

Embracing the EU Accession of the Western Balkan Countries: A Key Question Mark for the EU.*

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In view of President Von der Leyen's 2023 State of the Union Address, in which she highlighted the European need to plan for a "successful enlargement", this paper focuses on the challenges and geopolitical shifts impacting the enlargement process in the Western Balkan (WB6) region. It emphasizes that:

- ▶ Concerns over democratic institutions and the reluctance of some EU member countries have significantly slowed down the enlargement process. To overcome obstacles, the EU has been pushing in the region both the reforms needed but also the idea of reaching regional integration as a way to enhance welfare, growth, and stability. But this strategy has not yet yielded the desired results.
- ▶ An increasingly confrontational global environment is compelling the EU to reassess its regional engagement and provide a credible enlargement path for the WB6. In this respect, the Commission should launch a new strategy by October 2023 to facilitate implementation of the necessary reforms in the WB6 countries.
- ▶ Yet, reforms are not only needed in the WB6. The prospect of future enlargement, but also the necessity to bring its decision-making process into line with an increasingly competitive international arena, might well require some institutional adjustment from the EU side, starting with its unanimity-based voting system.

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1. Introduction

In her recent State of the Union speech, President Ursula von der Leyen highlighted that the EU is currently facing a unique mix of economic, political and security challenges. Yet, she also pointed out the need to plan for a successful enlargement process, thereby bringing the Western Balkan countries (WB6) back into the centre of the EU political agenda.¹ This is not an unprecedented declaration. Nevertheless, it somehow breaks a traditional path for the European Union. In the pre-Covid-19 and pre-Ukraine war era, the multiple and asymmetric crises affecting Europe seemed to justify a slow EU enlargement process of the WB6. Widening the EU before deepening its institutional basis was considered too politically risky. The struggle with the functioning of democratic institutions and the rule of law in some of the “big-bang enlargement” countries, as well as the alarming idea that “smaller” or “newer” EU countries could delay or even paralyse the EU decision-making process, were certainly key factors. On the other hand, having faced years of economic crises and austerity policies, fewer European citizens were keen to share with newcomers any of the remaining European welfare and benefits that they could still count on. Even though enlargement would not be costly for them in reality, such a perception was strong enough to convince many national policymakers not to openly support EU expansion.

For the reasons outlined above, the WB6 enlargement path not only involves a series of institutional reforms that the WB6’s national governments have to implement but also necessitates the promotion of regional cooperation, particularly in the economic sphere. According to the EU liberal vision, intra-regional cooperation would enhance the welfare, growth, and stability of the WB6 countries, thereby facilitating their accession process, while reducing any resistance from detractors within the EU member countries. Integrating a group of moderately prosperous and stable countries is considered inherently easier than the opposite scenario. Additionally, building on such a liberal perspective, economic partnerships and the free market would naturally foster democratic institutions and rule of law within WB6 national institutions.

To date, while the above EU strategies have not been effective in securing a credible enlargement path for the WB6, the European Commission might come out with a new strategy by October 2023 as highlighted by President Charles Michel in his speech at the Bled Strategic Forum.² In fact, the Covid-19 outbreak, geopolitical tensions, an increasingly confrontational and competitive international arena and Russian belligerent foreign policy have resulted in a shifting global order that the EU needs to tackle. The regionalisation of international relations has pushed the EU to become more aware of the need to protect its own borders and increase its influence in the neighbourhood. Ukraine and Moldova have recently become EU candidates, and Georgia might soon follow. Yet, this renewed EU regional engagement does not necessarily equate to a more realistic accession path for the WB6. At the same time, the prospect of future EU membership for the above countries would make it difficult to justify further delays in the enlargement process of the Western Balkan countries.³ Montenegro and Serbia started membership talks in 2008 and 2009 respectively, while the European Council only agreed to open accession negotiations with Albania and North Macedonia in March 2020. Bosnia-Herzegovina was granted candidate status in December 2022 while Kosovo is still a potential candidate. The procrastination on enlargement in the WB6 has become unsustainable even for the EU. It carries an even higher risk than possible social discontent, economic cost or delays in the decision-making process, given the external influences that

