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## **The Politics of Eastern Enlargement**

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Historical Reconstruction and Theoretical  
Conclusions**

**Wolfgang Zank**

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# **The Politics of Eastern Enlargement: Historical Reconstruction and Theoretical Conclusions**

**Wolfgang Zank**

The aim of this article is to extract some theoretical lessons from the experiences of Eastern Enlargement. We will therefore, after a few basic theoretical remarks, start by giving a historical overview of the process. The emphasis is placed on those empirical aspects which seem to be particularly relevant for the theoretical debate. In the final section we take up the theoretical debate again, discuss various academic contributions and suggest some conclusions.

## **1. Introductory Theoretical Remarks**

Eastern Enlargement has become the subject of a huge academic debate. But when it comes to theoretical explanations, there is not much consensus. The controversy reflects (of course) the general debate between constructivist, “sociological”<sup>1</sup> and rationalist approaches. From my point of view, enlargement can best be understood as security policy, in a wide sense. Barry Buzan, Ole Wæver and Jaap de Wilde<sup>2</sup> use a concept of “security” that comprises a military, political, economic, societal and ecological “sector”. Security policy is about adverting an existential threat in one of these sectors. Furthermore: “‘Security’ is the move that takes politics beyond the established rules of the game and frames the issue as a special kind of politics or as above politics”<sup>3</sup>. I propose that Eastern Enlargement should be seen as such a kind of “special politics”.

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<sup>1</sup> In my view, the term “sociological” is inappropriate because the followers of this approach reflect only one current, among many, which can be found in sociology. Therefore it is put in inverted commas.

<sup>2</sup> Buzan, Barry, Wæver, Ole and Wilde, Jaap, *Security. A New Framework for Analysis*, Boulder and London, 1998.

<sup>3</sup> *Ibid.*, p. 23.

This view on security is compatible with the theory of “liberal interdependence”, which rests on the assumptions that modern societies have to be open societies, and that they are enmeshed in a dense international network of divisions of labour. This enables them to be successful, but it also creates dependencies and makes them potentially vulnerable to numerous threats. Given the point that also neo-functional theories rest on interdependence assumptions, it “fits” that we will also see aspects which follow a neo-functional logic. There were, for instance, several cases of “spill-over”, and the Commission was in many instances an important actor in its own right, capable of “upgrading the common interest”. However, neo-functionalism cannot be used as a major theory in this case. According to this theory, integration starts with technical arrangements, which later on create “spill-overs” to the field of “high politics”. But in this case, the major decisions were taken on a high political level at the beginning of the process, and subsequently the technical arrangements were set up to make them fit to these decisions. Said in a simple way, neo-functionalism depicts a process from low to high; but Eastern Enlargement was mainly a top-down process.

The theories of liberal interdependence and neo-functionalism are often placed within the group of “rational” theories because they presume rational and self-interested actors who work in a “given” reality. But it should be stressed that a high level of *uncertainty* is part of this reality. The whole process of European Integration can, to a high extent, be understood exactly as uncertainty reduction. As to Eastern Enlargement, this was presumably the *main* aspect.

However, coping with uncertainty implies the problem of risk assessment, and this can be highly subjective. In principle, therefore, politics cannot be understood without taking into consideration those cultural patterns and interactions which determine the values which should be protected and the means which are seen as appropriate. These are the main tenets of Social Constructivism. In general, therefore, this theory is highly relevant. But when it comes to Eastern Enlargement, I cannot properly follow some newer theoretical contributions written in a similar social constructivist vein.

There was, for instance, no “rhetorical entrapment”<sup>4</sup>, rather on the contrary. This will be explained in more detail below.

On the other hand, the argument of this article is, up to a certain extent, in line with a theory of federalism which was pioneered by a realist thinker, William Riker, and which in the 1990s was extended by David McKay. According to this approach, federations come basically about as a reaction to threats.<sup>5</sup> But many axioms of realism do not seem to be vindicated by the experiences of Eastern Enlargement. This is also the case with intergovernmental approaches as suggested by e.g. Andrew Moravcsik.<sup>6</sup> Also this will be explained in more detail

## **2. The Process of Eastern Enlargement: A Historical Reconstruction**

### *2.1 Association*

By 1988 potentially dramatic developments were in the making in Eastern and Eastern Central Europe. The member states of the European Community had a similar assessment of the situation. After an informal meeting of the foreign ministers in Yannina (15-16 October 1988), the secretariat of the EPC (European Political Cooperation) summarised:

We should react in a constructive way so as to encourage positive evolution [...] maintain our own cohesion as Twelve [...] and stand up for our principles and values [...]. Our objectives are achieving *stability, security and cooperation in Europe*.<sup>7</sup>

At that time, however, the consensus as to the objectives did not mean consensus as to the means. There were proposals that the EC countries should develop common community procedures towards Central and Eastern Europe, but still in winter 1989

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<sup>4</sup> As was postulated by Schimmelfennig, Frank, ‘The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union’, *International Organization*, 55, 1, Winter 2001, pp. 47-80. In a similar vein: Fierke, K.M. and Wiener, Antje, ‘Constructing institutional interests: EU and NATO enlargement’, *Journal of European Public Policy* 6:5 December 1999, pp. 721-44.

<sup>5</sup> McKay, David, *Federalism and European Union. A Political Economy Perspective*, Oxford University Press, 1999, p. 31. Riker thought originally about military or diplomatic threats. However, as McKay, when applying this approach to the EU, observed: “There is nothing in the logic of Riker’s scheme to suggest that the threat *has* to be military or diplomatic, however”.

<sup>6</sup> Moravcsik, Andrew, ‘Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach’, *Journal of Common Market Studies*, Vol. 31, 1993, No. 4, pp. 29-85.

this met the opposition of the UK and France; they were reluctant to accept restrictions on their room of manoeuvre. But soon also these countries became convinced that a consistent community approach would be beneficial.<sup>8</sup> In April 1989 the EC countries decided that their aid to reforming communist countries should be coordinated by the European Commission. And on 15 July 1989, even the participants of the G-7 summit in Paris followed and accepted that also their aid should be coordinated by the Commission. Soon the Commission contacted also the other OECD-countries with a view to coordination.<sup>9</sup>

These seemingly technical decisions had important political implications. The fact that the Western countries were willing to finance assistance has often been explained by a “Triple R”-Agenda of *reform, reintegration* and *regional security*. By supporting the internal reforms and reintegration into the world economy and assisting their incorporation into international agreements, the western powers could advance their own political and security interests.<sup>10</sup> For the European Commission, the decisions in Paris were, of course, “a gift right out of heaven”<sup>11</sup> because it meant a substantial increase of its political role. But why did the governments accept a coordinating (i.e. leading) role for the Commission? On the one hand, there were pure technical reasons. The Commission had considerable experience in development funding (e.g. to Third-World countries), and coordinating the assistance might be expected to increase its efficiency. But there were also heavy political reasons. The US government sensed financial restrictions and wanted a strong European engagement in this field, which was likely to be strengthened if the Commission was in charge of the coordination. Some governments, mainly Paris and Rome, wanted to limit potential German influence in Eastern and Central Europe; when financial aid was channelled through EC institutions, Germany could not use her aid money to gain political influence.<sup>12</sup>

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<sup>7</sup> As quoted in Torreblanca, José I., *The Reuniting of Europe. Promises, negotiations and compromises*, Aldershot, Burlington, Singapore and Sidney, 2001, p. 33; emphasis mine, W.Z.

<sup>8</sup> Karen E. Smith, *The Making of EU Foreign Policy. The Case of Eastern Europe*, Houndmills/Basingstoke and New York, 1999, pp. 46ff.

<sup>9</sup> Maresceau, Marc, ‘Pre-accession’, Cremona, Marise (ed.), *The Enlargement of the European Union*, Oxford University Press, 2003, pp. 9-42, esp. p. 13. Van Ham, Peter, *The EC, Eastern Europe and European Unity. Discord, Collaboration and Integration Since 1947*, London and New York, 1993, pp. 167-9.

<sup>10</sup> Ham, op. cit., p. 166.

<sup>11</sup> Ham, op. cit, p. 168.

<sup>12</sup> Ibid. Van Ham does not forward documentation as to this point, but his hypothesis seems plausible, and therefore it is accepted here.

But why did Germany let herself bind? Presumably because Chancellor Helmut Kohl and Foreign Minister Hans-Dietrich Genscher calculated that every move towards closer relations with East Germany had to be done in close cooperation with Germany's European neighbours, and the best way to accommodate their uneasiness was to prove in practice that Bonn followed a calculable course of European integration. At least, this line of reasoning played a strong role in Germany's position as to the coming EMU.<sup>13</sup>

All in all, in a changing and *unclear* situation, the European governments, including the British one under Margaret Thatcher, decided to give up control of some important political instruments and let an EC institution take a leading role in a limited, but important field of foreign policy. Quietly, European integration had made a substantial inroad into the area of "high politics".

This decision should be seen in a more general perspective. It was only one step among many to prevent a return to the Europe before 1914, with its constant power rivalry. As the French President François Mitterrand formulated it in October 1989: "If we want to transcend these national rivalries, then only one great thought, one great constructive endeavour, can take the place of all this. That could be a great mission for the European Community".<sup>14</sup> However, several governments disliked the ideas about a great mission for the EC. But in practice also they contributed to this mission because they felt – as Mitterrand – being propelled by the overriding interest in preventing a return to the great-power rivalry of former times.

The changes in Eastern and East Central Europe placed the question of a future membership of these countries on the agenda. Their successful incorporation into the EC would both contribute substantially to making Europe safe, and at the same time open the prospect of material gains for old and potential new members alike. To my knowledge, there was not one leading politician in the EC who questioned this reasoning in principle. Furthermore, the EC had declared to be an open "club". The Treaty of Rome, Article 237, stated explicitly: "Any European State may apply to

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<sup>13</sup> Dyson, Kenneth and Featherstone, Kevin, *The Road to Maastricht. Negotiating Economic and Monetary Union*, Oxford University Press, 1999, passim, e.g. p. 363f.

<sup>14</sup> As quoted in Van Ham, p. 177.



become a member of the Community”.<sup>15</sup> In April 1978, as a signal to Portugal, Spain and Greece, the Council had specified that “respect for and maintenance of representative democracy and human rights in each Member State are essential elements of membership in the European communities”.<sup>16</sup> These were exactly the aims which countries such as Poland or Hungary were heading for, so there were apparently no *pricipal* obstacles on their way to membership. Of course, there were economic and administrative problems. But the point that the Council had accepted Greek membership, on political grounds, although the Commission had declared that Greece, for economic reasons, was not yet fit for membership, seemed to give grounds for the opinion that technical questions were no major obstacles. This was at least the opinion of many politicians in the Central and Eastern European countries.

While not questioning the reasoning that membership *in the long run* would be in the interests of the existing members, nor that the Eastern and Eastern Central European countries in principle had a right to membership, there were substantial reservations as to a *fast* granting of membership. A quick enlargement might have risked the paralysis of the community. An outspoken proponent of these concerns was Mitterand who in November 1989 declared that the Community had enough internal problems not to burden itself by “premature adhesions”.<sup>17</sup> Here the word “premature” is essential. It was in this context that Mitterand on December 31, 1989 proposed his project of a “European Confederation”, aimed at creating a common and permanent organisation of trade, of peace and security.<sup>18</sup> And in summer 1991 he said that it might take “*dizaines et dizaines d’années*” before enlargement would be a reality, the intermediate phase being “*d’une durée inconnue*”.<sup>19</sup>

Remarks of this kind, and the proposal of the confederation, have aroused suspicions that French diplomacy has been against enlargement as such. This suspicion can be

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<sup>15</sup> As quoted in Smith, Karen E. ‘The Evolution and Application of EU Membership Conditionality’, Cremona, Marise, op. cit., pp. 105-39, esp. p. 109.

<sup>16</sup> Ibid., p. 109f.

<sup>17</sup> “... la Communauté des Douze a assez de problèmes internes a régler d’ici 1991, 93 ou 1994 pour qu’elle allourdisse pas sa charge par des adhesions prématurées”, Deloche, Florence, ‘La France et l’élargissement à l’Est de l’Union européenne’, *Les Etudes du CERJ*, No. 46 – Paris, octobre 1998, p. 6.

<sup>18</sup> “... une organisation commune et permanente d’échanges, de paix et sécurité.” Ibid.

<sup>19</sup> Ibid., p. 7.

found throughout the 1990s, and it has also entered academic productions.<sup>20</sup> Such a view implies that Mitterand (and other politicians) were dishonest. He said “no premature enlargement”, but he really meant “no enlargement at all”. It is, of course, possible, that top politicians have not been honest. But there is no evidence for that in this case. Nor is it plausible. In 1990 the grand project of French diplomacy was the EMU, and its success was far from certain (the Maastricht Treaty was not signed until December 1991). Under these circumstances French leaders had *very good reasons* for viewing an *immediate* accession of many new countries as jeopardising the project, or even endangering the achievements reached so far.

Furthermore, at that time the view from Bonn was essentially the same. According to the minutes of the meeting in Latché on 4 January 1990, Chancellor Kohl agreed when Mitterand stated that it was not possible to give membership to all these countries; perhaps the situation would be different at the end of the century.<sup>21</sup> And on 15 February 1990, at another meeting with Mitterand, Kohl explicitly endorsed the idea of a confederation: Many countries were soon to apply for membership, they could not all become members, this “could not work”, Kohl said, therefore an alternative was needed.<sup>22</sup> Shortly afterwards Kohl expressed similar views in front of

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<sup>20</sup> For instance, Schimmelfennig placed France squarely in his box of “brakemen” of the enlargement (op. cit., p. 50).

<sup>21</sup> “Präsident Mitterand stellt die Frage, was mit den Staaten geschehen, die jetzt nicht in die EG eintreten könnten, wie zum Beispiel Ungarn, Polen, die Tschechoslowakei. Was sei mit Österreich, was mit der Türkei. Die EG könne sie nicht alle aufnehmen ... Man müsse einen Status und Strukturen finden mit den Ländern Europas, die man nicht draussen lassen könne. Es müssten Verträge, auch politische Verträge mit diesen Ländern abgeschlossen werden. Eventuell auch mit der Soqwjjetunion. Dann werde es eine neue Lage Ende dieses Jahrhunderts geben.

