

The Associated Trio, political conditionality, and the dynamics of EU enlargement policy

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Abstract: *L'Associated Trio, la condizionalità e le dinamiche della politica di allargamento dell'Unione europea* - The EU's membership conditionality, known as the Copenhagen criteria, has a history in the enlargement process but shows variation in its consistent application. In 2021, Georgia, Moldova, and Ukraine formed an Associated Trio, expressing their shared desire to join the EU. In 2022, Ukraine and Moldova were granted candidate status, followed by Georgia in 2023. This paper examines the unique political context, conditionality, and external influences affecting these countries' EU aspirations. It seeks to uncover differences and assess whether the Associated Trio alters the EU enlargement policy dynamics. The study primarily employs qualitative methods within a descriptive and interpretative case study framework, complemented by quantitative data analysis to assess ongoing trends in EU enlargement policy.

Keywords: EU, conditionality, enlargement, Associated Trio, accession

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1. Methodology

The phenomenon under investigation in the present paper is the changes in the dynamics of EU enlargement policy, driven by the war between Russia and Ukraine and by the subsequent admission of Ukraine, Republic of Moldova (Moldova), and Georgia as candidates to the EU. The case of the Associated Trio, formed by Ukraine, Moldova, and Georgia, is the unit of analysis chosen to serve this purpose. While particularities of the members of the Associated Trio are highlighted, the goal is not to compare the three countries one to the other, but rather to treat the Associated Trio as a unitary phenomenon.

The reason for choosing the Associated Trio countries is that their path to EU membership was suddenly brought into debate by the war between Russia and Ukraine, determining an unexpected and topical shift in the EU enlargement process. No other country has been awarded candidate status as fast as Ukraine, Moldova, and Georgia. Russia is a common denominator for the group of countries, and the war against Ukraine has served as a catalyser for prompting EU action and reaction.

In assessing whether the treatment of the Associated Trio changes the paradigm of the dynamics of EU enlargement policy, the paper aims at discussing the particularities of political conditionality applied to the three countries that aspire to join the EU, with the aim of identifying meaningful

differences, the impact of external factors and the visible consequences so far.

Structurally, the paper sets out with literature review, to outline the relevant existing research and debates around EU enlargement. Existing literature is important for placing the main and secondary research questions in context and identifying the relationship of the research to the topic and to other works on EU enlargement.

The paper then proceeds to making a descriptive and interpretative case study, aimed at describing and understanding the enlargement phenomenon under the impetus of the recent geopolitical changes. The focus is directed towards issues which depend on or are influenced by politics, political conditionality, and political accession criteria, without a claim of achieving an exhaustive analysis.

While the research is mainly qualitative, for the purpose of evaluating and comparing the trends and processes that affect aspiring EU members and that drive EU enlargement policies at present, the factual information gathered was processed through spreadsheets resulting in graphs and comparative tables. The sources of the data used for creating charts, graphs and tables have been indicated in the correlative footnotes. The quantitative approach is meant to reveal objective data to support the general framework of the paper.

The sources of data used for the purposes of the paper are official EU documents, public documents issued by relevant EU institutions, political statements, country reports issued by NGOs, statistics made by supranational organisations and NGOs, press releases and media sources, selected according to the CRAAP test (currency, relevance, authority, accuracy, purpose)¹.

2. EU enlargement and political conditionality

The year 2023 marked 40 years of European enlargement, since Denmark, Ireland and the United Kingdom joined the European Community (EC) on the 1st of January 1973. For the first three waves of enlargement (1973 - Denmark, Ireland, United Kingdom, 1981 - Greece, 1986 - Spain, Portugal), the accession criteria were simply to be a European country complying with the EC standards and rules. The policy of enlargement of the European Union (EU) has evolved with each enlargement wave that followed, alongside with EU priorities and legal framework. The European Union (EU) lists enlargement as one of its objectives, justified by its capacity to enhance EU presence on the global stage, and as an instrument for promoting political, economic, and societal reforms, consolidating peace, stability, and democracy across the continent.² (Yet, this objective is by no means an obligation. Neither the Treaties nor public international law grant

¹ B. Kilcrease, *Falsehood and Fallacy - How to Think, Read, and Write in the Twenty-First Century*, Toronto, 2021, 55-83.

² <https://www.europarl.europa.eu/factsheets/en/sheet/167/the-enlargement-of-the-union>, accessed 21.10.2023.

a right to accede to the EU, obtain candidate status or request the initiation of accession negotiations.³)

The most recent expansions, following the year 2004, adding countries from Central and Eastern Europe, as well as from the Mediterranean region, represented a key step in the enlargement policy's development and in codifying the idea of “conditionality”.

Political conditionality implies that a state (or an international organization) links perceived benefits to another state, such as aid, trade concessions, cooperation agreements, political contacts, or membership in an international organisation, to the satisfaction of requirements relating to the advancement of democratic principles and the protection of human rights.⁴ As such, the paper aims at following how the EU, as a regional integration international organisation, applies political conditionality – in the sense of using accession as both the carrot and the stick, in order to promote and direct rule of law, democracy and human rights protection in its currently aspiring member states.

The 2004 enlargement (Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia) bore deep political and psychological significance, since it meant a “return to Europe”, after the Cold War divisions⁵. But bringing these countries “back to a European fold” is also what determined giving a loud voice to the 1993 Copenhagen criteria, as an *ex ante* control of Member States’ adherence to the European values, establishing unity not just in law and procedure, but also in substance.⁶

In anticipation of the 2004 enlargement, comprising Central and Eastern European countries, Cyprus and Malta, the 1993 European Council held in Copenhagen⁷ formulated the accession criteria for eligibility in terms of political (democracy, rule of law, human rights, respect for and protection of minorities), economic (functioning market economy, competitiveness) and legislative (*acquis communautaire*) conditions. The Copenhagen criteria were later codified by the Treaty of Amsterdam, and from that point forward, the current conditions for accession – as provided for by Article 49 of the Treaty on European Union (TEU)⁸ – are that the applicant is (1) a European state which (2) respects the values expressed in Article 2 TEU.

As it stands today, the accession criteria are⁹:

³ F. Erlbacher, *Articles 49–50*, in M. Kellerbrauer; M. Klamert, J. Tomkin (eds.), *The EU Treaties and the Charter of Fundamental Rights, a Commentary*, New York, 2019, 314.

⁴ K. E. Smith, *The Use of Political Conditionality in the EU's Relations with Third Countries: How Effective?*, European University Institute, EUI Working Paper SPS No. 97/7, Badia Fiesolana, San Domenico, 1997, Italy, 6.

⁵ M. Cremona, ‘EU Enlargement: Solidarity and Conditionality’, (2005) 30(3) *European Law Review* 3–22, at 8, *apud* P. Szarek-Mason, *The European Union's Fight Against Corruption The evolving policy towards Member States and candidate countries*, New York, 2010, 135.

⁶ M. Klamert, D. Kochenov, *Article 2*, in M. Kellerbrauer; M. Klamert, J. Tomkin (eds.), *The EU Treaties and the Charter of Fundamental Rights, a Commentary*, New York, 2019, 26.

⁷ <https://www.consilium.europa.eu/media/21225/72921.pdf>, accessed 21.10.2023.

⁸ *Consolidated version of the Treaty on European Union*, OJ C 326, 26.10.2012, 13–390.

⁹ Synthetically laid out in <https://eur-lex.europa.eu/EN/legal-content/glossary/accession-criteria-copenhagen-criteria.html>, accessed 21.10.2023.

- stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- a functioning market economy and the ability to cope with competitive pressure and market forces within the EU;
- the ability to take on the obligations of membership, including the capacity to effectively implement the rules, standards and policies that make up the body of EU law (the *acquis*), and adherence to the aims of political, economic and monetary union.

