

Vilnius University Faculty of Law

Department of International Law and Human Rights

Aleksandre Bezhashvili

II study year, International and European Law Programme Student

Master's Thesis

Legal and institutional foundations of the EU Enlargement policy: is the existing framework adequate for the achievement of objectives of this EU policy?

Teisinis ir institucinis ES plėtros politikos pagrindų įvertinimas: ar esama sistema yra tinkama pasiekti šios politikos tikslus?

Supervisor: Prof. dr. Skirgailė Žalimienė

Reviewer: Lekt. dr. Inga Martinkutė

Vilnius
2023

ABSTRACT

The master's thesis presents a critical examination of the European Union's enlargement policy, particularly its legal and institutional frameworks. The study delves into the effectiveness of this policy in fostering political stability and promoting democracy among member and candidate states. It reveals that the success of policy implementation varies across different regions, with geopolitical factors playing a significant role in the enlargement process as a whole. The research further highlights the enlargement policy's inconsistent approach throughout history, often being guided by external factors rather than merit based components. The findings offer valuable insights into the complexities and implications of the EU's enlargement policy.

Keywords: European Union, Enlargement, Conditionality, Adequacy of policy

Chapter 1: Introduction	1
1.1 Background of the Study	2
1.2 Research Questions and Objectives	5
1.3 Significance of the Study	6
1.4 Research Design	7
1.5 Data Collection	9
1.6 Limitations of the Study	10
Chapter 2: Literature Review	11
2.1 Theoretical Framework	11
2.1.1 Neofunctionalism	11
2.1.2 Intergovernmentalism	15
2.1.3 Constructivism	17
2.2 Review of Previous Studies	19
2.3 Gaps in the Literature on EU Enlargement Policy	23
2.4 Summary of Chapter	25
Chapter 3: Legal Foundations of EU Enlargement	26
3.1 Historical Context and Evolution of EU Enlargement	26
3.2 Current accession criteria and procedure	27
3.2.1 Being European and being state	28
3.2.2 "Respecting the values of Article 2 TEU"	29
3.2.3 Copenhagen Criteria	29
3.2.4 Process of Enlargement	31
3.3 Institutional Structures	32
3.3.1 European Commission	33
3.3.2 Council of the European Union	34
3.2.3 European Parliament	35
3.4 Challenges with institutional structures.	35
3.5 Summary of the Chapter	36
Chapter 4: Adequacy of the current framework in light of Unions objectives	36
4.1 Objectives of the EU and its Policy	37
4.2 Analysis of past enlargement cases in view of general objectives	38
4.2.1 Case of the United Kingdom	38
4.2.2 Case of Romania	39
4.3 Relevant Ongoing enlargement cases	39
4.4 Concerns regarding accession criteria and procedure	40
4.5 Summary of Chapter	41
5. Final Conclusions	42

List of references

44

SUMMARY

49

Chapter 1: Introduction

1.1 Founding of the EU

The idea of the United European countries, which now consist of a political and economic union of 27 European countries, was first formulated in the post-World War II period. In the aftermath of the devastation brought by the war, economic cooperation was seen as a pathway to guaranteeing and sustaining peace within the continent. The first steps of the EU and its origins can be found in key treaties drawn after the Second World War and in the vision of leading European statesmen, who aimed to use collaboration as an integral part of the prevention mechanism to avoid further conflicts on European soil.

The origins of the EU lie in the following period of World War II, a period recognised as a quest to achieve peace and stability in Europe. The European Coal and Steel Community (ECSC), established by the Treaty of Paris in 1951, paved the way for European integration. A treaty signed by six founding nations—Germany, Belgium, Italy, France, Luxembourg, and the Netherlands—aimed to centralise coal and steel production, the critical resources for commencing military campaigns, under one authority, thereby decreasing the likelihood of further conflicts. (Dinan, 2004)

The success of ECSC led to developing cooperation further. In 1957, the Treaty of Rome was signed, creating the European Economic Community (EEC) and the European Atomic Energy Community (Euratom). These institutions, while primarily economic in nature, set the stage for broader integration with political implications, which eventually developed into the single market and evolved into the present European Union. (McCormick, J. 2017)

One of the integral policies of the EU has been the enlargement policy, which, through the years, has been used to spread stability, democracy, and prosperity throughout the continent. Each wave of enlargement, while bringing new opportunities and challenges, has also reshaped the union's policies and objectives. Since its inception, the union has introduced

new members into the community and now includes 27 countries, a testament to the appeal of integration and cooperation.

Within this process, the two pivotal points were the Single European Act of 1986 and the Maastricht Treaty of 1992, both of which helped the union transition from a purely economic community to more of a political union, introducing new forms of cooperation in matters of foreign policy, internal affairs, justice, and more. Furthermore, by establishing the European Union and preparing closer economic integration, the euro will be the single currency of the union. (Nugent, N. 2010)

While the EU's journey from being a community of single authority over steel and coal to the current state of Union has been complex, the latest significant change that restructured the EU has been the Lisbon Treaty, which came into force in 2009. While its adoption process was surrounded by controversy at the time, in the end, it streamlined the decision-making process and aimed to make the EU more democratic and efficient, reflecting its growth and the increasing complexity of its operations. (Peterson & Shackleton, 2012)

In short, the principle calling for the creation of the EU was needed for peace and stability after World War II. The Union's ability to transform and evolve has been crucial in enlargement efforts, answering challenges presented at the time. While the EU faces the challenges of the current era, the central and founding principles remain the same: to have peace, stability, and freedom on the European continent.

1.1 Background of the Study

Since its inception, the EU's enlargement policy has been integral to its external relations and, as mentioned before, has evolved significantly from its original form. Enlargement policy, being the central part of promoting European values, has been shaped by complex nuances of geopolitical, economic, and legal factors.

The Union welcomed the United Kingdom, Ireland, and Denmark in 1973, marking the beginning of the process of expansion and enlargement. The economic and political desire to

expand the market and fortify the European Economic Community was the main force behind the first round of enlargement. Important in terms of economic ramifications, incorporating Greece and Spain with Portugal in 1981 and 1986, respectively, also addressed the challenge of establishing democracy in southern Europe following a protracted period of authoritarian rule (Preston, 1995).

The establishment of the Copenhagen Criteria in 1993 marked a pivotal moment in the evolution of enlargement policy. Criteria set out by the treaty, which included political stability, market economy, and adherence to EU legislation, played a crucial role in the accession of central and eastern European countries. An enlargement wave of not only economic significance but rather strategic and symbolic significance, reuniting Europe after the Cold War and triumphing democracy and market economies over former socialist bloc countries.

Through the years, the EU has used both a strategic and a conditional approach when it comes to its expansion policy. In addition to expanding the union, the policy has also been used as a tool to extend union influence and standards, particularly in regions that hold strategic significance. A prime example of this notion would be Western Balkan countries, where the prospect of EU membership has pushed countries into political and economic reforms, promoting peace and stability in a region that has been torn apart by internal regional conflicts following World War II.

The enlargement policy cannot be discussed without the accession process, which can be described as a rigorous and comprehensive procedure to make sure aspiring countries are compatible with the EU's political, economic, and legal systems.

The initial process formally starts when an aspiring country applies for EU membership, signalling the country's commitment to align with EU standards. Following the application, the European Commission assesses applicants' political and economic environment, drawing conclusions as to whether the aspirant is ready to meet the Copenhagen Criteria. Given that positive recommendations from the commission and approval from the European Council are granted, the negotiation phase starts off. An extensive process that covers 35 chapters of the

EU acquis encompassing various policy areas. (European Commission, 2020)

Through the negotiations, the European Commission monitors and gives its reports on the country's progress in accordance with European standards, playing a crucial role in determining the pace of negotiations and the completion of individual chapters. Upon completion of all chapters, the Accession Treaty is drafted and needs to be ratified by all existing EU member states and candidate countries (Council of the European Union, 2021).

While it is true that enlargement policy is used as a key instrument for stability and integration within Europe, it does not come without its criticism and challenges. One of the primary ones being the EU's absorption capacity. Previous expansion waves and crises that followed have shown that the EU's ability to integrate new members is not without its limits. As the risk of compromising functionality and institutional coherence stands with each new member. It is argued that diversity in economic, political, and cultural aspects can put strain on the EU's decision-making process, lead to dissolution of policy effectiveness, and potentially lead to internal divisions (Börzel & Risse, 2000).

The enlargement policy has also been criticised in terms of its effectiveness in transforming the candidate countries. Arguing that while countries make formal changes to meet criteria set out by the EU, these changes are not seen in tangible and sustainable form, raising questions about the long-term implications of enlargement on political and economic stability in new member states. (Grabbe, 2006)

While mentioning criticism, a critical democratic deficit is also mentioned, with regards to expansion policy and not only. Critics point out the lack of transparency and public engagement when it comes to decisions about enlargement, arguing that decisions are driven by "EU elites" without sufficient input from the general public, leading to scepticism and opposition to enlargement among EU citizens. (Hooghe & Marks, 2005).

While the list of questionable areas in enlargement policy is extensive, the influence of

geopolitical context in the enlargement process is also seen as a point of dispute among the commentators. Some argue that it is strategic interest that drives the enlargement process rather than adherence to the Copenhagen Criteria. (Avery, 2009) This became particularly evident in cases of the Eastern Enlargement Wave, where integration was used as a tool to stabilise post-Cold War Europe by extending zones of democratically governed countries, preventing the emergence of new dividing lines. (Schimmelfennig, 2001) In addition, granting candidate status to countries that hold significant strategic interest to the EU (Ukraine, Moldova, and Georgia) to manage complex relations with Russia further confirms the concerns of critics that external factors such as geopolitical context and conflicts play a major role in the enlargement process.

Having mentioned all the areas of debate and criticism of the EU's enlargement policy, highlight the dilemmas the Union is faced with while navigating the expansion efforts. Which has to do with balancing the integration of the candidate country with maintaining high standards and ensuring the sustainability of the union. Understanding these multidimensional processes is essential for assessing the effectiveness of enlargement policies and their trajectory in the ever-evolving political landscape of Europe.

