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The mechanism and the possibilities of the EU enlargement

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Abstract

The article aims to explore the EU integration, specify the stages and steps of EU enlargement, and propose the classification of states willing to be admitted to EU. Moreover, the article tackles with the possibilities of potential candidates for joining European Union and candidate states, analyses the EU membership notion and touches upon the problem of expediency of further EU enlargement.

The article specifies that the mechanism of the EU enlargement is the complex of stages and a dynamic political and legal process including criteria adopted at the EU summit in Copenhagen in 1993, namely geographic, political and economic. Yet it lacks a standard and doctrinal definition of procedure of admitting to EU.

All the countries stated their wish of EU membership can be divided into three group: the states-potential candidates, the states-candidates, and the countries willing to join EU. The author concludes that all the countries of the second group (Iceland, Macedonia, Turkey, Montenegro, and Serbia) face the problems that could be an obstacle for their EU admission. However, the problem might be controversial based on the example of Croatia established as an EU member on 1 July, 2013 in spite of the clear problems with legal system.

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Keywords

European Union, EU enlargement, EU integration, criteria of EU membership, member states, potential member states, candidate-countries.

Introduction

The unique subject of international law, European Union (EU) is interesting for research from different points of view. The EU is an economic and political partnership that represents a unique

form of cooperation among 28 member states today [Archik, Vincent, 2014]. The issues connected with its enlargement have become particularly acute for the last few years. EU enlargement can be discussed in terms of revealing its purposes, its historical significance, in terms of its positive and negative consequences both for EU members and for other countries, international organizations, for the international community as a whole. These issues as well as other ones are actively discussed not only in scientific and political circles, but among specialists, not dealing with this problem directly. In fact, a thorough research of EU enlargement is aimed to answering the question: "How will the world change? In what way will it affect the life of individuals?". It should be noted that there is no doctrinal definition of EU enlargement, however the majority of authors dealing with EU enlargement say, first and foremost, about the process of gradual formation of the structure of this organization [Chetverikov, 2009, 49]. Some authors use the term "the geographical EU enlargement" [Isachenko, www].

The enlargement mechanism

One of the aspects of this problem, in its broad sense, is the mechanism of making new states EU members. The interest to this question can be conditioned, in the first place, by the fact that the process of admitting new members is by no means something that should be taken for granted, it is not static, it is dynamic by nature, it acquires new traits, its changes go along with the changes of the organization itself. The study of this process has a direct practical importance: it helps to determine particular rules and regulations, which can be taken into account by states, willing to become EU members, the lack of knowledge of these rules can put off EU membership for an indefinite period of time or even make it practically impossible. In the second place, the whole process of admitting new member states is greatly influenced by two aspects at a time – political and legal, and it should be kept in mind, that problems existing at the junction of politics and law never have a similar meaning, and, as a rule, are elucidated in literature fragmentarily or unilaterally or not elucidated at all and for that reason, are worth a thorough analysis.

Determining the problems and prospects the concrete states face with on entering EU brings into sharp focus a number of tasks. To begin with, the absence of starting point, namely – a standard and doctrinal definition of procedure of admitting to EU needs bridging the gap, the mechanism of the admission to membership in EU is roughly regulated in Article 49 of the Treaty on European Union (also known as the Maastricht Treaty) and consists of a number of successive stages, which, however, are not directly named in the Treaty, and, therefore, are not thrown light upon. Nevertheless, to determine them is possible by interpreting the legal regulations of international law, as well as by making use of the existing practice. From our point of view, this term should be given the following definition – the mechanism of admission to EU is the complex of stages successively followed by every state, willing to enter EU.

1. Adopting by the state an internal act, reflecting the will of the state for entering EU.

2. Putting in an official application to EU Council.
3. Confirming a status of a candidate – EU member to a state, having made the application.
4. Negotiations on the problem of admitting a EU candidate member state.
5. Concluding and ratifying Treaty of EU admission.

Secondly, to get a comprehensive notion about the subject of research it is necessary to determine the peculiarities of European integration that would enable to define the main tendencies of this process. It might be possible by analyzing six stages of EU enlargement. The stages of EU enlargement in terms of aims, criteria and conditions of admitting new members, the economic development of nations entering the European Union enables to single out the following indications of European integration [Orlova, Kukhnina, 2014, 168].

1. Integration processes are reputed to be complicated, multipurpose and complex, as in the process of implementing integration ideas by European states at the same time there are being solved some old or newly appeared problems in their mutual relations in the sphere of politics or other spheres;

2. The progressive and successive character of developing the ideas of integration and the process of its implementation;

3. The uneven development of European integration process;

4. The process of EU enlargement tends to get more formalized.

A state, willing to be admitted to EU shall meet the requirements, settled in Article 49 of EU Treaty and also correspond to the criteria for membership, adopted at the EU summit in Copenhagen in 1993, namely geographic, political and economic. These criteria for EU membership require that candidates should achieve "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" [European..., 1993, 13]. The potential states – EU members shall adapt their domestic legislation to the principles of international law. Besides, a state, willing to become an EU member shall be given an assent, in the first place, by EU institutions, and, in the second place, by the states – EU members, in the third place, by their own citizens.

The states, having claims on admission

The states, having claims on admission to the EU membership in accordance with the existing classification are divided into 3 groups:

- the states-potential candidates;
- the states-candidates;
- the countries willing to join EU.