The political conditionality of admitting a new State is intrinsic, since only a State that respects the values set out in Article 2 TEU may apply and be considered for membership. Article 2 sets out the core principles on which the EU is based: “respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.” It is more than just a political statement, as it goes to the very legal structure of the EU, as stated by the Court of Justice of the European Union (CJEU)¹⁰, showing yet another instance of the deep intertwining of the political and legal spheres. Yet, as an instrument of foreign policy, political conditionality often goes beyond the promise of EU membership. Trade concessions, financial assistance and economic cooperation have been awarded to the Western Balkan countries long before extending the offer of membership¹¹, thus giving political conditionality clear economic benefits to incentivise the promotion of EU values.

Since 2007, the EU has been supporting political and economic reforms in the Western Balkan states (Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Türkiye) through the Instrument for Pre-accession Assistance (IPA), currently at its third framework¹². IPA was established as an overarching strategic document, in order for the member-to-be countries to “comply with Union values and to progressively align to Union rules, standards, policies and practices with a view to Union membership, thereby contributing to their stability, security and prosperity”.¹³ IPA can be construed as an effective tool to put conditionality into practice, steering the political and economic efforts of the potentially future member states from the Western Balkans in the direction of EU policy.

¹⁰ Opinion 2/ 13, *Accession to the European Convention of Human Rights (ECHR II)*, EU:C:2014:2454, para. 168.

¹¹ D. Bechev, O. Anastasakis – *EU Conditionality in South East Europe: Bringing Commitment to the Process*, 2003, 7.

¹² Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance (IPA III); see also Commission Implementing Regulation (EU) 2021/2236 of 15 December 2021 on the specific rules for implementing Regulation (EU) 2021/1529 of the European Parliament and of the Council establishing an Instrument for Pre-accession Assistance (IPA III).

¹³ https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/overview-instrument-pre-accession-assistance_en , accessed 21.10.2023.

Political conditionality has acquired the status of a key principle in the enlargement process. It now appears in EU enlargement discourse, as well as in written legal norms. The European Council of December 2006 agreed that “the enlargement strategy based on consolidation, conditionality and communication, combined with the EU's capacity to integrate new members, forms the basis for a renewed consensus on enlargement”¹⁴. For the Western Balkans, Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance (IPA III)¹⁵ lists its specific objectives in Article 3 encompassing political, economic and technical aspects. Unequivocally, the IPA III Regulation stipulates that shaping the rules, standards and policies of its beneficiaries¹⁶ in alignment with those of the EU is one of its primary aims. It can hardly be argued that, for future EU enlargement, political conditionality has become more than a political tool, but has also been integrated into hard law. Even if it may be difficult to shape the enforceability of political criteria, EU legislation is gradually making an attempt towards clarifying and outlining the requirements it has in this sense¹⁷.

While the existence and use of political conditionality within the enlargement framework are undeniable facts, there are still arguments to be made regarding the effectiveness, desirability, and consistency of

¹⁴ Brussels European Council 14/15 December 2006 Presidency Conclusions, 16879/06 CONCL 3, Brussels, 15.12.2006, Para. 4.

¹⁵ OJ L 330, 20.9.2021, p. 1–26, <https://eur-lex.europa.eu/eli/reg/2021/1529> , accessed 21.10.2023.

¹⁶ The Republic of Albania, Bosnia and Herzegovina, Iceland, Kosovo, Montenegro, the Republic of North Macedonia, the Republic of Serbia, the Republic of Türkiye.

¹⁷ For a detailed, non-exhaustive, example – see art. 3 para. 2 of the IPA III Regulation: “IPA III shall have the following specific objectives: (a) to strengthen the rule of law, democracy, the respect of human rights and fundamental freedoms, including through promoting an independent judiciary, reinforced security and the fight against corruption and organised crime, compliance with international law, freedom of media and academic freedom and an enabling environment for civil society, to promote non-discrimination and tolerance, to ensure respect for the rights of persons belonging to minorities and the promotion of gender equality and to improve migration management, including border management and tackling irregular migration, as well as addressing forced displacement; (b) to reinforce the effectiveness of public administration and to support transparency, structural reforms and good governance at all levels, including in the areas of public procurement and State aid; (c) to shape the rules, standards, policies and practices of the beneficiaries listed in Annex I in alignment with those of the Union and to reinforce regional cooperation, reconciliation and good neighbourly relations, as well as people-to-people contacts and strategic communication; (d) to strengthen economic and social development and cohesion, with particular attention to youth, including through quality education and employment policies, through supporting investment and private sector development, with a focus on small and medium-sized enterprises (SMEs), as well as on agriculture and rural development; (e) to reinforce environmental protection, to increase resilience to climate change, to accelerate the shift towards a low- carbon economy, to develop the digital economy and society and to strengthen sustainable connectivity in all its dimensions; (f) to support territorial cohesion and cross-border cooperation across land and maritime borders, including transnational and interregional cooperation.”.

conditionality¹⁸. It has been argued that the inconsistency in which EU applies conditionality diminishes the extent to which the objectives of encouraging human rights and democracy, as well as safeguarding rule of law, can be achieved¹⁹.

In the case of accepting Ukraine, Moldova and Georgia as candidates, strict conditionality has not been observed blindly, in the face of Russia's war of aggression. Rather, it can be argued that "accession through war"²⁰ has determined a more favourable treatment of the membership applications. Yet again, applying conditionality as an inflexible iron mould proves to be impossible, and the role of politics determines a constant re-evaluation of circumstances and interests. Still, policy and politics are delicate balancing acts, where costs and benefits are not always immediately apparent. As such, inconsistencies in applying political conditionality is not just understandable, but rather necessary, for the EU to be able to achieve its objectives.

3. Revitalizing enlargement – combating fatigue with a new enlargement methodology

After the 2004 expansion wave, enthusiasm has gradually faded in favour of a feeling of saturation and inability to absorb new members, described as enlargement fatigue. EU Member States became weary and reluctant towards expanding the Union.²¹ The cautiousness in assuming new commitments regarding the enlargement process became part of the public political discourse²². Enlargement fatigue has been attributed to various factors, including loosely applied conditionality to prospective EU members, in the pre-accession stage²³. The Cooperation and Verification Mechanism (CVM) put into place for Romania and Bulgaria was viewed as an

¹⁸ See K. E. Smith, *The Use of Political Conditionality in the EU's Relations with Third Countries: How Effective?*, European University Institute, EUI Working Paper SPS No. 97/7, 1997.

¹⁹ A. Mattelaer, *Exploring the Boundaries of Conditionality in the EU*, Institute for European Studies, European Policy Brief, No. 51, June 2018, available at: <http://www.egmontinstitute.be/content/uploads/2018/06/EPB-51-Conditionality-in-the-EU.pdf?type=pdf>, accessed 21.10.2023; N. Papakostas, (2012). *Deconstructing the Notion of EU Conditionality as a Panacea in the Context of Enlargement*, in *L'Europe en Formation*, vol. 364, no. 2, 2012, 215-235. <https://doi.org/10.3917/eufor.364.0215>; D. Kochenov, *EU Enlargement and the Failure of Conditionality: Pre-accession Conditionality in the Fields of Democracy and the Rule of Law*, The Netherlands, 2007, 297-314.

²⁰ R. Petrov, C. Hillion, "Accession through war" – Ukraine's road to the EU, October 2022, *Common Market Law Review* 59(Issue 5):1289, DOI: [10.54648/COLA2022092](https://doi.org/10.54648/COLA2022092).

²¹ F. Schimmelfennig, *EU Political Accession Conditionality after the 2004 Enlargement: Consistency and Effectiveness*, *Journal of European Public Policy*, 2008, DOI: 10.1080/13501760802196861, 919.

²² M. E. Bélanger, F. Schimmelfennig, *Politicization and rebordering in EU enlargement: membership discourses in European parliaments*, *Journal of European Public Policy*, 2021, vol. 28, no. 3, 407-426, DOI: 10.1080/13501763.2021.1881584.

²³ A. Szolucha, *The EU and Enlargement Fatigue: Why has the European Union not been able to counter enlargement fatigue?* *Journal of Contemporary European Research*. Volume 6, Issue 1, available at <https://www.jcer.net/index.php/jcer/article/view/124/192>, accessed 21.10.2023.