1.2 Research Questions and Objectives

Through an examination of the European Union's enlargement policy, the purpose of this thesis is to conduct a critical analysis of the adequacy of the current framework in terms of achieving the objectives of EU enlargement. These objectives have traditionally been derived from the promotion of stability, democracy, and economic prosperity in Europe, all while maintaining high standards and avoiding the risk of the union's failure to remain sustainable.

While being analysed, research will go into evaluating how successful policy has been in guaranteeing social and political stability in candidate nations. This will be done while keeping in mind the Union's institutional, political, and economic capacity to absorb new members without compromising standards and functionality.

Additionally, research will be conducted to determine the degree to which the process of enlargement contributes to the building of democratic, economic, and political institutions inside the countries that are seeking membership, as well as whether or not the changes that have been implemented in candidate countries are sustainable once they have gained membership.

Last but not least, the thesis will study the role that external geopolitical considerations have in the EU's enlargement strategy, as well as the impact that these elements have on the policy. It will also investigate the concept of how strategic interests have influenced policy decisions throughout the years, as well as possible problems that may arise with regard to the flexibility of policy.

1.3 Significance of the Study

Research around the EU's enlargement policy holds importance, given the fact that policy plays a crucial role in shaping the EU's external relations and its overall strategic objectives. This research will be particularly significant in a few areas, not only offering an in-depth analysis of policy but also exploring the broader implications of EU enlargement for regional integration, global geopolitical context, and the future trajectory of the Union.

As of writing this, the enlargement process is ongoing with Western Balkan countries, along with Eastern Partnership countries (Ukraine, Moldova, and Georgia), and Turkey, which formally already holds candidate status (although negotiations have been stalled for quite some time). This study is relevant in providing in-depth insights into the effectiveness and challenges of the policy, which in itself is critical in understanding the current state and future of the Union.

In addition to the above, recent geopolitical developments, namely the conflict between Ukraine and Russia, have had a significant influence on the EU's enlargement policy, making this study particularly timely, as this research will shed light on how the EU balances its

internal values and principles with external factors, contributing to discussions on the EU's role in global politics.

Being a prominent regional union, the EU's enlargement policy can serve as a model for regional integration; therefore, this study will provide an opportunity to understand how such policies can evolve and adapt in light of internal and external pressures. Challenges identified within this study can be used as guidelines for other regional integration efforts, offering insights into the difficulties and successes of such policies.

While mentioning the difficulties and successes of enlargement policies, there is no debate that the enlargement process leaves a significant mark on the identity and cohesion of the EU. By examining these challenges and success stories of policy, this study contributes to understanding how enlargement can affect the political and cultural fabric of the EU, further contributing in the context of the evolving European and global political landscape.

Findings from this study can also offer valuable suggestions for improving and refining the Union's future enlargement strategies, serving as the foundation for future research in EU studies. It can be used as a comprehensive analysis of one of the EU's main policies, which in itself can act as the foundation for more in-depth studies on specific aspects of policy.

In summary, this study holds significance since it thoroughly analyses the EU's enlargement policy, providing valuable insights into both the policy itself and the wider impact of EU enlargement on regional integration, global politics, and the future of the European Union.

The study's results can provide valuable insights for both academic discussions and policy formulation, enhancing our comprehension of the EU's position on the global stage and the difficulties and possibilities associated with its enlargement strategy.

1.4 Research Design

Thesis design revolves around the qualitative expiration of the EU's enlargement policy, namely examining its legal and institutional foundations and the impacts of various factors that have an effect on the objectives of policy. This section particularly outlines the structure

and design of the research, outlining its suitability for addressing the nature of EU enlargement.

Choosing the qualitative method of research is grounded in the nature of the research questions and objectives. The study will attempt to tackle the intricacies of the EU's enlargement policy, a topic that requires understanding of legal texts, frameworks, institutional dynamics, as well as other external factors, namely the geopolitical context. The qualitative approach, with its qualities, is optimal for the purposes of this thesis, taking into account the fact that it allows for comprehensive exploration of such a complex subject. Compared to quantitative methods, which mainly focus on numerical data and analysis of statistics, qualitative research is suited for analysing and exploring themes, narratives, etc. that all together underline the policy and its implementation.

A core element of research design would be document analysis, involving the examination of a variety of relevant documents, including treaties, legislation, official reports, policy papers, and academic literature. The rationale behind choosing the method would be, firstly, to analyse and understand the legal basis of EU enlargement, and secondly, to evaluate how these legal frameworks are implemented in practice and how subsequent they are in achieving its goals.

This method also helps us comprehend the EU's stance on conditionality, compliance mechanism, and candidate country requirements, as it is one of the cornerstones of EU enlargement policy. Understanding how these conditions are proposed, negotiated, and then used will be possible through the examination of documents pertaining to these topics as well as scholarly commentary.

Another crucial component of this research will be the use of comparative case studies. The study will attempt to analyse several waves of EU enlargement that helped shape the policy further, with a particular focus on contrasting scenarios. Cases of the United Kingdom's early attempts to join and later accessions of Romania, Bulgaria, and Croatia will be reviewed for their contrasting and instructive value. Case studies serving multiple purposes will highlight the variability and consistency, or rather inconsistencies, of the EU's approach towards

enlargement, which in itself will help demonstrate the interplay between EU policies and the unique political, economic, and social structures of candidate countries.

The study will also utilise existing data and statistics that are related to the enlargement process of the EU, namely the duration of accession, compliance with EU criteria, and economic and political impacts on both the EU and ascending countries. The interpretation of these data will allow us to further identify trends, patterns, and correlations, giving a broader context for the effectiveness and implications of enlargement policy.

The research will comply with ethical standards in academic research, most prominently in the use of existing literature and dates. All sources are to be credited appropriately to maintain the integrity of the research.

To summarise, research revolving mainly around qualitative methods will utilise quantitative design in some of the aspects of the study. Combining both to better address the dimensions of the EU's enlargement policy. Focusing on analysing documents and case studies, in addition to existing quantitative data, the study will offer a nuanced and informed examination of the legal and institutional foundations of policy and its adequacy in achieving policy goals.

1.5 Data Collection

Given the scope of research focusing on policy's legal and institutional foundations and their adequacy, data collection strategy will be pivotal; therefore, document analysis will be central to this research, which will include a review of a variety of documents that are key to understanding the EU's enlargement process.

Exploring the EU's legal documents and treaties, including the Treaty of Rome, the Maastricht Treaty, the Treaty of Amsterdam, Nice, Lisbon, and other documents, will be critical in the research, providing the legal basis for the EU enlargement process, outlining criteria, and establishing the exact procedure for accession.

A review of academic literature will shape a large part of data collection, which will include

scholarly articles, books, and research papers that are relevant to the enlargement policy's historical context and implications. A review of the literature will also encompass geopolitical aspects of EU enlargement, giving us a broader understanding of policy.

Regarding case studies that will cover the ascension process of the United Kingdom, Romania, and current ongoing accession processes, various sources will be used, namely historical documents, reports, Commission opinions, etc., giving us a detailed overview of each country's challenges and victories along the succession journey.

1.6 Limitations of the Study

While conducting research, it is important to acknowledge the limitations of the study in order to set realistic expectations while also providing context for interpretations of the research findings.

One of the main limitations of this research will be its reliance on secondary data sources. While documents, reports, academic literature, and others provide valuable information, they restrict the research to already established data and perspectives. The absence of first-hand data collection, like interviews or surveys, will limit the ability to gather current insights from stakeholders, policymakers, officials, or EU citizens relating to EU enlargement.

Despite making efforts to maintain objectivity at all costs, the qualitative nature of analysis is inherently subject to interpretative basis, which in itself can lead to different interpretations of the presented data, further influencing the final conclusions drawn from the research.

Concerning case studies, while they provide an in-depth view of the enlargement process, the results from these studies may not be generalizable and applicable to other candidate countries. As shown through the history of enlargement, the process is unique to each member state and is influenced by economic, political, social, and other factors; therefore, conclusions drawn from the above-mentioned case studies should be applied to other contexts with caution.

The geopolitical context, which will be the key theme of the research, is evolving every minute. External factors such as relations between countries, crises, and shifts in power

dynamics all have an influence on enlargement policy. As changes can happen during the course of conducting this research, the study may not be able to fully capture these dynamics and developments, which significantly impact policy implementation and effectiveness.

Last but not least, quantitative aspects of research and its limitations need to be addressed. Accuracy, relevance, and availability are elements of secondary quantitative data that can potentially affect the final analysis. In addition, the interpretation of said data without the benefit of primary data can limit our understanding and reasoning behind observed trends and patterns.

Chapter 2: Literature Review

2.1 Theoretical Framework

A review of European Union enlargement policy cannot be done without first going into in-depth analysis of the theoretical foundations that shape the enlargement process. The EU's approach to incorporating new members cannot be just described as political and economic manoeuvres; rather, it represents a combination of a few theoretical frameworks. Within this chapter, the study will dive into the primary theoretical perspectives that shape our perception of EU enlargement: intergovernmentalism, neo-functionalism, and constructivism. exploring each of these theories that offer unique insights into understanding the enlargement process.

2.1.1 Neofunctionalism

One of the prominent theories in the study of European integration is Neofunctionalism, which gives us a critical overview of the framework for understanding the EU's enlargement policy. Originally developed by Ernst B. Haas, the theory suggests that economic integration paves the way for more broad political integration, a concept also known as spillover.

As mentioned above, at the heart of neofunctionalism lies the concept of spillover, which

implies that cooperation and integration in one sector (in the context of the EU, economics) puts pressure on and incentivizes cooperation in other spheres as well, namely political and social. Once started, the process of spillover can be perceived as somewhat organic and self-sustaining, as seen throughout the EU's history, from its conception in the form of the ECSC and EEC that led to deeper political cooperation in the form of the current European Union. (Haas, 1958; Tranholm-Mikkelsen, 1991)

While reviewing the literature, three of the most prominent types of spillover effects can be identified that play pivotal roles in driving deeper cooperation among the states: functional, political, and cultivated spillover effects.