Der Bundeskanzler stimmt zu.” Gespräch des Bundeskanzlers Kohl mit Staatspräsident Mitterand. Latché, 4. Januar 1990, Küsters, Hanns Jürgen und Hofmann, Daniel, *Dokumente zur Deutschlandpolitik. Deutsche Einheit. Sonderedition aus den Akten des Bundeskanzleramtes 1989/90*, München, 1998, pp. 692-90, esp. p. 687.

<sup>22</sup> “Der Bundeskanzler hält die Frage, wie man dieses Gebilde [*Konföderation, WZ*] nennen wolle, für nicht wesentlich. Die Lösung für die Zukunft könne jedoch nicht sein, dass alle diese Länder der Gemeinschaft beitreten. Deshalb müsse es eine Alternative geben. Diese Alternative müsste allerdings die Vorbedingung haben, dass nur ein freiheitlicher Rechtsstaat Mitglied sein könne ...

Der Bundeskanzler führt aus, die Idee des Präsidenten betreffend eine europäische Konföderation habe er schon bei dem Treffen in Biarritz begrüsst. Sie entspreche seinen Vorstellungen ... [*Viele Länder, WZ*] wollten der Gemeinschaft beitreten. Er wolle hier nur Österreich, Norwegen, Schweden, Jugoslawien und die Türkei als Beispiel nennen. Dies könne aber nicht funktionieren.” Gespräch des Bundeskanzlers Kohl mit Staatspräsident Mitterand. Paris, 15. Februar 1990, Küsters/Hofmann, op. cit., pp. 842-52, esp. 850.

US-President George Bush, saying that the EC and the eastern neighbours would become “closer”, a confederation, as sketched by Mitterrand, was “conceivable”.<sup>23</sup>

Still in September 1990, talking to Prime Minister Michel Rocard, Kohl rejected the idea which the United Kingdom and Denmark had voiced, namely to give membership to all European countries, except Turkey. “The consequence would be an elaborated free-trade area, but not the Political Union which he wanted.” Rocard agreed.<sup>24</sup> Also Mitterrand – publicly – warned of the dissolution of the EC into a free-trade area “without force or ideal” in case of an immediate accession.<sup>25</sup> It should be added that London’s support for an early EC/EU enlargement has often been interpreted as been driven by the motive of bringing about exactly that what Mitterrand and Kohl feared, namely the dissolution of the EC into a free-trade area. This suspicion was felt in Paris already in the context of the Iberian enlargement, in the 1980s. At least, Hubert Védrine, close collaborator of Mitterrand (and later foreign minister) wrote later about unspecified “adversaries of the Community”, who supported enlargement in order to dilute it.<sup>26</sup> This seems to be an exaggeration. But it was presumably not completely off the mark. At least in his autobiography John Major, in 1990 finance minister and prime minister 1991-97, dealt with enlargement in a way that can be interpreted that he favoured it because it, among other reasons, could delay the EMU.<sup>27</sup>

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<sup>23</sup> ”In den 90er Jahren werde es auch eine Annäherung der EG zu den heutigen EFTA-Ländern sowie zu den östlichen Nachbarn, etwa Polen, geben. Vorstellbar sei auch eine Entwicklung, wie sie Staatspräsident Mitterrand mit einer ’Könföderation europäischer Staaten’ angesprochen habe.” Gespräch des Bundeskanzlers Kohl mit Präsident Bush. Camp David, 24. Februar 1990, Küsters/Hofmann, op. cit., p. 860-73, esp. p. 861.

<sup>24</sup> “Der Bundeskanzler wiederholt gegenüber dem Premierminister, dass es notwendig sei, parallel zur deutschen Einheit die europäische Integration voranzutreiben. Die Grundsatzentscheidungen müssten spätestens in den nächsten zwei Jahren getroffen werden. Stimmem würden wieder – vor allem aus London, auch aus Dänemark – laut, die dafür plädierten, alle Länder Europas ausser der Türkei in die EG aufzunehmen. Konsequenz wäre eine gehobene Freihandelszone, nicht aber die Politische Union, die er wolle ...[Footnote: ’Ein Satz nicht freigegeben.’]

Der Premierminister stimmt den Ausführungen des Bundeskanzlers zu.” ’Deutsch-französische Konsultationen. München 17.18. September 1990’, Küsters/Hofmann, op. cit., pp. 1544-6, esp. p. 1545f.

<sup>25</sup> “ ... la dissolution de la Communauté dans une vast zone de libre-échange ,sans force ni idéal.” *L’Expansion*, 17/30. octobre 1991, p. 24, as quoted in Deloche, op. cit., p.12.

<sup>26</sup> “ ... l’élargissement, encouragé tout à la fois par l’Allemagne, les candidats à l’adhésion, et leurs amis, les adversaires de la Communauté qui souhaitent la voir se diluer, ...”, Védrine, Hubert, *Les mondes de François Mitterrand. À l’Élysée 1981-1995*, Fayard, Paris, 1996, p. 395.

Thus, in 1990 there was an agreement between Paris and Bonn that priority should be given to “deepening” the EC; membership was not an option for the near future, and the Eastern and Central European countries should instead be incorporated into a wider treaty structure. Consequently, accounts which juxtapose an enlargement-enthusiastic Germany against an enlargement-hostile France, are not tenable for 1990. The Franco-German unity as to this point can hardly come as a surprise, given the point that both countries were committed to the progress of the European construction, and given the point that in 1990 there were very good reasons to regard a *premature* enlargement as a threat to this construction. Also Jacques Delors, the President of the Commission, expressed in September 1989 (and many times later) similar concerns.<sup>28</sup>

Mitterand’s project of European confederation turned out to be a non-starter. But already in 1990 rather comprehensive association agreements (Europe Agreements, EA) were offered to Hungary, Poland and Czechoslovakia, i.e. those countries which were considered to be the most advanced ones on their transition to a Western system. Negotiations began in December 1990, and the treaties were signed one year later. Up to 1996, similar agreements were reached with Bulgaria, Romania, Slovakia, the Baltic states and Slovenia. The Europe Agreements contained comprehensive trade agreements and an institutionalised political dialogue and were in this manner the most wide-ranging agreements ever concluded between the EC/EU and Third countries<sup>29</sup>. However, many representatives of the Eastern and Eastern Central European countries expressed disappointment. One reason was the fact that the EC/EU rejected any binding link between association and membership. The preamble of the treaties stated that the parties recognised that it was the associated country’s “ultimate objective to become a member of the European Union and that association through this Agreement will, in the view of the parties help [*the associated country*] to achieve this objective”.<sup>30</sup> The EU thereby made it clear that it was aware of the

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<sup>27</sup> “ I was determined ..., since my instincts were against [EMU], to try to delay the project, point out the risks, and encourage our partners to concentrate on widening the Union to new members before integrating further.” Major, John , *The Autobiography*, London, 2000, p. 386.

<sup>28</sup> Torreblanca, op. cit., p. 48.

<sup>29</sup> Sedelmeier, Ulrich and Wallace, Helen, ‘Eastern Enlargement’, Wallace, Helen and Wallace, William (eds.), *Policy-Making in the European Union*, fourth edition, Oxford University Press, pp. 427-60, esp. p. 436f.

<sup>30</sup> As quoted in Maresceau, op. cit., p. 15.

intention of the others, but it did not commit itself to this goal. Clearly, the EU *did not* promise membership, nor did it feel “rhetorically entrapped” to do so. The member countries had promised help, but help is not membership.

Another source of disappointment were some economic aspects. In principle the Europe Agreements were based on “asymmetric market access”; the EU had to open its market for industrial products within five years, whereas the association countries had a transition period of ten years. Insofar they were *generous* from the EU side. But within the “sensitive sectors” of steel, coal, textiles and agricultural products - exactly those fields where the associated countries had large capacities - access to the EU markets was restricted. On these fields the negotiations were difficult. In September 1991, Paris vetoed a (minor) concession on meat exports; this was a demonstration towards domestic constituencies, a few weeks later France accepted the proposal.<sup>31</sup> And on 27 November Spain threatened to use a veto when steel was on the agenda.<sup>32</sup> Finally, Spain accepted an opening of the EC market in exchange for assurances by other member states that the Community would react in case cheap, subsidised steel from the east would “disturb” the steel market. In August 1992 the Community actually imposed anti-dumping restrictions on Czechoslovakian steel products.<sup>33</sup> As to textiles, an agreement of opening the Community market could be reached after constructing a “package deal”, mainly envisaging a community-financed programme for the modernisation of the textile industry in Portugal, Spain and Greece.<sup>34</sup>

The restrictions in the “sensitive sectors” have often been interpreted in a way that special interests have captured EC politics. Up to a certain point this was certainly the case. However, it would be too simple to imagine that the politicians acted because some lobbyists had pressured them.<sup>35</sup> Partly it was the other way round. At least in April 1991 Ray MacSharry, the commissioner responsible for agriculture, mobilised the agricultural organisations to put pressure on the foreign ministers to be more

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<sup>31</sup> Torreblanca, pp. 216-27. In fact, the solution accepted on 30 September was even slightly worse for French exporters than the proposal which Paris vetoed on 6 September. *Ibid.*

<sup>32</sup> *Ibid.*, pp. 250-66, esp. p. 262.

<sup>33</sup> *Ibid.*, p. 292.

<sup>34</sup> *Ibid.*, esp. p. 238f.

<sup>35</sup> The following passage in Sedelmaier/Wallace could perhaps be understood this way: “As some of those involved on the CEEC [Central and Eastern European Countries] side were able to observe, as fast as they identified issues on which they wanted to press for more open market access, they found that an EU-based lobby had beaten them ...” (Sedelmeier/Wallace, *op. cit.*, p. 439).

restrictive with a view to agricultural imports. In MacSharry's view, the agricultural agenda was already heavily burdened by the ongoing international negotiations (Uruguay Round) and by his own endeavours to reform the Common Agricultural Policy (CAP).<sup>36</sup> If *overburdened*, the reform agenda might become gridlocked. Seen this view, MacSharry fought for the "reformability" of the CAP, and this is not identical with fighting for special interests.

Furthermore, the EC/EU was at that time engaged in creating a Single European Market. One of its building blocks has been the notion that competition ought to be "fair", which for instance implied that state subsidies to companies were banned. But many companies in Poland, Hungary and Czechoslovakia in the "sensitive sectors" were exactly heavily subsidised state-owned enterprises. Therefore, the above mentioned restrictions on Czechoslovak steel dumping-exports in August 1992 were also a defence of the principles of the Single Market and not only the protection of the special interests of EU steel producers.<sup>37</sup>

At any rate, it is a distortion of proportions to claim that the negotiations "were marked on the Community side by a head-headed commercial protectionism at odds with the EC's political rhetoric about welcoming new democracies in the fold".<sup>38</sup> The *main* characteristic of the treaties was the asymmetric opening of the EC market, so these were *generous* treaties. As regards the "sensitive sectors", the EC was *less* generous, imposing restrictions of various kinds. But also in these sectors the regulations were asymmetrical in favour of the associates.

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<sup>36</sup> Torreblanca, op. cit., p. 183.

<sup>37</sup> I can therefore only partially follow Sedelmeier/Wallace (p. 439) who modelled the controversies as being between "macro-policy-makers, emphasizing longer-term political objectives, and various groups of meso-policy-makers, under pressure from short-term economic problems". Among the latter, they explicitly grouped e.g. DG VI, agriculture. But safeguarding the "reformability" of the CAP, or the principles of the Single Market, is not just "meso-policy for short-term economic interests".

<sup>38</sup> *Financial Times*, 17 December 1991, as quoted – approvingly – by Torreblanca, op. cit., p. 268. This author has produced, on the basis of many original EC documents, the most detailed account of the negotiations of the Europe Agreements. However, I often diverge from Torreblanca's conclusions. Just to mention one point, Torreblanca repeatedly states that EC actions were not in accordance with its promises. But Torreblanca does not give one example of an EC promise which was not respected. Instead, he sometimes quotes *others* (e.g. the *Financial Times* in this case) who *claimed* – without any documentation – that such a gap between promise and actions existed. But these claims were part of the political game and should be treated with a heavy dose of source critique – unfortunately absent in Torreblanca's account. Besides, Torreblanca's language is often rather bombastic (see below, note 39).

Criticisms of the above-quoted kind became, however, more vocal when the trade balance of the associated countries towards the EC turned negative, from 1991 onwards (lower exports into the EC than imports from there).<sup>39</sup> This was in a sense “natural” because these countries had a high import demand for western machinery and technology. But much of the deficit was due to a “burst of consumer goods’ imports rather than investment goods” (Alan Mayhew),<sup>40</sup> and this was more worrying. The EC import restrictions were certainly not the main reason for the negative trade balance. But they contributed to it, and therefore the mere existence of them was hard to justify. And they created many bad feelings in the associated countries.

By 1991 it had become apparent that the transition to democracy and market economy was much more complicated and painful than many had expected it to be in 1989. All countries experienced a severe recession, the Soviet Union was dissolving, and Yugoslavia was torn by civil war. Even in countries such as Poland, a reform backlash or nationalist explosions could not be excluded. There was a popular disappointment with the EC, rightly or wrongly being viewed as twisting the rules. This development could lead to further instability, nationalist clashes, institutional breakdowns, emigration waves, and criminality export, thereby creating “security risks” (as defined in the introduction) also for the EC member countries.

In August 1991 the attempted coup against the Soviet President Michail S. Gorbachov made these risks salient. On 20 August 1991 the EC foreign ministers demanded that the coup should be ended (it was on the way of collapsing anyhow), and acknowledged their own responsibility as regards an acceleration of the ongoing association negotiations,<sup>41</sup> at that time only with Poland, Czechoslovakia and Poland. They were indeed concluded in December, but it is not certain whether the declaration of 20<sup>th</sup> August actually caused acceleration. At any rate, a few weeks later, on 6<sup>th</sup> September, the French Foreign Minister Roland Dumas placed his above-mentioned veto, thereby causing a delay of about four weeks.<sup>42</sup>

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<sup>39</sup> See table, Torreblanca, p. 325.

<sup>40</sup> Mayhew, Alan, *Recreating Europe. The European Union's Policy towards Central and Eastern Europe*, Cambridge, University Press, 1998, p. 83.

<sup>41</sup> *Ibid.*, p. 208.