“unsatisfactory post-accession mechanism”²⁴ instituted as a result of the EU’s watering down the Copenhagen criteria and thus admitting the two countries before they were prepared to fully meet the obligations of membership. Consequently, there was an acute need for better outlining the accession criteria, seen as being too vague and giving the EU too much political leeway in applying them.

A direct effect of enlargement fatigue was a diminished credibility of membership prospects, on which EU political conditionality relies²⁵. Countries aspiring to join the EU became disengaged in their commitments to align themselves with the values and the *acquis communautaire*.²⁶ This crisis was felt at an institutional level, and as such, EU Member States and the EU focused on identifying the causes and solutions to best tackle the enlargement process.

Credibility became a key word in the enlargement discourse. A new methodology for accession negotiations was instituted at the beginning of 2020, with a view to enhance the accession process and make it more credible. The adoption of this new framework does not formally affect the substantial accession criteria, but it will shape the process in a way driven by political conditionality.

The 2020 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions²⁷ presented the new methodology, suggestively titled “Enhancing the accession process - A credible EU perspective for the Western Balkans”. In the terms laid out within the methodology, meeting political criteria has become the core of the accession process, as “[n]egotiations on the fundamentals will be opened first and closed last and progress on these will determine the overall pace of negotiations”. Conditionality, both positive and negative, is placed at the heart of the “merit-based accession process” and predictability and clarity will be helped along by a “stronger political steer”.

Since it was adopted at a stage where only the Western Balkans were at play when speaking of enlargement, the document only addressed this geographic region. Yet, the principles and wording of the methodology are quite general and suggested it would become the way forward for all future accession talks. Indeed, the new methodology is referred to in the

²⁴ House of Lords European Union Committee - *The future of EU enlargement Report*, 10th Report of Session 2012–13, London, 06.03.2013, p. 13, para. 24.

²⁵ F. Schimmelfennig, *EU Political Accession Conditionality after the 2004 Enlargement: Consistency and Effectiveness*, Journal of European Public Policy, 2008, DOI: 10.1080/13501760802196861, 919.

²⁶ J. O'Brennan, ‘On the Slow Train to Nowhere?’ *The European Union, ‘Enlargement Fatigue’ and the Western Balkans*, European Foreign Affairs Review, Volume 19, Issue 2 (2014), 221–241, available at https://core.ac.uk/display/297023653?utm_source=pdf&utm_medium=banner&utm_campaign=pdf-decoration-v1, accessed 21.10.2023.

²⁷ Document 52020DC0057, Communication from the Commission to the European Parliament, the Council, the European Economic and social Committee and the Committee of the Regions - *Enhancing the accession process - A credible EU perspective for the Western Balkans*, COM/2020/57 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0057>, accessed 21.10.2023.

Commission's opinions²⁸ on the applications for membership filed by Ukraine, Moldova and Georgia, as well as in the Analytical Reports²⁹.

Following the new methodology, the process of accession shall be governed by four principles: credibility, predictability, dynamism and stronger political steer. The accession chapters shall be grouped together, in order to speed up the process, having fundamentals at the core, as an overarching imperative for negotiations going forward. Having the rule of law chapter cluster opened first and closed last has the potential of giving effectiveness to political conditionality throughout, as well as the potential to deter backsliding. Opening other clusters of negotiation will depend on sufficient progress made in the "fundamentals" area (rule of law, economic criteria and public administration reform), thus making core values the pacemaker of the accession process.

Despite the encouraging rhetoric brought by the revised accession methodology, fundamental problems persist in the Western Balkans, due to these countries' lack of political will, institutional resistance to change, and deficient involvement or marginalisation of civil society³⁰. However, the impact of the new methodology is difficult to assess at present, due to its novelty and to the fact that it only applies to negotiating countries³¹. As recent as 2022, the European Court of Auditors (ECA) issued a report concerning the effectiveness of EU support for the rule of law in the Western Balkan countries, determining that, although EU intervention has assisted with technical and operational reforms, such as enhancing the efficiency of the judiciary and the development of relevant legislation, the overall impact on the region's rule of law reforms has been limited. With regard to political

²⁸ Communication from the Commission to the European Parliament, the European Council and the Council Commission Opinion on Ukraine's application for membership of the European Union - Brussels, 17.06.2022 COM(2022) 407 final; Communication from the Commission to the European Parliament, the European Council and the Council Commission Opinion on the Republic of Moldova's application for membership of the European Union - Brussels, 17.6.2022 COM(2022) 406 final; Communication from the Commission to the European Parliament, the European Council and the Council Commission Opinion on Georgia's application for membership of the European Union - Brussels, 17.06.2022 COM(2022) 405 final.

²⁹ Commission Staff Working Document - Analytical Report following the Communication from the Commission to the European Parliament, the European Council and the Council - Commission Opinion on Ukraine's application for membership of the European Union, Brussels, 1.02.2023, SWD(2023) 30 final; Commission Staff Working Document - Analytical Report following the Communication from the Commission to the European Parliament, the European Council and the Council - Commission Opinion on the Republic of Moldova's application for membership of the European Union, Brussels, 1.02.2023, SWD(2023) 32 final; Commission Staff Working Document - Analytical Report following the Communication from the Commission to the European Parliament, the European Council and the Council - Commission Opinion on Georgia's application for membership of the European Union, Brussels, 1.02.2023, SWD(2023) 31 final.

³⁰ European Court of Auditors – *Special Report: EU support for the rule of law in the Western Balkans: despite efforts, fundamental problems persist*, Luxembourg, 2022, p. 32, para. 58.

³¹ The methodology will be formalised into the negotiating frameworks for North Macedonia, Albania, Bosnia and Herzegovina, Ukraine and Moldova, while Serbia and Montenegro will be able to opt in if they wish.

conditionality, the ECA established that it has been an incentive for the partner countries to make progress on their reform agendas. However, the incentive effects of conditionality are threatened by differences arising between the Commission and the Council on the extent to which a partner country has satisfied the overall balance clause, which allows the Council to choose whether to open or close any negotiating chapter if progress on chapters 23 and 24 (judiciary, fight against corruption, fundamental rights, and EU citizens' rights) is unsatisfactory.

The novelty of the new methodology is not in the accession criteria, but in the process. Whether the changes will bring the desired invigorating effect of bringing political conditionality and enacting political change remains to be seen, as the process of EU accession unfurls for the candidate states for which the methodology applies.

4. The Associated Trio – Ukraine, Moldova and Georgia.

4.1 From origins to present

After Russia's invasion of Georgia in 2008, the EU put forward the 2009 Eastern Partnership (EaP), as a joint initiative of the EU, its Member States and the partner countries Armenia, Azerbaijan, Belarus³², Georgia, the Republic of Moldova, and Ukraine. The EaP aimed at strengthening and deepening the political and economic relations between the EU, its Member States and the partner countries, but even in this context, at no point was enlargement ever mentioned as an objective or as an incentive of political or economic conditionality. The Strategic Plan 2020-2024 of the Directorate-General for Neighbourhood and Enlargement Negotiations - DG NEAR³³ does not even hint at the prospect of engaging in accession talks with EaP countries. One month after announcing the new accession methodology for the Western Balkans, in March 2020, the Commission and the High Representative for Foreign Affairs and Security Policy / Commission Vice President (HR/VP) issued a joint communication³⁴ on the 'Eastern Partnership policy beyond 2020', followed up by an 'Economic and investment plan'³⁵ for the region, adopted in July 2021. All policies were steered towards political and economic goals, without using accession for a carrot and stick approach.

Out of the EaP, the Associated Trio emerged, on the 17th of May 2021, in Kyiv, roughly one year before the war in Ukraine started. Ukraine,

³² On 28 June 2021 Belarus unilaterally withdrew from the EaP, following sanctions imposed by the EU - https://www.eeas.europa.eu/belarus/european-union-and-belarus_en?s=218, accessed 21.10.2023.

³³ *Strategic Plan 2020-2024 Directorate-General for Neighbourhood and Enlargement Negotiations* - DG NEAR - https://commission.europa.eu/document/download/f0b3b894-5e85-43ab-bc7f-bafceae27c1_en?filename=near_sp_2020_2024_en.pdf, accessed 21.10.2023.