¹ State of the Union Address by President von der Leyen (europa.eu)

² Speech by President Charles Michel at the Bled Strategic Forum, <https://www.consilium.europa.eu/en/press/press-releases/2023/08/28/speech-by-president-charles-michel-at-the-bled-strategic-forum/>

³ European Commission, European Commission publishes analytical reports on Ukraine, Moldova, and Georgia's alignment with the EU acquis, 2 February 2023, European Commission, official website (europa.eu)

countries such as Russia but also China, Turkey and even Saudi Arabia are exerting in the area at a moment of shifting global order. What is clear is that to maintain the stability of the region, which is of strategic importance for EU security, and to build a “geopolitical” Europe, there is an urgent need to include the WB6 in the EU club. Yet, this should not come at the expenses of democratic standards. As highlighted by President Ursula von der Leyen, during the State of the Union speech, rule of law and fundamental rights will always be the foundation of our Union.⁴ To become members, the WB6 need to implement the necessary reforms. Yet, considering current geo-political challenges, even the EU might need to amend its system of governance to improve its capacity to act effectively and protect its fundamental principles. Indeed, the existing institutions and decision-making processes were not conceived to accommodate a group of up to 33 or even more countries, and in their current form, they already present challenges for the EU27 in effectively handling crises and making strategic choices.⁵ In other words, to protect the EU democratic foundations and allow for a smoother enlargement process, which is of vital importance for regional security, the EU should make its own decision-making process more efficient. One way, as suggested by MEP Guy Verhofstadt, is to increase the number of areas where actions are decided by qualified majority voting (QMV), another is to reform the European Parliament and apply a cap on the number of its members.⁶ In a nutshell, in a time of shifting global order, the EU should renovate its system of governance to ensure institutional stability, more effective policymaking and smoother cooperation among its current and future member countries. Against this backdrop, the paper will provide an analysis of the WB6 EU integration process in view of current geopolitical challenges, assess whether and how the EU needs to tackle possible reforms in its own decision-making process and highlight the degree of political divergence around the issue of both enlargement and the changes needed to be made by member countries within the EU institutional setting.

2. The WB6 integration path

At the beginning of the 1990s, with the end of the Cold War and the rise of a new global order based on increasing social, institutional and economic interconnections, the EU began to actively promote its liberal model of integration based on democratic institutions and free trade with other European countries as a way to stabilise the old continent by increasing social and economic welfare.⁷ Between 1995 and 2007, the process of EU enlargement to the north, south and east of Europe grew with the rather rapid inclusion of 15 countries.⁸ Yet, for the Western Balkans, the integration path has proven not to be an easy one. Since the late 1990s, the European Union has been assisting the region via technical and financial support to facilitate WB6 compliance with the 1993 Copenhagen criteria and EU regulations and

⁴ State of the Union Address by President von der Leyen (europa.eu)

⁵ REPORT OF THE FRANCO-GERMAN WORKING GROUP ON EU INSTITUTIONAL REFORM: Sailing on High Seas: Reforming and Enlarging the EU for the 21st Century Paris-Berlin - 18 September 2023

⁶ Guy Verhofstadt on X: "Can you imagine a Europe with 35 members without reshaping the Commission and with the unanimity rule intact? Totally unworkable! If we open negotiations with candidate member states, we also need to open the debate on treaty reform EU <https://t.co/EJERuE3MUK>" / X (twitter.com) REPORT OF THE FRANCO-GERMAN WORKING GROUP ON EU INSTITUTIONAL REFORM: Sailing on High Seas: Reforming and Enlarging the EU for the 21st Century Paris-Berlin - 18 September 2023, [Paper-EU-reform.pdf \(politico.eu\)](#)
DRAFT REPORT on proposals of the European Parliament for the amendment of the Treaties (2022/2051(INL)) Committee on Constitutional Affairs, Rapporteur: Guy Verhofstadt, Sven Simon, Gabriele Bischoff, Daniel Freund, Helmut Scholz, PR_INL (europa.eu)

⁷ Lavenex, Sandra. "Concentric circles of flexible 'European' integration: A typology of EU external governance relations." *Comparative European Politics* 9 (2011): 372-393.