The potential candidates for admission to EU are: Albania, Bosnia and Herzegovina, and Kosovo. These countries of Eastern Balkan Mountains will be given an official status of candidate states only in case they are ready for it. These countries are involved into the so-called process of stabilization and association, aimed to rendering assistance to these states in their advancing to joining EU. Most analysts believe that it will likely be many years before any of these countries are ready to join EU.

At present 5 states have a status of a candidate for being admitted to EU: Iceland, Turkey, Macedonia, Montenegro and Serbia. A state becomes an official candidate for admission when "the country is ready for it, it mustn't necessarily mean that official negotiations with this particular country have already started" [Official..., www].

Iceland had all chance of following Croatia (which became an established EU member on 1 July, 2013), in spite of the problems with legal system and in the sphere of financial supervision. Its legislation is in great accordance with EU legislation. But Iceland's recent national elections in April 2013, in which voters returned to power a center-right government largely opposed to EU membership, have thrown Iceland's future EU prospects into doubt [Fox, 2013].

The admission to EU of Macedonia, having had a status of a candidate-state since 2005 is blocked by Greece, demanding that Macedonia should change its constitutional denomination. The negotiations for admission Macedonia to EU haven't been initiated yet. Macedonia's political crisis in 2013 increased EU concerns about the country's democratic progress and appears to be contributing to the delay in opening accession negotiations with Macedonia.

Montenegro got a status of an EU candidate country in December, 2010, the negotiating process concerning this state started in December, 2012. One of the most acute problems of this country is corruption; to combat it a new anticorruption legislation is necessary to make.

Serbia got an official status of a candidate state for admission to EU on 1 March, 2012 at the EU summit. In June the EU announces about the opening accession negotiations by January 2014. But some experts consider that even once negotiations begin, Serbia will not be able to join the EU for many years. "It is unlikely that EU would admit Serbia as a member until Kosovo's status is fully resolved" [Rettman, 2013, www].

The sharpest situation has arisen regarding the admission Turkey to EU, the process of its admission began as far back as in 1987. It acquired a candidate status at the summit in Helsinki, in 1999. The process of verifying the legislation of Turkey was completed in October, 2006. The main conclusions the Commission arrived at are positive. The supporters of Turkey to be admitted to EU affirm that Turkey is likely to strengthen the EU position as a global geostatic player due to its large-scale economy and considerable armed forces. Nevertheless, in EU there also exists an opposition to admitting Turkey. This point of view is particularly supported by France and Germany. The opponents to Turkey being admitted insist that Turkey doesn't stick to the key principles of liberal democracy, such as freedom of speech. Another negative point in the opponent's opinion is the probable change in the balance of forces in representative European organizations (in Euro-

pean Parliament, for instance). Apart from anything else, some politicians object to admitting the country, being, to a large extent, Muslim. In 2004 the present chairman of European Council Herman Van Rompuy declared during a meeting of the Council of Europe on the subject of Turkey's possible entry into the EU, held in the Belgian parliament that "Turkey is not a part of Europe and will never be part of Europe... EU enlargement at the expense of Turkey can never be equated to any enlargement taken place in the past. The universal values, embodying the might and power of Europe, being the fundamental Christianity values will lose vigour with the entry of a large Islamic country such as Turkey" [Van, 2009]. Only a small part of the Turkey territory is located in Europe, judging by its official geographic position. The conflict between Greece and Turkey concerning Northern Cyprus can be regarded as one more problem. In spite of such a sharp remark, in May, 2012 the EU and Turkey launched a "positive agenda", highlighting areas where they could expand co-operation. The Commission's report on Turkey in October 2012 criticized various human rights abuses, including the use of anti-terror laws [Official..., www]. For this reason, according to the author, Turkey is likely to be the last among other potential candidates, seeking admission to EU (probably by 2020).

Conclusion

On 1 July, 2013 Croatia became a full EU member, but to what extent was it reasonable? Did it correspond to the interests of the European Union? Among all EU member states Croatia is the "third-poorest nation in the EU, with unemployment covering around 20 percent..." In March 2013 European Commission expressed concern over Croatia's low level of legal penalties in corruption cases and its effectiveness in battling human trafficking and organized crime [Trifkovic, 2013]. What does it mean? May be, it should have been more reasonable to take some time to reflect and give Croatia a chance of improving her domestic characteristics. No doubt, that formal criteria were taken into account, though some critical remarks were made. Actually in European Union there appeared one more state, which is most likely to seek EU assistance and is unlikely to become a full EU member. After Croatia's admission, from our point of view, it is time to stop and think over the problem: how long and to what extent EU is ready to open its doors and welcome new members, whether it is worth welcoming those states, which suit the formal criteria of 1993 with great stipulations.

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Механизм и возможности расширения ЕС

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Аннотация

В статье рассматривается процесс европейской интеграции, выделяются стадии и ступени расширения пространства Европейского союза, представляется классификация государств, желающих стать членами Европейского союза. Также статья освещает возможности стран-потенциальных кандидатов относительно вступления в Европейский союз. Автор статьи анализирует положение стран, уже ставших кандидатами, рассматривает целесообразность расширения Европейского союза и затрагивает возможные проблемы, связанные с этим процессом.

В статье указано, что несмотря на комплексный характер процессов и критериев (географических, политических и экономических), механизм присоединения к ЕС не име-

ет стандартного определения процедуры вступления. Это осложняется также фактом присоединения Хорватии к ЕС в 2013 году, несмотря на явное несоответствие правовой системы страны условиям присоединения.

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Ключевые слова

Европейский союз, расширение ЕС, европейская интеграция, критерии членства в ЕС, страны-участницы, потенциальные страны-участницы, страны-кандидаты в ЕС.

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