<sup>42</sup> The council passed a decision, which was practically identically to the vetoed one, without a French veto on 30<sup>th</sup> September. Torreblanca, *op. cit.*, pp. 216-27. A veto and a delay of four weeks were

At least, under the impression of the coup, the EC member states decided to widen the group of potential association partners.<sup>43</sup> The Commission should explore ways to expand cooperation with Bulgaria and Romania (countries which had not yet progressed very far on the road of transition). On 30 September the Council agreed that initial talks could begin with Bulgaria. As to Romania, such a decision was not taken until 16 December, the reason of the delay being the violent suppression of demonstrations. On 11 May 1992 the council finally approved a negotiation mandate, with a view to a Europe Agreement, but it underlined that it would be conditional on respect for human rights, democratic principles and market economy. It was the first time these conditions were stated as regards agreements with third countries. All the Europe Agreements and Interim Agreements<sup>44</sup> concluded after May 1992 contained such clauses – the basic lines of a policy of conditionality gained shape.

Some EC politicians, most notably Frans Andriessen, commissioner for External Relations, have repeatedly argued for a more “generous” approach to the associate countries, advocating more trade concessions and a membership perspective early on. Also, already in February 1991 the German commissioner Peter Schmidhuber proposed to give “a realistic membership perspective”, not the least in order to strengthen their position towards the Soviet Union.<sup>45</sup> They frequently met, however, objections by other commissioners or experts, for instance, from the *Directoire Général* (DG) III (Internal Market and Industry), DG IV (Competition), or DG VI (Agriculture), and perhaps most crucially, Commission President Delors.<sup>46</sup> In general, Andriessen was not very successful. Against his wish, the top politicians, in preparation of the Maastricht Summit in December 1991, completely refused to discuss the problems of the relations with the eastern neighbours.<sup>47</sup> This was perhaps highly understandable, given the point that the summit agenda was already very ambitious. Andriessen was slightly more successful before the Lisbon summit (June

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certainly, from a normative view, doubtful events. But was it really, as Torreblanca wrote (p. 221), “a breakdown in the EC’s decision-making system”?

<sup>43</sup> Smith, Karen E., 1999, p. 97f.

<sup>44</sup> The Europe Agreements, due to their political components, had to be ratified by the member countries, which implied a rather long process. The trade components, however, did not need ratification and could, as Interim Agreements, be in force a few months after signing.

<sup>45</sup> ‘Rascher Beitritt Osteuropas zur EG gefordert’, *Süddeutsche Zeitung*, 12.02.91.

<sup>46</sup> Torreblanca, *passim*, e.g. p. 177f.

<sup>47</sup> *Ibid.*, p. 304.



1992).<sup>48</sup> On his initiative the commission proposed some innovative proposals, for instance the creation of a – not precisely defined - ‘European Political Area’ (EPA) covering the EU and the countries of Central and Eastern Europe. However, the Council rejected this and stated that the relationship with these countries should be developed ‘within’ the frame of the Europe Agreements. Assistance was to be concentrated on preparing these countries for membership which ‘they’, not the EC, wanted. And the EC countries would not re-examine their policy before the Copenhagen summit in June 1993. Again, the member states refused to let the process of deepening be disturbed by enlargement questions (with good reasons, the ratification of the Maastricht Treaty was in serious difficulties). And again they refused to promise membership.

It should, however, be stressed that not only the Commission, but also the member state governments were often internally divided. For instance, during the final negotiations on opening the EC steel market, the Spanish Ministry of Industry followed a much “tougher” line than the Foreign Ministry or Camilo Barcia, the Permanent Representative at the COREPER.<sup>49</sup> Only seldom did the discussions at that time follow a pattern of *national* policy processes which were aggregated to “national preferences” which then were negotiated at EU level. Rather, divergences and alliances ran through internally divided governments and EC institutions. This pattern of *transnational* politics could already be observed under the process leading to Economic and Monetary Union.<sup>50</sup>

## 2.2 *The Turn to Enlargement: Copenhagen 1993*

In spring 1993, there was a growing awareness of the insufficiency of the association policy, given the unstable political and economic situation in many countries in Central and Eastern Europe and the mood of disappointment with the EC. Parallel to this, two developments modified the general picture, not the least as seen from Paris. Firstly, in May 1993, after the second Danish referendum, the Maastricht Treaty became ratified in all member countries. Thereby EMU was on track, and so were the

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<sup>48</sup> Ibid., p. 306.

<sup>49</sup> Ibid., p. 262.

<sup>50</sup> Dyson and Featherstone, *passim*. Just to give one example, in 1987 Genschel (a ‘Policy Entrepreneur’) worked in close cooperation with his French counterpart Roland Dumas, with whom he

first steps towards a Common Foreign and Security Policy. Consequently, from the perspective of a *gardien du temple* of European Integration, as French top politicians liked to see themselves, future enlargements could be confronted in a more relaxed mood.<sup>51</sup> And secondly, in March 1993 the Right won the parliamentary elections in France. The new team, if not viewing the problems of enlargement substantially different, changed at least emphasis and tone in comparison to Mitterand. Just to mention one example, the new foreign minister Alain Juppé declared that a strong signal (*geste*) should be sent to the countries in question that they will be welcome as members, provided that some longer transition phases in economic matters were to be introduced.<sup>52</sup> In Hungary in July 1993 he declared that one had to choose between a short-term egotism “which perhaps sometimes made us a bit timid”, and a long-term egotism, “i.e. our well-understood interests which say that we should bring the democracies who are on the way of economic reform, into the European family, where they want to return to”.<sup>53</sup> One factor which explained a stronger French engagement was also the German policy. In the meantime, Kohl had given up much of his original reluctance, and German diplomacy was busy sending positive signals to her eastern neighbours - to such an extent that Hubert Védrine, in these years a close collaborateur of Mitterand, wrote about a “parrainage démagogique et précipitation de l’Allemagne vis-à-vis de cette région.”<sup>54</sup>

Meanwhile, the Commission in a number of documents, most importantly to the Lisbon Council in June 1992, had elaborated a row of proposals aiming at ensuring that enlargement actually did not lead to a dissolution of the EU.<sup>55</sup> Of particular importance was the point that the Commission insisted that new applicants (the EFTA countries included) had to accept the entire *acquis communautaire*. The Commission had been alarmed by the numerous pressures for opt-outs, exceptions, special

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was politically much closer than with e.g. the German Minister of Finance Gerhard Stoltenberg (p. 327).

<sup>51</sup> Deloche, op. cit., p. 15.

<sup>52</sup> “Je suis de ceux qui pensent qu’il faut vite un geste fort, significatif que nous accueillons ces pays dans la Communauté, quitte à prévoir ... des phases de transition un peu longues en matière d’adhésion économique.” *Le Monde*, 06-03-1003, as quoted in Deloche, op. cit., p. 13.

<sup>53</sup> “... nous avons à ‘choisir entre ‘l’égoïsme à court terme’, qui nous commanderait parfois d’être un peu timorés, et l’égoïsme à long terme’, c’est-à-dire nos intérêts bien compris, qui veulent que nous puissions ramener dans la famille européenne, où elles souhaitent revenir, ces démocraties qui cheminent sur la voie de la réforme économique.” Deloche, op. cit., p. 15

<sup>54</sup> Védrine, op. cit., p. 562.

<sup>55</sup> Smith, 2003, p. 111-3.

regulations etc., particularly from Denmark and the United Kingdom during the negotiations leading to the Maastricht Treaty. These pressures all derived “from the claims of states which had acceded after the European Community had been set up.”<sup>56</sup> New members could turn out to be trouble-makers. The Commission highlighted the importance of the Common Foreign and Defence Policy and made it clear that countries whose constitutions forbade common engagements had to change their constitution, or remain outside.

Formulating conditions and demanding acceptance of the whole *acquis* was, as the Commission made plain, a measure to protect the Union: “The impact of future enlargements on the capacity of the community to take decisions merits the most careful reflection and evaluation. Non-members apply to join because the Community is attractive; to proceed to enlargement in way which reduces the effectiveness could be an error.” In short, “widening must not be at the expense of deepening.”<sup>57</sup> Also with the knowledge of hindsight, these considerations seem to be reasonable. Perhaps particularly important in the concrete situation: By specifying conditions, those who were *reluctant* as to enlargement could see their concerns being seriously addressed. They did not have to resort to blockages. This way the Commission could influence the perspectives of member state governments, something which can perhaps be seen as an example of “cultivated spill-over” and “upgrading the common interest”, as described in neo-functional theory.

In Edinburgh (December 1992) the European Council promised it would reach “decisions on the various components of the Commission’s report” on the summit in Copenhagen, half a year later. It also invited the Commission to prepare further proposals. During the following months numerous details had to be specified.<sup>58</sup> The idea of the commission to create a “European Political Area” was rejected and replaced by a Structured Dialogue. But as regards the main component – conditioned membership promise and accelerated market access – the strategy of the Commission became adopted.

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<sup>56</sup> European Commission, ‘Europe and the Challenge of Enlargement’, *EC Bulletin, Supplement 3/92*, p. 9 as quoted in Smith, 2003, p. 112.,

<sup>57</sup> *Ibid.*, p. 112f.

In the declaration of the Copenhagen Council<sup>59</sup> the EU members again “pledged their support” to the reform process in Central and Eastern Europe: “Peace and security in Europe depend on the success of those efforts”. The Council announced more material aid, an accelerated opening of the EU markets, and the building-up of a “structured relationship” between the institutions of the Union and the associates. Most importantly, they announced that the associated<sup>60</sup> countries “that so desire shall become members of the European Union”. As often quoted, the EU made membership conditional on political, economic and administrative achievements:

Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate’s ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

The last formulation is softer than an insistence on the entire *acquis*, as the Commission had proposed. Presumably, the governments wanted to keep the option open to give some exemption. But otherwise, talking about the “ability to take on the obligations of membership” made it plain that effective implementation of reforms on numerous fields was expected. Legal changes alone were not sufficient.

Crucial was also a fourth criterion: “The Union’s capacity to absorb new members, *while maintaining the momentum of European integration*, is also an important consideration in the general interest of both the Union and the candidate countries”. This fourth criterion sometimes seems to be overlooked in the academic literature.<sup>61</sup>

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<sup>58</sup> A detailed account, with much emphasis on small-scale controversies, in Torreblanca, pp. 302-30.

<sup>59</sup> The passages which are relevant for enlargement can be found e.g. at <[http://www.europarl.eu.int/enlargement/ec/cop\\_en.htm](http://www.europarl.eu.int/enlargement/ec/cop_en.htm)>

<sup>60</sup> As the declaration specified, the term “associated” referred to those “countries of Central and Eastern Europe with which the Community has concluded or *plans to conclude* Europe agreements” (emphasis mine, WZ). At the time of the Copenhagen Council, agreements had been signed with Poland, the Czech and Slovak Republic, Hungary, Bulgaria and Romania. The Copenhagen Council declared also that it was “an objective of the Community to conclude Europe Agreements with the Baltic States as soon as the necessary conditions have met.” Slovenia was not yet mentioned, but was included later.

<sup>61</sup> *Ibid.*, emphasis mine, WZ. Sedelmeier/Wallace seem to overlook this criterion (op. cit., p.440f), and so do Fierke/Wiener, op.cit. p. 732. The latter ones also omit the economic and administrative criteria.

Shortly before the Copenhagen Summit, the French government proposed additional criteria such as the degree of privatisation, the inflation rate or the size of the public-sector deficit. Karen E. Smith sees this as a “clear attempt to put off enlargement”.<sup>62</sup> This interpretation is, however, not the only possible one. Paris did not object to the basic principle of conditioned membership promise. And more criteria – in principle *reasonable* policy aims, and *realisable* all of them – might have made accession a bit more difficult, but not impossible. At any rate, France did not insist on this point.

The Copenhagen Declaration contained some innovative elements. Firstly, the associated countries received a conditional but otherwise unequivocal invitation for membership. They had to show reform progress, but by formulating quasi-objective conditions, the Council gave a strong promise that it was basically up to the countries themselves if they wanted to become members. This created a strong incentive for the elites in the associated countries to continue with reform.

But interestingly again, also in this case the EU member states reduced their own room of manoeuvre and their own range of foreign political instruments, and thus de-facto their own sovereignty: Not legally, but de facto the member states gave up their veto power against the accession of one of these candidate countries. It was not possible anymore, or at least only by a grave breach of promise, to exclude a country because it was e.g. too close to the USA (in the 1960s the French President Charles de Gaulle vetoed the accession of the UK on this ground). This voluntary reduction of de-facto sovereignty has again been motivated by a wish to reduce the possibility of great power rivalry. Within the French government it was in particular Alain Lamassoure, minister of European affairs, who was concerned about a return to *clientelisme*, where Germany might support the membership aspirations of the Visegrad countries, France those of Bulgaria and Romania, and Denmark the Baltic states.<sup>63</sup> Delors shared those concerns. The conflicts of 1991, when Germany supported the diplomatic recognition of Croatia and France opposed it, had recently highlighted the potential risks of such a development. The formulation of criteria which allowed for “un choix objectif” reduced these risks substantially, although it did not exclude them completely (see below, the Madrid Council). *Clientelisme* might

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<sup>62</sup> Smith, Karen E., 1999, p. 117.

also have entailed the risk that some candidates could become EU members, although they were not ready. This in turn could have endangered the functioning of the EU, in particular the Internal Market. The process of formulating membership conditions was analogous to the convergence criteria of the EMU. It became also in this case de facto impossible to exclude a country, provided it had fulfilled the conditions. The reasoning, not the least in Paris, was similar in both cases.<sup>64</sup>

To reduce de-facto sovereignty of the member states and replace it by “objective criteria” was therefore in the interests (“the well-understood long-term interests”, to paraphrase Juppé), of the governments. But the essential point is again that the interests of the member states have systematically developed in a direction where giving up sovereignty is perceived to be of only one’s own interests. I see this as a “spillover” of enlargement. But a spill-over, not being generated by integration in “lower” fields of technical cooperation, as neo-functionalist theory would predict it, but by strategic decision at the highest levels. Out of security reasons, the governments decided to proceed with enlargement, and thereafter a long series of institutional and technical changes had to be introduced, in order to make the candidate countries and the EU system fit for enlargement.

By formulating the Copenhagen Criteria, the EU gained an unprecedented leverage over the associated countries, given the point that it was the EU that was to decide whether the candidate countries met the criteria or not. In the following years, the criteria became more explicit, without, however, being substantially altered,<sup>65</sup> and the various aid instruments such as the PHARE programme were used to progress towards their fulfilment. Furthermore, the combination of membership criteria and the fourth criterion, namely the ability of the Union to absorb new members “while

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<sup>63</sup> Deloche, op. cit., p. 30.