⁸ Austria, Finland, Sweden (1995), Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia (2005), Bulgaria, Romania (2007)

standards. Yet, WB6 countries not only have to comply individually with internal reforms, but also need to boost regional cooperation. Indeed, in a region that had to overcome many political fractures and conflicts, increasing regional cooperation in general and economic cooperation in particular was a logical step for the EU, whose origins can be traced back to the success in overcoming Franco-German conflictual relations through economic partnerships. Hence, the 1999 Stabilisation and Association Process (SAP), for instance, added several conditions to the Western Balkan accession process in the form of common political and economic goals.⁹ Moreover, regional economic cooperation as a path for smoother integration eventually started to be promoted even by individual EU Member States, through the rise of an intergovernmental approach, with the aim of stabilising the area. The Berlin Process is certainly one of the most recent examples of such a trend. Launched in 2014 by the former German Chancellor Angela Merkel, the aim of the Berlin process was twofold. On the one hand, it had to revitalise political discussion of the Western Balkan integration path without formally committing to it.¹⁰ This was considered strategically necessary to overcome the impasse generated by the former EU Commission President Juncker's Political Guidelines, which, at the time, crashed any enlargement perspective for the WB6 during his five-year mandate.¹¹ On the other hand, the Berlin Process aimed at boosting regional economic cooperation among the Western Balkan countries as a way to facilitate their potential future integration into the EU.¹² It was under such an intergovernmental format, that Western Balkan leaders agreed on the Multi-Annual Action Plan for a Regional Economic Area 2017–2019 (REA) and on the subsequent Common Regional Market 2020–2024 (CRM) to allow the free movement of goods, services, capital, and people and set their respective countries on the road towards effective regional integration. Yet, bilateral disputes, the mutual non-recognition of Serbia and Kosovo, as well as of Kosovo and Bosnia-Herzegovina, and the lack of political commitment by local governments are making their effective roll out inapplicable. To complicate such a process, Serbia, Albania, and North Macedonia launched a parallel initiative named "Open Balkans" (OB) in 2019, which now co-exists in parallel to the CRM. The lack of progress on the aforementioned initiatives can be attributed to the political short-sightedness of governments in the Western Balkans, as well as to a prevailing perception that they might primarily represent a waiting room for accession, while enlargement will never happen.¹³ This to some extent corroborates projections by the EPIK Institute in Kosovo. The Institute estimates that the Western Balkan countries will require between 45 and 80 years, or in an optimistic scenario between 11 and 20 years to implement the necessary reforms for EU membership.¹⁴ Such a projection does not take into consideration the need for Member Countries to recognize Kosovo in order to provide the country with a clear enlargement path. At the same time, however, based on the EU progress reports, such projections fail to consider that we are living through a shift in the global order which might require a rapid change in the EU's approach to enlargement. Moreover, increasing tension in Kosovo, with the eruption of violent protests in late May 2023, serves as a clear indication that to avoid the escalation of long-lasting conflicts on Europe's doorstep, the strategic question should not be 'if' enlargement will happen but rather 'when'.

⁹ Bonomi, Matteo, and Zoran Nechev. "Regional and EU Integration of the Western Balkans: Beyond a Two-Track Approach." (2022).

¹⁰ Bartlett, Will, Matteo Bonomi, and Milica Uvalić. "The Economic and Investment Plan for the Western Balkans: assessing the possible economic, social and environmental impact of the proposed Flagship projects." (2022).

