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# SWP Comment

NO. 12 FEBRUARY 2021

## The EU after Brexit: Renewed Debate about Enlargement and Deepening

*Barbara Lippert*

The departure of the United Kingdom and the prospect of an independent Scotland seeking membership raise fundamental questions concerning the European Union's future size, geography and polity. Germany's policy on Europe is traditionally guided by the idea that enlargement and deepening are two sides of the same coin. In reality progress on integration has never matched the pace of (eastern) enlargement. The road to the 2009 Lisbon Treaty was rough, and the spectre of failure haunts any discussion of deeper reforms, especially those requiring changes to the treaties by unanimity. The Scottish question has the potential to energise enlargement policy and spur internal reforms – to prepare not just for a new 28th member, but for an EU-34.

The EU defines itself as an open community of European states, and is predisposed to enlargement by its treaties (Art. 49 TEU), history (seven enlargement rounds) and political ambition (Global Strategy). Yet the consensus over enlargement is crumbling, in certain capitals more than in others. In terms of public opinion, consistent majorities opposing further enlargement are found in Finland, France, the Netherlands and Germany.

The EU's "renewed consensus on enlargement" of 2006 emerged in the context of the expedited accession of Bulgaria and Romania in 2007. Three principles underpin the enlargement policy (the "three Cs"). Firstly, it seeks geographical consolidation, in the sense of avoiding new political commitments to European non-candidate countries. This message is directed above all to

the states of the Eastern Partnership. Secondly, it emphasises strict conditionality: the Copenhagen criteria must be fulfilled, with no future concessions on readiness. Thirdly, it proposes improving communication to shore up public support. The three Cs have lost none of their relevance since then. Although the EU revised its accession process in 2020, at French instigation, contradictory positions and priorities persist among the twenty-seven member states. The contrasts are rooted less in aspects of enlargement policy than in the dissens over EU's strategic orientation and integration capacity.

### Current and Future Applicants

None of the six Western Balkan applicants are anywhere near ready to join. Monte-



negro has opened the most accession chapters, followed by Serbia. Talks with North Macedonia and Albania are upcoming. Bosnia and Herzegovina is stuck in the status of potential candidate, as is Kosovo — which is not even recognised by five EU member states. For none of the six is the ultimate destination of membership in doubt. But all of them are trapped in a vicious circle of poor governance and socio-economic malaise. As was the case in earlier pre-accession processes, these countries are already strongly integrated in the EU through mobility of people and trade. But as third states they lack a seat and vote in EU institutions. Having declined to pursue interim solutions or alternatives to full membership for the Western Balkans, the EU has cemented its own dependency on the enlargement path. Accessions cannot be expected before 2030. Security and geopolitics are the prime motives for the EU to accept the Western Balkan states at some point, with the accession perspective seen as an instrument of pacification, to ease or even resolve intra- and inter-state conflicts. Binding the Balkan states to both the EU and NATO is also seen as a means of securing the West's influence against Russia, and also China and Turkey. But these arguments only become real to the public when large numbers of refugees start arriving via the Balkan route.

Accession talks with Turkey — which began in 2005 — are on ice but not officially abandoned. The EU finds itself in dire need of alternatives, in light of Turkey's slide into presidential authoritarianism and the militarisation of its foreign policy. Even if President Recep Tayyip Erdoğan insists on Turkey's right to join, the EU's positive agenda of December 2020 indicates the emergence of a different framework: a comprehensive partnership based on expansion of the customs union (and the existing association arrangement). Never before has the EU terminated accession talks because it no longer felt the candidate fitted into the Union. Iceland ended talks and withdrew its membership application in 2013, while Norway voted to reject a negotiated acces-

sion treaty in 1994 — but either could choose to change their mind.

## Scotland in the Fast Lane

The Scottish government has declared its intention to apply for EU membership as soon as it has achieved independence, extending the list of potential candidates. While the EU has no interest in a fragmentation of the United Kingdom, it insists that any Scottish independence process be orderly, constitutional and agreed with Westminster. That could put an independent Scotland in the fast lane to becoming the EU's new 28th member.

Scottish accession is certainly an attractive prospect, as the country already largely fulfils the Copenhagen criteria, like Austria, Finland and Sweden in the so-called EFTA enlargement of 1995. And given that a majority of Scots voted against Brexit, they can expect goodwill in the EU. Scottish First Minister Nicola Sturgeon cultivates a narrative of "*rejoining the EU*" and "*coming home*". But she cannot expect the EU to feel a political or moral obligation to treat Scotland as a special case.

Scotland would have to complete the normal accession process under Article 49 of the Treaty on European Union, facing the EU with at least two new challenges. The first of these would be the triangular constellation between Brussels, London and Edinburgh. While Scotland prepares for independence, the EU is seeking to make its reconfigured partnership with the United Kingdom as extensive and substantial as possible. The bilateral free trade agreement of 2020 is just the starting point. In all phases of the process — before and after Scottish independence and before and after Scotland joins the EU — Brussels will want to shield its relations with London from negative repercussions. Without getting dragged into separation talks between London and Edinburgh, the EU will want to signalise that the conditions under which Scotland leaves the United Kingdom will need to be compatible with its future EU

membership obligations. Scotland is in the weakest position because it wants something from London and (later) from Brussels. Before entering talks the EU will need to know that there are no outstanding loose ends or points of serious contention between London and Edinburgh. The earlier the talks begin the shorter and simpler they will be – while Scotland still remains largely in line with the EU’s *acquis*. Taking Finland as a precedent, the process could be expected to take three or four years if it went well.