<sup>64</sup> “Clear and tough criteria were a demonstration of commitment to be alongside the ‘stability-oriented states, to be at least as virtuous on deficits and debt as the Dutch and the Germans. From this perspective the idea of weak, imprecise criteria was anathema to the French. But at the same time Bérégovoy was determined to position himself as a proponent of Community solidarity by finding a formula that would not exclude a state like Italy in advance.” Dyson and Featherstone, op. cit., p. 241.

<sup>65</sup> To mention one example, the Madrid Council emphasised in December 1995 the importance of an “adjustment of their administrative structures”. [www.europarl.eu.int/enlargement/ec/mad\\_en.thm](http://www.europarl.eu.int/enlargement/ec/mad_en.thm). This was the first time that administrative reform was explicitly mentioned (Nicolaidis, Phaidon, ‘Preparing for the Accession to the European Union: How to Establish Capacity for Effective and Credible Application of EU Rules’, Cremona, Marise, op. cit., pp. 43-78, esp. p. 45.). But the Copenhagen

maintaining its momentum” matched precisely the concerns which Mitterand and Kohl had voiced in 1990. There would be no enlargement that would dissolve the EU into a free-trade area. By declaring the “absorption ability” of the EU to be a necessity, the Council stated the existence of a “political spill-over” from enlargement to substantial institutional reform. If British politicians ever had any hidden back-thoughts on enlargement (favouring it in order to dilute the EU), then these tactics backfired: Enlargement actually build up a substantial press for more integration, for a more supra-nationalist and less inter-governmentalist lay-out of the EU institutions.

Seen from the candidate countries, the “fourth criterion” had the drawback that their accession also depended on developments which they could not influence. But on the other hand, the existing members had morally obliged themselves to work for a reform of the EU so that it could absorb new members and at the same time “maintain its momentum”. Intentionally blocking necessary reforms and thereafter declaring that the EU was not fit for enlargement would have been a grave breach of promise.

Critics have said that the EU formulated “double standards” by creating criteria which were not part of the EU Treaties, and which some of the member states did not accept for themselves. The minority-protection clause in the Copenhagen declaration has been mentioned as a case in point.<sup>66</sup> As a paradoxical result, the position of minorities might actually become weaker once the state in question gained membership. On the other hand, the situation of minorities was a potentially explosive issue in some of the associated countries, e.g. the situation of the Russians in the Baltic states. And Yugoslavia had shown how catastrophically this problem could develop. It therefore seemed justified to introduce this clause explicitly, thereby sending a clear signal that the EU would monitor developments within these fields attentively.

The Copenhagen declaration gave no *guarantee* to the associated countries. They ran a risk insofar as they, on the basis of promises, had to shoulder the high costs of adaptation to the EU standards. By comparison, the EU members carried very small costs. Furthermore, the Copenhagen criteria left room for interpretation, and therefore

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declaration mentioned already the “candidate’s ability to take on the obligations of memberships” which certainly implied sufficient administrative structures.

political leeway. Politicians in the association countries had reasons to feel uneasiness, not to say mistrust. What happened if the EU countries did not mean it seriously? But giving false promises would have been a very short-sighted tactic, the anti-EU backlash becoming even bigger once the deception became apparent. And furthermore, as EU top-politicians have said time and again, the eventual EU enlargement was also in their interest. But uncertainties and elements of mistrust nevertheless remained.

It should perhaps be emphasised that European integration has always developed under conditions of mutual mistrust, particularly as regards Germany. For instance, Delors informed German officials in February 1990 that the prospect of German unification provoked “irrational hostility” or even “nightmares” among numerous European top-politicians, both in East and West, French ones included.<sup>67</sup> Put it the other way round: Germany played a very positive role for the development of European Integration, by serving as a kind of scarecrow, solidly planted on the field of power rivalry, so that no bird wanted to settle there again. This might help explaining why some governments, who otherwise had been adamant on retaining national sovereignty, were ready to sacrifice part of it, in order to make European integration proceed.

### 2.3 “Boosting” at Essen 1994

Copenhagen meant an important milestone on the road towards enlargement. But there was not yet consensus about the details of the further proceeding. This could hardly be surprising, given the many uncertainties that enlargement harboured. The budgetary consequences were unclear, and so were many other distributional and

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<sup>66</sup> Witte, Bruno de, ‘The Impact of Enlargement on the Constitution of the European Union’, Cremona, Marise, op. cit., pp. 209-52, esp. p. 238.

<sup>67</sup> “Präsident Delors erklärte, er habe aus einer Reihe von Gesprächen den bestimmten Eindruck gewonnen, dass die Sorgen vor der Entwicklung in Deutschland zunehmen. Man habe es teilweise sogar mit einer irrationalen Feindseligkeit zu tun, die im Wachsen begriffen sei. Delors nannte in diesem Zusammenhang sowohl einige Politiker der französischen Rechten ( ... [footnote: Zwei Worte nicht freigegeben]), aber auch der Linken ( ... [footnote: Zwei Worte nicht frei gegeben]). Er bezog sich aber auch auf Gespräche mit niederländischen und italienischen Politikern und erwähnte insbesondere ein langes Gespräch mit dem polnischen MP Mazowiecki, der geradezu von einem ‘cauchemar’ gegenüber Deutschland geplagt werde.” Gespräch des Ministerialdirigenten Hartman und des Ministerialrats Ludwig mit Präsident Delors. Paris, 16. Februar 1990 (Küsters/Hofmann, op. cit., pp. 852f.



economic effects. It was also in the mist how the Union could be made able to “absorb” the new members.

In the academic literature, Italy has sometimes been depicted as a “brakeman” of enlargement<sup>68</sup>, but after Copenhagen it was exactly the Italian Foreign Minister Beniamino Andreatta who launched the first concrete high-level step to bring enlargement further. In November 1993 he wrote to his British colleague Douglas Hurd and asked him to support an initiative which should make the associate countries participate in Common Foreign and Security Policy and Justice and Home Affairs, i.e. the two intergovernmental “pillars” of the Union. These countries should be visibly involved in the political matters of the EU, which in turn could increase the legitimacy of their governments and of the EU in front of their electorates. Jointly Andreatta and Hurd presented a proposal to the General Affairs Council on 20 December 1993, and on 7 March 1994 the Council decided on a package. Among others, the Council agreed to annually organise a summit with the heads of states or governments of the associates, to convene joint councils on CFSP matters with the foreign ministers, and expert meetings on security, terrorism and human rights issues.<sup>69</sup>

By mid-1994, however, there had not yet been much progress in practical terms. However, in the second half of 1994 the German presidency put its weight behind the project of giving more substance to the Structured Relationship, which the Copenhagen declaration had envisaged.<sup>70</sup> Consequently, the Essen European Council (9 and 10 December 1994) decided “to boost and improve the process of further preparing the associated States of Central and Eastern Europe for accession”.<sup>71</sup> It declared its intention to conclude Europe Agreements with the three Baltic States and Slovenia under the coming French presidency and decided to institutionalise “structured relations” with the associated countries (basically various dialogue venues), in order to “encourage mutual trust” – something which obviously was in need. The various measures of the “pre-accession strategy” – the first time such a term was used<sup>72</sup> – were to be concentrated upon making the associated countries prepared

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<sup>68</sup> For instance Schimmelfennig, *op. cit.*, p. 50.

<sup>69</sup> Smith, Karen E., 1999, p. 125f.

<sup>70</sup> *Ibid.*, p. 127.

<sup>71</sup> [http://www.europarl.eu.int/enlargement\\_new/europeanCouncil/pdf/ess\\_en.pdf](http://www.europarl.eu.int/enlargement_new/europeanCouncil/pdf/ess_en.pdf).

<sup>72</sup> Maresceau, *op. cit.*, p. 17.

for the Internal Market. The complex and voluminous regulations of the Internal Market were certainly the most difficult field for the associates. Here the EU could contribute with important practical assistance. This assistance could also be extended to atmospheric questions, given the point that many representatives of the associated countries seemed to underrate the practical difficulties. Working with it in a concrete way could be expected to have a sobering effect. Furthermore, a better integration into the EU markets could be expected to be beneficial on its own, irrespective of the membership question. Also those EU politicians, who still were rather *reluctant* to enlargement, could go along.

The risk that enlargement could paralyse the EU, was still seen as substantial. The council stated explicitly that it accelerated the process “in the knowledge that the institutional conditions for ensuring the proper functioning of the Union must be created at the 1996 Intergovernmental Conference, which for that reason must take place before accession negotiations begin”.<sup>73</sup> This was, on the one hand, a repetition of the Copenhagen declaration. New was, however, the detail that the IGC (and by implication: the *successful* conclusion of the IGC) had to take place before accession negotiations could even begin. All in all, the EU increased practical help, but underlined again that important conditions had to be met before enlargement could take place. This is the way professional politicians work when they are aware of potential traps, rhetorical or other ones.

The “boosting” of the process of Eastern Enlargement was preceded by a “bargain” between Gonzalez, Mitterand and Kohl: Germany would support a Mediterranean Policy of the EU, later to become the Barcelona process (also basically a security policy), whereas the French and Spanish government accepted the acceleration of the Eastern Enlargement.<sup>74</sup> Also Spanish governments were *mainly* concerned about overall security.

According to Sedelmeier/Wallace, in 1994 an Enlargement Task Force at the German Foreign Office had argued for a separation of the IGC from enlargement, a committed

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<sup>73</sup> An extract of the presidency conclusions: Essen European Council, 9 and 10 December 1994. [http://www.europarl.eu.int/enlargement\\_new/europeancouncil/pdf/ess\\_en.pdf](http://www.europarl.eu.int/enlargement_new/europeancouncil/pdf/ess_en.pdf).

date for opening negotiations and a target date of 2000 for completing them, and an “open mind” about which of the association countries would meet the Copenhagen criteria. “None the less, Chancellor Kohl was widely reported as favouring the opening of accession negotiations with only Poland, the Czech Republic and Hungary.”<sup>75</sup> If this is correct – the authors do not forward any documentation – the German positions were still rather inconsistent. Anyhow, although the German government “lobbied discretely, but actively, among its partners for some key decisions to be taken at Madrid”,<sup>76</sup> the Council at Madrid in December 1995 decided completely differently.

#### 2.4 Madrid 1995 The Turn to Practical Details

The presidency conclusions, as regards enlargement, state initially: “Enlargement is both a political necessity and a historic opportunity for Europe. It will ensure the *stability and security* of the continent and will thus offer both the applicant States and the current members of the Union new prospects for economic growth and general well-being.”<sup>77</sup> Explicitly, as many politicians had done so before, the member states referred to their *own* interests, with stability and security being mentioned first, and economic growth second.<sup>78</sup> By stating that enlargement was in the interest of both applicants<sup>79</sup> and members alike, it also sent a reassuring signal to the applicant countries: The rhetorical commitment of the members to the goal of enlargement was credible, exactly because it corresponded to their own interests. Pointing at self-interest is more convincing than claiming noble intentions.<sup>80</sup>

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<sup>74</sup> Sedelmeier/Wallace (op. cit., p. 442) write that France and Spain accepted Eastern Enlargement “as a goal”. As a “goal” they accepted it already in preparation of the Copenhagen summit.

<sup>75</sup> Sedelmeier/Wallace, op. cit., p. 446.

<sup>76</sup> Ibid., p. 445.

<sup>77</sup> An extract of the presidency conclusions: Madrid European Council, 15 and 16 December 1995. [http://www.Europarl.eu.int/enlargement\\_new/europeanCouncil/pdf/mad\\_en.pdf](http://www.Europarl.eu.int/enlargement_new/europeanCouncil/pdf/mad_en.pdf); emphasis mine, W.Z.

<sup>78</sup> Therefore I cannot follow Barbara Lippert when she claims that only “today” (2003) enlargement is justified as security and stability policy. Following Schimmelfennig she sees “rhetorical entrapment” and states that a “paradigm shift” has taken place towards the stability argument. Lippert, Barbara, ‘Von Kopenhagen bis Kopenhagen: Eine erste Bilanz der EU-Erweiterungspolitik’, *Aus Politik und Zeitgeschichte*, B 1-2/2003, pp. 7-15, esp. p. 8f.

<sup>79</sup> By that time, besides Turkey, Cyprus, Malta and the EFTA countries, applications were made by Hungary, Poland, Romania, Slovakia, Latvia Estonia, Lithuania and Bulgaria. The Czech Republic and Slovenia were to follow in 1996. For a list of the application dates: Smith, op. cit., p. 111.

<sup>80</sup> Helene Sjursen forwards an interesting detail: Also the enlargement progress report of the Commission in 2002 contained a reference to the self-interest of the community members. As a Commission official said to Sjursen, this passage was inserted in order to reassure the applicant countries (Sjursen, Helene, ‘Why Expand? The Question of Justification in the EU’s Enlargement Policy’, *ARENA Working Paper* No. 6, Oslo, February 2001, p. 13). Sjursen seems to conclude that,

The statement continued: “Enlargement must serve to strengthen the building of Europe in observance of the *acquis communautaire* which include the common policies”. Including the Common Foreign and Defence Policy. All in all a plain, albeit belated, success of the Commission which had been arguing this way already in 1992.

Furthermore, the Council asked the Commission to “take its evaluation on the effects of enlargement on the Community policies further, particularly with regard to agricultural and structural policies”. Likewise the Council asked for a “detailed analysis as soon as possible of the European Union’s financing system ...” On these fields enlargement could have substantial distributional consequences for the member states. They were not properly known yet, giving therefore reason for *reluctance*. Again we see a policy where reasons for reluctance were addressed, thereby opening the possibility for reducing them.

Furthermore, the council asked the commission “to expedite preparation of its opinions on the applications made so that they can be forwarded to the Council as soon as possible after the conclusion of the Intergovernmental Conference, and to embark upon preparation of a composite paper on enlargement. This procedure will ensure that the applicant countries are treated on an equal basis”. The last sentence was, on the one hand, an assurance addressed to the candidate countries. But if it is true, as quoted above, that Chancellor Kohl tried to favour Poland, the Czech Republic and Hungary, it was, however, also a slap in his face. But he seemed to be able to live with it, otherwise he would not have signed it. The decision to base the future deliberations on Commission reports, invested this institution again with a powerful agenda-setting capacity, and even more. From now on it would be even more difficult for a member country to block an application, once the commission had endorsed it. So to say, the burden of proof had changed. Once the Commission had

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because the insertion happened with a view to the applicants, it was not meant in earnest. But it can be meant in earnest and at the same time be inserted with a view to the applicants. More generally speaking, it is perhaps important to emphasise the link between credibility and self-interest. Following openly-declared self-interest is nothing indecent, and if others can see that one’s own declared intentions are in correspondence with one’s interests, these declarations of intent appear to be credible. Conversely, saying that one does not act out of self-interest, but out of noble ethic reasons, usually (and justly) evokes mistrust. Besides, it is actually a fundamental belief underlying Western societies that the pursuit of self-interest, certain conditions provided, is beneficial for humankind.

expressed its opinion, a government could not just express e.g. “doubts” and then refuse membership. It had to forward arguments which in the lights of the other governments had to be so substantial that they could supersede the Commission’s report. Otherwise such a negative government would risk to be seen as a contract breaker – a very substantial risk within a system such as the EU.

