

## Policy Brief

# Towards Enlargement How to Rebuild Trust in the EU Accession Process

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#EUEnlargement

#WesternBalkans

#EUReforms

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**EU enlargement has historically fostered economic growth and political stability. In the Western Balkans, however, the process has stalled for many years due to the myriad crises afflicting the EU and failure to deliver reforms in the Western Balkans. This policy brief examines the evolution of the EU accession process, the challenges faced by candidate countries, and the need for a revitalized approach that builds reforms into the accession process rather than keep them a precondition for kickstarting it. It calls for the EU to remove bilateral disputes from the process and open accession talks with all candidate countries in all areas covered by the acquis, ensuring that all candidate countries have a fair chance based on their merits.**

EU enlargement has been one of the world's most successful democratic state building projects. Even before they joined the EU, reforms in candidate countries transformed their economies and modernized public institutions, leading to impressive economic growth and greater prosperity. Close economic ties between old and new members boosted political stability and security for all. Each enlargement was a win-win for both old and new members.

In December 2023, ten years after Croatia became the last country to join the EU, the European Council launched a new enlargement process to the east, initiating accession talks with Moldova and Ukraine and granting candidate status to Georgia. This move, even though prompted by geopolitical concerns over Russia's war in Ukraine, has raised hopes that the EU is finally ready to take in new members once more.

Those hopes, however, face a reality check when turning to the Western Balkans. Despite engaging with the EU accession process for over two decades, most countries in this region have not effectively started negotiating. While the lack of reform delivery by the candidate countries

plays a big role, it is not the whole story. The reluctance of the EU to enlarge to a poorer region on its border, has slowed the process down as well as made it overly complex, losing credibility along the way. The current accession process will inevitably have a negative impact on the EU's plans for enlargement toward Ukraine, Moldova and Georgia as well.

This policy brief gives an overview of the accession process underway in the Western Balkans, how and why it differs from previous waves of enlargement and how unblocking the process is essential for the future of the Western Balkans and the success of enlargement policy in general.

### **The EU accession process: No longer transformative**

Membership to the EU has been key to both unlocking the growth potential of new members and grounding democratic values in stable institutions. This is why countries are willing to engage with an extremely demanding reform process that requires fundamental changes to the very fabric of their public institutions, policy making and economic governance.

Candidate countries for accession to the EU are required to accept the full [EU acquis](#) – the entire body of laws stemming from EU Treaties, case law created by the Court of Justice (CJEU) and international agreements – and incorporate it into the national legal system. The *EU acquis* now runs close to [170,000 pages](#) and covers everything from taxation, energy policy, agriculture and food safety, climate policy, judiciary, human rights, and much more. Transposing it into national laws, standards and practices is an enormous task but it is also the way in which profound transformation happens in candidate countries.

For Croatia, the most recent (2013) new member, this process lasted a decade from application to membership. Similarly, Poland applied in 1994 and joined in 2004. At the time, countries applied for membership, received candidate status, started the negotiating and reform process in all areas covered by the *acquis*, then once the European Commission assessed that they were truly ready to join, candidate countries became member states. Existing EU member states voted at key junctures in the accession process, such as kickstarting it and ultimately approving membership.

This has changed. The current [enlargement methodology](#) engages EU member states more directly with the accession process and foresees [unanimous voting](#) procedures at the opening and closing of accession negotiations, which now happen in six different stages and not all at once. In addition, some reforms that previously would have been required and delivered *during* the negotiation process, are now made preconditions for opening accession talks or even for being granted candidate status. These changes have resulted in a drastic slowdown of the process, which in turn has discouraged candidate countries from pushing hard on delivering reforms for the ever more elusive goal of EU membership.

### **How did we get here?**

There are many factors behind today's version of the accession process, from an overall shift in EU priorities, to the bilateral disputes between member states and candidate countries, to serious concerns about the rule of law. In addition, domestic debates in the Union about the EU's absorption capacity and internal reforms have rendered the process more difficult and without strong advocates pushing for enlargement towards the Western Balkans.