³⁴ https://eeas.europa.eu/sites/eeas/files/1_en_act_part1_v6.pdf, accessed 21.10.2023.

³⁵ https://ec.europa.eu/commission/presscorner/detail/en/IP_21_3367, accessed 21.10.2023.

Georgia, and Moldova signed a memorandum establishing a tripartite format of enhanced cooperation, aimed at advancing the three countries more effectively on the path to joining the EU, and included three key components: the organisation of consultations on European integration among the three foreign affairs ministries, participation in discussions with EU institutions and members, and coordination of national stances within the "Eastern Partnership" framework.³⁶

The Associated Trio are important to the EU for several reasons, such as strategic location, trade, energy security, democracy, and stability. Yet, the idea of an enhanced tripartite cooperation was not embraced by EU diplomats in the beginning, due to concerns that more benefits given to the Associated Trio may be frowned upon by the other three Eastern partners – Armenia, Azerbaijan, and Belarus³⁷.

The situation took a turn due to the war in Ukraine, after which the Associated Trio promptly applied for EU membership. Almost 20 years ago, the European Commissioner for Enlargement and European Neighbourhood Policy, Štefan Füle, was warning against enlargement fatigue saying that “[i]f you lose momentum in enlargement, I do not see how anyone, or anything can get it back in the foreseeable future”³⁸. Ukraine, Moldova, Georgia, and the EU seized the moment in 2022, reviving the ideal of EU enlargement as a desirable and necessary means to facilitate peace and security in the face of Russian threats.

In record time, Ukraine and Moldova were granted candidate status. Currently, out of all EU candidate countries, Ukraine and Moldova had the fastest track from application to candidate status, counted in days instead of years. Virtually overnight, two countries that had not even been considered by the EU in its enlargement policy became EU candidates, while the third – Georgia – was encouraged in this direction by being given an “European perspective”. Georgia’s application was to be revisited “once the priorities specified in the Commission’s opinion on Georgia’s membership application have been addressed”³⁹ and received candidate status in December 2023.

No.	Current EU candidates	Application for membership	Candidate status	Start of negotiations
1	Albania	28/04/2009	24/06/2014	25/03/2020
2	Bosnia and Herzegovina	15/02/2016	12/10/2022	-

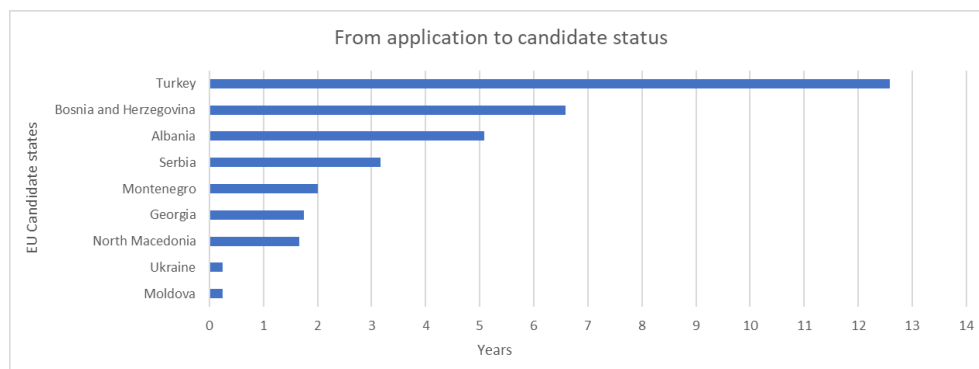
³⁶ M. Dumanska, *Україна, Грузія та Молдова створили "Асоційоване тріо"* (Ukraine, Georgia and Moldova created the "Associated Trio") - <https://www.dw.com/uk/ukraina-hruziia-ta-moldova-stvoryly-asotsiiiovane-trio/a-57557530>, accessed 21.10.2023.

³⁷ V. Maksimov, *Georgia, Moldova, Ukraine formalise their higher EU ambition* - <https://www.euractiv.com/section/eastern-europe/news/georgia-moldova-ukraine-formalise-their-higher-eu-ambition/> accessed 21.10.2023.

³⁸ House of Lords, European Union Committee – *The future of EU enlargement - Report*, 10th Report of Session 2012–13, Published by the Authority of the House of Lords London, 2013, para. 16

³⁹ European Council meeting (23 and 24 June 2022), *Conclusions*, EUCO 24/22 CO EUR 21 CONCL 5, Brussels, 24.06.2022, para. 13.

3	Georgia	03/03/2022	14/12/2023	-
4	Moldova	03/03/2022	23/06/2022	14/12/2023
5	Montenegro	15/12/2008	17/12/2010	29/06/2012
6	North Macedonia	22/03/2004	17/12/2005	25/03/2020
7	Serbia	22/12/2009	01/03/2013	17/12/2013
8	Turkey	14/04/1987	12/12/1999	03/10/2005
9	Ukraine	28/02/2022	23/06/2022	14/12/2023



4.2 Accession criteria

The EU stands by its merit-based, case-by-case approach, the Copenhagen criteria as well as its own capacity to absorb new members⁴⁰.

In recommending whether the Associated Trio countries should be granted candidate status, the Commission issued comprehensive Opinions⁴¹ on the applications for membership of the European Union. The assessment was made within the legal framework set out by Articles 49 and 2 TEU, the 1993 Copenhagen criteria, the 1995 Madrid European Council, the 2006 European Council, and the obligations assumed under the Association Agreements and Deep and Comprehensive Free Trade Area (DCFTA). The wording of the Commission's Opinions indicates that the main criterion for determining the recommendation to award the applicants candidate status is, unsurprisingly, political.

Whereas, in the cases of Ukraine and Moldova, the countries are said to be “well advanced” or have “a solid foundation on place” to reach the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, in Georgia's case, there

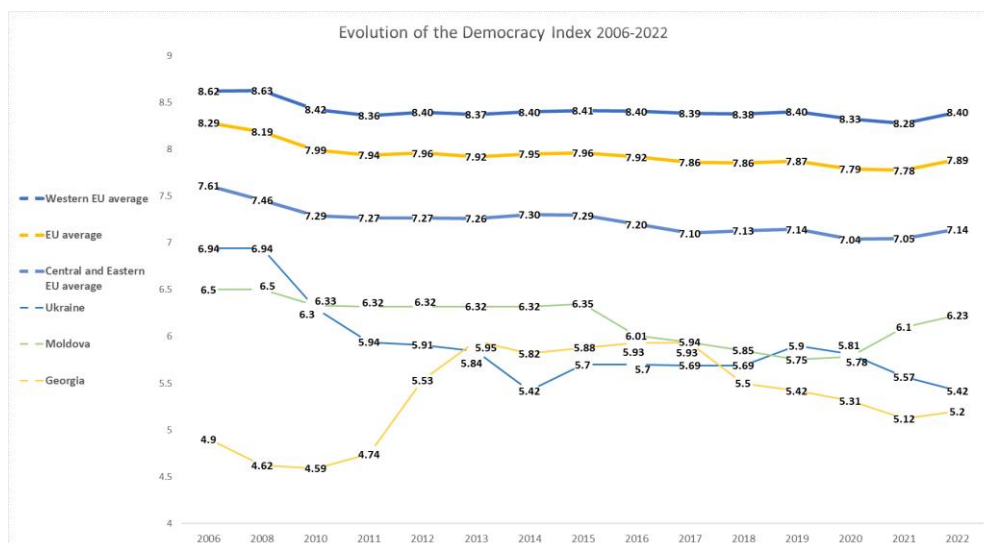
⁴⁰ European Council meeting (23 and 24 June 2022), *Conclusions*, EUCO 24/22 CO EUR 21 CONCL 5, Brussels, 24.06.2022, para. 14.