Conversely, no member country could hope to “smuggle” some favourite applicants into the Union, if this favourite did not meet the criteria. In this perspective it was also extremely important that the candidates from now on had to implement the *whole acquis*. Until Madrid it was still possible, in principle, to try some *clientelisme*, e.g. by proposing that the favourites in question should have an exemption from parts of the *acquis*. This possibility was now blocked. So if Kohl really presented himself as the *parrain* of the Poles, Czechs and Hungarians, he reached the opposite. Instead the approach to work with objective criteria became strengthened.

The Madrid council also decided: “Following the conclusions of the Intergovernmental Conference and in the light of its outcome and of all the opinion and reports from the Commission referred to above, the Council will, at the earliest opportunity, take the necessary decisions for launching the accession negotiations”. This was a clear promise to *discuss* whether negotiations after the IGC should be initiated. This promise reduced the possibility of dilatory behaviour. The presidency after the IGC was practically obliged to put it on the agenda. But it was not yet a promise to open negotiations.

Again, the applicants came a small, but significant step closer to membership. Perhaps it should be emphasised that it was Spain – also a country sometimes labelled as “brake-man”<sup>81</sup> - which, having the presidency, brokered this success. In particular the presidency gives ample opportunity to delay things if the government in question is not interested in an outcome. But Spain was obviously interested in success.

The Intergovernmental Conference, which led to the Treaty of Amsterdam, produced some constitutional changes which were not unimportant (e.g. an extension of the co-

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<sup>81</sup> Schimmelfennig, op. cit., p. 50.

decision procedure), and which improved the decision-making capacity of the Union (extension of Qualified Majority Voting, QMV). But they were insufficient as regards Eastern Enlargement. This was already obvious from the formal point that there was no agreement on the necessary reweighing of the votes. But according to the Irish Diplomat Bobby McDonagh, who participated in the Intergovernmental Conference, a compromise on this problem was within reach. Already at that time, a majority of countries preferred the principle of dual majority (majority of countries who had to represent a certain percentage of the EU population); only a minority favoured an actual reweighing.<sup>82</sup> The council could therefore *postpone* the decision in the firm conviction that the problem was not insurmountable. Postponement did not do substantial damage. But besides the voting problem, there was no consensus about what otherwise had to be done to make the Union fit for enlargement. Belgium, France and Italy even made it public that the fourth criterion was not met. Jointly they stated that a reinforcement of the EU institutions was still a *condition indispensable* for enlargement.<sup>83</sup> Under these circumstances, any country, which wanted to delay enlargement, could argue, pointing at the Madrid Council declaration, that it was too early to start proper accession negotiations.

In the meantime, in July 1997, the Commission had delivered, under the title of Agenda 2000, the reports which were requested in Madrid.<sup>84</sup> In spite of the shortcomings of the Amsterdam Treaty, the Commission proposed to start accession negotiations with the Czech Republic, Estonia, Hungary, Poland and Slovenia (and Cyprus). These countries were judged to be in a position to meet the criteria in the medium term (about five years). This judgement was assessed on the basis of a detailed screening of the countries in question, but the Commission had also translated the rather vague Copenhagen criteria into a set of much more specific requirements. For instance, in the Commission's view the "capacity to withstand competitive pressure" implied a good proportion of small firms, since a dominance of large firms could indicate a reluctance to adjust to the market.<sup>85</sup> Such specifications still left room for interpretation, but relatively speaking, it was a progress in clarity and objectivity.

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<sup>82</sup> McDonagh, Bobby, *Original Sin in a Brave New World. An Account of the Negotiation of the Treaty of Amsterdam*, Dublin, 1998, p. 193.

<sup>83</sup> Deloche, op. cit., p. 33.

<sup>84</sup> Sedelmeier/Wallace, op. cit, p. 448f.

<sup>85</sup> Smith, 2003, p. 117.

The Commission also delivered a framework for a reinforced accession strategy for *all* associated applicants (containing more pre-accession aid and Accession Partnerships), an impact study of enlargement on the internal policies of the EU, and a proposal for a financial frame for the years 2000 to 2006. By delivering these reports, the Commission only did what governments had asked for, insofar just being their agent. But the Commission had also gained a position at the centre of the enlargement debate, “by setting important parameters and by making enlargement look a credible and not over-costly process for the incumbents”.<sup>86</sup> Or in other words, by delivering sober and operational proposals, the Commission was able to influence the preferences of the member states; if enlargement was not so risky after all, then there was no reason to be so cautious. However, the Commission could argue this way only because the applicant countries themselves had been serious in their efforts to meet the Copenhagen criteria. The politicians in the candidate countries themselves had accepted the validity of the condition, and already in 1997 they met the crucial criterion of stable democracy and rule by law, Slovakia under Meciar being the sole exception.<sup>87</sup> Transforming their countries towards meeting the criteria was in their own interests, and it was also in their interests to keep those, who did not meet them, outside. But they were worried about the remaining subjectivity of some criteria, in particular the economic and administrative ones.

### *2.5 Beginning Negotiations*

The presidency conclusions of the Luxemburg European Council (12 and 13 December 1997) opened with a heavy dose of high-flying rhetoric: The meeting “marks a moment of historic significance for the future of the Union and of Europe as a whole. With the launch of the enlargement process we see the dawn of a new era, finally putting an end to the divisions of the past”.<sup>88</sup> But it also again stressed interests (“pledge of future stability and prosperity”). In its decisions, it followed mainly the proposals of the Commission and launched an official accession process with all the ten Central and Eastern European applicants, plus Cyprus. Increased pre-accession aid and Accessions Partnerships were the central elements of an “enhanced

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<sup>86</sup>Sedelmeier/Wallace, op. cit. p. 449.

<sup>87</sup>Smith, 2003, p. 119.

pre-accession strategy”. Financial priority was given to those investments and administrative and judicial reforms which led to the adoption of the *acquis*. From now on the progress of the applicants was to be screened annually by the Commission.

Crucially, proper accession negotiations were to start with those six countries that the Commission had singled out. However, under point 3, the conclusions read: “As a prerequisite for enlargement of the Union, the operation of the institutions must be strengthened and improved in keeping with the institutional provisions of the Amsterdam Treaty”. As Belgium, France and Italy had insisted on before, the fourth Copenhagen criterion was valid. They accepted the *beginnings* of negotiations before these problems were settled, but not enlargement itself.

The Luxemburg declaration further stated: “Compliance with the Copenhagen political criteria is a prerequisite for the opening of any accession negotiations”, whereas the other criteria “must be assessed in a forward-looking dynamic way”. This passage introduced a hierarchy between the criteria, making the political ones explicitly the most important one and giving some leeway as to the economic and administrative ones. Making democracy and rule by law a prerequisite for negotiations was presumably mainly addressed towards Turkey, explaining the rebuff which this country again experienced. But as the cases of Latvia or Lithuania showed, fulfilling the political criteria alone was not sufficient for initiating negotiations.

With the Luxemburg Council the process towards enlargement took another step forward. It could from now on only be a question of a few years before new members would enter. As to Luxemburg, there is a piece of evidence which can support the case for those who claim that enlargement was against the interests of some member states: Chancellor Kohl was quoted by a German paper saying that in case of a non-open voting in the Union, the majority would have rejected Eastern Enlargement; without Germany having played a pro-enlargement role and taking the lead, the accession process would not have started yet.<sup>89</sup> In case the quote is correct, these

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<sup>88</sup> Luxemburg European Council 12 and 13 December 1997. Presidency Conclusions, [http://www.europarl.eu.int/enlargement\\_new/europeanCouncil/pdf/lux\\_en.pdf](http://www.europarl.eu.int/enlargement_new/europeanCouncil/pdf/lux_en.pdf).

<sup>89</sup> Frankfurter Rundschau, 12.12.97, as quoted in Institut für Europäische Politik, in cooperation with the Trans European Policy Studies Association, *Enlargement/Agenda 2000 – Watch*, Pilot Issue,



words were strange. He can hardly have referring to the Luxemburg summit, given the point that it was the Commission which set the agenda. Did he mean the time before Copenhagen 1993 when his *parrainage démagogique* was one factor to make France act more positively? Or was this quote simply another case of demagogic godfatherhood?

From 1998 onwards the *Institut für Europäische Politik*, Bonn, in collaboration with eighteen other research institutes, mapped the attitudes towards enlargement in the member countries. We concentrate on France and Spain, sometimes classified as “brakemen”.<sup>90</sup> In France public opinion seemed rather unconcerned, and there was no genuine political debate “in so far as all the political parties declare being in favour”. Those federated in the UDF “for whom supporting European construction is a supporting element” will also be in favour, “on the condition, however, that prior to it, institutional reforms are made”. Enlargement does not seem to mobilise pressure groups, not even the farmers. Previous experiences being one factor, “the precedent of Spain joining the European Community has finally proved to be beneficial to the French economy”.<sup>91</sup>

Nor in Spain was enlargement a salient issue, but 54 per cent of the population supported it. “Regarding media, parties and pressure groups, no one is against enlargement and they share in general the supportive attitude of the population.”<sup>92</sup> As regards the government, “Spain is in favour of enlargement for political reasons but does not have great economic interests in the candidate countries; therefore, Spain has not great priorities or areas of specific interests ... [The] main concern of Spain is that the member countries were not ready to pay the real price of enlargement, thinking that it is possible including ten new members in the EU for free”.<sup>93</sup> The last point referred to concerns about e.g. the Structural Funds. Supposed that the funding would not be raised (as it turned out, it did not), recipient countries such as Spain would

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October 1998, p. 13. This source actually says “in case of an open voting”, but this makes no sense, it must be “non-open” voting.

<sup>90</sup> Schimmelfennig, op. cit., p. 50.

<sup>91</sup> Institut für Europäische Politik, op. cit., p. 11f.

<sup>92</sup> Ibid., p. 15.

<sup>93</sup> Ibid., p. 21.

receive less. Therefore Spain lobbied for increased expenditures,<sup>94</sup> and specifically in 1999 for lifting the envisaged 1.27 percent ceiling,<sup>95</sup> however, without much success. As to this one aspect, enlargement was indeed contrary to Spanish material interests. But there is no evidence that Spain out of this one reason was against enlargement as such. All the evidence points into the other direction.<sup>96</sup>

Spain did not have much success in raising the EU funding because the net contributors, mainly Germany, were not interested in paying more. Foreign Minister Joschka Fischer said before the Berlin Summit that it was Germany's aim to reduce the net contributions, at least prevent a further increase from the current level of 22 billion D-Mark.<sup>97</sup> Eventually at the Berlin Summit (24 and 25 March 1999), the Union decided on a financial frame where accession-related and pre-accession expenditure were effectively "ring-fenced".<sup>98</sup> As the Commission had said before, enlargement turned out to be relatively cheap for the incumbent members.

The Kosovo crisis created a new sense of urgency to the whole process. In particular Bulgaria and Romania should no longer be left rather isolated,<sup>99</sup> and also the problem of Turkey needed reconsideration. Following a Commission recommendation, the Helsinki Summit decided to open accession negotiations also with Bulgaria, Latvia, Lithuania, Romania, and Slovakia (and Malta). Turkey was not offered immediate negotiations, she still did not meet the political criteria. Nevertheless, the opening towards Turkey was dramatic: "Turkey is a candidate State destined to join the Union on the basis of the same criteria as applied to the other candidate states".<sup>100</sup> A closer reading also reveals that Turkey actually was to jump directly to the *enhanced* pre-accession strategy.<sup>101</sup> Also the opening towards Turkey was mainly motivated by security considerations. As Poul Nyrup Rasmussen, as Danish prime minister

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<sup>94</sup> Institut für Europäische Politik, in cooperation with the Trans European Policy Studies Association, *Enlargement/Agenda 2000 Watch*, No. 1/1999, June 1999, p. 82.

<sup>95</sup> EU spending is not supposed to exceed a ceiling corresponding to 1.27 per cent of the aggregated GDP of the member states.

<sup>96</sup> It is a puzzle that Schimmelfennig listed the reports quoted here as support of his classification of France and Spain as "brakemen" of enlargement.

<sup>97</sup> Lambek, Martin S., 'Fischer fordert rasche EU-Erweiterung', *Die Welt*, 06.01.99.

<sup>98</sup> Berlin European Council, 24 and 25 March 1999. For an extract of the Presidency Conclusions, [http://www.euoparl.eu.int/enlargement\\_new/europeanCouncil/pdf/ber\\_en.pdf](http://www.euoparl.eu.int/enlargement_new/europeanCouncil/pdf/ber_en.pdf).

<sup>99</sup> Smith, op. cit., p. 128.

<sup>100</sup> Presidency Conclusions Helsinki European Council 10 and 11 December 1999, [http://www.euoparl.eu.int/enlargement\\_new/europeanCouncil/pdf/hel\\_en.pdf](http://www.euoparl.eu.int/enlargement_new/europeanCouncil/pdf/hel_en.pdf).

participant at the Helsinki summit, wrote later, every one was “very concerned about Turkey moving eastwards. Additionally, there were new tensions between Greece and Turkey as regards Cyprus. We had to drag Turkey towards the West”.<sup>102</sup>

However, as regards Turkey’s potential EU membership, many European politicians were much more reluctant than in the case of Central and Easter Europe. Many even rejected it openly – something which did not happen in the case of Eastern Enlargement. However, Turkey made very substantial reform progress, and in October 2004 the Commission concluded “that Turkey sufficiently fulfils the political criteria” and recommended the opening of accession negotiations.<sup>103</sup> The principle that the EU in principle is open for countries which fulfil certain criteria – irrespective of, for instance, religious differences – was confirmed once again. However, in the case of Turkey the accession process will be much longer and much more complicated than in the accessions discussed here.