### *A shift in EU priorities*

After the last big EU enlargements of 2004<sup>1</sup> and 2007<sup>2</sup> Europe was hit hard by the global financial crisis. The different approaches that member states undertook to handle that crisis created tensions that nearly broke the Union. The United Kingdom voted to leave the EU and Greece debated doing so as well. Financial and economic inequalities within and among member states were exposed, fueling a rise in populism and Euroscepticism. What exacerbated these tensions was the sharp increase in the influx of migrants to the EU. By the mid-2010s, the EU was in an “[existential crisis](#)” and enlargement was certainly [no longer a priority](#).

This was the context in which Bosnia and Herzegovina (BiH) applied for membership in 2016. It took three years for the European Commission to issue its [opinion](#) on the application, listing fourteen key reform priorities that BiH had to meet *before* candidate status was granted. Among the reforms, BiH had to enforce a 2009 European Court of Human Rights [ruling](#) by changing its constitution.

BiH’s constitution was pieced together by international mediators, including representatives from the EU, to [stop the war](#) in 1995. It created an ethnically divided state with complex decision-making structures that often block the country from moving forward, including finding a workable compromise on constitutional reform. The only hope for BiH to [address politically sensitive](#) questions is through the EU accession process, which anchors local actors in an important reform process leading toward EU membership, thereby reducing their interest in conflict.

Making this constitutional reform a precondition for *starting* the accession process was a problematic choice and an inadequate incentive, so it is no surprise that BiH has so far failed to deliver on it. It is surprising, however, that BiH received both [candidate status](#) and the decision to [open accession talks](#) despite not delivering on all reform priorities. EU institutions finally took the right decision to integrate difficult reforms within the accession process, rather than keeping them as preconditions, but not before leaving BiH for eight years in a limbo.

Montenegro, on the other hand, started accession talks with the EU in 2012 and managed to open all 33 chapters of the *acquis* but had closed only three by 2017. As enlargement policy was losing priority in the EU, Montenegro was domestically losing the [political will](#) to reform. After a few years of political instability, with a new government voted into power in 2023, Montenegro renewed its commitment to EU reforms and is currently seen as a Western Balkans front-runner. However, as per the new methodology, its negotiating process and progress is [contingent](#) on delivering reforms on chapters covering the rule of law first and it cannot close any other chapters regardless of how ready it is. While reforms are underway, it remains unclear if they will be judged sufficient to give Montenegro the green light to work on closing other chapters, thus risking losing the current reform momentum that may lead to a “[return](#) to domestic instability.”

### *Bilateral disputes*

North Macedonia applied for EU membership in 2004, when the country was known as the Former Yugoslav Republic of Macedonia (FYROM). Like all former parts of Yugoslavia, it suffered from ethnic conflict, but managed to mobilize support for a [political solution](#) in 2001 before it sent in its EU membership application. This was a period of optimism,

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<sup>1</sup>Poland, Slovenia, Slovakia, Estonia, Czech Republic, Hungary, Malta, Latvia, Lithuania and Cyprus

<sup>2</sup>Bulgaria and Romania

immediately after the last big enlargement, and FYROM was working hard to prepare its administration and legal framework for the EU accession process. It was indeed deemed a front-runner of all the Western Balkan countries in its reform process.

Greece, however, blocked FYROM's application for membership due to a long-standing dispute over the name "[Macedonia](#)" until the country changed its name to North Macedonia. In the 15 years that North Macedonia spent in the waiting room, it was no longer a top reformer. The European Commission noted in its [2016 progress report](#) that "the country was faced with the continuation of the most severe political crisis since 2001. Democracy and rule of law have been constantly challenged, in particular due to state capture affecting the functioning of democratic institutions and key areas of society."