¹¹ President Juncker's Political Guidelines (europa.eu)

¹² Vulović, Marina. "The Berlin Process in the Western Balkans: Big Ideas, Difficult Implementation." (2022). ([swp-berlin.org](https://www.swp-berlin.org))

¹³ Lavenex, Sandra. "Concentric circles of flexible 'European' integration: A typology of EU external governance relations." *Comparative European Politics* 9 (2011): 372-393.

¹⁴ Demush Sasha, Four Key Takeaways from EU's Kosovo Report, 25 October 2022, Prishtina Insight

Table 1: Enlargement Status of WB6¹⁵

Country	Applied for EU Membership	Candidate Status	Opening of accession negotiations	Chapters open (July 2023)
Albania	April 2009	June 2014	July 2022	Screening phase: Before opening negotiating chapters, the European Commission in cooperation with the country implement a screening phase, or an analytical examination of the acquis. This is a preparatory phase of accession negotiations. The screening process determines the level of alignment of the country with EU legislation and highlights the areas of the acquis in which progress is needed.
Bosnia-Herzegovina	February 2016	December 2022		
North Macedonia	March 2004	December 2005	July 2022	Screening phase: Before opening negotiating chapters, the European Commission in cooperation with the country implement a screening phase, or an analytical examination of the acquis. This is a preparatory phase of accession negotiations. The screening process determines the level of alignment of the country with EU legislation and highlights the areas of the acquis in which progress is needed.
Kosovo				
Montenegro	December 2008	December 2010	June 2012	Opening of 33 chapters in June 2020, 3 chapters (Science and Research; Education and Culture; External Relations) have been provisionally closed. Competition policy chapter was opened in 2020. Before further negotiation chapters can be closed, the interim criteria in rule of law chapters 23 and 24 in particular must be met.
Serbia	December 2009	March 2012	June 2013	In December 2021, opening of cluster 4 on Green agenda and sustainable connectivity, bringing the number of opened chapters to 22 out of 35, two of which are provisionally closed

Source: European Commission, author's data reformulation

3. Enlargement status quo in a shifting global order

Covid-19, the war in Ukraine and the energy crisis are just a few examples of the radical changes taking place in the global arena. To date, such complex geopolitical dynamics might negatively exacerbate the

¹⁵ By way of clarification, while there are no formal negotiating chapters opened in the case of Albania and North Macedonia, it is worth noting that, before opening the negotiation chapters, the Commission, in cooperation with the candidate country, carries out a detailed examination or screening process of each chapter. There are 35 chapters divided into 6 main clusters (Fundamentals, which are related to judiciary reforms, Internal Market, Competitiveness and inclusive growth, Green agenda and sustainable connectivity, Resources, agriculture and cohesion, External relations). This screening process is done to determine how well the country is prepared. The consequent screening report, presented by the Commission to the Member States, then provides recommendations to either open negotiations directly or it requires the country to meet certain conditions. In case the recommendation is for the opening of negotiations, the candidate country must also submit its position and the EU must adopt a common position for opening the negotiation chapters. While different chapters can be opened at the same time, and temporarily closed when conditions are met, for chapter 23 and 24, which are related to judiciary and rule of law, the Commission is proposing to adopt interim benchmarks to be met. This would allow the progress evaluation to be more efficient and possibly speed up the process. Moreover, before closing chapter 23 and 24, no other chapter can be formally closed. More information is available here: [eu accession process clusters \(oct 2022\).pdf \(europa.eu\)](#) and here: [Steps towards joining \(europa.eu\)](#)