The functional spillover effect, developed by Enst B. Haas, is a concept that plays a fundamental role in understanding European integration. It refers to a process, as mentioned already, where integration in one policy gives birth to the necessity of integrating in related sectors with the purpose of ensuring the proper functioning of that policy. (Haas, 1958)

Creation of the EU A single market would be a very good example of functional spillover. where the removal of barriers relating to the trade of goods and services necessitated cooperation in regulations and standards in order to ensure a fair and level playing field. It was this imperative that led to the development of common policies in areas such as intellectual property rights, competition, etc.

In other words, functional spillover shows the unintended consequences of integration. highlighting that as states cooperate on one policy, they encounter unforeseen challenges in other related domains, which in itself triggers the domino effect and prompts policymakers to expand the scope of integration in order to effectively address the issues at hand.

The political spillover effect, which has been a point of discussion by many scholars, can be described as a process where collaboration in one policy automatically triggers cooperation in the political realm (Schmitter, 1969). According to P.C. Schmitter, "Through collaboration in certain domains, member states foster a collective sense of identity and shared objectives, potentially fostering an inclination towards further political union."

A demonstrative example of a political spillover effect at work would be the development of the European Monetary Union (EMU). The initial purpose for the creation of a single currency, the Euro, was aimed at enhancing economic integration; however, the creation of the Euro, in addition to the financial crisis in 2008, gave birth to political momentum as greater coordination was necessitated on monetary and fiscal policies to avoid further crises and sustain the stability of the currency, reflecting the political spillover effect from economic dominion to political one.

Last but not least, the **cultivated spillover** effect can be characterised as both calculated and intentional. Arranged by supranational bodies (e.g., the European Commission) who, through their influence and authority, actively promote integration in new policy areas. (Dyson & Featherstone, 1999)

An idea developed by A. Moravcsik, K. Dyson, and K. Featherstone suggests that it is supranational institutions that play a major role in setting agendas for newer cooperation areas and proposing new initiatives and frameworks. Identifying where deepening integration can be beneficial and working towards gaining the support of stakeholders. (Moravcsik, 1998). (Dyson & Featherstone, 1999).

Cultivated spillover can be observed in various realms of the European Union. For one in the domain of foreign policy, where the EU's External Action Service is working to coordinate member states common foreign policy positions, reflecting on deliberate efforts by supranational institutions to advance integration in this regard. Another prime example can be presented in the form of promoting environmental policy within the EU, a policy that initially received limited attention, but despite this, the commission actively drives environmental directives and initiatives, creating momentum for deeper integration.

While the process can be driven by different groups, such as political actors and non-governmental organisations, neofunctionalism views supranational institutions as the main catalyst for pushing countries into initial cooperation and then further deepening the collaboration beyond what initially can be anticipated. These supranational entities are

viewed as neutral arbiters that push national actors towards overcoming challenges for the sake of a common goal. (Niemann, 2006).

Scholars often describe functionalism as a process that is often governed by a degree of predictability, suggesting that progression towards deeper cooperation is natural once the process begins (Hoffmann, 1966). The main prediction of neofunctionalism would be that European integration in an economic context would sustain itself, leading to deeper cooperation between countries; however, the history of European integration has shown that that is not always the case.

While mentioning national interests in neofunctionalism, it is necessary to mention A. Moravcsik's ideas that it is the national interests of the member states' governments that are key players in the enlargement and integration process (an idea that gave birth to the parallel theory of integration, which we will discuss in upcoming chapters), further leading to critiques and limitations of neofunctionalism.

Criticism of neofunctionalism revolves around three main ideas, the first being challenges to national sovereignty, where critics argue that the importance of national sovereignty is often overlooked. States are often not keen on forfeiting their sovereignty to supranational entities, which slows down the enlargement process. (Moravcsik, 1998). While this idea was developed in the late 1990's, we saw the fruits of it in relation to Brexit, where, among other factors, it was the element of national sovereignty that led to eventual referendum results.

The second point of criticism neofunctionalism faces is overdramatizing economic factors. Rosamond B., a prominent critic of neofunctionalism, argued that integration does not necessarily boil down to economic factors. Rather, political, cultural, and historical factors play equal roles in the enlargement process, influencing integration beyond its economic scope. (Rosamond, 2000)

And last of the main points of criticism are the challenges that derive from the post-enlargement period, arguing that neofunctionalism does not address the hurdles new members face after integrating within the EU's existing structures. (Schimmelfennig & Sedelmeier, 2004). While list of criticism does not end here, considering that scholars have

argued about Enlargement fatigue, dynamics of external relations cohesion and disparities also brings topics of disapproval within neofunctionalism. It is crucial that we outline the importance of neofunctionalism, as it provides a complex lens for viewing the EU's enlargement policy. It sheds light on how cooperation in one area of policy, namely economics, can lead to the EU's expansion. However, while offering practical insights for enlargement, it must be balanced with the perception that the EU has evolved from being a purely economic union to a political one as well, therefore necessitating balance within political and national interests as well as cultural dynamics.

2.1.2 Intergovernmentalism

Opposed to neofunctionalism, where the focus is on supranational institutions with regards to integration. Intergovernmentalism is a theory that focuses on the interests of national governments and their influence in integration affairs. It puts forward the idea that cooperation happening on an international level is the subject of negotiated agreements between the states, taking their own national interests into account (Cini, 2019).

Similar to its counterpart, over the course of time, a few variants of intergovernmentalism have emerged among scholars, the most prominent being classical, liberal, and new intergovernmentalism.

Stanley Hoffmann was one of the few scholars who first developed the idea of **classical intergovernmentalism**, offering a state-centric view of integration. Hoffman argued that states are the main actors when it comes to international relations between countries, and as it would be natural, their actions are primarily guided by national self-interests. The theory further argues that international integration and cooperation are results of intergovernmental negotiations that seek to maximise national interests. (Hoffmann 1966)

Theory gained its popularity in the 1960's as it became evident that it was describing the actions of then acting president of France, General Charles de Gaulle, who single-handedly blocked entry of the UK into the community. This was followed up by the “empty chair crisis” in the late 1960's, where in addition to the French president, other heads of state

refused to participate in council meetings because of disagreements with budgetary issues, further proving the point that nations act with their interests in mind at first while cooperating at the international level.

Hoffman used classical intergovernmentalism as a form of critique of neofunctionalism at the time, stating that cooperation in the European Community was not predictable and automatic as previously thought or led by supranational interests; rather, it was state actors and their deliberate decisions that guided the integration.

While at the time classical intergovernmentalism described occurring events accurately, it came with its fair share of criticism as well, particularly for its state-centric perspective. The theory was challenged for its underestimation of non-state actors, pointing out the inability to explain how integration was deepening beyond governmental cooperation, as evidently seen in the European Union.

A few decades later, during the 1990's, Andrew Moravcsik put forward the idea of **liberal intergovernmentalism**, remaining the same in its core: while cooperation on an international level is primarily guided by states self-interest, it is domestic actors such as political or interest groups and public opinion that guide the national interests, therefore guiding international cooperation as well. (Moravcsik, 1993)

Moravcsik used components of liberal theories and combined them with realist theories to interpret the dynamics of European integration. Claiming that after establishing national interests, international cooperation was becoming mere bargaining among the states, each pushing their own interests, while international institutions facilitated these negotiations.

Despite criticism that the role of states was overplayed in integration and the role of supranational institutions downplayed, Moravcsik's Liberal Intergovernmentalism somewhat accurately described European integration of its time, namely chapters of the Maastricht Treaty and the Single European Act, where the results of both were reflections of nations'

domestic interests clashing and balancing each other.

After the Maastricht Treaty, a new theoretical framework emerged within intergovernmentalism, known as **New Intergovernmentalism**. Scholars have outlined certain paradoxes with regards to integration. Stating: “While basic constitutional features of the European Union have remained stable, EU activity has expanded to an unprecedented degree.” With new thinking, a shift in the EU’s governance was detected that was explained by the increased role of national governments in policymaking, especially in areas of core state powers (Bickerton, Hodson, and Puetter, 2015).

New intergovernmentalism also tries to explain how the EU's decision-making has become more focused on consensus than classical intergovernmentalism's emphasis on power politics and bargaining. Parallel to this, the use of informal governance mechanisms has been a crucial factor within new versions of theory, explaining the usage of task forces, summits, etc. outside of EU treaty frameworks.

The concept of new intergovernmentalism has been utilised to analyse recent advancements in EU integration, especially in relation to crises such as the Eurozone crisis and the migrant crisis. While accurate in explaining recent events, critics argue about the long-term implications of theories' ability to explain the trajectory of integration. (Bickerton, Hodson, and Puetter, 2015).

In summary, while there is no shortage of controversy over intergovernmentalism and its ability to describe events of European enlargement, through the years, it has played a major role in explaining international relations, specifically in cases where states are in the “driver seat.” Naturally, the criticism that it has faced has been valid in relation to its limitations in addressing the expansion process that has been driven by supranational institutions; however, it would be too much to ask from one theoretical framework to describe all of European integration.

2.1.3 Constructivism

Constructivism, being an already well-established school of thought in the study of international relations, entered the realm of studying European integration relatively late in the late 1990's. Constructivism offered a rather unique approach to explaining the European Union's enlargement policy, shifting the view from material factors such as economic and political aspects being the main drivers of integration to abstract points such as ideas, identities, and norms being the freight trains of enlargement in Europe.

The school of constructivism does not necessarily outline the main drivers of integration in Europe; rather, it suggests that ideas are free to operate on any level, may it be within citizens, governments, or so on. Constructivism and Liberal Intergovernmentalism are similar in the sense that whose ideas are put forward, or in the case of Liberal Intergovernmentalism, whose interests become national interests, are both determined by the opportunities and limitations of governing.