North Macedonia's EU accession was finally unblocked by Greece in 2019 only to be blocked that same year again by France. President Emmanuel Macron argued that the EU enlargement process needed an overhaul [before talks](#) could begin with prospective new members, and in November 2019 issued a [non-paper](#) showing how this could look. Some of the proposals made their way into the revised enlargement methodology.

Based on this revised methodology, in 2020 the European Council voted to open accession talks with North Macedonia and Albania, but four years later talks remain stalled. Albania is now blocked by Greece due to a dispute over the [jailing](#) of an ethnically Greek mayor for vote buying. North Macedonia is [blocked](#) by Bulgaria over issues related to the teaching of history and the country's Bulgarian minority. As all voting on enlargement is done by unanimity, any one Member State can block candidate countries from moving to the next step, even over bilateral issues that are not directly related to the EU accession process per se.

What is of most concern is that behind the bilateral disputes stands a European Union [unwilling](#) to push for the type of negotiation and compromise needed among the member states to move on any EU policy, and in this case to unblock Western Balkan in their EU path. There are likely to be other bilateral disputes in the future and without a commitment to separate those from the EU accession process, EU's renewed drive for enlargement will keep getting stuck.

### *Domestic debates and the Balkan plumber*

When France pressed pause on enlargement back in 2019, Macron was echoing the overall mood of the French and EU electorates, who were firmly [against](#) enlargement. Further enlargement raised concerns about potential large-scale labour migration from the Western Balkans, not just in [France](#) but also in the [Netherlands](#) and Germany. One German MP [quoted](#) by the think tank European Council on Foreign Relations (ECFR) explained that "because of the fear for [sic] foreign immigration... people in [his] constituency would notice – and scrutinise – a decision to open accession negotiations with North Macedonia."

EU enlargement is always associated with fear of labour migration that populist politicians have exploited for their own political gain. At the time of the last large-scale enlargement in 2004, there were campaigns in EU member states built around the mythical character of the 'Polish plumber' who represented the cheap labour that would come in from East Europe, undercut local wages and take all the jobs. Today, the feared plumber is from the Western Balkans. Then and now, this is fear is unfounded. Across the EU, member states are experiencing severe [labour shortages](#). In Germany alone, there are over 2 million job vacancies resulting in [lost output](#) of nearly 100 billion Euro annually.

Regardless of the proven acute need for labour migration into the EU, the fears remain and will continue to impact enlargement policy, especially if the June 2024 European Parliament elections produce EU institutions leaning further to the Right. According to ECFR polls, migration is one of the [key topics](#) shaping the imminent election for the European Parliament and anti-immigrant voters tend to be more Eurosceptic. Polls forecast that in a third of member states, anti-EU populists are likely to [win](#) which will put at risk the entire future of enlargement policy, not just that to the Western Balkans.

### *The rule of law*

But this is not all about migration. Developments in the EU, where member states like Hungary and Poland have experienced [rule of law deficits](#), have intensified the negative stance toward enlargement. Sceptical countries are looking back at the 2004 and 2007 enlargements and wonder what went wrong: perhaps a justified position considering how difficult it has been for the EU to persuade member states to uphold democratic values and rule of law principles, even with the new (2020) '[conditionality](#)' clause blocking financial support in cases of democratic backsliding.

All Western Balkan countries struggle with reforms in this area. Therefore, to address the fear of bringing more countries into the EU with questionable rule of law standards and institutions, the revised enlargement methodology puts rule of law reforms even more at the core of the accession process. Reforms in areas like the judiciary, the functioning of democratic institutions, public procurement and anti-corruption are grouped in a cluster called 'fundamentals' and, as per the [European Commission explainer](#): "Negotiations on the fundamentals open first and close last; progress under the fundamentals' cluster will determine the overall pace of negotiations." Despite the urgency of starting rule of law reforms early, none of the countries waiting to start accession talks has started negotiations on fundamentals – or any other area for that matter – since the revised enlargement methodology was adopted in 2020.