influence which third countries, Russia in primis, can exert in the WB6 region. While the influence of external actors is not a novelty for the WB6, who historically have often played the role of non-aligned countries, the Russian war of aggression in Ukraine is nevertheless pushing the EU to be more aware of the risks that external actors could pose in terms of stability and its regional projection of power. While the majority of WB6 countries are aligned with the EU, Serbia and Bosnia-Herzegovina have not joined the EU's sanctions against Moscow. On the contrary, in May 2022, Serbia finalised a favourable energy contract with Gazprom, the sole gas dealer in the country. Although the cost of the war in Ukraine means that Russia is losing some of its economic and political grip, it is still applying forms of “sharp power”¹⁶ to destabilise the region. For instance, the Russian Orthodox Church has strong ties with Serbia and Montenegro but also with Bosnia-Herzegovina, North Macedonia and the Christian minorities in Albania and Kosovo, often promoting a pan-Slavic Christian identity as a contrast to the corrupt western world.¹⁷ Moreover, content on media channels such as Sputnik or Russia Today are broadcast throughout the region, making them powerful tools for spreading anti-EU ideas, which may in turn further delay the reform process needed in the WB6. At the same time, WB6 governments can strategically exploit Russia as their trump card to gain political advantage vis-à-vis the EU, while concurrently ensuring Russia's continued significance as a key player in the region.¹⁸ Beyond Russia, the economic power of China should not be underestimated either. For China, the WB6 are the perfect bridge to gain access to the EU single market. In this respect, not only is China in favour of EU enlargement in the region, but is also willing to finance infrastructure to connect it. The problem is that many of the financial agreements between the WB6 countries and China are secret and often violate European rule of law principles and general EU environmental standards, competition regulations, as well as public procurement procedures.¹⁹ At the same time, the European Union must address the significant influence that Turkey, under Erdogan's government, and Saudi Arabia can exert on Muslim communities in the region. Turkey cannot rival the EU's economic power. Yet it can leverage on its cultural heritage to maintain influence in the region. For instance, through the Turkish Cooperation and Coordination Agency, Turkey is financing the restoration of monuments and mosques, as well as the construction of new places of worship in Bosnia-Herzegovina, Albania, and Kosovo. Furthermore, in recent years, Turkish cultural centres and language courses have been popping up throughout the region, while the Turkish media channel TRT launched a local branch in 2022, broadcasting in all local languages. Also, Saudi Arabia plays a significant role in the region by investing in the construction of mosques and Islamic schools, as well as by supporting programs aimed at combating poverty, improving access to healthcare, and enhancing educational opportunities for Muslim communities. However, the mosques and schools funded by Saudi Arabia have contributed to the dissemination of the ultra-conservative Wahhabi doctrine. In a nutshell, Turkish and Saudi efforts in the region are driven by specific political priorities, aimed at maintaining close ties with Muslim communities, which might well reignite ethnic conflicts, posing a security threat for the EU.²⁰

¹⁶ According to Joseph Nye, sharp power involves efforts by a country or actor to manipulate and control the political and informational environments of other countries to achieve its objectives. It often involves actions that are hidden, non-transparent, or involve the spreading of disinformation. Unlike soft power, which is about attraction, sharp power is about manipulation.

¹⁷ Branislav Stanicek and Anna Caprile, Russia and the Western Balkans Geopolitical confrontation, economic influence and political interference, European Parliament, Aprile 2023.

¹⁸ Maxim Samorukov, Surviving the War: Russia-Western Balkan Ties After the Invasion of Ukraine, Carnegie Endowment, April 2023

¹⁹ Vladimir Shopov, Mapping China's rise in the Western Balkans, ECFR, March 2022

²⁰ [Briefing European Parliamentary Research Service \(europa.eu\)](https://www.europa.eu)