Ultimately, constructivism revolves around the idea that citizens do not exist separate from their surroundings and environment; therefore, individuals "construct" this living environment through their ideas and ideals. Constructivism "is based on a social ontology that insists that human agents do not exist independently from their social environment and its collectively shared systems of meanings ('culture' in a broad sense)." Risse (p. 160)

Scholars attribute constructivism with explaining the events that occurred during the EU's enlargement in 2004 and 2007, where countries of central and eastern Europe were integrated into the union on the premise of "EU promoting democratic values" and transforming formerly communist-socialist states (Vachudova, 2005). Constructivism is also used as a tool to describe the EU's complex relations with Turkey, a country that formally holds candidate status, but within the union, hesitancy and debate are stirred around Turkey's lack of alignment with European identity and ideals. (Rumelili, 2004).

While a useful tool in some respects, constructivism has faced severe backlash for several of

its core principles. Andrew Moravcsik has rallied against constructivism for its lack of distinctive hypotheses and methods for testing these hypotheses objectively. Conveniently naming his work “Bringing Constructivist Integration Theory Out of the Clouds: Has it Landed Yet?” Because constructivism relies on more ontological issues than evolving tangible theories, it has a hard time explaining certain phenomena; rather, it demonstrates the events that are occurring. (Moravcsik 2001)

In the end, the constructivist perspective offers us a similar but at the same time different perspective on EU enlargement, highlighting the EU's ability to attract other nations not only for its economic allure but also for its European and community values.

2.2 Review of Previous Studies

Since the Treaty of Rome, which established the European Economic Community and which many point out is the starting point of the current European Union, Union enlargement policy has been studied and debated by scholars. Dinian (2010) and Nugent (2006) have been most comprehensive in describing the early stages of the EU's expansion, focusing on the foundational goals of union in war-torn Europe.

Setting the stage for future enlargements, the Treaty of Rome established a vision for economic and political integration with the fundamental goals of not only economic prosperity but also the prevention of conflicts that plagued the 20th century. The enlargement policy at hand today is the result of growth in these motifs and goals. (Dinan, 2010; Nugent, 2006).

While mentioning the initial stages of EU expansion, it is crucial that we pinpoint the fact that historians have a tendency to describe the first phase of expansion in the 1970s and 1980s as motivated by the EU's need to expand its influence and the economic needs of the joining states. George (1996); Young (1998)

Besides the historical point of view, political and economic dimensions of the EU's expansions have been the subject of extensive studies by scholars, the main point of analysis being the Copenhagen Criteria and how its standards have influenced the expansion process.

Schimmelfennig and Sedelmeier (2004) have offered their critical input on uncovering the above-mentioned topics and the importance of democratic institutions as one of the requirements for the membership.

Last but not least, the enlargement process from the perspective of EU institutions and their decision-making has also been a focal point for scholars. The interdynamics of EU institutions have been excellently covered by Hoffmann (2010) and Wallace (2007), shedding light on how different EU institutions operate in the context of enlargement. The role of the European Commission in itself is a separate field of study in the sense that it has a particular role within the process of evaluating candidate countries' progress and negotiating in the name of the EU. Nugent (2000) and Cini (2007) provide valuable perspectives on the Commission's changing role and its influence on the policy of expansion.

Each perspective of scholars mentioned above provides the bedrock for understanding EU enlargement policy in a variety of dimensions, be they political, economical, historical, or other. setting the stage for this research and thesis.

While reviewing the literature related to EU enlargement policy, certain themes and patterns can be detected when reflecting on the nature of policy. The leading theme of this literature would be the role of enlargement policy in promoting democracy and overall stability. Vachudova (2005), in her extensive study, highlights how EU membership and the perspective of getting EU membership have spearheaded political and economic reforms in countries. Standards set out by the EU for accession, such as democratic governance, rule of law, human rights, etc., have played a crucial role in transforming these countries. This aspect of the policy becomes particularly evident when examining Balkan countries, where war-torn countries such as BiH, for example, have been “lured” into being stabilised with the prospect of becoming an EU member state.

Another theme that is noticeable within the literature is economic integration and the development that comes with it. The literature dives into the benefits and challenges both unions and new members face when enlargement policy comes into play. The pivotal theme of this discourse is that while enlargement results in newly discovered economic

opportunities, such as increased market access, investments, etc., it also comes with the challenge of fusing diverse economies together into a single market.

Last but not least, the cultural and social dimensions of enlargement cannot be left without notice. Studies examine how identity and values are affected for both new and existing member states while expanding the union. It is only natural that scholars attribute profound implications for social cohesion to the free movement of people, ideas, and the integration of diverse cultures through enlargement policy.

In the geopolitical context, something that's deeply interwoven with EU enlargement policy needs to be addressed when examining literature about the policy, namely, how historical, global, and regional dynamics affect the policy. Schimmelfennig (2001) and Grabbe (2006) have reviewed and argued how EU enlargement, especially after 2004, was part of the grand scheme to stabilise a historically volatile region by integrating post-communist states within the union. Using expansion as a proactive measure rather than staying reactive after the fall of the Soviet Union

After the Soviet Union, a new dimension came into perspective, which was EU enlargement and now Russia's foreign policy. It is no secret that expansion towards the east was viewed as an intrusion into Russia's area of influence, from a Russian perspective, leading to complex dynamics and certain friction with Moscow. Smith (2005) and Leonard (2014) explore just that: the EU's expansion from a Russian perspective and the delicate balance the EU must maintain while expanding its area of influence in a geopolitical chess match with Russia.

Staying within the geopolitical umbrella and moving into another case, Turkey's EU bid gives us another perspective on the geopolitical complexities that lie in the EU's expansion policy. The delayed nature of Turkey's relations with the EU, explored by Müftüleri-Baç (2008) and Tocci (2005), illustrates how the entanglement of cultural, geopolitical, and human rights issues can affect the accession process, despite Turkey's unique strategic significance.

Themes mentioned above that are found in literature concerning the expansion of the EU are often viewed as points of criticism by scholars, who view matters from the opposite side. One

example of the topic of debate centres around the effectiveness and conditionality of the EU's enlargement policy. Arguing against Schimmelfennig, who suggested that policy has been a useful tool for promoting democracy and stability in candidate countries, Sasse (2008) stated that conditionality and its impact have been counterproductive and led to superficial and unsustainable reforms, which in itself led to the crisis the EU has faced in recent history.

Concerns have been raised regarding the complexity of the governance structure of the EU and the dilution of the power of member states. Another area of contention is that there is a lack of transparency and democratic aspects when it comes to the expansion of the EU. all argued by Follesdal and Hix (2006), further stating that further enlargement of the union will eventually lead to less transparency and accountability in the decision-making process.

Furthermore, geopolitical implications have been the subject of severe discussions as well. As stated already, the EU's enlargement cannot be viewed as a mere bureaucratic exercise; it has grave implications for geopolitical and regional stability as well, making the enlargement policy content of debate for scholars.

When examining literature that reviews the EU's enlargement policy, scholars often turn to case studies to better demonstrate the implications policy has in practice. A few of the case studies are prominent when describing these events, one of which is the inclusion of central and eastern European countries within the union during 2004–2007. Often viewed as a landmark milestone for the union and enlargement policy itself, studies such as Schimmelfennig and Sedelmeier (2005) dive into an in-depth analysis of the hurdles these nations faced while transforming their countries and challenges regarding compliance with EU *acquis*.

Furthermore, the EU's approach towards Western Balkan countries has been the subject of scholarly focus as well. The region, scarred by turbulent political, cultural, and humanitarian troubles, has been somewhat stabilised by the EU's enlargement perspective. Works by Bieber (2011) and Elbasani (2013) outline the EU's strategic use of its policy as a

peace-building and reconciling tool in the Western Balkans, exemplifying how enlargement policy has implications beyond what was originally intended.

In the end, while technically not related to enlargement necessarily, the case of “Brexit” is heavily discussed among scholars who comment on the EU's enlargement policy. Brexit represents a critical point in the EU’s history as the first nation to leave the union (after first having trouble getting in), leaving an impact that might affect the union's future expansion strategy. These implications are well reviewed by Oliver (2016) and Martill and Staiger (2018) from the perspective of both the EU and the UK and how Brexit can reshape the EU, UK, and the whole regional dynamic itself.

The culmination of the literature review used while working on this study shows a comprehensive perspective that covers various aspects and findings relating to the EU’s enlargement policy.

Presenting a diverse line-up of themes, literature uncovers the implications of policy, from its role in promoting stability and democracy in the region to socio-economic integration and geo-political impact, while also engulfing the cultural dimension of union expansion. The debates and critiques concerning these areas are vast as well, challenging expansion policy on the level of effectiveness of conditionality and, most importantly, the ‘democratic deficit’ already mentioned in the above passage.

In addition, the case studies presented have provided important insight on how enlargement policy navigates through different historical, economic, and geopolitical challenges faced at the time. However, what needs to be noted is that the literature is somewhat out of date considering events that were occurring at the time of writing this, with respect to Eastern Partnership countries (Ukraine, Moldova, and Georgia) that have not yet been reviewed by scholars.

In conclusion, the literature review provided a comprehensive picture of the EU’s expansion policy by synthesising a wide range of studies, highlighting “victories” and success stories, as well as emphasising challenges and the need for adaptation.

2.3 Gaps in the Literature on EU Enlargement Policy

The European Union's enlargement policy has been examined and studied extensively; however, certain aspects of it remain unexplored, especially in the legal and institutional frameworks and their adequacy. This section will identify the above-mentioned gaps while simultaneously laying the foundation for further studies and a comprehensive understanding of enlargement policy.

As discussed above, there's substantial literature on theoretical aspects of EU enlargement that gives very little focus on legal frameworks and legal aspects of integration. Schimmelfennig and Sedelmeier (2002) have presented their view on the political dynamics of EU enlargement, focusing on the political dynamics of EU enlargement; however, there is little to no focus on how the legal complexities affect the EU's treaties and regulations in the context of enlargement.