While the importance of the rule of law is undisputed, reforms in this area cannot be a one-way street. It is crucial that candidate countries witness the EU's genuine commitment to rule of law reforms by receiving active support in the process. For a country like Albania, that would mean finally opening accession talks on rule of law and other areas covered by the acquis. Albania changed its constitution in 2016 to support its judicial reforms and in 2023 the European Commission [noted](#) that Albania had made good progress in this area. A special anti-corruption body – [SPAK](#) – has been prosecuting [high profile](#) cases, including a former attorney general, former ministers, former mayors and other high-level officials. Much more remains to be done and it is not just in the countries' interest but also in interest of the EU that countries deliver. Opening accession talks would be a vital incentive for Albania - and other candidates countries waiting for accession talks to start - to keep delivering on the required rule of law reforms.

### **Failure of enlargement as a peace project?**

Since 2011, the EU has been mediating a dialogue between Kosovo and Serbia which has so far [failed](#) to reach the goal of normalizing relations between them. The slow progress in this EU-facilitated dialogue puts into question EU's current power for conflict resolution. Tensions between Kosovo and Serbia have kept rising and culminated in an armed attack in the North of Kosovo in 2023, that left one Kosovo policeman dead and many citizens and observers worried that the fragile peace could be [temporary](#) and the conflict has maybe even worsened after 13 years since the start of the dialogue.

The EU has taken measures to sanction Kosovo's lack of cooperation in the dialogue by freezing some financial support, while for Serbia, only verbal reprimands were issued despite its clear links to the attack. This led the European Parliament to issue a [resolution](#) expressing concern over "the destabilising influence on the whole region of the Serbian authorities led by President Vučić" and "calling on the Commission to... avoid any policy of appeasement towards Serbia." What's more, given that not all EU member states recognize Kosovo as a state<sup>3</sup> and the EU cannot offer a membership perspective, many observers are left wondering about the EU's neutrality in mediating the dialogue between the two countries.

For years, it has been apparent that Serbia's conduct towards Kosovo and the wider region lacks any genuine drive for improved relations. EU enlargement policy used to serve as a powerful tool to temper Serbia's actions and steer it onto more constructive paths. However, the de-prioritisation of enlargement has not only diminished the EU's sway over Serbia but has also pushed that nation closer into Russia's orbit, exemplified by Serbia refusal to align with the EU foreign policy on Russia. There are legitimate [concerns](#) that Russia's influence may well expand further in the region if countries do not keep moving toward EU accession.

### **The EU enlargement process: trapped between two reform debates**

The difficulties of the enlargement process are exacerbated by questions on the EU's own preparedness. Its [absorption capacity](#), or the ability to welcome new members while continuing to integrate the Union, is a key accession criterion. In spring 2024, the European Commission issued a communication on [pre-enlargement reforms](#) recognising that "a larger Union is of strategic importance" but that both the EU and candidate countries need to be well prepared to benefit from it. To facilitate enlargement, the report underscores the need for simplifying EU policies and highlights possibilities for achieving that goal within the Treaties. It puts forward ideas such as [qualified majority voting \(QMV\)](#) instead of unanimity and multi-speed or differentiated integration with more enhanced cooperation in certain areas.

These ideas are not new, nor are they guaranteed to gain traction. As the [report](#) itself notes, on QMV: "In 2018 and 2019, the Commission made concrete proposals to that effect in the areas of foreign policy, tax policy, social policy, energy and climate policy, but these have not been taken forward." Nevertheless, today may well hold more potential for these proposals to make their way into EU policy making.

In September 2023 a Franco-German group of 12 experts tasked with analysing how the EU could reform to allow for enlargement, published a [report](#) that puts forward ideas on voting reform and a multi-speed Europe as well as an emphasis on the rule of law; it further calls for a higher budget to mitigate the challenges that the EU will have as a Union of 30 plus members.

