



The fifth enlargement of the European Union: the power of example

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The heady days of autumn 1989 signalled that the peaceful unification of Europe that was foreseen by the fathers of the present-day European Union was not a dream: if we were able to muster sufficient determination, it was a real possibility.

After the dust cleared in the early 1990's, the institutional framework for realising that possibility was laid down at the Copenhagen European Council in June 1993. The criteria agreed in Copenhagen set down in concrete terms the common values that a candidate country must meet in order to become a member of the EU. These values concern democracy, rule of law, economic stability and the ability to take on the EU legislation. By one of those quirks of history, it is in Copenhagen at the end of this year that we hope to put the final seal on the process after nine years of hard work.

The statement by the EU at Copenhagen that it was ready to accept new members that fulfil these criteria led to applications from ten countries of central and eastern Europe. As laid down in the treaties, it fell to the Commission to provide advice on these applications to the member states of the EU, which it did in July 1997 in its ambitious programme of reform, known as *Agenda 2000*.

Agenda 2000 sought to look at the prospect of enlargement not as a simple addition to the existing EU, but as a process that would have an impact on the way in which it should be governed and funded at what was already a time of massive change. The plan for economic and monetary union was on course, as was the development of a common foreign and security policy, although it was still somewhat running behind events, as the tragic recent history of Yugoslavia shows. *Agenda 2000* also took a close look at the future of the main EU policies, particularly those of agriculture and regional policy, which were already in a process of reform, and which would be strongly affected by the arrival of new members.

Agenda 2000 was accompanied by a set of Opinions from the European Commission on the applications for membership that had been received by 10 countries of central Eastern Europe that enjoyed association agreements with the EU. These agreements had already begun to bear fruit, as the accelerated opening of the Community market led to rapid economic growth in the candidate countries. The Opinions were therefore able to conclude that a number of the candidates were already in a position to begin negotiating their membership of the EU.

However, in Europe, the Commission was conscious of the need to avoid the appearance of new divisions, this time between those candidates whose recent progress in economic and political reform had brought them to the negotiating table, and those who had started from more difficult positions, such as Romania and Bulgaria, or who had, like Slovakia, not yet convinced the EU of their commitment to functioning democratic practices.

The Commission therefore proposed an inclusive system, whereby we would revisit the progress made with the Copenhagen criteria every year, both for those who were not yet negotiating, and for those who were. On the basis of its annual examination in its now famous "Regular reports", the Commission would recommend to the member states whether or not to begin negotiations with one candidate or another.



The combination of strict application of the objective criteria and readiness to welcome progress along the way will result in a well-prepared enlargement of the EU. The candidate countries are more closely involved in some areas of day to day business than any previous candidates for membership. Their Heads of State or government regularly attend EU Summits; their representatives are sitting alongside those of the current member states in the Convention on the Future of Europe, the constitutional assembly that will prepare the next round of constitutional revision in 2004; and they manage EU funds in a more decentralised way than other partners of the EU.

Now, in autumn 2002, the end of the road is in sight, at least for the best-prepared candidates. The enlargement negotiations made substantial progress in the last eighteen months. The objectives of the Commission's "roadmap" have been met, in as much as the discussion on the individual chapters of the negotiations has begun on schedule, and been closes on the vast majority of the outstanding issues. The intention to conclude negotiations with most countries by the end of this year is ambitious but realistic.

In this article, I outline how the negotiations that began in 1998 have brought us to this point. They have been a test for all concerned, but, I would argue, a test that demonstrates clearly the ability of the Union to act in an area of decisive interest.

The procedure for the negotiations aims at ensuring an effective negotiation, in which the member states and applicant countries can take decisions that not only reflect the desire of the applicants rapidly to join the Union, but which are also realisable, and visibly so.

The roles of all concerned are clearly defined. Each applicant country draws up its position on each of the 31 chapters of the EU *acquis*, to engage in negotiations. Each has a chief negotiator, usually at the level of deputy foreign minister, supported by a team of experts from the important line ministries who have to help define their country's position on each of the chapters. On the side of the European Union, the 15 Member States are the parties to the accession negotiations. The Presidency of the Council of Ministers (which rotates among the member states every six months), presents the negotiating positions agreed by the Council and chairs negotiating sessions at the level of ministers or their deputies.

The European Commission proposes the draft negotiating positions to the member states, first at the level of the relevant working group, which meets regularly, often weekly, and then at the level of deputies, and up to the ministerial level, and at the European Council. The Commission maintains close contact with the applicant countries in order to seek solutions to problems arising during the negotiations. Within the Commission, the work is co-ordinated by the Directorate General for Enlargement. The General Secretariat of the Council provides the secretariat for the negotiations.