Case studies in literature mostly focus on successful enlargement stories of Central and Eastern Europe, while there is a significant lack of comprehensive analysis on cases where the EU faced hurdles while trying to apply the policy. Examples of repeated attempts by the UK come to mind, in addition to the recent accession of Bulgaria, Romania, and Croatia, where the EU took a different approach when incorporating these countries within the union, not granting them freedom of movement, almost manufacturing these countries into "second-class" countries of the EU.

The influence and role of external actors on the EU's enlargement topic are again somewhat overlooked in the literature. While the role of major powers such as the United States and Russia is mentioned often in relation to the EU, it is easy to predict that emerging economic superpower China will have an effect on the EU's expansion amidst China's growing influence within the Balkan region. As events are developing in real time, scholarly studies that cover this field are rather scarce.

It is questionable if it can be stated as a gap in the literature; however, recent developments surrounding the conflict between Ukraine and Russia certainly have an effect on the EU's

enlargement and its future strategies. Ukraine, Moldova, and Georgia, previously considered under Russian dominion, have gained candidature status for the EU, nearing the start of negotiation talks. How this geopolitical chess move will be viewed from Russia's perspective is still to be determined, but what's certain is that there exists a gap in the literature concerning this, which is soon to be filled in the upcoming years.

In conclusion, although there is a substantial body of research on EU expansion, it fails to adequately investigate a number of particularly important issues. In order to have a complete understanding of the nuances of the European Union's enlargement policy, it is necessary to conduct a more in-depth investigation into the legal aspects of enlargement, the interaction between EU institutions and geopolitical factors, comprehensive comparative case studies, the effectiveness of conditionality and compliance mechanisms, the role of external actors, and interdisciplinary approaches.

2.4 Summary of Chapter

To summarise the literature review as a whole, as reviewed and discussed above, the European Union's enlargement policy gives the readers significant insights on the foundational understanding of political and institutional policies while simultaneously leaving gaps for integration of legal aspects and the influence of current geopolitical factors.

The main area that needs exploring is the EU's legal framework and enlargement process, considering that the EU has shown itself to take different approaches when it comes to different candidate nations. Schimmelfennig and Sedelmeier (2002) have laid the foundation for political motivations behind enlargement processes, leaving legal intricacies and their implications "offside."

Furthermore, the literature has a tendency to underrepresent the influence of contemporary geopolitical dynamics on the decision-making process, namely when it comes to countries such as Ukraine, Moldova, and Georgia becoming members. suggesting that there is a certain need to further study the geopolitical pressures that the EU faces.

In essence, the literature available offers extensive insight into the theoretical part of the EU's

enlargement and its philosophies, from the inception of the union until recent years. However, as union reshaped itself from economic union to political and economic union, the need to expand study in different dimensions has emerged, leaving behind certain gaps.

Chapter 3: Legal Foundations of EU Enlargement

In the following chapter, the thesis will dive into an in-depth exploration of the legal foundations of the European Union's enlargement policy, a critical dimension for understanding the evolution and dynamics of the EU's policy. This chapter will attempt to explore the legal framework of enlargement by examining key treaties, institutional structures, and case studies, all while mentioning the legal intricacies and challenges that have shaped the EU's approach to expansion as it is today.

3.1 Historical Context and Evolution of EU Enlargement

The European Union's expansion can be described as a journey of evolving legal frameworks that adapt to the ever-changing landscapes of European economics, politics, and society in general. The first steps of this journey began with the Treaty of Rome of 1957, which, while mainly focusing on economic collaboration, introduced Article 237 and, with it, introduced the ability for any “European” state to apply for membership. Broad in its description and lacking detailed criteria or procedures, it began the process at hand today called the European Union's Enlargement Policy.

In the beginning stages of the European Economic Community's enlargement, which came in 1973, the United Kingdom, Ireland, and Denmark were introduced to the Union. Processes can be viewed within the dimensions of political negotiations rather than within a formalised legal framework. It was this chaotic expansion process that initially led to the necessity of a structured approach, leading to the formalisation of the process with subsequent treaties. In this context, the Single European Act of 1986 and the Treaty of Maastricht in 1992 left a significant impact. The Maastricht Treaty, in particular, was the main driver in transforming the European Economic Community into the European Union of today, giving strict legal foundations for the enlargement process while still lacking detailed criteria for the enlargement process.(Dinan, 2004).

The 1993 landmark document outlining comprehensive political, economic, and legal requirements that countries needed to meet in order to become full-fledged members of the European Union was the Copenhagen Criteria set out by the European Council. Thus setting the definitive standard for EU membership (Schimmelfennig, 2008).

Following the Copenhagen criteria, the Treaties of Amsterdam in 1997 and Nice in 2001 gave the EU's institutions a more refined face that prepared the Union for acquiring new members by addressing dimensions of the Union such as the European Commission and voting mechanisms, arranging institutional capacities, and expanding membership.

The enlargement waves of 2004 and 2007, often referred to as eastern enlargement, were another event that necessitated and outlined adaptations that were needed within the EU's legal and policy frameworks. Thus, the Treaty of Lisbon of 2007 introduced changes in the EU's "constitutional" structure that reinforced the legal implications of the enlargement process.

Once referred to as the "EU's greatest foreign policy success," in recent years the enlargement process has faced certain turbulence and political sensitivity. Framework established years ago now faces issues of overcoming challenges of contemporary times, such as stronger governance and adherence of democratic principles in candidate countries as well as some of the member countries (Hungary, Poland) (Blockmans & Lazowski, 2014).

3.2 Current accession criteria and procedure

The demanding process of becoming an EU member state, by looking at purely EU law, looks simple enough. Article 49 of the TEU defines what is needed from a candidate country in order to join the EU. Within the first sentence of said article, two criteria are set out for potential members:

"Any European state that respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union."

However, the accession process rarely comes down to countries being "European" and "respecting the values of Article 2 TEU." While there are also other different criteria laid down by the EU, in reality, it is a "quasi-legal" process that governs the enlargement policy, Kochenov (2004). making the whole process complex and stretched over time.

Article 49 of the TEU shows that nations fulfilling the criteria set out in said Article "may apply" for membership, thus indicating that even fulfilling its requirement, membership is not guaranteed; rather, it frames itself as an eligibility criteria. Actual admission, however, is dependent on meeting the criteria set out by the Copenhagen Criteria. Even yet, history has shown us that this is insufficient, implying that all of the standards established by the EU are for the purpose of determining a country's eligibility and not necessarily its admittance inside the EU, as the ultimate decision on accession needs the unanimous consent of all member states

3.2.1 Being European and being state

Two elements make up the first criterion of Article 49 of the TEU, "European State," which is a potential member's status as a "state" in addition to being "European." While none of the current members or candidates have had issues being defined as a state (besides the case of Kosovo), defining "European" has been an issue throughout the history of countries like Morocco. Whose membership application got rejected in 1987 on the basis of geographical location being outside of the EU (Council Decision of 1987) However, it can be stated with

confidence that in recent years, geographical dimensions have been pushed aside when it comes to enlargement. A clear example of this notion would be granting Turkey candidate status while most of its territory is located outside of continental Europe. Pushing geography a step further, Georgia was granted candidate status while being located east of Turkey, having no land border with any EU member state. Suggesting that the European Union is leaning towards a more broad understanding nowadays and factoring in dimensions other than geographical.

In the end, being a “European” state has been the subject of political interpretation throughout history, as illuminated in the cases mentioned above. All while considering geographical, historical, and cultural elements when deciding on eligibility to join the European Union.

3.2.2 "Respecting the values of Article 2 TEU"

The second criterion mentioned in Article 49 of the TEU is adherence to the values of Article 2 of the TEU, which encompass values such as respect for human dignity, freedom, democracy, equality, rule of law, human rights, and minority rights. requirements that are open to interpretation, often seen as the formalisation of pre-existing political criteria from Copenhagen Hillion (2004)

Vague and broad in their descriptions, their values are subject to debate, making them challenging to define and assess, which in itself leads to a variety of interpretations and inconsistencies when determining countries eligibility for EU membership.

3.2.3 Copenhagen Criteria

Copenhagen Criteria, considered the “blueprint of accession,” Kmezic (2015) provides standards that are needed for potential members. Its effectiveness is reinforced by several mechanisms, the most important and notable of which is the council regulation that ties

pre-accession financial assistance to complying with the political criteria of Copenhagen, making political criteria de facto legally enforceable. Kochenov (2008)

The three primary parts of the Copenhagen criteria are the political, economic, and legislative aspects. forming Europe's approach to joining and outlining the main requirements that countries must meet in order to join.

Many academics believe that, of the three parts, political criteria are the most crucial. The Council's ruling in 1997 established that compliance with the Copenhagen political criteria is a prerequisite for the opening of any accession negotiations. This decision made the political aspect of the criteria an essential component of the process of accession.

Political criteria: require that candidate countries demonstrate institutional strength that can uphold democracy, the rule of law, human rights, and the protection of minority rights. Again, broad descriptions of criteria create uncertainties for candidate countries due to their being open to interpretation. What was originally meant to be a simplification of the enlargement process, over time, became even more vague and difficult for candidate countries to follow. Scholars like Marktler and Kochenov criticised the Copenhagen criteria, saying that with them, the accession process became unpredictable and dependent on political implications, while the original attempt was to depoliticize the said process. Marktler (2006), Kochenov (2004)

Economic Criteria: As expected, it refers to the economic conditions of the candidate country. criteria require applicants to have a functioning market economy and, for economy, the ability to withstand competitive pressures within the union. Generally speaking, the functioning of an economy can be assessed with various indicators, including liberalisation of trade, removal of 'unnecessary' barriers within the procedures, etc.

While strict in nature, economic criteria still remain more flexible than political ones in a way that negotiations can still be started even if the country is not in line with economic criteria, but it is expected that requirements will be met prior to advancements in accession.

Legislative Criteria: Technically not being part of the Copenhagen criteria but still remaining crucial for candidate countries to fulfil is *acquis communautaire*. Legislative criteria demand that countries demonstrate a willingness to accept the rights and obligations of a community.

