece became the first Balkan country to join the EU in 1981; Slovenia the second in 2004; and Croatia the third in 2013.

*The countries of the region that have gathered here are on the way to becoming EU members and we can say that all of them already completed a big part of the journey.*⁴⁰

Once again, the EU is not speaking with one voice and the signals are, as a result, confusing both for people in Europe and for those willing to join the EU.

The Dubrovnik gathering was followed by a conference organised in Berlin on 28 August 2014. Under the slogan *Through trade, investment and regional cooperation to new dynamics*, heads of government, foreign ministers and economic ministers of Albania, Bosnia i Herzegovina, Montenegro, Croatia, Kosovo, Macedonia, Slovenia and Serbia were in attendance. Follow-up conferences are supposed to be organised each year until 2018, with the task of assessing progress in the field of regional economic co-operation and the resolution of outstanding bilateral and internal issues.⁴¹ No word as to how. Berlin was just another additional – and mostly disappointing – conference. Nevertheless, Germany, the most important trade partner for the Balkan region, seems to become the stakeholder most willing to press integration forward. But how?

How not

The EU's current enlargement strategy is based on the 'regatta principle', which clearly prioritises the technical side of the accession process while undermining its political dimension: each country implements the *acquis* individually and its integration into the EU thus progresses in accordance with its reform milestones. In other words, each country joins the union at a different point in time. Many leaders in the region welcomed this approach; beyond the, mostly empty, rhetoric about regional co-operation, all are looking separately to Brussels without regard to their neighbours. This, of course, weakens the bargaining power of the region's states.

Some technical arguments indeed speak in favour of this approach, but it stands nevertheless in contradiction to the EU's own regional policy, with regional co-operation being an additional conditionality imposed on Balkan candidate countries. Nor does it fit with the historic heritage made up of a shared past, followed by wars and now mutual suspicion.⁴² It also neglects that previous rounds of enlargement were all 'group driven' and successful. Notably, the regional solidarity illustrated by the Višegrad Four stands as a model of effective regional co-operation and integration processes that could inspire the Balkans.⁴³ This is especially in as much as each Balkan country faces serious bilateral problems that still hamper bilateral and multilateral co-operation and which may seriously obstruct the accession process once it reaches its final stage. Notably, various EU member states, such as Bulgaria, Croatia, Greece,

40 As reported by Sven Milekić for Balkan Insight (www.balkaninsight.com).

41 From the 'Final Declaration by the Chair of the Conference on the Western Balkans' Berlin, 28 August 2014 (www.bundesregierung.de).

42 András Inotai (2007) *The European Union and Southeastern Europe. Troubled Waters Ahead?* Brussels: PIE Peter Land, pp. 357-358.

43 Martin Dangerfield (2008) 'The Impact of European Union Membership on Central European Subregional Cooperation' in: Wolfgang Petritsch and Christophe Solioz (Eds.) *Regional Cooperation in South East Europe and Beyond* Baden-Baden: Nomos, pp. 129-145.

Romania and Slovenia, are involved – countries that might receive support from the anti-enlargement lobby in the EU.

The accession process is supposed to be equal for all candidates, but Balkan countries have to fulfil a set of additional conditions – i.e. the ‘Copenhagen Plus’ criteria – and deal with a far more rigorous Union in the way in which it monitors ‘enhanced conditionality’. More than was the case with previous rounds, the ‘regatta approach’ favours single members blocking or delaying decisions on enlargement. All this considerably slows enlargement down and gives the impression that the Balkans is not racing under the same rules.

Last but not least, let us assume that, in spite of common sense, the ‘regatta principle’ was, after all, the right way. Where are the results after fifteen years? Game over.

So how?

We argued above for serious reforms inside the EU that would include a constructive deepening–widening process. Only such a process could, in our view, reload and legitimise enlargement. It would also provide the EU with the opportunity to re-commit to the region with some credibility. A new treaty could possibly envision integrating candidate countries in some EU structures – giving observer status in the European Council and Parliament, for example, as well as participant status in some EU programmes such as Erasmus. The first impact in the Balkans would be the restoration of incentives towards reform and the avoidance of any unnecessary postponement of accession. To be more assertive does not mean the implementation of a bulldozer style. Timing matters: a clear and realistic timetable would be a considerable step in forward.

The second consequence of this approach would be the development of a regional qualitative approach focusing on the – not merely technical but essential – political dimension of the integration process. Past candidate countries, and not only Romania and Bulgaria, entered the EU more rapidly than their reform progress report would have allowed because of the successful exertion of political influence. All past candidate countries have benefited from ‘exemptive differentiation’ and/or ‘transitional arrangements’⁴⁴ – these should also apply in a specific manner to the different new incomers, easing their path to Brussels.⁴⁵

Furthermore, the countries should meet the criteria fixed by the conditionality package prior to membership, not to talks. A set of conditionalities should be prioritised, focusing on national convergence strategies (targeting various issues, notably: public administration; fiscal consolidation; improvement of productivity; and the reform of education). A proactive handling of exemptive differentiation and transitional arrange-

44 “‘Exemptive differentiation’ refers to those transitional arrangements that favour new member states via the postponement of undesired obligations of membership, such as environmental or safety standards. In contrast, transitional arrangements causing ‘discriminatory differentiation’ may temporarily exclude new member states from desired rights and benefits of EU membership, such as passport-free travel or subsidies from the EU budget’. Schimelfennig (2014) *op. cit.* p. 682.

45 Christophe Solioz (2010) ‘The Long and Winding Road’ *SEER Journal for Labour and Social Affairs* 13(3): 299-311, at p. 305.

ments – including the provision of extensive assistance measures – should be adopted for issues requiring greater administrative competencies and capacity building. As for the still-open questions (border, status, constitution – what Veton Surroi calls the ‘unfinished states’): the EU must consider alternative ways of resolving these within its own framework. Accordingly, an ‘integration follow-up’ mechanism targeting such issues should be established.

Third, we clearly advocate a single round – a ‘caravan approach’ in place of the ‘regatta’ one. Thus, all countries would negotiate membership simultaneously. In this way, the shortcomings of the latter would be avoided. This would also avert the split of the candidate group into one group (of two countries) moving steadily forward while the prospects for the slower candidates would be bleak – leading, most probably, towards the abandonment of accession. Such a ‘caravan approach’ would also reinvigorate the accession process and create a truly new regional dynamic, increasing the bargaining power of the candidate countries. Cross-border regional projects should receive more attention and be supported by the European Investment Bank (EIB). Enhanced and effective regional collaboration could create a virtuous circle of transformation and integration: a regional co-operation which was not limited to the Balkan states, but one which involved central Europe and, in the framework of the European Neighbourhood Policy (ENP), the Baltic area.⁴⁶

46 On the concept of open regionalism, see Paul Stubbs and Christophe Solioz (2012) *Towards Open Regionalism in South East Europe* Baden-Baden: Nomos.