The European Parliament, which must give its assent to the resulting accession treaty is kept informed of the progress of the negotiations throughout. In addition, and since each Member State will need to ratify the treaties of accession, usually through an act of Parliament, the member states' governments inform their parliaments in accordance with their own domestic procedure. In the applicant countries, the process of ratification is likely to involve a popular referendum.

While the word negotiations may bring to mind to our readers in the United States the SALT talks, or other such international negotiations, the accession negotiations are a unique process. On joining the Union, applicants are expected to accept the entire "*acquis communautaire*", i.e. the detailed laws and rules adopted on the basis of the EU's founding treaties, mainly the treaties of Rome, Maastricht and Amsterdam. The



negotiations themselves focus on the terms under which the applicants will adopt, implement and enforce the *acquis*, and, notably, the granting of possible transitional arrangements which must be limited in scope and duration. Under similar arrangements in previous accession negotiations, new Member States have been able to phase in their compliance with certain laws and rules by a date agreed during the negotiations.

After the Council in Luxembourg in December 1997 approved the Commission's *Agenda 2000* proposal to open accession negotiations with some applicants, the negotiations began on 31 March 1998 with six applicant countries – Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia. (On 13 October 1999, the Commission recommended Member States to open negotiations with Bulgaria, Latvia, Lithuania, Malta, Romania, and the Slovak Republic.)

The first step of the negotiations was a process known as screening, whereby the Commission and the Applicant State examine the compatibility of the applicant's legislation with regard to existing EU law. The screening process is designed to identify issue, wither with regard to legal compatibility, or with regard to institutional ability to actually implement the law, that can be an issue for discussion in the negotiations.

Conscious of the need to ensure the negotiations follow a predictable and transparent path, the Commission proposed in 2000 to the European Council at Nice a so-called road map. This laid down a calendar for beginning discussion on each chapter of the *acquis* with each country. The road map was also the answer to those who considered this unprecedented enlargement was an administrative task of such complexity that it was bound to lead to delays and allow prevarication by any reluctant players. The road map foresaw the opening of negotiations with less complex chapters of the *acquis* such as SME policy or cultural and audio-visual policy, which do not involve a large body of EU law (cultural policy is largely a matter of member state competence), or do not involve politically difficult choices. This allowed the applicant countries' negotiating teams to become integrated into the process over time, and develop the kind of administrative mechanisms that are required in their home countries where they frequently consult or inform parliamentary committees, meet with the social partners, and so on.

The road map presented by the Commission and endorsed by the Nice European Council has turned out to work extremely well. It has proved possible to solve difficult issues in most cases been in accordance with the timetable. The latest example is the Spanish Presidency where substantial progress has been made on all outstanding issues. More than 80% of the negotiating chapters have been provisionally closed by end June.

While the union has always rejected the idea of offering an accession date to any individual candidate, since accession can only take place at a time and according to a schedule appropriate to each applicant the progress of the negotiations nevertheless allowed us to see at a certain point that there would be an end date the light at the end of the tunnel. Therefore, at the European Council in Göteborg in June 2001, it was agreed that the end of 2002 could see the conclusion of the negotiations with those candidate countries that are ready. As the negotiations proceeded on schedule, this schedule has been maintained, and the Seville European Council in June 2002 stated that *"if the present rate of progress in negotiations and reforms is maintained, the European Union is determined to conclude the negotiations with Cyprus, Malta, Hungary, Poland, the Slovak Republic, Lithuania, Latvia, Estonia, the Czech Republic and Slovenia by the end of 2002, if those countries are ready (...in order that) these countries should participate in the elections for the European Parliament in 2004 as full members."*



In the coming months the negotiations will to a large extent focus on the financial package relating to the enlargement. It concerns issues such as how the new Member States shall be integrated into the common agricultural policy, the extent of the regional aid and how to safeguard that the candidate countries will not be worse off in budgetary terms by joining the EU. These are issues sensitive to present Member states and to the candidate countries.

The Commission has presented proposals for EU positions on all these aspects and they are presently being negotiated with the Member States. In our proposal we have kept to three principles:

- First that the global budgetary ceilings agreed among member states at the European Council in Berlin in 1999 must be respected. Alongside the funds set aside for the EU budget itself, these budgetary ceilings foresee a specific amount of money available both for the applicant countries and for these same countries after they become members.
- Second, that the new member states shall take part in all common policies, even though in some areas there will be a need for a phasing in period.
- Third, that negotiations shall be without prejudice to future reforms of agriculture and regional policies. The enlargement negotiations and the reform debate are two separate issues.

In the regular reports to be published on October 16th 2002 the Commission will make recommendations on those candidate countries that are ready for accession and consequently are ready to conclude the negotiations by the end of this year. On this basis the European Council in Brussels in the end of October could launch the final phase of the negotiations.

The European Council in Copenhagen in December would then be the occasion to conclude the negotiations. It would also be the occasion to set out a road map for the further negotiations with those candidate countries that will not form part of the first accession.