Constantly evolving, the *acquis* is a combination of treaties, laws, and norms that candidate countries need to come in line with that get increasingly harder with every expansion wave. For alignment with EU legislation to be effective, according to the *acquis*, it needs to upgrade its administrative capacities in order to meet EU standards, primarily by establishing a well-functioning, stable public administration and an independent judicial system.

3.2.4 Process of Enlargement

The term "accession process" refers to a course of action directed at fulfilling the requirements established by the European Union. Nevertheless, neither Article 49 of the TEU nor the Copenhagen Criteria provide detailed instructions on the actual process of becoming a member state. Assuming that the aspiring country has met the requirements set out by Article 49 mentioned in this passage, official EU documentation states that the procedure is as follows:

1. Submission of a formal application by an aspiring country to Council
2. The Commission states its opinion on the application.
3. EU member states, grant candidature status unanimously.
4. Following adherence to the conditions, accession negotiations are opened with the unanimous agreement of all Member States.
5. Upon the Commission's proposed negotiating framework, accession formally starts once member states agree on the framework. Unanimously.
6. During negotiations, split into clusters and chapters, the country implements EU laws and standards. that all EU member states must agree to adhere to.
7. Following the conclusion of negotiations, the Commission renders a decision about the state's preparedness to become a member state.
8. EU members close the negotiations with consent from the EU parliament.
9. The candidate and EU member states sign and ratify the accession treaty.

However, in practice, conditionality is applied to potential member states even before the submission of applications, as an aspirant country must be within the vicinity of Copenhagen criteria in order to be granted candidacy. **Hillion (2004), p. 9.**

The duration of the process, from start to finish, varies from candidate to candidate. Countries that were already in line with the criteria of the EU, i.e., Sweden and Austria, managed to join relatively easily compared to Baltic countries, for example, that needed close to a decade to become members, or in the case of the UK, where the process took more than a decade. However, in the case of the UK, political implications should be considered as well, which is a different subject of matter.

3.3 Institutional Structures

The responsibilities and activities of European Union institutions in the context of enlargement will be thoroughly examined in this chapter of the thesis. The purpose of this part is to offer a thorough examination of the complex procedures associated with EU expansion. We will look at the distinct roles that the European Commission, European Parliament, and Council of the European Union played in administering and assisting the enlargement process.

This chapter will examine the process of making decisions, providing an understanding of how enlargement policies and tactics are formulated, discussed, and ultimately decided upon inside the European Union. The procedural issues will be discussed, emphasising the procedures that need to be taken from the original proposal to the final approval.

This involves looking at the ways in which institutions and member states work together and compromise to get to choices about enlargement.

The chapter will also look into the enlargement's implementation phase. This entails evaluating the procedures by which EU directives and policies are incorporated into the legal frameworks of recently joined member states. We'll look at the difficulties and complications

that arise in this stage, such as the political, economic, and legal reforms that new members have to make in order to abide by EU laws and regulations.

In order to shed light on the complex nature of this important feature of European integration, Chapter attempts to provide a thorough review of these processes while also offering insightful analysis of the institutional dynamics of the EU throughout the crucial expansion era.

3.3.1 European Commission

An important role in the process known as the enlargement process is played by the European Commission, the executive branch of the European Union. The process includes all of the European Commission's activities, from assessing candidate nations to negotiating accession and overseeing compliance before and after accession.

The initial involvement of the enlargement process is to assess the eligibility of potential member states. process that involves checking the adherence of the political and economic conditions of the country as well as its potential to comply with Copenhagen criteria. The Commission examines aspiring countries in dimensions of stability of institutions, functionality of the market economy, etc. It is with the recommendation of the commission that EU member states unanimously decide whether to grant country candidate status or not.

Upon gaining candidate status, the Commission is tasked with monitoring countries progress in light of requirements for EU membership, which involves regular reporting relating to candidates progress in the adoption of EU laws. These reports play a critical role in streamlining the accession negotiations, often becoming the basis on which a country's candidature is moved forward. However, the Commission is responsible for an even more crucial role that involves being a direct negotiator in terms of accession with candidate countries. Comprehensive in nature, there's a set of negotiations that, as mentioned, already involve several chapters of the *acquis*, each covering their respective policy areas. The Commission's role in these processes is both technical and political simultaneously, as it

works towards ensuring candidates adhere to the *acquis* while also taking into account more far-fetched ramifications for the EU (Nugent, 1999), even after the country has become a member state of the EU. The commission's role stays relevant as it monitors the implementation of reforms and the continuation of adherence to EU laws, ensuring that new member states are integrated efficiently and are in compliance with EU policies and regulations (Moravcsik & Vachudova, 2003).

3.3.2 Council of the European Union

The Council of the European Union, which is sometimes commonly referred to as simply the Council, is composed of ministers from each of the member states of the European Union. It has a determining role in the process of EU expansion, beginning with the initial stages and ending with the consent of countries to join the EU.

The council's initial significant role is outlined in the decision whether or not to open accession negotiations with the candidate country. process that in itself often becomes the subject of negotiations and bargaining within the member states, as outlined with recent events surrounding Ukraine's opening of negotiations and Hungary leveraging its voting rights for its own gain. While decisions are typically based on the Commission's recommendations, it is the Council and its members that have the final say in opening the accession negotiations, while also considering dimensions of legal assessments, political implications, and self-interest. A good example of the intergovernmental aspect of the EU, where national interests are the driver of the decision making process. (Nugent, 1999).

During the actual negotiation process, again on the commission's recommendation, it is the council that confirms unanimously the negotiation framework. Processes that can hardly be called "negotiations" as aspiring countries have little to no say in them; however, it is the council that decides on requirements that need to be met for the closure of individual chapters of the *acquis*.

After the complex and comprehensive negotiation process, it is within the council's authority to give final approval of countries' accession to the EU. exemplify the formal agreement between the members to accept new nations. However, with this often lengthy process, the

council has to navigate through the diverse interests of each member state that consider their geopolitical interests, economic considerations, etc. while making decisions in order to achieve consensus and union cohesion.

3.2.3 European Parliament

The role of the European Parliament, while often criticised for being impactful, cannot be completely disregarded. as it plays a significant role in adding democratic dimension to the EU's governance, ensuring that elected representatives have an impact on the EU's expansion and governance in general.

While the primary role of the European Parliament has been legislative and oversight-based, after the adoption of the Treaty of Lisbon, the scope of the European Parliament's abilities has been extended. Relating to enlargement policy, the European Parliament was granted the power to give consent to the accession of new member states before the finalisation of the accession treaty, adding a crucial democratic element to the process.

Additionally, the role of scrutiny and oversight cannot be overlooked, as the European Parliament monitors the progress of the candidate country. Its issuance of opinions, recommendations, and resolutions regarding accession helps shape the overall policy approach to enlargement and public opinion, which in turn shapes political discourse on enlargement. (Bickerton, Hodson, & Puetter, 2015).

3.4 Challenges with institutional structures.

The delicate process of enlargement and interplay among institutions has its challenges and hurdles that it faces as the policy plays out. The primary issue is navigation through the diverse roles and objectives of EU institutions. While the commission is focused on technical aspects of enlargement, adherence to criteria, etc., the European Parliament, for example, is often emphasising democratic values and human rights, all while the council is grappling with the political and economic interests of member states. Finding the golden middle in these processes and aligning these institutional perspectives often proves to be a significant challenge.

As mentioned above, the enlargement process requires a delicate balance between compliance with standards and the political dynamics brought about by the Council. By bringing political dimensions and the notion of national interest into the enlargement process, along with the vagueness of technical requirements, accession negotiations can often become too political at their core, despite attempts to turn it into a merit-based process.

3.5 Summary of the Chapter

The chapter attempted to review the legal foundations of European Union enlargement policy, which traces its roots from the Treaty of Rome in 1957 to the present day. Policy, which initially encompassed only one dimension of economic collaboration, has evolved into what is today a complex play of legal frameworks and political negotiations. As the chapter was a review of the legal framework, it emphasised the importance of the Copenhagen Criteria of 1993, which attempted to introduce a more detailed standard for EU membership.

While attempts were made through its evolution to turn enlargement into a formalised process, it has faced its fair share of challenges along the way, such as issues of governance, democratic deficits, geopolitical pressures, etc. Enlargement remains multifaceted in its core and cannot be described as merely a legal procedure. As illustrated in the chapter, the enlargement process requires finding the “golden mean” in balancing technicalities and complex negotiations influenced by political dynamics.

Chapter 4: Adequacy of the current framework in light of Unions objectives

This chapter aims to evaluate the suitability of the existing framework while delineating the goals of the union and the enlargement policy. In evaluating the suitability of the framework, the chapter will consider previous experiences with expansion and review the ongoing ones, which, depending on one's viewpoint, can be seen as either successes or failures. By doing so, the chapter will attempt to illustrate different approaches the EU takes to the history

concerning the Enlargement, ultimately determining the primary obstacles to the admission requirements and process.

4.1 Objectives of the EU and its Policy

Answering the main question of this thesis, whether or not the existing framework of enlargement policy is subsequent or not in achieving goals, it is necessary to first explore what the definitive goals of that framework are.

As is the theme in all matters concerning the EU and its frameworks, answering the question of what the goals of the EU are seems easy enough at first glance. It is defined in Article 3 of the TEU that the Union's driving goals are to promote its values, which are clearly defined in a variety of documents, and to promote peace while creating areas of freedom, security, and justice in combination with the internal market.

It is true, as illustrated in previous chapters, that the enlargement process is often used as a tool for stabilising and reforming countries that have been historically troubled, coming into harmony with the initial purpose of union. However, though the history of union has not always been driven by idealistic views, taking us back to the initial chapters of the thesis where the theoretical aspect of integration is reviewed, it has been a "battle between a value-based and self-centred approach.

As the union transformed from being a purely economic coalition to a more multifaceted cooperation that also included political aspects, so did the goals and aims of the union. Enlargement policy as well, initially calculated based on economic and pragmatic considerations (hence the reasoning of the infamous "no" to the UK by Charles de Gaulle), has attempted to transform into a process that is driven by ideals and values, as shown by the Eastern expansion wave.