4. EU Member countries and inclusion of the WB6

To counteract the above forms of influence, the EU should revamp the enlargement options for the WB6 in a credible manner and inform its own European citizens of the risks that non-integration could pose. In his speech at the Bled Strategic Forum, President Charles Michel emphasized that the Commission will push forward with a substantial proposal on enlargement by October 2023 and that European enlargement should take place by 2030. Yet, to become members, candidate countries need to accept, respect and enforce EU values and the rule of law, as “enlargement is and will remain a merit-based process”, which brings both responsibilities and benefits.²¹ Charles Michel’s speech raised several concerns, especially within the European Commission, which seems to be more cautious about making promises whose outcomes cannot be guaranteed. According to Enlargement Commissioner Olivér Várhelyi, the Commission’s new proposal will adopt a more flexible approach, focusing on policy areas in which progress can be achieved.²² Yet, this seems a very similar method to the one adopted in recent years. At the same time, member countries need to be onboard. Notwithstanding the fact that Eastern EU member countries remain supporters of the enlargement process, especially in view of Russia’s aggressive foreign policy, Western European countries need to be more vocal. Italy and Germany have always been in favour of enlargement. In early November 2022, during the Berlin Process Summit, the German Chancellor Olaf Scholz declared that the Western Balkans should join the European Union “as soon as possible”, while in April 2023 Italian Foreign Minister, Antonio Tajani reiterated the need to accelerate the enlargement process.²³ Recently, however, their political engagement in the region has been perceived as faltering, with Italy for instance, failing to ensure a quicker opening of EU negotiations with Albania.²⁴ At the same time, French President Emmanuel Macron’s idea to build a European Political Community (EPC) has been perceived by many as a way to skip enlargement tout court. Yet, now that global politics has shifted to a regional order, the EU needs to avoid any further loss of relevance within its neighbourhood if it is to face up to new security threats and changes in the international economic and political dynamics. These external factors may push the EU member countries to become more aligned not only on foreign policy matters but also on enlargement. Even in France, where the government has historically been against any form of new enlargement to preserve the political capacity of the EU, Emmanuel Macron announced a u-turn during a speech in Bratislava on 31 May 2023: for him, neighbouring countries should now be integrated into the EU “as soon as possible”, opening the door for the entry of Ukraine, Moldova, Georgia and the WB6. This is motivated principally by geopolitical developments. In a context of sustained tensions with Russia and other powers trying to influence EU-neighbouring countries, and as Ukraine is building up its military capacities which could eventually be used against the EU in the event of government change, everything must be done to better anchor these countries to European progress. As Macron highlighted, we cannot “let Europe be kidnapped a second time”.²⁵ Nonetheless, the various ways in which such enlargement could be realised within current institutional settings are not as clear as they should be. For Macron, the EU should develop in a multi-speed union in order to allow for a smoother

²¹ Speech by President Charles Michel at the Bled Strategic Forum, <https://www.consilium.europa.eu/en/press/press-releases/2023/08/28/speech-by-president-charles-michel-at-the-bled-strategic-forum/>

²² [EU readies ‘substantial proposals’ on enlargement in October, Várhelyi says – EURACTIV.com](#)

²³ [Tajani: “L’impegno italiano per l’integrazione dei Balcani nella Ue” \(Il Messaggero\) – Ministero degli Affari Esteri e della Cooperazione Internazionale](#)

²⁴ [Deputy Foreign Minister Sereni in Tirana: the failure to open negotiations for Albania’s EU accession process is “a historic error” – Ministero degli Affari Esteri e della Cooperazione Internazionale](#)

²⁵ Slovakia – GLOBSEC summit in Bratislava – Closing speech by M. Emmanuel (...) – Ambassade de France en Islande | Franska sendiráðið á Íslandi (ambafrance.org). See also Nathalie Tocci, The Western Balkans belong with Europe, Politico. EU, May 2023

integration of candidate countries.²⁶ Yet the risk would be to create a two-tier Europe with some countries having a tighter grip on the decision-making process than others, leading to a political problem in the WB6, who are unlikely to accept being classed as second-tier member countries. At the same time, failing to widen the European Union with the inclusion of the WB6, while holding up the prospect of accession to Ukraine, Moldova and Georgia not only risks crashing the hopes of the 60%²⁷ of WB6 citizens who are still committed Europhiles, but could also jeopardise any further efforts by the WB6 to comply with the EU acquis. This would certainly fuel further instability and conflicts in the region. For enlargement to become a reality, the WB6 have to push forward the necessary reforms. Conversely, given the time of poly-crises we are living in, geopolitical interests and regional stability should be prioritised in the EU. Moreover, enlargement could give the EU a chance to modernise its institutional setting, which is already inadequate for a smooth decision-making process among the EU 27.²⁸