The EU would also find itself dealing with a second challenge. Even if it adhered to the principle that new members must accept the *acquis* in full, with no permanent *opt-outs*, transitional arrangements would certainly be required in core areas: for Schengen, because Scotland wishes to remain in the Common Travel Area with Ireland and the rest of the United Kingdom; for trade with England and Wales; and for participation in all stages of the monetary union, given that an independent Scotland would (at least initially) possess no currency of its own. If the EU made special concessions here, it would encourage further policy-specific internal differentiation, but it will certainly prevent candidates *cherry-picking* from the *acquis*.

The EU should assume that an independent and internationally recognised Scotland will apply for membership by about 2025. If this revives political interest in enlargement, the countries of the Western Balkans stand to benefit indirectly.

## Integration Dynamics and an EU-34

The “fourth” Copenhagen criterion underlines the importance of maintaining the momentum of European integration. During the 2020 spat over opening accession talks with Skopje and Tirana, French President Emmanuel Macron insisted that reforms must be instituted before the next enlargement. But his wake-up call fell on deaf ears. Of course an undefined enlarge-

ment timetable invites procrastination. But above all the EU has no compass for reforms and shies real controversy, for example over a core Europe.

It is obvious that decision-making will be even more difficult in a context of thirty-four or more member states. Economic and regional disparities will widen, with a growing number of net recipients. But the ability to secure political accommodation will fail to keep pace with the increasing need for redistributive mechanisms. Every enlargement since 1995 has increased the number of member states that prioritise national sovereignty over steps for further integration. The strong EU-sceptical and nationalist currents they contend with domestically curtail their scope to compromise in the Council and European Council. National political cultures also play a significant role.

An EU-34 implies the accession of a string of relatively small countries. The combined population of Scotland (5.4 million) and the six Western Balkan countries is 23.2 million, which would represent just 4.9 percent of the total population of the EU-34. The four largest countries – France, Germany, Italy and Spain – account for 54.7 percent, with Poland 62.8 percent. Turkey, with a population of 82 million (as of 2019), is in a quite different league, and is not discussed further here. The European Parliament has reserved 46 seats for new members. Under current rules, Scotland alone would be entitled to 14. So the upper limit of 751 seats cannot be maintained in an EU-34. Despite their relatively small formal weight, the new members would exercise real influence through active policy and coalition-building, and – where the rules permit – by their vetoes. The Union’s internal and external geography will change too. The accession of the Western Balkan states would increase the weight of the EU’s south-east, with Scotland supplying only a marginal counterweight in the north. The latter would strengthen the Nordics, because Scotland, the Scandinavian countries and the Baltics are natural partners (especially if Scotland joins NATO). The Western Balkans are already surrounded by EU

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member states, and can be expected to gravitate towards the Visegrád states, Austria, Croatia and Slovenia. In the Western Balkans, accession will not allay concerns over the resilience and stability of the EU's south-eastern flank in the way it did in the Baltics. While the scope for enlargement in western Europe is minimal, Georgia, Moldova and Ukraine are all seeking a membership perspective. The often underestimated geopolitical implications of enlargement are bubbling to the surface.

## The Future of the EU

Enlargement will not improve the prospects of strengthening the EU's supranational elements. Differentiation and hierarchisation in the Common Foreign and Security Policy is conceivable, for example through a EU Security Council (see SWP Research Paper 4/2019). In its core policies the EU could experiment with partial and/or junior membership, especially with respect to the next (south-)eastern enlargement. No new EU member (except conceivably Norway) would be in a position to immediately become a full member of Schengen, and none will quickly adopt the euro. De facto deepening will continue without treaty amendments, in small groups with weak ties to the others. If differentiation is the future, the centre needs to be strengthened to hold the Union together. To name just one starting point: The reduction in the size of the Commission required under the Treaty of Lisbon could enhance the effectiveness of its work on progressive policies like digitalisation and the Green Deal, as well as its role in guarding the Union's external borders. But a further politicisation of the Commission, whether by direct election of the president or by the "lead candidate" model, would be detrimental to the cohesion of the EU-34. Other constitutional questions relate to a single electoral law for the European Parliament, reform of the Council system, more majority decisions in the Council and Euro-

pean Council, collective borrowing, and economic policy coordination in the Economic and Monetary Union. The EU also needs to clarify its foundational values. Otherwise even makeshift arrangements – like the new rule of law mechanism – will be futile. These issues belong – in the perspective of an EU-34 – on the agenda of the Conference on the Future of Europe. The next German government should resume a more active role in shaping the debate about the strategic orientation of the EU.

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