⁴¹ Communication from the Commission to the European Parliament, the European Council and the Council Commission Opinion on Ukraine's application for membership of the European Union - Brussels, 17.6.2022 COM(2022) 407 final; Communication from the Commission to the European Parliament, the European Council and the Council Commission Opinion on the Republic of Moldova's application for membership of the European Union - Brussels, 17.6.2022 COM(2022) 406 final; Communication from the Commission to the European Parliament, the European Council and the Council Commission Opinion on Georgia's application for membership of the European Union - Brussels, 17.6.2022 COM(2022) 405 final.

is no value judgement of the said foundation. The Opinion makes a neutral statement of the fact that such a foundation exists, but immediately mentions that this is in spite of the recent developments, which have undermined the country's progress.

Country	Political criteria
Georgia	has a foundation in place to reach the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, even if recent developments have undermined the country's progress
Moldova	has a solid foundation in place to reach the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities
Ukraine	well advanced in reaching the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities

Political misgivings in the case of Georgia are also reflected in the Democracy Index 2022⁴², where, out of the Associated Trio, Georgia has the lowest score.



Surprisingly, both in the Commission's Opinions and in the subsequent Analytical Reports issued in February 2023⁴³ there is little to

⁴² Economist Intelligence Unit (EIU), *Democracy Index 2022. Frontline democracy and the battle for Ukraine*, London, 2023, Table 2, pp. 7-11, available at: https://www.google.com/aclk?sa=l&ai=DChcSEwii4sPVNH9AhXE7u0KHSegCtQYABAAGgJkZw&sig=AOD64_1S5rJQ01tGqmuejhLa1iFM5Vz0hw&q&adurl&ved=2ahUKEwi4w77ViNH9AhXRYcAKHRMrDmUQ0Qx6BAGLEAE accessed 01.03.2023.

⁴³ Commission Staff Working Document - Analytical Report following the Communication from the Commission to the European Parliament, the European

no mention of the issue of control over territory. Yet, it is difficult to ignore the issue of Russian occupied or Russian-leaning territories, as well as the role of Russia itself as an international player.

In the case of Ukraine, the Opinion mentions its loss of control over part of its territory, as a consequence of the conflict in the eastern part of the country.⁴⁴ At present, Ukraine does not control the Autonomous Republic of Crimea, Donetsk Oblast, Luhansk Oblast and the city of Sevastopol. Russia has taken more than military steps in controlling the newly occupied Ukrainian territory, issuing legislation to facilitate residents in the Kherson and Zaporizhzhia regions to acquire Russian citizenship and passports⁴⁵. Crimea had already been annexed by Russia in 2014, with its residents being issued Russian passports and given Russian citizenship on the basis of the 2014 Treaty on Accession between the Russian Federation and the “Republic of Crimea.”⁴⁶

For Moldova, the Opinion reminds of the EU’s support for a “a comprehensive, peaceful and sustainable settlement of the Transnistrian conflict, based on the sovereignty and territorial integrity of the Republic of Moldova in its internationally recognised borders, with a special status for Transnistria”⁴⁷, while making no mention of the political situation of Gagauzia, other than taking stock of the 1994 Law on the Special Legal Status of Gagauzia, which established it as an autonomous territorial unit of Moldova⁴⁸. Neither Transnistria nor Gagauzia are easily overlooked and present serious issues. Moldova has not had *de facto* control over Transnistria since 1992⁴⁹ and the region has had Russian military troops stationed on its territory ever since. Moreover, although of questionable

Council and the Council - Commission Opinion on Ukraine’s application for membership of the European Union, Brussels, 1.02.2023, SWD(2023) 30 final; Commission Staff Working Document - Analytical Report following the Communication from the Commission to the European Parliament, the European Council and the Council - Commission Opinion on the Republic of Moldova’s application for membership of the European Union, Brussels, 1.02.2023, SWD(2023) 32 final; Commission Staff Working Document - Analytical Report following the Communication from the Commission to the European Parliament, the European Council and the Council - Commission Opinion on Georgia’s application for membership of the European Union, Brussels, 01.02.2023, SWD(2023) 31 final.

⁴⁴ Communication from the Commission to the European Parliament, the European Council and the Council Commission Opinion on Ukraine’s application for membership of the European Union - Brussels, 17.06.2022 COM(2022) 407 final, 2.

⁴⁵ <https://www.aljazeera.com/news/2022/5/25/russia-fast-tracks-citizenship-to-residents-in-southern-ukraine>, accessed 21.10.2023.

⁴⁶ Open Society Justice Initiative Report, *Human Rights in the Context of Automatic Naturalization in Crimea*, 2018, available at <https://www.justiceinitiative.org/publications/human-rights-context-automatic-naturalization-crimea>, accessed 21.10.2023.

⁴⁷ Communication from the Commission to the European Parliament, the European Council and the Council Commission Opinion on the Republic of Moldova’s application for membership of the European Union - Brussels, 17.6.2022 COM(2022) 406 final, 2.

⁴⁸ Communication from the Commission to the European Parliament, the European Council and the Council Commission Opinion on the Republic of Moldova’s application for membership of the European Union - Brussels, 17.6.2022 COM(2022) 406 final, 5.

⁴⁹ Bertelsmann Stiftung, *BTI 2022 Country Report — Moldova*, 2022, available at <https://bti-project.org/en/reports/country-report/MDA>, accessed 21.10.2023.

legal legitimacy, Gagauzia held a referendum in 2014 which revealed that an overwhelming majority of the population would choose closer ties with Russia over EU integration, going as far as saying that, should Moldova join the EU, Gagauzia would prefer independence⁵⁰.

The situation in Georgia is even more complicated. On one hand, there is the issue of border delimitation between Armenia, Azerbaijan, Georgia, and Russia, dating back to the fall of the Soviet Union. Delimitation was agreed only on external borders with Türkiye and Iran, but border recognition between Armenia, Azerbaijan, Georgia, and Russia is still pending.⁵¹ Georgia does not exercise control over the Autonomous Republic of Abkhazia and the former South Ossetian Autonomous Region of Soviet Georgia (known in Georgia as the Tskhinvali region). Russian policy towards the separatist regions was to enable Abkhaz and South Ossetians to gain Russian citizenship and passports, intensify political, economic, and military cooperation with the regions, and increase tough rhetoric and actions against Georgia⁵². Following the Russian-Georgian war in 2008, Russia recognized the independence of Abkhazia and South Ossetia, using the Kosovo declaration of independence as legally legitimizing its stance. While Georgia considers the separatist regions to be occupied territories⁵³, Russia maintains troops on the ground in both regions. The Commission's opinion expressly mentions Georgia's lack of effective control over Abkhazia and South Ossetia, as well as the Union's support of "Georgia's sovereignty and territorial integrity within its internationally recognised borders"⁵⁴.

The question arises whether issues revolving around territorial and border disputes can be decisive in the path towards EU accession. After all, in the case of Serbia, the normalisation of relations with Kosovo is one of the points of contention⁵⁵ and is listed in the chapters of negotiation within accession talks.

There is history of territorial uncertainties in EU's past, some of which persist to this day. West Germany was a founding member of the European Community (in 1958) long before its status and borders were finalised. Cyprus joined the EU (in 2004) as a *de facto* internally divided state, between the southern two-thirds of the island, controlled by the Greek Cypriots, on one side, and the Turkish Republic of Northern Cyprus on the other. The Turkish army stationed in Northern Cyprus is viewed as an occupation force

⁵⁰ S. Samadashvili, *Gagauzia: A new attack on the Eastern Partnership?*, 04.02.2014, <https://euobserver.com/opinion/123000>, accessed 21.10.2023.

⁵¹ T. Jansen, H. Ahamad Madatali, *The European Union's relations with Armenia and Azerbaijan - European Implementation Assessment*, Study, PE 734.676, European Parliamentary Research Service, 2022.

⁵² S. Wolff, *Georgia: Abkhazia and South Ossetia* - <https://pesd.princeton.edu/node/706>, accessed 21.10.2023.

⁵³ *Abkhazia, S.Ossetia Formally Declared Occupied Territory*, <https://old.civil.ge/eng/article.php?id=19330>, accessed 21.10.2023.

⁵⁴ Communication from the Commission to the European Parliament, the European Council and the Council Commission Opinion on Georgia's application for membership of the European Union, Brussels, 17.06.2022 COM(2022) 405 final, 3.