5. A critical degree of political divergence on enlargement and institutional reforms within the EU

The degree of political divergence on the enlargement process and the institutional reforms needed within the EU is critical. Eastern EU member countries, such as Poland and Hungary, who support EU enlargement toward the WB6, believe that accession should take place in a less federalized EU. In other words, they do not want the EU to become a super state and they tend to believe that some competences should be given back to the member countries.²⁹ Ironically enough, it is partly because of the progressive dismantlement of democratic standards in Hungary and Poland that rule of law enforcement in the WB6 is being so closely supervised by EU institutions.³⁰ According to V-Dem's liberal democracy index, Hungary and Poland have been two countries that stand out for the decline in their liberal democracy index.³¹ In view of a more decentralised EU, both countries want to keep the unanimity rule in the decision-making process, at least on EU foreign and security policy.³² Yet, for Germany, France and Italy, among others, enlargement can only happen if the EU adopts significant changes to its decision-making process. In other words, the EU needs to overcome its unanimity requirement to act more effectively when it comes to facing external challenges and holding Member States accountable for breaching EU standards and regulations.³³ Given such a divergence any change in the Treaty may take a long time. In this respect, the EU

²⁶ [REPLAY: Macron delivers speech on France's foreign policy priorities at the Ambassadors' Conference - France 24](#)
[Macron: EU should consider 'multi-speed Europe' to cope with enlargement – POLITICO](#)

²⁷ Data from Balkan Barometer <https://www.rcc.int/balkanbarometer/results/2/public>

²⁸ REPORT OF THE FRANCO-GERMAN WORKING GROUP ON EU INSTITUTIONAL REFORM: Sailing on High Seas: Reforming and Enlarging the EU for the 21st Century Paris-Berlin - 18 September 2023, Paper-EU-reform.pdf (politico.eu)

²⁹ Polish Government, Mateusz Morawiecki at Heidelberg University - "Europe at a historic turning point", March 2023, <https://www.gov.pl/web/primeminister/mateusz-morawiecki-at-heidelberg-university---europe-at-a-historic-turning-point>

³⁰ Poli Eleonora, Salvia Margherita, The Conditionality Regulation: A true European means to face a rule of law crisis in wider Europe and foster media freedom OEGFE. Bechev Dimitar, What Has Stopped EU Enlargement in the Western Balkans? June 2022 <https://carnegieeurope.eu/2022/06/20/what-has-stopped-eu-enlargement-in-western-balkans-pub-87348>

³¹ V-Dem Institute, DEMOCRACY REPORT 2023 Defiance in the Face of Autocratization https://www.v-dem.net/documents/29/V-dem_democracyreport2023_lowres.pdf

³² Liboreiro Jorge & Sandor Zsiros, Hungary and Poland rally allies to defend veto power in EU foreign policy, euronews, May 2023, <https://www.euronews.com/my-europe/2023/05/23/hungary-and-poland-rally-allies-to-defend-veto-power-in-eu-foreign-policy> <https://twitter.com/PLPermRepEU/status/1660697924928454687>

³³ Joint Statement of the Foreign Ministries on the Launch of the Group of Friends on Qualified Majority Voting in EU Common Foreign and Security Policy
Speech by Federal Chancellor Olaf Scholz at the Charles University in Prague on Monday, 29 August 2022 <https://www.bundesregierung.de/breg-en/news/scholz-speech-prague-charles-university-2080752>