The sustainability of such an approach is often questioned, with concerns surrounding how much expansion Union can endure before the breaking point, arguing that Union should prioritise its stability and put aside its geopolitical interests. **Maldini (2019)** However, recent

events granting candidacy to Ukraine, Georgia, and Moldova support the idea that the EU's approach to expansion is multifaceted and takes into account political and cultural factors as well.

4.2 Analysis of past enlargement cases in view of general objectives

To more effectively highlight the evolving dynamics of unions and the broadening scope of their policy objectives, it would be beneficial to analyze examples of expansions from two distinct time periods. Although the underlying motivations for each expansion varied greatly, the outcomes were remarkably similar: the union experienced growth. By contrasting these expansions from different eras, we can gain a deeper understanding of how the drivers of union growth have changed over time, yet consistently led to the same end result of expansion. This comparison not only sheds light on the shifting priorities and strategies of unions but also underscores the enduring impact of expansion on the structure and nature of these entities.

4.2.1 Case of the United Kingdom

As described by scholar Stephen George, the partnership between European communities and the United Kingdom has been "awkward." The UK's attempts to join the EEC were faced with significant political hurdles, namely President Charles de Gaulle of France, who vetoed both attempts in 1963 and 1967. Having its own national interests in mind, de Gaulle was concerned with the UK's commitment to European integration, given its "special relations" with the US and Commonwealth countries. (George, 1990)

After the eventual entry in 1973, pre-accession negotiations with the UK and EEC were troubled as well, the key ones being the UK's financial contributions and agricultural policies. From the ECC's perspective, UK integration within the Union was viewed as a means to further expand their market; from the UK's perspective, it was viewed as a remedy for revitalising the economy and saving face on the global stage after the humiliation of the

Suez Canal crisis, all while enhancing influence on the European stage to balance the influence of France and Germany. (May, A. 2001) Highlighting once again that the main motives of expansion were not derived from any idealistic views but rather pragmatic considerations.

4.2.2 Case of Romania

The journey of Romania's accession to the European Union illustrates the different approaches of the EU towards expansion. Formally applying to the EU in 1995, Romania, through a complex process, managed to become a member of the EU in 2007.

Throughout the process, significant efforts were made by Romania to align itself with the Copenhagen criteria, reform its democratic institutions and governance structures, and safeguard human rights. From an economic standpoint, Romania faced several challenges in transforming a centre-focused system into the required market economy.

From a European perspective, the 2007 enlargement that included Romania and Bulgaria into the European Union represented a different narrative compared to the United Kingdom. This wave of expansion did not significantly enhance the EU's market in a profitable manner; contrary to that, Romania and Bulgaria emerged as "burdensome" members of the union, grappling challenges with judicial systems and corruption even after their accession into the EU, ultimately resulting in countries being set back in certain areas of policy, such as not being admitted to the Schengen visa-free travel area.

However, like mentioned within the thesis many times, the waves of 2004 and 2007 were driven by geopolitical implications, with the goal of stabilising Eastern European countries after the fall of communism and its influence in the region. Underscoring the EU's wider role in promoting stability and prosperity (Grabbe, 2006)

4.3 Relevant Ongoing enlargement cases

Ongoing enlargement of the European Union, namely with reference to Ukraine, Moldova,

and Georgia being granted candidature status, In Ukraine and Moldova's case, even accession negotiations being opened on December 14, 2023, strikes a sharp contrast with the experiences of Western Balkan countries, which have been engaged in the accession process for a longer period of time. Comparative analyses of the two case groups can give us insight into the current dynamics and challenges of the EU's policy.

Following the conflict between Russia and Ukraine in 2022, the Eastern Partnership countries of Ukraine, Moldova, and Georgia have seen a fast-tracked path towards EU candidature status, underscoring geopolitical factors as significant factors in the enlargement process and marking the departure of a merit-driven approach towards enlargement. Ukraine being the most prominent example, going from being the most corrupt country in Europe after Russia (according to Transparency International) in 2021 to opening accession negotiations with the EU.

The decision by the EU can be interpreted as a geopolitical chess move and as an attempt to stabilise the region and deter growing Russian influence. On the other hand, Western Balkan countries have been navigating the EU's enlargement process for many years, but progress has remained slow. In the case of Bosnia and Herzegovina, for example, the rule of law, political criteria, and overall adherence to Copenhagen criteria are reasons for not proceeding further with accession.

4.4 Concerns regarding accession criteria and procedure

All of the above are mentioned in this chapter. With enlargement being a flexible tool, the history of the EU leads to problems that enlargement policy faces today. When viewing the enlargement procedure and criteria through a critical lens, a number of issues are clearly visible, the first being the criteria and procedure not being precise and clear. The second is that enlargement policy as a whole is losing its purpose as a transformative tool for countries, as seen in cases of Romania, Bulgaria, or even earlier members like Poland and Hungary, where democratic backsliding is becoming a bigger issue day by day.

When addressing the vagueness of the enlargement procedure, the first thing that comes to mind is Article 49 of TEU, which gives little to no clarity for accession criteria and the general process. It could be argued that, for the reason that Article 49 of TEU lacks decisiveness, the need for additional clarity was born through practice, thus resulting in Copenhagen Criteria.

It can also be argued that the institution that was supposed to clarify the enlargement procedure further complicated it by introducing abstract concepts such as political criteria, which in itself is based on merits that are not easily measurable. In His Kochev, he describes that it was with vagueness that the whole policy of enlargement suffered. By using democracy and rule of law as measurements for accession, EU entered uncertainty tainted with ambiguous definitions Kochev (2008)

It goes without saying that the criteria's ambiguity makes it more difficult to gauge how closely candidate nations are following them. This was made clear in cases from the recent eastern enlargement wave where applicant nations failed to meet standards for the rule of law and justice, but the EU did not view this as a barrier to admission. Marktler (2006)

Since the criteria are ambiguous and open to interpretation, they have also hampered the integration of the Western Balkans. Democracy and the rule of law are cited as two of the main arguments against enlargement, which highlights yet another problem with the criteria's uneven application to various nations.

The "final say" that each member state has over enlargement decisions somewhat impedes the policy, leaving aside the legal aspects of it. Put another way, even if a candidate country satisfies all technical requirements, member states may theoretically delay the process out of self-interest. This issue surfaced during a few accession processes, most recently with Croatia, where Slovenia—an existing member state—delayed the process because of problems with its coastal border. Maldini (2019)

An additional instance of member states abusing unanimous voting to their detriment is the president of Hungary's declaration that they will obstruct the beginning of negotiations for

Ukrainian membership, which may be seen as "retaliation" against the EU for freezing aid because of concerns about the rule of law in Hungary.

4.5 Summary of Chapter

Chapter starts off by providing an overview of the purposes of the European Union, which are centred on the promotion of values and the guaranteeing of freedom, security, and justice. This chapter additionally delves into the evolution of the European Union's policy, which has shifted from a primary focus on economic cooperation to a more diversified strategy. In order to have a better understanding of the ever-evolving aims and methods of the union, it investigates previous cases of enlargement, such as the United Kingdom and Romania, and different approaches towards them. The chapter also discusses contemporary expansion instances, such as those involving Ukraine, Moldova, and Georgia, and draws attention to the geopolitical dynamics that play a role in these decisions.

The criteria for membership and the process are evaluated critically in this chapter, drawing attention to the ambiguity and vagueness of the criteria, as well as the uneven implementation of said criteria and the effect of member states' interests on choices regarding membership expansion. An in-depth investigation is being conducted with the purpose of determining whether or not the enlargement framework of the European Union is successfully accomplishing its stated goals.

5. Final Conclusions

The thesis explored the legal and institutional structures underpinning the European Union's policy on enlargement, assessing whether the existing framework is sufficiently equipped to meet its objectives. This involved an analysis of both the theoretical aspects of enlargement theories and the practical application of the policy.

Before delving into the adequacy of this policy, it's essential to acknowledge, as the thesis did, that the EU's enlargement process, often labeled as its most potent foreign policy tool,

has faced scrutiny over the years. Critics have pointed out its lack of clarity in defining exact requirements and streamlining the process.

The study revealed that the approach to accepting new members has varied over time, with certain countries receiving leniency while others undergo a more rigorous process. This inconsistency risks undermining confidence in the idea of a united Europe and promoting euroscepticism among potential member states.

The research illuminated that the accession process transcends mere legal compliance with set criteria. It's a complex interplay of legal, political, cultural, and other factors that collectively influence the enlargement policy. Therefore, comprehensively addressing the thesis's main question requires considering these diverse aspects, especially given the system where member states can technically impose their criteria based on self-interest.

To adequately respond to the thesis's central question about the effectiveness of the current framework, one must first define what 'adequate' means in the context of EU expansion. In the begging stages of Union, adequacy might have implied economic growth and conflict avoidance. However, as the EU evolved into a political entity, the meaning of adequacy broadened. For instance, in light of recent events like Ukraine, adequacy might include political and economic disengagement from Russia. Another dimension of adequacy is the EU's capacity to integrate new members without overburdening its political decision-making and economic stability, a challenge increasingly evident in recent expansions.

Regarding the legal ramifications of the policy, the thesis stated that while the EU makes an effort to establish precise criteria for accession, internal political considerations and external geopolitical factors have a significant impact on the enlargement process. Legal compliance often becomes secondary to these influences, leading to a loss of credibility in the process from the perspective of candidate states. This inconsistency can potentially destabilize regions, contrary to the EU's goals of peace and prosperity.

Considering these factors, the enlargement process appears to be evolving from a merit-based system to a tool for political bargaining and geopolitical influence. Thus, assessing the current framework as adequate for achieving the Union's objectives becomes challenging.