The European vocation of Turkey was confirmed at the European Council in Helsinki. The Commission welcomes the progress made, both in terms of economic reform, where IMF support has been vital during a difficult period, and in political terms. Here, the EU has said clearly what it hopes to see achieved before we can consider moving to a next step in Turkey's application for membership. The elections in Turkey will be a key indicator for these decisions.

I have described the process of negotiations itself. However, this process of negotiation in Brussels reflects an enormous amount of preparation carried out in the candidate countries. These preparations involve political reform, economic reform, and also, most importantly as far as the negotiations themselves are concerned, legal and administrative reform.

New members join a community of law. They need to meet their obligations for membership in full. That is why the adoption of legislation for aligning with the *acquis* is so important. But as important is the progress in setting up and strengthening the institutions required for implementing and enforcing the legislation. A modern well-functioning public administration and the necessary institutions are indispensable for any member of the European Union.

Just as important is a well-trained judiciary versed in Community law and able to apply and interpret it effectively.



The Union has developed a detailed and sophisticated system of instruments to help candidate countries in their preparations for membership. At the same time these instruments serve as a safeguard for the Union that new members can meet their obligations as members. Among the various instruments, one could highlight the following:

- The Commission keeps track of the implementation of commitments made by candidates in the negotiations and compiles for the Member states a monitoring report for each country. These reports set out commitments fulfilled, and those issues requiring close attention in terms of implementation of the acquis.
- Action Plans for Administrative Capacity are agreed with each of the countries. They identify with each country the next steps that are required to achieve an adequate level of administrative and judicial capacity by the time of accession. They also identify in which areas candidate countries need target assistance to complete their preparations.
- Under a system of peer reviews, experts from Member states and the Commission in charge of implementing and in forcing the acquis in a certain policy area evaluate the level of preparation of, and formulate advice for their counterparts in the negotiating countries. Ongoing reviews cover areas such as food-safety, justice and home affairs, financial services and nuclear safety.

An impressive amount of political capital has been invested in the reform process under way in the candidate countries. It must be recognised that this reformation has exposed the societies of the candidate countries to enormous pressure. They have had to make the transition from communist rule and centrally planned economies to democracy and market economy. At the same time they have had to adapt to the highly developed system of European Integration.

It is therefore understandable that the people need to see where they are going, and what is waiting for them when they arrive. In addition, the citizens of the member states see that enlargement is approaching and they expect to be informed.

The benefits of enlargement are clear on the macro-level, in terms of a larger single market for EU business and consumers, the consolidation of democracy for a large region of our continent, and so on. But there are also a number of other concerns that have been raised on the consequences of enlargement, both in the member states and in the candidate countries. Cheap labour influxes will "destroy" the employment in the EU, according to some. Real estate prices will soar in the candidate countries, according to others. Yet others fear that the enlargement may lead to opportunities for international crime and increases in corruption and fraud.

The Commission takes these concerns seriously. In fact many of them are reflected closely in specific issues in the negotiations. In our effort to explain to our citizens that EU enlargement is not the problem, but that it is part of the solution, we draw on a number of premises:

- First, experience from previous accession negotiation shows that most of the fears are exaggerated. For instance, in Sweden there was a widespread fear of the consequences on enlargement on the market of secondary residence. In retrospective it is clear that the fears were exaggerated. Similarly there were widespread fears over the consequences on the labour market of the Spanish and Portuguese accession. But there was no invasion of cheap labour and the transitional arrangement agreed was therefore also shortened.



- Second, the negotiations have shown that when concerns are well founded reasonable solutions can be found. We have for instance found a compromise concerning the free movement of labour and we have found compromises on the acquisition of land in the candidate countries.
- Third, many of the underlying threats fuelling the fears and concerns are here irrespectively of enlargement. We have for instance to face the threat of a sophisticated and ruthless international criminality already today, be it in trafficking of human beings or in drugs. The enlargement process can and should contribute in making us better equipped to meet such threats. The enhanced co-operation will strengthen the necessary law-enforcement institutions in the candidate countries. The accession negotiations will accelerate the ongoing reform process of the judiciary. And with the prospect of membership the candidate countries will be part of the future common measures in this field.
- Fourth, public opinion faced with the challenges of enlargement is of course subject to a feeling of uncertainty. Surveys in the member States and the candidate countries give a varying picture. Undoubtedly there is a need for information and discussion on the consequences of enlargement both in the candidate countries and in the Member States. It is clear to me that it is a challenge, which must be met on local and national level. It is a responsibility not only for politicians but also for decision-makers in industry and in other sectors of society.

Enlargement is a vast, complex and difficult task. It must not be underestimated. Although we have come a long way there are major challenges in front of us. The window of opportunity for enlarging the Union is now open. Our objective is to bring together the circle "from Copenhagen to Copenhagen".