## *2.6 Proto-Enlargement towards the West Balkans*

By the time of the Helsinki summit the EU was already heavily engaged in stabilising Albania and the countries of former Yugoslavia, with a view to future membership. In April 1997 the Commission initiated a “Regional Approach to the countries of South-Eastern Europe”. The basic idea was to apply clear conditionality and regular assessments to the countries that were still outside the formal accession process.<sup>104</sup> On this basis decisions about trade concessions or financial aid were to be made. The prospect of membership was already mentioned when the EU initiated a “Stability Pact for South Eastern Europe” which brought all international institutions and governments of donor countries under one umbrella, including the US, Canada,

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<sup>101</sup> Maresceau, op. cit., p. 38.

<sup>102</sup> “Vi var alle meget bekymrede for, at vores store nabo bevægede sig mod øst. Dertil kom nye spændinger mellem Grækenland og Tyrkiet om Cypern-spørgsmålet. Vi havde behov for at trække Tyrkiet mod Vest.” Rasmussen, Poul Nyrup, ‘EU og Tyrkiet – fælles fremtid?’, *Morgenavisen/Jyllandsposten*, 6.10.04, p. 9.

<sup>103</sup> Commission of the European Communities, 6.10.04, Communication from the Commission to the Council and the European Parliament: Recommendation of the European Commission on Turkey’s progress towards accession, COM (2004) 656 final, p. 9.

<sup>104</sup> Vachudova, Milada Anna, ‘Strategies for Democratization and European Integration in the Balkans’, Cremona, Marise (ed.), op. cit., pp. 141-60, esp. p. 147.

Russia and Japan. The pact, which gave the leading role to the EU, was signed in Sarajevo in July 1999.<sup>105</sup>

In 1999 and 2000 the EU concerted several measures in order to accelerate the downfall of Slobodan Milosevic. The EU supported the opposition financially, delivered energy to democratically-elected municipalities, organised an economic boycott of Serbia during the Kosovo crisis, blacklisted businessmen close to Milosevic – all in all hitherto unseen, but well-motivated measures of intermingling with the affairs of another country.

In 1999 the EU also developed the so-called “Stability and Association Process” (SAP), a strategy to stabilise the West Balkan states and eventually lead them to membership. Centrepieces of this process are the “Stability and Association Agreements” (SAA). In addition to the Copenhagen criteria, they envisaged aid and almost fully liberalised access to the EU-market. Allowing for the return of refugees and cooperation with the International Court of Justice in Den Haag (extradition of suspected war criminals) became essential conditions for the SAA. In 2001, the Union also launched a new financial programme, CARDS (Community Assistance for Reconstruction, Democratisation and Stabilisation). Priority areas are border management, institution building, democratic stabilisation and the integration of energy and infrastructure in the region.<sup>106</sup> SAAs were signed with Croatia and Macedonia in 2001. The general direction of change in Croatia appeared to be positive. The Commission wrote in its Stabilisation and Association Report 2003<sup>107</sup>:

The Government showed a strong commitment to the implementation of the Stabilisation and Association Agreement and the Interim Agreement. It has adopted an ambitious programme for the integration of Croatia in the European Union which includes a plan for the harmonisation of legislation with the *acquis*. Croatia has indeed started to work intensively in order to align its legislation to the *acquis* and to address most of the priorities identified in the 2002 SAP report.

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<sup>105</sup> Ibid., p. 158.

<sup>106</sup> Ibid., p. 151.

And on the summit in Brussels on 17/18 June 2004, the European Council judged that Croatia “meets the political criteria set by the Copenhagen European Council in 1993 and the Stabilisation and Association Process conditionalities set by the Council in 1997”.<sup>108</sup> Consequently, the Council decided that proper accession negotiations could begin by 2005 and asked the Commission to prepare a pre-accession strategy, including the financial instruments. Membership can be a reality as early as 2007.

As regards the other former Yugoslav republics and Albania, membership perspectives are more remote. Yet, in principle the door is also open for them. As the Feira summit in June 2000 stressed again: “All the countries concerned are potential candidates for EU membership”.<sup>109</sup> Besides, Macedonia was also the place where the EU in 2003 for the first time organised a common military peace keeping operation.

It was certainly a tragedy when the EU member countries were unable to organise a common policy when the Yugoslav wars broke out in 1991. But it is reassuring for the future that they managed to do so at the end of the decade. At least as regards this region, the EU has become a coherent and effective external actor. And also in this case the prospect of membership has been an essential element in the endeavours to promote peace and stability.

### *2.7 Fulfilling the fourth criterion?*

At the time of the Helsinki summit in December 1999, the problem of strengthening the EU institutions was still on the agenda. The Intergovernmental Conference ending in Nice was supposed to solve it. Formally Nice did deliver, but hardly as to the political substance. The Nice Summit confirmed enlargement as a strategic goal and stated a principle of differentiation (each applicant country was to be treated individually, on its own merits in relation to the criteria). The council reached an agreement on the necessary reweighing of the votes, established a principle of Triple Majority for qualified majority voting (majority of states, 72.27 per cent of the weighted votes, and 62 per cent of the population), and decided on the necessary

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<sup>107</sup> Commission of the European Communities, 26.3.2003, SEC (2003) 341, Commission Staff Working Paper, Croatia, Stabilisation and Association Report 2003 [COM (2003) 139 final], p. 3. [http://europa.eu.int/comm/external\\_relations/see/sap/com02\\_341.pdf](http://europa.eu.int/comm/external_relations/see/sap/com02_341.pdf).

<sup>108</sup> *Presidency Conclusions – Brussels, 17 and 18 June 2004*, PE 346.553, [http://www.europarl.eu.int/summits/pdf/bru0404\\_en.pdf](http://www.europarl.eu.int/summits/pdf/bru0404_en.pdf), p. 11.

adjustments as regards the European parliament. Against this background, Jean-Claude Piris, the Director-General of the Legal Service of the Council, could conclude: “On the whole the Nice IGC, while respecting its time schedule, has accomplished its task, which was to make the minimal institutional reforms which were seen as strictly necessary by Member States in order to allow enlargement ... One could not imagine what would have been the political catastrophe of a failure, not only for enlargement, but also for the Union as a whole”.<sup>110</sup>

But there was also consensus that the few agreements on improved decision-making (e.g. more qualified majority voting) were too meagre to have met the requirements of the “fourth Copenhagen criterion”. Nevertheless, the French presidency concluded that the strategy for the final stage of accession, proposed by the commission, “together with the completion of the Intergovernmental Conference of institutional reform, will place the Union ... in a position to welcome those new Member States which are ready as from the end of 2002, in the hope that they will be able to take part in the next European Parliament elections”.<sup>111</sup> Why were France, Italy and Belgium, after having criticised the Amsterdam results, this time content with a mainly formal fulfilment of the fourth criterion? Presumably there prevailed a sense of urgency. At least the council stated that time has come “to lend fresh impetus to the process”. Besides, in Amsterdam and Nice *some* progress had been made, and furthermore, there was also a sense that more progress was possible in a not too distant future, i.e. before the election of representatives to the European Parliament.

In concrete terms, the process of improving the results of Nice was initiated at the summit in Laeken (December 2001) when the Council decided to summon a Convention on Constitutional Reform, i.e. a completely new body with considerable agenda setting power. This can be explained by past experiences: As to constitutional matters, the Commission has proved to be a weak player, being under the suspicion of constantly trying to enlarge its own power. And IGC and Council meetings where one country was chairing, were also weak on constitutional matters; in this case the

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<sup>109</sup> As quoted in Vachudova, op. cit., p. 142.

<sup>110</sup> Piris, Jean-Claude, ‘The Mackenzie Stuart Lecture 2001. The Treaty of Nice. An Imperfect Treaty but a Decisive Step Towards Enlargement’, *The Cambridge Yearbook of European Legal Studies*, Vol. 3, 2000, Cambridge, 2001, pp.15-36, esp. p. 36.

chairing government was under suspicion to tailor proposals to favour its own position. The Convention, by contrast, was free of such interests and suspicions; after the end of its deliberation it was to be dissolved, and at least formally it was independent.

The Laeken Council, following the Commission, had declared ten countries to be ready, “if the present rate of progress ... is maintained ...”<sup>112</sup>, Bulgaria and Romania being relegated to a second round in 2007, and Turkey not having a date yet. In October 2002, the Commission forwarded its final verdict, confirming that the ten countries were ready. There were voices, e.g. the MEP Markus Ferber, who claimed that the Commission’s assessment reports on e.g. Poland were “embellished”; allegedly, Poland’s preparations were highly insufficient, but she was allowed to obtain membership nevertheless, due to political considerations (mainly in Berlin) that enlargement without Poland would be “unthinkable”.<sup>113</sup> However, countries such as Poland were certainly not *perfect* performers, but the criteria explicitly allowed for a flexible interpretation. At any rate, I have seen no *evidence* that the Commission let itself be steered by other considerations than the membership criteria. In fact, this seems to be confirmed by a strange incident: On 19 November 2001 the French Foreign Minister Hubert Védrine, who once complained about Germany’s *parrainage démogogique*, asked the council why the EU should not accept Bulgaria and Romania (two countries which had been traditionally close to France) in the first row.<sup>114</sup> But Védrine had no proper chance to bring this issue forward. The previous decisions upon procedures *had* effectively destroyed the possibilities for *clientelisme*.

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<sup>111</sup> Presidency conclusions Nice European Council meeting 7,8, and 9 December, [http://www.europarl.eu.int/enlargement\\_new/europeanCouncil/pdf/nice\\_en.pdf](http://www.europarl.eu.int/enlargement_new/europeanCouncil/pdf/nice_en.pdf).

<sup>112</sup> European Council. 14 and 15 December 2001. Laeken. Presidency Conclusions, [http://www.europarl.eu.int/enlargement\\_new/europeanCouncil/pdf/laeken\\_en.pdf](http://www.europarl.eu.int/enlargement_new/europeanCouncil/pdf/laeken_en.pdf).

<sup>113</sup> Rothacher, Albrecht, ‘Die EU 25’, *Aus Politik und Zeitgeschichte*, B 5-6/2004, 2. Februar 2004, pp. 25-34, esp. p. 29.

<sup>114</sup> Leparmentier, Arnold, ‘Qui osera dire non à l’élargissement de l’Europe?’, *Le Monde*, 25/26. 11.03, p. 1. The article seems to give some support of Schimmelfennig, given the point that an anonymous “responsable européen” was quoted: “Nous sommes entrés dans un processus irréversible de faiblesse dont nous avons perdu le contrôle”; no one would dare to speak out certain things. The main preoccupations of this politician were, however, that the Union was not ready because it had not reformed its institutions sufficiently, and that the candidate countries were not in a position to fulfil the membership obligations. Perhaps the anonymous politician expressed quite accurately that the member state governments actually had lost part of the control; in 2001 no one could stop enlargement any more individually just like that. He deplored the loss of sovereignty.

There were still problems to be solved, e.g. details of the CAP. The solution was in line with the Berlin summit, i.e. ceilings and “ring-fencing”. Agrarian interests in the member states were basically protected, whereas countries such as Germany were protected against automatic increases. In fact, in real terms, after inflation, agricultural expenditures will presumably fall. And finally, the Copenhagen Summit in December 2002 had actually only to deal with relatively minor financial problems (seen from the perspective of the member countries): The financial package contained aggregated enlargement costs amounting to 41 billion euros. This was less than the ceiling which was established in Berlin in 1999, but slightly above the frame which the Council had decided in October 2002.<sup>115</sup> All in all: relatively cheap.

On 13 June 2003, the Convention agreed on a draft of the new EU Constitutional Treaty. It thereafter became the basis for negotiations at a new Intergovernmental Conference. The negotiations were at times acrimonious (the summit at Brussels in December 2003 ended inconclusively), but finally on 17/18 June 2004, the European Council was finally able to reach an agreement. In comparison to the Convention draft, the treaty is somewhat diluted, but it nevertheless contains a substantial strengthening of the decision-making capacity of the union. Qualified majority voting will be extended again (the main exceptions being foreign policy and taxes), and a “deepening clause” will allow for a further extension of majority voting, by unanimous decision, without further treaty changes. The dual majority voting (of 55 per cent of states, representing at least 65 per cent of the population) is a simple and transparent mechanism, and it is flexible as to all future enlargements. At first, Poland and Spain massively resisted the reduction of their voting weights, which dual majority implied. But finally they accepted. Perhaps more remarkable, also France, the United Kingdom and Italy accepted that their voting power were reduced relative to Germany. I conclude that these governments reckoned that an improved decision-making capacity of the Union was strongly in their interest, even if it implied a minor loss of national power.

The abolishment of the rotating presidency of the council and the inauguration of an EU president will presumably also strengthen decision-making. The greater role of the

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<sup>115</sup> Lippert, *op. cit.*, p. 13f.



parliament implies a more supra-national union, and presumably more democratic legitimacy. The new office of an EU “foreign minister” will also mean a further, albeit modest, step towards a common foreign policy.

Supposed that the Constitutional Treaty becomes ratified, it seems as if the “fourth Copenhagen criterion” eventually will be met. Ratification is, however, highly uncertain, given the point that about a dozen countries - have decided to make it conditional on approval in a national referendum. If only one country says no, technically the treaty cannot become reality. And a negative outcome is particularly likely in the case of the United Kingdom. Rather than actually solving the problems, the Constitutional Treaty seems more likely to lead the EU into new problems.

For many years to come there will be substantial uncertainty as to how the Union will work in practice. The friends of European Integration can only hope that the Nice rules will work “somehow”. Seen this way, enlargement has so far replaced one kind of uncertainty with another one. But the current uncertainties seem to be *much* less serious than those faced by the EU members at the beginning of the 1990s. Hence, we might call this development a substantial progress.

And finally, even if the Constitutional Treaty does not become reality: The institutional changes of the Amsterdam and Nice Treaties were far from unimportant. The main driving force behind them has been the Eastern Enlargement.