On the other hand, think tanks in Europe have for years been developing ideas to make accession more palatable by splitting it in [stages](#), having candidate countries join the EU [single market](#) first, or participating in a loose relationship with the EU in the form of the [European Political Community](#) (EPC). Leaving aside the merits of such proposals, what they point to is an understanding among enlargement advocates that the policy as we know it - the enlargement process of the previous waves - is dead. Therefore, policy advocates are exploring alternative processes that can be offered to the candidate countries, such as

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<sup>3</sup>Five EU member states have so far not recognised Kosovo's statehood: Slovakia, Spain, Cyprus, Greece and Romania.

access to the EU single market or the EPC.

The worry in the Western Balkans is that access to the single market could mean moving away from full EU membership and this would be detrimental for the region's future. There are countries that are members of the single market alone, like Norway or Switzerland. However, these are wealthy economies which pay into the EU budget for their membership and benefit from access to such a big market. The countries of the Western Balkans are poorer and running significant [trade deficits](#) with the EU. A recent [economic assessment](#) notes that at current rates of development, it will take the Western Balkans 70 years to fully catch up with the average EU living standards.

Western Balkans today are not dissimilar to the Central and Eastern European (CEE) members of the EU that in the 1990s had an output per capita of [45 percent](#) of the EU level. EU accession process however, led to incredible improvement in economic performance and growth. As a result, today, the “the division between “old” and “new” member states in economic terms is increasingly obsolete. As of 2022, Slovenia, Czechia, Lithuania, and Estonia were all wealthier than Spain, Portugal, and Greece.” The Vienna Institute for International Economic Studies [writes](#) that for the Western Balkans also: “EU accession is key for the region to improve its productivity and competitiveness in the long run and hence develop and converge.” It is unclear therefore how access to the single market alone, without the financial and reform support that comes with the EU accession process, will impact Western Balkan economies. Could it lead to better economic convergence, or will it cause even larger trade deficits and a devastating brain drain, which could in turn slow down the economic growth and development of the region.

In 2023, the European Commission proposed a new [Growth Plan](#) for the Western Balkans with the goal of assisting the countries of the region on the road to economic convergence. It is contingent upon greater regional economic integration and offers access to [parts of the single](#) market upon reform delivery. But it wields a very modest budget for an ambitious economic growth rate of [10 percent](#) that it aims to achieve in the region. The total budget is foreseen at €6bn, mostly in loans with the grant component amounting “to just [0.3-0.4%](#) of the region's annual GDP.” There is little hope that the Growth Plan can accelerate reform delivery.

The Western Balkans - just like younger EU member states - need the EU accession process to transform their institutions, grow their economies and ensure peace and stability in the region. Exploring alternatives to the enlargement model that has worked in the past, however well-intentioned, could be counterproductive. This could pull valuable attention and resources from reforms that need to take place in both the candidate countries and the EU, while pushing eventual membership even further into the future.

## Conclusion

EU enlargement was one of EU's most successful policies before it stopped being a priority in the post-crisis period and lost its credibility. Without a credible enlargement process, it is unrealistic to expect that candidate countries will be able to reform and pull themselves from political instability and economic underperformance. In addition, there are legitimate concerns that Russia's influence will expand further in the region if countries fail to make tangible progress toward accession to the EU.

Today's renewed political commitment to enlargement by the EU should aim to make the process credible and effective once more. This means two things: one, make most difficult reforms part of the EU accession process and not a precondition for it; two, open accession talks on all areas covered by the *acquis* all at once. This would require that the EU removes

from the accession process any bilateral disputes that member states would have with candidate countries on matters unrelated to the EU accession process.

Unblocking the accession process for candidate countries is not a shortcut to membership but a first step toward a very long road of reform. None of the Western Balkan countries are ready to join the EU today. But they will fail to become ready in the future if things remain as they are. The top reformers can move to membership faster than the rest. But for this process to work, all candidate countries need to be in the race and progress at their own pace. In parallel, this gives time to the EU to work on internal reforms to prepare for eventual enlargement.

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