could start to test some changes in its decision-making process without implementing any Treaty change but by using provisions within the Treaty on European Union (TEU) in a more flexible manner. For instance, when it comes to the need to overcome the unanimity vote, Member States can already use “constructive abstentions”, defined in Article 31 (1) of the TEU, to abstain from voting, allowing others to get their decision passed and move forward.³⁴ Moreover, the “passerelle clause” (Article 31(3) TEU) allows the European Council (EUCO) to unanimously adopt a decision stipulating that the Council must act by qualified majority in specific fields within the EU’s Common Foreign and Security Policy (CFSP).³⁵ Furthermore, to maintain a functional European Parliament (EP), a cap on the number of Members of the European Parliament could be set, while a new seat allocation system could be implemented in order to balance each Member State’s right to be represented with the need to mitigate demographic differences. Even in this case, there is no need to change the Treaty, but according to Article 14(2) of the Treaty on European Union (TEU), the EP should formulate a proposal, which has to be unanimously approved by the European Council (EUCO).³⁶ Certainly, over the long term, the EU will need to undertake governance reforms that necessitate essential changes at Treaty level but determining the specific alterations to be made will take some time. This is becoming increasingly pressing due to global dynamics and regional instability within the WB6, which are on a time-sensitive trajectory. Thus, the process of enlargement and reforms within the WB6 and the EU should advance concurrently. While pushing for reforms in the WB6, the EU could initiate the implementation of the aforementioned methods to assess whether increased flexibility in its decision-making process could yield positive results. Without a comprehensive commitment to the necessary reform process from both Member States and the WB6, clearly defining a realistic path for enlargement will be challenging.

6. Conclusions

At a time of shifting global order, the inclusion of the WB6 still poses a significant challenge for the EU. Regional cooperation has not delivered the expected stability and economic development in the region, and institutional development of the rule of law in individual WB6 countries is advancing at a slow pace. Yet, considering the level of integration already achieved between the EU and the WB6, their membership should not be a greater task than the inclusion of Ukraine, Moldova, or Georgia. Furthermore, if no concrete actions are going to be taken by EU institutions and WB6 governments, any progress achieved in the region so far could eventually be jeopardised by the influence of external actors. Currently, while updating its approach and continuing to push for the WB6 governments to adopt the necessary reforms, Brussels should also consider the uncomfortable geopolitical spot that the EU is currently occupying: the centre of rising tensions between the West and the East of the global arena. To avoid proxy internal conflicts, dangerous external influence and power games in the region, the EU must stop considering the Western Balkans’ enlargement path as a non-urgent matter. It is imperative to revitalise the enlargement process, in a credible manner, by engaging more closely with the WB6 to push forward the reforms needed while also adapting the institutional framework and decision-making process within the EU to the new geopolitical dynamics. Within this framework, the French idea of a multispeed Europe risks

Laurenz Gehrke, Scholz pitches major EU enlargement — with reform, Politico.eu, August 2022 <https://www.politico.eu/article/scholz-eu-enlargement-reform-prague-charles-university/>

³⁴ It’s time for more majority decision-making in EU foreign policy – POLITICO

³⁵ GENERAL PROVISIONS ON THE UNION’S EXTERNAL ACTION AND SPECIFIC PROVISIONS ON THE COMMON FOREIGN AND SECURITY POLICY <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016M031>
EUR-Lex - passerelle_clauses - EN - EUR-Lex (europa.eu)

Towards QMV in EU Foreign Policy Different Paths at Multi (delorscentre.eu)

³⁶ REPORT OF THE FRANCO-GERMAN WORKING GROUP ON EU INSTITUTIONAL REFORM: Sailing on High Seas: Reforming and Enlarging the EU for the 21st Century Paris-Berlin - 18 September 2023, Paper-EU-reform.pdf (politi-co.eu)

becoming the legitimization of a double standard Europe, composed of first-class members and the rest. Enlarging the EU is certainly a challenge for an efficient institutional setting, but there are reforms the EU could consider in order to make its own decision-making process more effective in view of a bigger community. For instance, an increasing use of QMV in foreign affairs matters, without any Treaty change, could be a good step firstly to test the efficacy of the EU decision-making process, and eventually to apply the changes in the Treaty needed to adapt the Union whose members could soon number 33 or more, rather than 27. In conclusion, while the debate on EU institutional reforms has been dragging on for years, it is now urgent to balance the issue of internal stability with external challenges and modernize the EU institutional framework accordingly. Considering the conflictual dynamics within the international arena, it is in fact mandatory for the EU to embrace the enlargement towards the WB6 not in the future, but now.



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