### **3. Theoretical Discussion**

Seen in retrospective, the process has had almost the character of an automatic development. One step after the other, necessary decisions were taken and conditions created. Not surprisingly, at many moments there were conflicts. But perhaps not so unsurprisingly, at every step compromises were found within a comparatively short span of time, even if they implied substantial losses of de-facto or even de-jure sovereignty, and even if the expected benefits were distributed unequally among the member states. This is hard to explain in a “realist” framework, but relatively easy in an interdependence perspective: All partners had a strong interest in success because they wanted to extend the zone of peace and stability which the EU actually

represents. This interest was clearly stated time and again, from the beginning of the 1990s up to now. Authoritative quotations were reproduced above, and many more could be provided.<sup>116</sup> Economic interests were also present, although to a minor extent. In the short term, enlargement produced net costs for the incumbent members, but in the longer run the increased trade and investment possibilities were expected to produce net gains. At least, the basic economic causal beliefs in the EU point this way. But it should be emphasised that these perceived net gains were rather small because the economic weight of the accession countries had been modest. And rather small because the economic weight of the accession countries had been modest. And furthermore, calculating economic gains from enlargement should be done in comparison to the status of association, e.g. free trade in most areas. The *additional* material gains of enlargement were welcome, but in themselves they would never have been sufficient to justify the large-scale transformation of the EU and the concomitant loss of de-facto sovereignty which enlargement implied.

As practically all political processes, enlargement has been a process under *uncertainty*. It entailed substantial risks, the main one being the potential paralysis of the union. The politicians, who talked about the risks and problems of enlargement, had *good reasons* for doing so. No evidence was found that they did so in order to find a pretext to delay enlargement. And contrary to many presentations, a politician such as Mitterrand was not a hidden saboteur of enlargement, but a politician who voiced the same concerns internally and externally, and who therefore was an honest politician, at least in this case.

The enlargement process can be seen as an exercise of *uncertainty reduction*. By establishing membership criteria, elaborating on them, insisting on their implementation and monitoring the candidates, the EU countries could feel reasonable safe that the newcomers would not paralyse the union. And the parallel process of

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<sup>116</sup> Just to give two more examples: The British Prime Minister John Major said in 1993: “Through Community membership we can consolidate democracy and prosperity across our continent. Without it, we risk turmoil among neighbours in Eastern and Central Europe and endanger our own long-term prosperity and stability”. (John Major, ‘Raise Your Eyes, There is a Land Beyond’, *The Economist*, 25 September 1993, as quoted in Smith, Karen E., 1999, p. 120). And Joschka Fischer said that there was “no alternative” because through enlargement stability was to be exported to the neighbouring countries (“Die Osterweiterung sei ohne Alternative, weil durch sie politische Stabilität in die Nachbarländer exportiert werde.” Lambeck, Martin S., ‘Fischer fordert rasche EU-Erweiterung’, *Die Welt*, 06.01.99).

institutional reform has progressed with the Amsterdam and Nice Treaties. It will remain incomplete until the Constitutional Treaty will be in force. But basically it seems that those politicians who spoke of the possibility of “both widening and deepening”, were right.

The reduction of uncertainty, however, has been possible only because applicant and member states voluntarily gave up de-facto sovereignty on numerous fields. This is an essential aspect of European integration. Members (and applicants) jointly accepted common rules and criteria; and they vested supranational institutions such as the Commission or the Convention with a strong important agenda-setting power. In some fields (e.g. selection of new members) this came close to a power of pre-forming decisions. As mentioned already in the introduction, enlargement can therefore be seen as “security policy” in a wide sense: Security threats were seen as being so substantial that addressing them required transcending the ordinary rules of the political game. And the dual processes of enlargement and EU reform can also be seen as “federation building” in order to address threats, as conceptualised by William Riker and David McKay (without, however, accepting the “realist” assumptions which underlie Riker’s work). In the face of substantial threats and uncertainties, it was only *rational* to transfer some sovereignty to the Community/Union level, also for those politicians who have attached high priority to national sovereignty.

The wide-ranging aspect of EU-reform and constitution as a consequence of enlargement can be seen as one very big “spill-over”. But it was not a “spill-over” in the sense of neo-functional theory, which predicted them as a consequence of integration on “low” fields of technical or economic cooperation. In the case of enlargement, strategic decisions were taken on the highest level, which then, as “spill down”, necessitated an institutional reform. More in accordance with neo-functionalism, we have seen the Commission (and the Convention) as actors in their own rights. On several occasions they played an independent role and had important agenda-setting power. They could constrain the options of the member states and were therefore much more than mere “agents”. Furthermore, on several occasions the Commission could influence the perceptions and preferences of the member states and thus practice a sort of “cultivated spill-over”.

All this creates a rather coherent picture. If we assume that the EU member countries live under conditions of interdependence, it can be easily explained that “new” security threats, spill-over effects and the independent role of supranational institutions were essential parts of the picture. Insofar, to large extent using different empirical material, some of my conclusions are similar to those reached by Karen E. Smith.<sup>117</sup>

The logic of the process, as depicted here, is inherently expansive. In the light of the reasoning above, it follows, for instance, that it is highly likely that Turkey becomes a member. The outcome will be mainly decided by an assessment whether Turkey fulfils the criteria or not. These criteria are not completely objective, they leave some leeway of interpretation. But it is rather restricted. The point that Turkey is a Muslim country cannot block for membership. In fact, Turkey has been assured that her application will be judged on the same criteria as the other accession countries.

Given that also the states of the West Balkans have received a (conditional) membership promise, in the medium term we can expect a Union of perhaps 33 members. Will the process stop there? Not, if the reasoning underlying this paper is valid. The logic of extending the zone of peace and prosperity through the construction of a Union with specific rules and with robust institutions to guarantee compliance (to quite some extent at least) is a process which is not prone to be stopped by definitions which geographers made some centuries ago. Sometimes the new “European Neighbourhood Policy” towards the Southern Mediterranean countries and Ukraine, Belarus and Moldavia is seen as implying a fixation of the borders of the EU.<sup>118</sup> But this is an over-interpretation. It is true that the strategy paper of March 2003 by the Commission mentioned that these states “do not currently have the perspective of membership”, and it made it explicit that the Union’s relations with the remaining candidate countries are on a different level.<sup>119</sup> This and other documents made it clear that the neighbourhood policy is not a first step to

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<sup>117</sup> Smith, Karen E., 1999, esp. pp. 162-84.

<sup>118</sup> “... cette politique, censée de fixer les frontières de l’Union ...”, Ferenczi, Thomas, ‘Les Européens haussent le ton à la veille d’un sommet crucial’, *Le Monde*, 25.11.04, p. 4.

<sup>119</sup> Commission of the European Communities, Communication from the Commission to the Council and European Parliament, 11.3.03, COM (2003) 104 final, ‘Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours’, p. 4.

membership, and they do not contain any *promise* in this direction. But nor do they *exclude* any future membership of, say, Ukraine.

According to the historical reconstruction above, the *main* actors were the member states (and the accession states), or more precisely, the national governments. This seems at first glance to vindicate an intergovernmental approach, as formulated e.g. by *Andrew Moravcsik*.<sup>120</sup> We have indeed met some instances which resemble Moravcsik's models of "preference formation", "interstate bargaining" or "package deal". This has been the case to some extent e.g. with the EC-internal negotiations of the Europe Agreements, with their "side-payments" to e.g. the textile industry.<sup>121</sup> As to the process as a whole, however, Moravcsik's intergovernmentalism does not seem to describe the process well. To begin with, enlargement was mainly initiated and steered from above, by the governments. Forces such as social groups, interest lobbies or the public at large were mainly absent, uninterested, or if acting, then actually reacting. So, Moravcsik's basic model ("Groups articulate preferences, governments aggregate them")<sup>122</sup> is rarely to be found in the process. Instead, the governments have been acting autonomously to a very high extent.<sup>123</sup> And when they met at the negotiation table, the term "interstate bargaining" is often not very suitable. The governments (and institutions such as the Commission) were often internally divided, and sympathisers and sceptics as to certain proposals were grouped transnationally. The discussions were often more *deliberations* than bargains. Of *bargains* we can speak when states with opposing interests find compromises on a give-and-take basis. But during enlargement, the governments shared *essentially* the same view and perceived their main interest – to secure stability – as being basically identical. Differences arose mainly when it came to assess the potential risks, and the means to

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<sup>120</sup> Moravcsik, 1993, op. cit..

<sup>121</sup> See above, section 2.1.

<sup>122</sup> Moravcsik, 1993, p. 39.

<sup>123</sup> Moravcsik actually concedes that his model of national preference formation where governments aggregate the preferences of groups, is not very relevant for decisions which aim at providing "non-socioeconomic collective goods" (such as securing stability), or as to decisions about the reform of EU institutions. "The more general and less predictable the implications of decisions on the relative power of institutions, the larger the space for leading politicians and partisan elites to act on the basis of ideological predilections." (Moravcsik, op. cit., p. 50). This implies that his model of liberal institutionalism is not relevant for the historical decisions such as enlargement or constitutional policies (questions which the present author regards as the most important ones when studying European integration). It is also striking that Moravcsik treats conscious federalist policies (of e.g. Fischer, Kohl, Mitterand, Schröder, and many others) exclusively as "ideological predilections". So, did these

address them. Under such a constellation, insisting on one's own position would mean to be stubborn in the face of good arguments – a highly unprofessional attitude. This pattern, more *seminar-like deliberation* than bargaining, was to be found already during the negotiations leading to the EMU.<sup>124</sup> The climate of deliberation also made it easier for the Commission to exert a rather strong influence. Being in principle impartial and having a huge amount of professional expertise, it could produce *good arguments* and thereby influence the perceptions of the member-state representatives.

Seen from this perspective, Moravcsik substantially underrates the federalist dynamics of the EU. As we have seen, the process of enlargement caused substantial reductions of member-state sovereignty (at least de-facto), and a substantial strengthening of the supranational level. All this harmonises badly with Moravcsik's emphasis on the intergovernmental character of EU-cooperation. In 2003, together with Milada Anna Vachudova, he defended his perspective in the context of enlargement.<sup>125</sup> This article is highly interesting and stimulating, but I cannot follow when they write that enlargement

is in fact more likely to reinforce current EU trends toward slower legislative and reform output; greater budgetary conflict over structural funding; more pressure to reform the CAP; greater 'pillarization' of governance; a stronger Council vis-à-vis the Commission; more recourse to flexibility and coalitions of the willing; a shift in focus from deepening to widening; and above all, an emergent 'constitutional compromise' in which the regulation of much of the economy is internationalised but social, cultural, educational, and other policies remain largely national. Die-hard federalists view this compromise as a prima facie of failure; they have provoked a constitutional convention to re-inspire Europeans ... But it is not a failure. Instead of proving Europe's constitutional compromise as bankrupt, enlargement reveals its maturity and durability. This is true both in the sense that further deepening is no longer necessary to solidify prior reforms and that widening ... takes place with relative ease and without a major change of course.<sup>126</sup>

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politicians not have any *rational* reasons? And if they did, would this apply to assumptions on Rational Choice, which lie at the bottom of Moravcsik's models?

<sup>124</sup> The "key to change was the willingness of the French negotiators (and of others like the Italians) to reflect critically on their own beliefs and to change them, at least in part, in the light of experience ..." Dyson and Featherstone, op. cit., p. 33.

<sup>125</sup> Moravcsik, Andrew and Vachudova, Milada Anna, 'National Interests, State Power, and EU Enlargement', *East European Politics and Societies*, Vol. 17, 2003, No. 1, pp. 42-57.

Only a few months after that Moravcsik/Vachudova's text was printed, the far-reaching proposals of the Convention made these lines look fairly outdated. In fact, they were so long before. And whereas Moravcsik/Vachudova see enlargement as taking place with "relative ease", political practitioners have felt a "good deal of nervousness"<sup>127</sup> – small wonder, the amount of change, and the uncertainties about the Union after enlargement taken into consideration.

I agree, however, with Moravcsik/Vachudova when they stress that enlargement took place because it was in the interest of the member states. Or rather, that the member-state governments *perceived* it as being in their interest. There has been a basic consensus among *all* member states that the potential threats from instability in Central and Eastern Europe were of such a weight that they should be addressed by far-reaching measures, even if this implied the loss of de-facto sovereignty. There was also a basic consensus that enlargement might entail substantial problems for the functioning of the EU. The concrete details of enlargement had to be hammered out in a way that both problems could be addressed.

When we stress the importance of risk *assessments* and *perceptions*, we enter themes which have been central to Social Constructivism. We should indeed ask why EU politicians have attached such a high priority to problems of security and stability. It is by no means given that politicians should do so. In some respect, the widespread feelings of uncertainty and potential dangers might have been exaggerated. This seems, for instance, to have been the case as regards the "irrational emotions" which German unification stirred in 1989/90.<sup>128</sup> Were there more irrational emotions at work? Was perhaps the whole feeling of *profound* security threats exaggerated? I do not think so, historical experiences and theoretical considerations (high interdependence and therefore high vulnerability) point towards the conclusion that the threats were correctly assessed. In general, social constructivist research, which

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<sup>126</sup> Ibid., p. 57.

<sup>127</sup> As Helen Wallace observed, quoted in Sjursen, Helene, 'Why Expand? The Question of Justification in the EU's Enlargement Policy', *ARENA Working Paper* No. 6, Oslo, February 2001, p. 1. See also Leparmentier, Arnold, 'Qui osera dire non à l'élargissement de l'Europe?', *Le Monde*, 25/26. 11.03, p. 1., more extensively quoted above, footnote 112.

<sup>128</sup> See above, footnote 66.

would tell us more about the mechanisms of perception, of identifying central values and defining essential interests, could produce very important insights.

However, more specifically as to Eastern Enlargement, only to a limited extent can I follow some recent social constructivist contributions. This is, for instance, the case with *Frank Schimmelfennig's* notion of “rhetorical entrapment”.<sup>129</sup> According to this author, some member states were actually against enlargement. But blocking it would bring these countries into a conflict with some basic values and standards of legitimacy which they themselves previously had expounded in an emphatic manner. The candidate countries and enlargement supporters could exploit this dilemma for “rhetorical action”, basically “shaming” the enlargement opponents, saying that they were untrue to their own values if they opposed enlargement. This way they could successfully “silence” the opponents.

More specifically, Schimmelfennig underlines that there were factors which, on the one hand, made enlargement beneficial for the member states:<sup>130</sup>

Enlargement can be seen as an instrument to stabilize Central and Eastern Europe, to control the negative externalities of political and economic transformation in the East, and to expand the borders of the EU zone of peace and prosperity. Therefore, border states have a strong interest in enlargement.

Second, geographical proximity creates opportunities for economic gains from trade and investment ...

These potential gains were, however, unevenly distributed; it was mainly those at the eastern border of the EU who would profit from it.

On the other hand, according to Schimmelfennig, some member states had to face substantial losses in the case of enlargement, out of three reasons. Firstly,<sup>131</sup> some member states at lower levels of economic development have specialised in the same

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<sup>129</sup> Schimmelfennig, Frank, ‘The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union’, *International Organization*, 55, 1, Winter 2001, pp. 47-80.