⁵⁵ All the while, the EU affirms that it does not require Serbia to recognise Kosovo. *See EU: Serbia Does Not Have to Recognize Kosovo*, 05.09.2012, <https://balkaninsight.com/2012/09/05/eu-does-not-request-serbia-to-recognize-kosovo/>, accessed 21.10.2023.

by the international community, and the statehood of the Turkish Republic of North Cyprus is only recognized by Ankara. Slovenia and Croatia became EU members (in 2004 and 2013 respectively) at a time they were engaged in disputes over sovereign waters in the Adriatic, a land border dispute in the Gulf area along the Dragonja river, Sveta Gera (the Žumberak/Gorjanci mountain range's highest peak), and the border demarcation along the Mura River. As a condition of its accession in 2012, Croatia agreed to an arbitrated settlement with Slovenia, which was reached in 2017, but is still not accepted on the Croatian side⁵⁶.

Yet, in the case of the Associated Trio, there is an influential common denominator: Russia, as a physical and political occupying force. It could be argued that EU accession could be distorted, and the Associated Trio countries could become the pawns, the weakest pieces, on the chessboard between the EU and Russia.

The border issues, although not insurmountable, as proven by past examples, will need to be addressed, and it is a discussion that will clearly be arduous and will involve negotiations with the Russian counterparts. Territorial integrity is not a formal accession criterion. Ultimately, as Commissioner Füle stated, "the borders of the European Union are where the interpretation of Article 49 meets the consensus of member states"⁵⁷. As official candidacy opens up the opportunity to negotiate a plan for accession, the sanctions imposed on Russia⁵⁸ may become a bargaining chip in the future enlargement talks regarding the Associated Trio countries.

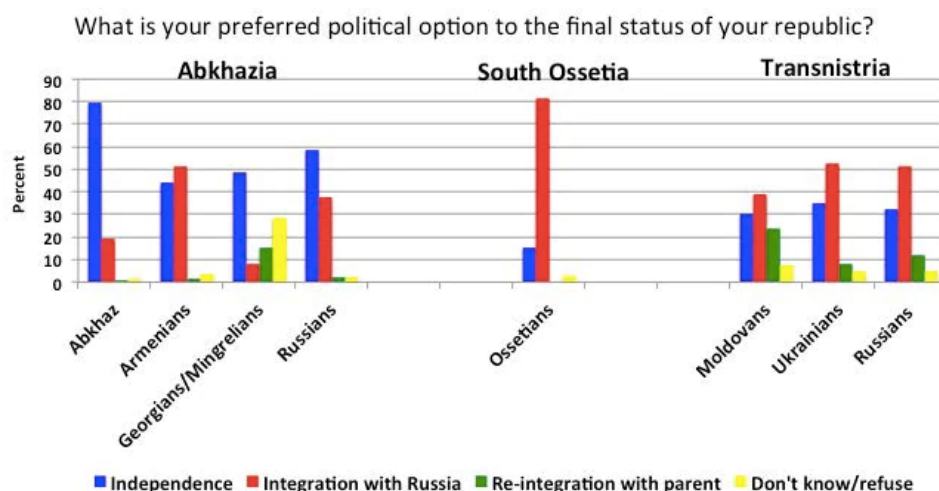
Furthermore, the population of the separatist regions of the Associated Trio is heavily leaning towards Russia, whether it be in the form of integrating the region into Russia or in the form of independence⁵⁹.

⁵⁶ S. Morgan, *Croatia and Slovenia continue maritime dispute after arbitration ruling*, 03.07.2017, available at <https://www.euractiv.com/section/enlargement/news/croatia-and-slovenia-continue-maritime-dispute-after-arbitration-ruling/>, accessed 21.10.2023; Government of the Republic of Slovenia - *Two years after the entry into force of the arbitral award on the border with Croatia: Slovenia knows that its position is correct and will stand firm*, 27.09.2019, available at <https://www.gov.si/en/news/2019-06-27-two-years-after-the-entry-into-force-of-the-arbitral-award-on-the-border-with-croatia-slovenia-knows-that-its-position-is-correct-and-will-stand-firm-2/>, accessed 21.10.2023.

⁵⁷ *Apud* UK Parliament, *The future of EU enlargement* - European Union Committee, para. 143, <https://publications.parliament.uk/pa/ld201213/ldselect/ldcom/129/12908.htm#note146>, accessed 21.10.2023.

⁵⁸ EU sanctions Map, available at <https://sanctionsmap.eu/#/main>, accessed 21.10.2023; Infographic - EU sanctions in response to Russia's invasion of Ukraine - <https://www.consilium.europa.eu/en/infographics/eu-sanctions-russia-ukraine-invasion/>, accessed 21.10.2023.

⁵⁹ Source: G. Toal, J. O'Loughlin, *How people in South Ossetia, Abkhazia and Transnistria feel about annexation by Russia*, 2014, <https://www.washingtonpost.com/news/monkey-cage/wp/2014/03/20/how-people-in-south-ossetia-abkhazia-and-transnistria-feel-about-annexation-by-russia/>, accessed 21.10.2023.



The pro-Russian and correlatively anti-EU position of the separatist regions can be a huge burden in bringing about the country reforms and implementing EU policies in Ukraine, Moldova and Georgia. While the public opinion surveys demonstrate an overall overwhelming (and increased) support for EU integration in the Associated Trio countries⁶⁰, the situation on site, for the separatist regions, is drastically different. It will involve a considerable diplomatic effort and balancing act on the side of the EU to deliver political conditionality in a direction of ensuring peace, security, and democratic values. It may also call for EU policies targeting these regions. In the case of Transnistria, according to EU documents, the Union had never “specifically targeted either the Transnistrian region or civil society there”⁶¹ by the year 2007, but it did recognize the importance of investing in efforts to strengthen civil society, diversify information sources, reduce misinformation and mistrust, increase transparency in the public sector, especially at a local level⁶². Should the accession goal be effectively pursued, such policies should become more coordinated, targeting all Russian-leaning problematic regions of the Associated Trio, in a concentrated effort to promote the political values of the EU. This would require a bottom-up approach, with a view to promote human rights and the rule of law while keeping in mind public opinion and support for EU values, to avoid domestic polarisation and bring the people closer to Europe.

Yet, the question of heterogeneous national identity and allegiance (pro-European and pro-Russian) within the Associated Trio countries is a fact. Embracing European values homogeneously may prove difficult, due to

⁶⁰ Apud V. Wagner, *Ukraine, Moldova, and Georgia have their European prospects confirmed. What does it mean for migration policies?*, International Centre for Migration Policy Development, 05.08.2022, available at <https://www.icmpd.org/blog/2022/ukraine-moldova-and-georgia-have-their-european-prospects-confirmed.-what-does-it-mean-for-migration-policies>, accessed 21.10.2023.

⁶¹ *Action Fiche for Moldova*, Support to civil society in Transnistria, 19, available at https://neighbourhood-enlargement.ec.europa.eu/system/files/2017-03/enpi_2007_c2007_6294_annual_action_programme_for_moldova_civilsocietytransnistria.pdf, accessed 21.10.2023.

⁶² *idem*, 20.

the inner specificities of the three countries, deriving from history, politics, culture and legal background. Still, Europe is built on diversity, and it prides itself on this. As such, with proper conditionality applied, it is not beyond reason to find the three candidate countries come closer to the fold, while keeping in mind the risks of democratic back-sliding.

5. The effects on EU enlargement prospects

Accepting Ukraine and Moldova as candidates has had a spillover effect. The European Council meeting of 23-24 June 2022 adopted conclusions on a Wider Europe, the membership applications from Ukraine, the Republic of Moldova and Georgia, as well as calls for the acceleration of the accession process for the Western Balkans⁶³. Through Wider Europe, the political sphere and conditionality are reinforced as a centrepiece of foreign relations, as the EU aims to “offer a platform for political coordination to countries in Europe with which the EU has close relations”.