List of references

Literature

1. Dinan, D. (2004). *Europe Recast: A History of the European Union*. Palgrave Macmillan.
2. McCormick, J. (2017). *The European Union: Politics and Policies*. Westview Press.
3. Nugent, N. (2010). *The government and politics of the European Union*. Palgrave Macmillan.
4. Peterson, J., & Shackleton, M. (Eds.). (2012). *The institutions of the European Union*. Oxford University Press.
5. Preston, C. (1995). *Enlargement and integration in the European Union*. Routledge.
6. European Commission. (2020). *Enlargement, Stabilisation, and Association Process*.
7. Schimmelfennig, F. (2001). The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union. *International Organisation*, 55(1).
8. Hooghe, L., & Marks, G. (2005). Calculation, Community, and Cues: Public Opinion on European Integration. *European Union Politics*, 6(4).
9. Börzel, T. A., & Risse, T. (2000). When Europe Hits Home: Europeanization and Domestic Change. *European Integration Online Papers (EIoP)*, 4(15).
10. Grabbe, H. (2006). *The EU's Transformative Power: Europeanization through Conditionality in Central and Eastern Europe*. Palgrave Macmillan.

11. Avery, G. (2009). The enlargement negotiations. In C. Hill & M. Smith (Eds.), *International Relations and the European Union*. Oxford University Press.
12. Haas, E. B. (1958). *The Uniting of Europe: Political, Social, and Economic Forces, 1950–1957* Stanford University Press.
13. Schmitter, P. C. (1969). Three Neo-Functional Hypotheses about International Integration. *International Organisation*, 23(1), 161–166.
14. Dyson, K., & Featherstone, K. (1999). *The Road to Maastricht: Negotiating Economic and Monetary Union*. Oxford University Press.
15. Tranholm-Mikkelsen, J. (1991). Neofunctionalism: Obstinate or Obsolete? A Reappraisal in the Light of the New Dynamism of the EC. *Millennium*, 20(1), 1–22.
16. Niemann, A. (2006). *Explaining decisions in the European Union*. Cambridge University Press.
17. Moravcsik, A. (1993). Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach. *Journal of Common Market Studies*, 31(4), 473-524.
18. Moravcsik, A. (1998). *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*. UCL Press.
19. Rosamond, B. (2000). *Theories of European Integration*. St. Martin's Press.
20. Schimmelfennig, F., & Sedelmeier, U. (2004). Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe. *Journal of European Public Policy*, 11(4), 661-679.
21. Hoffmann, S. (1966). Obstinate or obsolete? The Fate of the Nation-State and the Case of Western Europe. *Daedalus*, 95(3), 862–915.
22. Bickerton, C., Hodson, D., & Puetter, U. (2015). The new intergovernmentalism: European integration in the post-Maastricht era. *JCMS: Journal of Common Market Studies*, 53(4), 703–722.
23. Risse, T. (2005). *Social constructivism and European integration* Weiner, A., and Thomas, D., *European Integration Theory*. Oxford University Press: Oxford.
24. Vachudova, M. A. (2005). *Europe Undivided: Democracy, Leverage, and Integration after Communism*. Oxford University Press.
25. Rumelili, B. (2004). Constructing Identity and Relating to Difference: Understanding the EU's Mode of Differentiation. *Review of International Studies*, 30(1), 27–47

26. Moravcsik, A. (2001). Bringing Constructivist Integration Theory Out of the Clouds: Has It Landed Yet? In: *European Union Politics* 2:2, 226–249.
27. Dinan, D. (2010). *Europe Recast: A History of the European Union*. Palgrave Macmillan.
28. Nugent, N. (2006). *The government and politics of the European Union*. Duke University Press.
29. George, S. (1996). *Politics and Policy in the European Union*. Oxford University Press.
30. Young, J. (1998). *Britain and European Unity, 1945–1999*. Macmillan Press.
31. Schimmelfennig, F., & Sedelmeier, U. (2004). "Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe." *Journal of European Public Policy*, 11(4), 661-679.
32. Hoffmann, S. (2010). "Obstinate or obsolete? The Fate of the Nation-State and the Case of Western Europe." *Daedalus*, 95(3), 862–915.
33. Wallace, H. (2007). "The Institutional Setting: Five Variations on a Theme." Wallace, W., Wallace, H., & Pollack, M. A. (Eds.), *Policy-Making in the European Union*. Oxford University Press.
34. Nugent, N. (2000). *The European Commission*. Palgrave Macmillan.
35. Cini, M. (2007). *European Union Politics*, Oxford University Press.
36. Vachudova, M. A. (2005). *Europe Undivided: Democracy, Leverage, and Integration after Communism*. Oxford University Press.
37. Schimmelfennig, F. (2001). The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union. *International Organisation*, 55(1), 47–80.
38. Grabbe, H. (2006). *The EU's Transformative Power: Europeanization through Conditionality in Central and Eastern Europe*. Palgrave Macmillan.
39. Smith, M. E. (2005). *Europe's Foreign and Security Policy: The Institutionalisation of Cooperation*. Cambridge University Press.
40. Leonard, M. (2014). *Why Europe Will Run the 21st Century: Public Affairs*
41. Müftüler-Baç, M. (2008). *Turkey's Accession to the European Union: Political and Economic Challenges*. Lexington Books.

42. Tocci, N. (2005). *EU Accession Dynamics and Conflict Resolution: Catalysing Peace or Consolidating Partition in Cyprus?* Ashgate Publishing Ltd.
43. Schimmelfennig, F., Engert, S., & Knobel, H. (2006). "International Socialisation in Europe: European Organisations, Political Conditionality, and Democratic Change." *European Journal of International Relations*, 12(1), 5-31.
44. Sasse, G. (2008). "The Politics of EU Conditionality: The Norm of Minority Protection During and Beyond EU Accession." *Journal of European Public Policy*, 15(6), 842–860.
45. Follesdal, A., & Hix, S. (2006). "Why There is a Democratic Deficit in the EU: A Response to Majone and Moravcsik." *Journal of Common Market Studies*, 44(3), 533-562.
46. Oliver, T. (2016). "European and International Views of Brexit." *Journal of European Public Policy*, 23(9), 1321–1328.
47. Martill, B., & Staiger, U. (Eds.). (2018). *Brexit and Beyond: Rethinking the Futures of Europe*. UCL Press.
48. Dinan, D. (2004), *'Europe Recast: A History of the European Union'*, Lynne Rienner Publishers, Boulder.
49. Schimmelfennig, F. (2008), 'EU Political Accession Conditionality after the 2004 Enlargement: Consistency and Effectiveness', *Journal of European Public Policy*, 15(6), pp. 918–937.
50. Blockmans, S., and Lazowski, A. (2014), *'The EU's Role in Global Governance: The Legal Dimension'*, Oxford University Press, Oxford
51. Hillion, C (2004), *'The Copenhagen Criteria and Their Progeny'*, Oxford: Hart Publishing.
52. Kochenov, D. (2008), *EU enlargement and the failure of conditionality: pre-accession conditionality in the fields of democracy and the rule of law*. Austin: Wolters Kluwer Law & Business.
53. Moravcsik, A., & Vachudova, M. A. (2003). National Interests, State Power, and EU Enlargement. *East European Politics and Societies*, 17(1), 42–57.
54. Nugent, N. (1999). *The government and politics of the European Union*. Duke University Press.

55. Bickerton, C. J., Hodson, D., & Puetter, U. (2015). The new intergovernmentalism: European integration in the post-Maastricht era. *Journal of Common Market Studies*, 53(4), 703–722.
56. May, A. (Ed.) (2001). *Britain, the Commonwealth, and Europe: the Commonwealth and Britain's applications to join the European communities*.
57. Grabbe, H. (2006). *The EU's Transformative Power*:
58. Marktler, Tanya (2006), 'The Power of the Copenhagen criteria.' *Croatian Yearbook of European Law and Policy*, 2(2),
59. Maldini, Pero (2019) 'Croatia and the European Union', Oxford: Oxford University Press.

Normative legal acts

60. Council of the European Communities, Decision of 1 October 1987, Archives, Z207
61. European Council (1993). 'Copenhagen European Council June 1993: Conclusions of the Presidency'
62. Single European Act (1986). *Official Journal of the European Communities*, No L 169/1.
63. European Union, *Treaty Establishing the European Community (Consolidated Version)*, Rome Treaty, 25 March 1957
64. Kmezcic, Marko (2015), 'The Western Balkans and EU Enlargement: Lessons learned, ways forward and prospects ahead.' European Parliament,
65. Conclusions of the Presidency, European Council in Luxembourg, 12–13 December 1997.
66. EUR-Lex, 'Treaty on European Union: Joining the EU'; European Commission (2020), 'EU accession process step by step'.
67. European Commission, 29 May 2019, "Key Findings of the Opinion on Bosnia and Herzegovina's EU Membership Application and Analytical Report"
68. Council of the European Union. (2021). *Accession Negotiations*.
69. European Union, *Treaty on European Union (Consolidated Version)*, Treaty of Maastricht , 7 February 1992, *Official Journal of the European Communities* C 325/5; 24 December 2002,

SUMMARY

Aleksandre Bezhashvili

The thesis comprehensively analyzes the European Union's enlargement policy, focusing on its legal and institutional structures and their role in fostering political stability and democracy. It discusses the historical evolution of this policy, highlighting the challenges and achievements in integrating member and candidate states. A pivotal aspect of the study is the examination of the EU's membership criteria, especially the values outlined in Article 2 of the TEU as well as the Copenhagen Criteria. The thesis critically assesses the ambiguity and open interpretation of these criteria and how this leads to inconsistencies in assessing country eligibility for EU membership. By examining the enlargement cases from different timeframes of the union, the thesis explores the incoherence of the application of the mentioned criteria and the shift in policy approach from being merit based to subject to political considerations, being streamlined by ideas rather than legal accomplishments. which in itself opens up discussion for further study revolving around the future implications of the policy's inconsistent nature. Furthermore, it explores the impact of geopolitical and internal political factors on policy implementation and how these elements have managed to sideline the legal aspect of the accession. The research also delves into the significant role of the enlargement policy in shaping the EU's international relations, strategic positioning, and its influence on regional integration and the global political landscape.