<sup>130</sup> *Ibid.*, p. 50.

<sup>131</sup> *Ibid.*, p. 52.



traditional industries (agriculture, textiles, leather, metal-working) as the countries in Central and Eastern Europe, so EU enlargement would mean fiercer competition for themselves. Secondly, all candidate countries would become net recipients of the EU transfers from the Structural Funds and the Common Agricultural Policy (CAP), so that countries such as Spain, Ireland, Greece and Portugal had to face a reduction of the transfers to themselves. Finally, some member states had to fear that the candidates, for reasons of geographical proximity, would side with Germany in EU decision-making, this way making the largest EU country even larger. “This is the standard interpretation of French reluctance towards enlargement.”<sup>132</sup>

Schimmelfennig concluded that the uneven distribution of benefits and losses created a division inside the EU between “drivers” and “brakemen” of enlargement. Austria, Britain, Denmark, Finland, Germany and Sweden supported enlargement, whereas Belgium, France, Greece, Ireland, Italy, Luxemburg, the Netherlands, Portugal and Spain tried to pull the brake.<sup>133</sup> Association of the Central and Eastern European countries to the EU during the first half of the 1990s actually fit the preferences of both groups. However, interests and preferences cannot explain the transition to the next state, enlargement proper. “Given the asymmetrical structures of material bargaining power, neither the ‘drivers’ in the EU nor the Central and Eastern European countries were capable of turning association into enlargement.”<sup>134</sup> But at this point, candidate countries and drivers could resort to “rhetorical action”, i.e. expose the discrepancy between deeds and words of the opponents, thereby successfully “shaming” the opponents into silence. Entrapped by their previous rhetoric, the enlargement opponents had to accept a development against their preferences.

Schimmelfennig’s presentation is surely original, and this is perhaps the reason why it seems to have been met with quite some acclaim. But his basic tenets are not tenable. Firstly, his key notion of “rhetorical entrapment” is without empirical basis. As we have seen in the historical reconstruction, up to 1993 the EU member governments consistently refused to give any membership promise. They promised help, and they

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<sup>132</sup> Ibid., p. 53.

<sup>133</sup> Ibid., p. 50. Schimmelfennig distinguishes further between drivers/brakemen of “limited” versus “inclusive” enlargement. This distinction does, however, not play a bigger role in this context.

gave help (it might be discussed whether it was sufficient help), but they carefully *avoided being trapped* by any promises which they might regret. And when in 1993 they did promise membership, it was strongly conditional. Furthermore, Schimmelfennig's classification of some members states as "brakemen" is solely based on abstract model reasoning, with no documentation as regards the perceptions, the preferences and actual policies of the governments in question. As we have seen above, countries such as Italy or Spain, classified as "brakemen" by him, have actually actively accelerated the process. And when he juxtaposes Germany ("driver") and France ("brakeman")<sup>135</sup> he seems to neglect completely that both countries had rather identical positions in 1990. He is right when he classifies France as being "reluctant", but "reluctant" is not the same as "being against". Also Germany was "reluctant", actually every one was, and with good reasons. But all governments turned less reluctant, their positions *developed*, another aspect being absent in Schimmelfennig's static distinction. And all countries viewed enlargement as being in their interests, given the expected security gains.

When it comes to "rhetorical action", he is certainly right that it was part of the game to put moral pressure on very reluctant government representatives. But again, he delivers no empirical evidence that this actually moved anything. And in more general terms, "shaming" can have *some* effect in modern democracies, but I cannot share Schimmelfennig's implicit optimism about the political potential of shaming. After all, among the EU leaders we find many who do not let themselves be disturbed by "shaming"; suffice perhaps to mention Silvio Berlusconi. All in all, Schimmelfennig's contribution is interesting. But it does not explain enlargement.

Also Karin M. Fierke and Antje Wiener emphasise the importance of values, norms and rhetoric.<sup>136</sup> They try to explain the enlargements of both NATO and EU by an argumentation which "draws on a Wittgensteinian constructivism where meaning and language are central to the construction of identity and interest."<sup>137</sup> In their account,

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<sup>134</sup> Ibid., p. 56.

<sup>135</sup> Ibid., p. 50. The only argument to support the classification of France is related to an (undocumented) French fear of more German influence, "the standard interpretation of French reluctance" (p. 53), emphasis mine, WZ.

<sup>136</sup> Fierke, K.M. and Wiener, Antje, 'Constructing institutional interests: EU and NATO enlargement', *Journal of European Public Policy* 6:5 December 1999, pp. 721-44.

<sup>137</sup> Ibid., p. 724,

the Final Act of the Helsinki Conference, signed on 1 August 1975, played an important role for Western identity. They quote an article in the NATO Review according to which the Final Act, although not having the force of law, created a “strong moral obligation on signatories to translate its promises into reality.”<sup>138</sup> The Final Act was an example of a “speech act”, with consequences for the Western countries. As Lord Carrington, quoted in this context, formulated it in 1983: “We have a historical duty, and political and moral responsibility to uphold their [*the peoples of Eastern Europe, WZ*] right to freedom and self-determination”.<sup>139</sup>

According to Fierke/Wiener, the context changed dramatically from 1989 to 1991, and “past promises became one of the stable features in an otherwise uncertain situation”.<sup>140</sup> The Western policy was disappointing in the beginning, but: “Too great an inconsistency between the normative ideals which the West represented and its practices towards the CEECs would be damaging to the identity of the EU and NATO”.<sup>141</sup> As regards the EU (we omit NATO here), Fierke/Wiener point at the Preamble of the Single Act, the Maastricht Treaty of 1991, the Copenhagen Summit and finally the Amsterdam Treaty. They conclude: “The promise of enlargement is hence firmly expressed in the Treaty, on the condition that the candidates are European states, governed democratically, and based on the principles of law”.<sup>142</sup>

“Recent documents” – the article appeared in 1999 – point, however to the development of a policy of conditionality. An example is the respect for minorities, something which is not explicitly mentioned in the *acquis* to which the western members have adhered. “We can, therefore, speak of hurdles being constructed for eastern candidate countries. There is a clear tension between the promises of the past and the slow emergence of present concerns.”<sup>143</sup> In 1999, money became another major constraint in the process of enlargement. “An EU identity based on western democratic principles, and the related promise of enlargement, are at odds with emerging practical policy problems. A discursive analysis reveals that continuity in

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<sup>138</sup> Ibid., p. 727.

<sup>139</sup> Ibid., p. 728f.

<sup>140</sup> Ibid., p. 729.

<sup>141</sup> Ibid., p. 731.

<sup>142</sup> Ibid., p. 732.

<sup>143</sup> Ibid., p. 732f.

the enlargement process, despite frequently raised concerns, can be explained in terms of an EU identity rooted in shared norms and values.”<sup>144</sup>

Concluding, Fierke/Wiener emphasise the “role of language. The reluctance to take language seriously undoubtedly relates to a widespread acceptance of the realist assumption that the primary speech act of diplomats is the lie and that states will break their promises if it is in their interests to do so”.<sup>145</sup> I am not sure that this is really a realist assumption. At any rate, Fierke/Wiener leave their “Wittgensteinian constructivist approach” when they write: “If western acts were not consistent with past promises, the consequence would be a loss of popular support for democratic institutions and a free market economy, which would acerbate nationalist tensions and ethnic rivalries in the region, *creating a security threat for the West*”.<sup>146</sup> I agree completely. But this is an argumentation based on the security interest of the member states, we do not need Wittgenstein in this context.

Fierke/Wiener ask us “to take language seriously”. But do they really do so themselves? As quoted above, in Fierke/Wiener’s view the Helsinki Act of 1975 (and an interpretation of it by Lord Carrington) deliver the key for their interpretation of enlargement. But neither the Helsinki Declaration nor Lord Carrington said anything about membership in NATO or EC. Carrington spoke about the responsibility of the West “to uphold their right to freedom and self-determination”. But supporting their right to freedom is not the same as promising membership. Here we again have the problem that the promise of the West to *help* is equated with a membership promise. And when it comes to the conditions of membership, as formulated in Copenhagen 1993, Fierke/Wiener only mention that “the candidates are European states, governed democratically, and based on the principles of law”. This is a distortion by omission. The economic and administrative criteria are not mentioned at all (functioning market economy, capacity to cope with the competitive pressure within the union, ability to take on the obligations of membership). Also the fourth criterion (“The Union’s capacity to absorb new members, while maintaining the momentum of European integration ...”) is omitted. The authors thereby substantially underrated the *strong*

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<sup>144</sup> Ibid., p. 734.

<sup>145</sup> Ibid., p. 737.

<sup>146</sup> Ibid., emphasis added.

*conditionality* of the Copenhagen promise. And as we have seen above, over time the EU has gradually formulated the criteria in a more precise manner, while it at the same time increased the amount of aid and targeted it on those fields which constituted the greatest obstacles to membership. It is therefore quite a misrepresentation of the process when Fierke/Wiener claim that in the end of the nineties “hurdles” were “constructed for the eastern candidate countries”. And currently (2004) it actually appears that the hurdles, if anything, were *too low*. At least, there is substantial uneasiness in the EU system that e.g. Poland is far from ready to take on the obligations of a membership.<sup>147</sup>

All in all, also this article is an interesting and original approach. And I can certainly agree with Fierke/Wiener that speech acts can create political facts. But as to the concrete process of enlargement, I cannot follow their way of reasoning.

*Helene Sjursen* presents a different version of social constructivism.<sup>148</sup> She points at some obvious risks of the enlargement process (disturbing the internal order of the EU, the risks of new frontiers in Europe, a possible wave of resentment in the candidate countries due to the painful adaptations) and quotes approvingly Helen Wallace, namely that “enlargement is a prospect which is prompting a good deal of nervousness among practitioners”. Sjursen then asks: “Given these risks, why does not the European Union simply choose to remain as it is? And why do not individual member states, in particular those that expect to pay the highest price for enlargement, use their power to veto this process? Assuming, as most of the literature on international relations does, that actors seek to maximise their own interests, this is what we would expect of the EU”.<sup>149</sup>

This is again similar to Schimelfennig’s starting point, and as such subject to the same criticism. Also Sjursen does not discuss the fact that all countries viewed enlargement as being in their interest because of the perceived security gains. This, however, as such does not invalidate her following reasoning, namely that “a sense of ‘kinship-

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<sup>147</sup> “Poland in particular is accused by officials in a number of departments of failing to adopt EU law once it became clear that its membership was guaranteed.” Parker, George and Dempsey, Judy, ‘Unease over pace of reform in new EU states’, *Financial Times*, 23 February 2004, p. 2.

<sup>148</sup> Sjursen, Helene, ‘Why Expand? The Question of Justification in the EU’s Enlargement Policy’, *ARENA Working Paper* No. 6, Oslo, February 2001.

based duty' is particularly important in the EU's enlargement policy".<sup>150</sup> More specifically, when looking at EU statements, "what emerges as a predominant and systematic pattern is the description of East and West in Europe as two parts of the same identity. The aim of policies towards Eastern Europe is to 'overcome the division'. This is a constant factor not only in policy-documents and speeches on enlargement after 1989 but also in Western policies towards Eastern Europe during the Cold War. The underlying argument is that Eastern Europe is a part of 'us' that now must be returned".<sup>151</sup>

By contrast, EU politicians describe Turkey in terms such as "important partner"; a sense of "duty" or "kinship" is absent. "This might then contribute to our understanding of why Turkey has not been prioritised in the EU enlargement policy. Furthermore, the fact that the element of kinship-based duty is so strong in the arguments related to enlargement towards Central and Eastern Europe might contribute to explain why important financial efforts are put into helping for example Poland to fulfil the conditions for the membership."<sup>152</sup>

I agree that European kinship feelings are a factor in this process. Human beings are no machines, not even top politicians. Furthermore, Sjursen can find further support in the publicly voiced scepticism among, for instance, German Christian Democrats as regards Turkey's membership. But her paper does not contain evidence that kinship feelings actually influenced *decisions*. Nor can her argumentation explain why e.g. Bulgaria and Romania had been put back to the second row of enlargement. Currently (2004) it looks probable that Turkey becomes a member before countries such as Serbia or Ukraine. In fact, there are important persons, e.g. the former long-term Danish foreign minister Uffe Ellemann-Jensen, who have proposed that the EU should fix an eastern boundary and keep the members of the Community of Independent States (CIS) out for good, i.e., except from the Baltic states, all former

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<sup>149</sup> Ibid., p. 1.

<sup>150</sup> Ibid., p. 2.

<sup>151</sup> Ibid., p. 17.

<sup>152</sup> Ibid., p. 18f.

Soviet Republics.<sup>153</sup> So, how much could a “European-kinship” argument really explain?

Turkey has received a firm promise that her membership application will be evaluated along the same criteria as the central and eastern European accession countries. Kinship feeling or not, if Turkey is able to fulfil the criteria, she will become a member.

Concepts such as “community” or “identity” should rather be seen as dependent variables, not as independent ones. A community feeling will develop when groups can cooperate in practical terms; when they can communicate sufficiently in making agreements; when they in practice prove that they act loyally as to these agreements; and when they develop common goals. All this seems to be possible as regards Turkey.

The Franco-German relations might serve as a historic example for such a development. By 1950 these “hereditary enemies” realised that they had common interests, and all of a sudden they detected their common Carolingian roots. Common “roots” can also be detected (not to say: invented) in the case of Turkey. One possibility is e.g. to stress the many traits which Christianity and Islam have in common, both being “Abrahamite” religions. So is, by the way, the Jewish one. Also a membership of Israel – discussed already as a long-term possibility in Israel – could be justified along these lines. If you want to find common “roots”, you will find them.

To sum up, Eastern Enlargement can best be explained as security policy in a wide sense. Economic interests played a role, too, but they were of minor importance. The main actors have been those national governments that followed a policy which they perceived as being in their own interest. For the sake of these interests they accepted substantial reductions of their sovereignty. Cases of “spill-over” were important aspects of the development, supranational actors such as the Commission played at times a substantial role. The process seems to follow an expansive logic.

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<sup>153</sup> Ellemann-Jensen, Uffe, ‘Den permanente udvidelse’, Nedergaard, Peter, Boel, Erik and Barfoed, Lars (red.), *Den europæiske nødvendighed. 37 vinduer mod fremtidens EU*, København, 2002, pp. 62-8, esp. p. 68.

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