An immediate effect of the promise to accelerate the accession process for the Western Balkans was felt in the case of Bosnia and Herzegovina, who finally gained candidate status at the end of 2022, 6 years after its application for EU membership. Yet, although the enlargement process seems to have been jolted from its stalemate state, in reality the prospect of enlargement stays as distant as it was before.

In the case of Bosnia and Herzegovina, there has been heavy critique⁶⁴ that granting the candidate status is not actually rewarding “good behaviour”, as an application of successful conditionality-induced progress, but rather a signal of the failure of the current approach to bring about the desired changes in the country. The key findings of the 2022 Report on Bosnia and Herzegovina support the conclusion that the country is “at an early stage of preparation” and has “made limited progress” in virtually every area⁶⁵. Also, according to the Democracy Index 2022⁶⁶, out of the candidate countries (and potentially future candidate Georgia), Bosnia and Herzegovina occupies the last but one place, followed only by Türkiye. Yet, in December 2023, it has been decided that the European Council will open

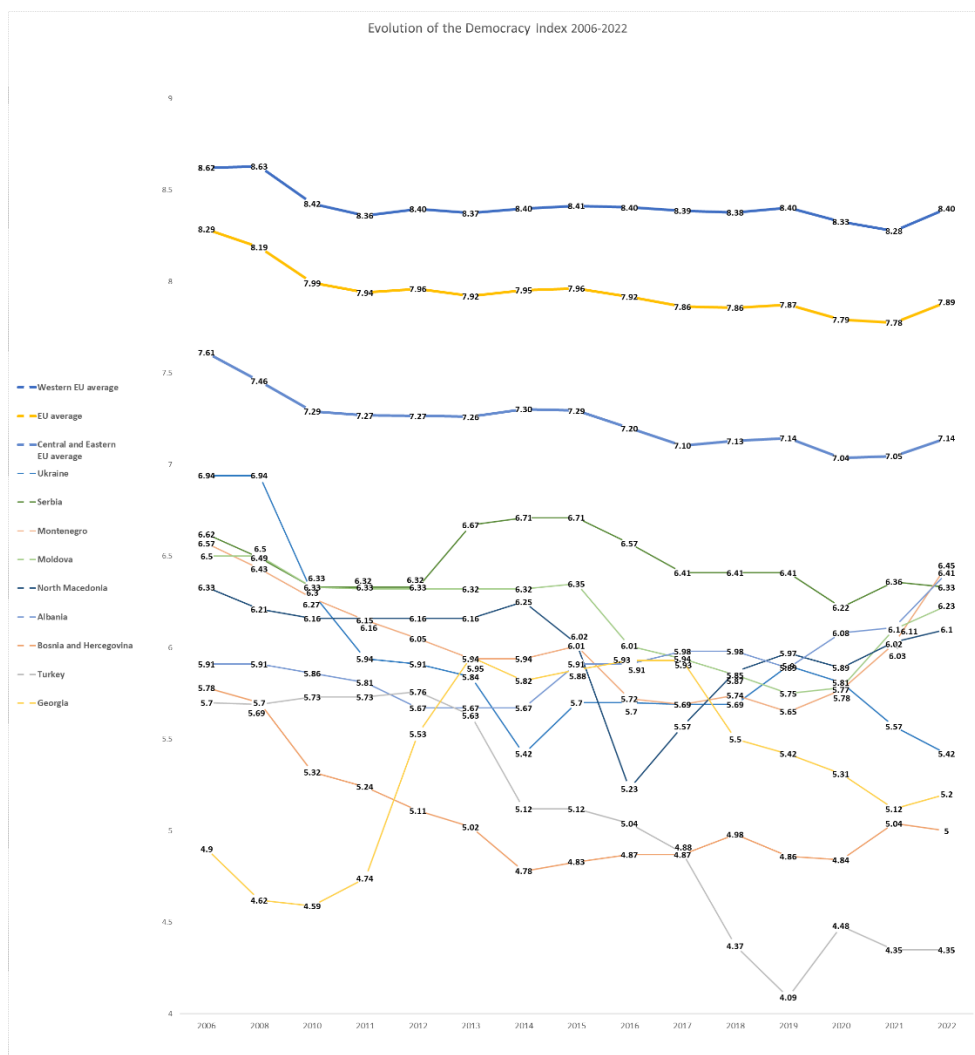
⁶³ European Council meeting (23 and 24 June 2022), *Conclusions*, EUCO 24/22 CO EUR 21 CONCL 5, Brussels, 24.06.2022, para. 15.

⁶⁴ T. Vogel, *No, Bosnia and Herzegovina is not ready for the EU*, 08.12.2022 - <https://euobserver.com/opinion/156517>, accessed 21.10.2023.

⁶⁵ Commission Staff Working Document - Bosnia and Herzegovina 2022 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2022 Communication on EU Enlargement policy, Brussels, 12.10.2022 SWD(2022) 336 final.

⁶⁶ Economist Intelligence Unit (EIU), *Democracy Index 2022. Frontline democracy and the battle for Ukraine*, London, 2023, Table 2, 7-11, available at: https://www.google.com/aclk?sa=l&ai=DChcSEwii4sPViNH9AhXE7u0KHSegCtQYABAAGgJkZw&sig=AOD64_1S5rJQ01tGqmuejhLa1iFM5Vz0hw&q&adurl&ved=2ahUKEwi4w77ViNH9AhXRYcAKHRMrDmUQ0Qx6BAgLEAE accessed 01.03.2023.

accession negotiations with the country, “once the necessary degree of compliance with the membership criteria is achieved”.⁶⁷



The war between Russia and Ukraine has left its mark on the prospects of EU enlargement, beyond the perceived acceleration of the enlargement process, pinpointing a major concern in the department of the EU Common Foreign and Security Policy (CFSP). The Commission’s progress reports⁶⁸,

⁶⁷ European Council meeting (14 and 15 December 2023) – Conclusions, Brussels, 15.12.2023, EUCO 20/23, CO EUR 16, CONCL 6.

⁶⁸ Commission Staff Working Document - Analytical Report following the Communication from the Commission to the European Parliament, the European Council and the Council - Commission Opinion on Ukraine’s application for membership of the European Union, Brussels, 1.02.2023, SWD(2023) 30 final; Commission Staff Working Document - Analytical Report following the Communication from the Commission to the European Parliament, the European Council and the Council - Commission Opinion on the Republic of Moldova’s application for membership of the European Union, Brussels, 1.02.2023, SWD(2023) 32 final; Commission Staff Working Document - Analytical Report following the Communication from the Commission to the European Parliament, the European

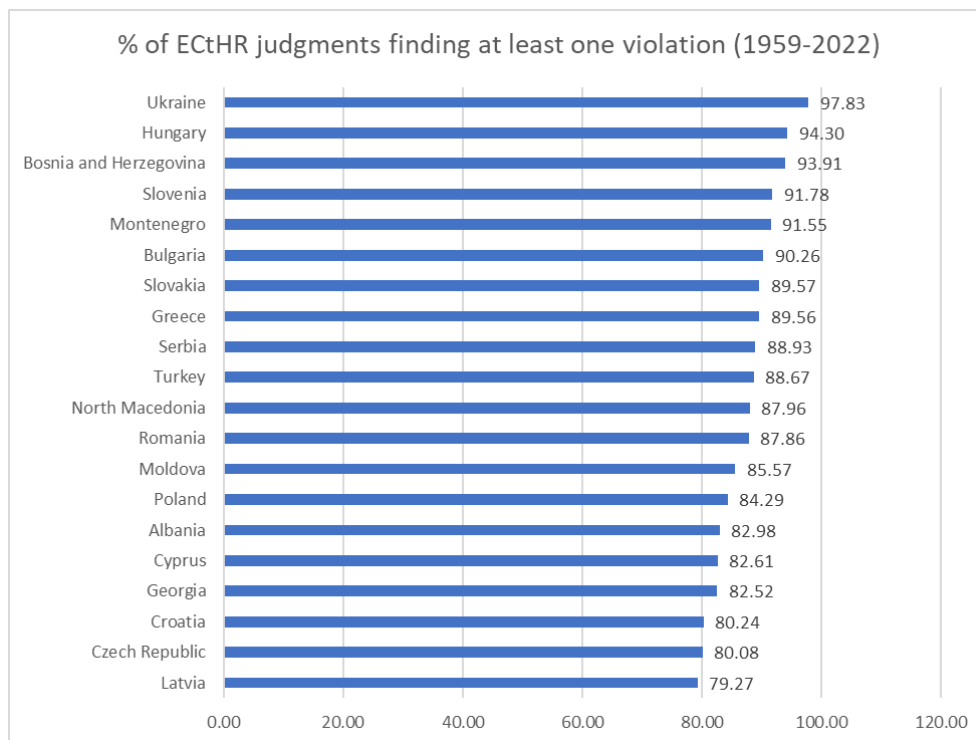
issued as a part of the enlargement management process, have brought into focus the question of whether the candidate countries (and Georgia) have aligned or not with CFSP declarations and restrictive measures, with a specific focus on Russia. While Albania, Montenegro, North Macedonia, and Ukraine have imposed sanctions on Russia, Moldova, Serbia, Türkiye and Georgia have not. Bosnia and Herzegovina, although has formally imposed sanctions, has failed to implement them.

The EU has pointed out that there is an expectation from the countries that have not imposed sanctions to progressively align their policies towards third countries with the policies and positions adopted by the EU, including restrictive measures. The proximity of the Associated Trio with Russia, as well as the dependence on resources and trade for all the non-conforming countries may be a strong impediment in the way of achieving this goal by the aspiring and candidate states.

On the issue of protection of human rights, both in the case of the Associated Trio, as well as in the case of other candidate states, there is cause for reflection. According to data extracted from the European Court of Human Rights Database⁶⁹, if one were to analyse the data on EU Member States together with data on candidate states and Georgia, the results would be unsurprising. The first 20 positions, in order of percentage of rulings finding at least one violation of the European Convention on Human Rights, are occupied by countries that joined the Council of Europe after the fall of the communist regime, alongside Türkiye, which had been a member since 1949.

Council and the Council - Commission Opinion on Georgia's application for membership of the European Union, Brussels, 1.02.2023, SWD(2023) 31 final.

⁶⁹ European Court of Human Rights, *Violations by Article and by State 1959-2022*, available at https://www.echr.coe.int/Documents/Stats_violation_1959_2022_ENG.pdf, accessed 21.10.2023.



The data indicates serious concerns over observing the European standard on human rights. Furthermore, the hierarchy of countries according to judgments finding at least one violation of human rights points to the chasm between “the East” and “the West”. Clearly, the problem of application of human rights norms has to be incentivised more efficiently and will be a challenge for the EU in future accession talks. In this regard, political conditionality is a powerful mechanism that can be used by the EU to leverage the accession process and prompt positive change in candidate countries.

While on the topic of efficiency, the current jolt in the enlargement process has brought attention to the proposal of reforming EU decision-making, in the sense of progressively switching from unanimity to qualified majority voting (QMV) in all areas of foreign and security policy.⁷⁰ The proposal has been addressed in the past⁷¹, but has regained momentum within the context of the war in Ukraine and the revitalisation of the enlargement discussions. A QMV system would lead, among other things, to quicker decision making and would prevent EU foreign policy paralysis. Yet, it has the potential to weaken the democratic legitimacy of decisions, as

⁷⁰ J. Borrell, High Representative of the European Union for Foreign Affairs and Security Policy/ Vice-President of the European Commission, *The geo-political imperative for the EU is to both widen and deepen*, 27.06.2022, https://www.eeas.europa.eu/eeas/geo-political-imperative-eu-both-widen-and-deepen_en, accessed 21.10.2023.

⁷¹ T. Lařici, *Qualified majority voting in foreign and security policy Pros and Cons*, European Parliamentary Research Service, 2021, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/659451/EPRS_BRI\(2021\)659451_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/659451/EPRS_BRI(2021)659451_EN.pdf), accessed 21.10.2023.

well as EU unity as a whole⁷². Given the reticence of states to move away from unanimity, together with some Member States' restraint towards enlargement, it seems unlikely that even the major current events would divert the stream towards a QMV.

6. Conclusions

The EU enlargement process has undergone multiple changes throughout time, meandering to the present shape, where it is governed by Articles 49 and 2 TEU. Each enlargement wave brought along changes. While some were substantial – speaking to shaping the criteria of accession – others were directed towards improving the quality of the procedure.

Since enlargement towards the Western Balkans was progressing at a very slow pace, the credibility of the process became questionable, and enlargement and accession fatigue gained visibility and was felt by all parties at the discussion table. In an effort to regain credibility, the EU adopted a new accession methodology, attempting to shape the process around the principles of credibility, predictability, dynamism and stronger political steer.

Political conditionality and political criteria became the centrepiece of the process, as it is now shaped into clusters and will begin, unfurl and end with the “fundamentals”. This is an effort to ensure that the core EU values are upheld, and backsliding is deterred. Yet, political criteria can be manipulated into serving the interests of the moment. As it can be observed throughout the enlargement history and to the present case, of the Associated Trio, political conditionality is inconsistent, and is often an instrument that serves a wider political scope than strictly EU membership.

After a prolonged period of stagnation, the enlargement process was jolted by the war between Russia and Ukraine, and the subsequent applications for membership lodged by the Associated Trio – Ukraine, Moldova, and Georgia. With unprecedented speed, the EU granted candidate status to Ukraine and Moldova, while Georgia was assured of having a European Perspective. About a year later, Georgia also received candidate status. This situation gave rise to questions regarding the future of EU accession, given the particularities of the Associated Trio: territorial integrity, effective control over territory, human rights concerns, capacity to uphold the rule of law, polarisation of the population with regard to EU accession and EU values. In this context, the current state of affairs has the potential to pave the way towards a European doctrine on accession of countries at war, or under foreign occupation, bringing new layers to the discourse of peace, security, and stability.

Beyond having to face the regular opposition of some EU members towards enlargement in general, the Associated Trio countries will also have to overcome fears that they may not bear the same attachment towards European fundamental values, particularly regarding rule of law.

As the future of EU enlargement is concerned, the application and recognition of Ukraine, Moldova and Georgia as candidate countries underline that applying strict conditionality, free of context, is impossible.

⁷² *Ibidem*.

The case of the Associated Trio does not only address enlargement but is part of the EU's broader foreign policy strategy, in response towards Russia's war of aggression against Ukraine. Unlike in the case of the Balkan countries, the verification of the rule of law principles, prior to granting candidate status, has been *de facto* been done superficially, as Ukraine and Moldova were fast-tracked into candidacy.

Opening the gates towards the Associated Trio has had a ripple effect over the entire enlargement process. It brought the enlargement debate out of its standstill and jolted serious discussion around the EU's role in upholding its values through enlargement. It also benefited Bosnia and Herzegovina, which became a candidate at the end of 2022, and started accession negotiations at the end of 2023. Yet, the wave of new candidates raises the question of consistency in the way the EU upholds political conditionality as a principle of enlargement. While the 2022 decision to award candidate status was clearly prompted by gaining momentum, the democratic profile of the new candidate countries is not well substantiated and has not had a progressive trendline in the past.

The new accession methodology will be put to the test in the context of the new enlargement paradigm. Whether political conditionality will be effective and be a true vector for change will be seen as the process progresses.

In the direction of reforming EU decision-making, switching from unanimity to qualified majority voting (QMV) in all areas of foreign and security policy, the current events certainly bring momentum to the discussion. Judging by the lingering trendline and past reticence of Member States to move in this direction, effective change seems unlikely, even in the face of war at EU's doorstep.

Overall, the Associated Trio's applications for EU membership have incited a revitalised discussion on enlargement, as well as the role of the EU on the international scene as a vector of peace and stability. While the criteria for enlargement remain unchanged, the dynamics and the process will evolve and surface new variance, with potential for both hope in the force of political conditionality as a sufficient incentive to enact change for the better, as well as fears of polarisation and weakening unity within the EU.

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