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# Between Playing Hardball and Accommodating Generously? The Terms of Enlargement for the Integration of the German Democratic Republic Into the European Community

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## Abstract

Do norms impact state action, or are they purely instrumental and subordinate to material interests? I approach this long-standing debate by analysing the European Union's (EU) enlargement terms. When the prospect of enlargement arises, the EU faces the dilemma of minimising resulting financial implications while fulfilling normative obligations to support new members. Historically, the EU responded both by discriminating new members from benefits or by exempting them from obligations. I claim that understanding the determinants of enlargement requires bridging theoretical divides in European Studies. I argue that states' material interests and norms are equally influential, resulting in enlargement terms being painstakingly negotiated compromises balancing both. The analysis focuses on the German Democratic Republic's (GDR) integration into the European Community (EC), where the EU's dilemma between material and normative principles was particularly pronounced. The mixed-methods analysis reveals nuanced enlargement terms with unprecedented exemptions, albeit of short duration.

**Keywords:** differentiated integration; enlargement; European integration; European Union; German Democratic Republic

## Introduction

Do norms impact state action, or are they purely instrumental and subordinate to material interests? I approach this long-standing International Relations (IR) debate concerning the influence of norms by analysing the terms of enlargement the European Union (EU) imposes on new member states. Although enlargement is beneficial for all EU member states in the long run, such as by expanding the Single Market, it represents a major burden for the EU's budget in the short term, which forces states into a conflict between material interests and normative obligations (for a discussion of the benefits and costs of enlargement, see Schneider 2009, 41–47). Member states face the dilemma of minimising their costs associated with the accession of typically poorer new member states and fulfilling the normative obligation to support these new members with whom they share a common identity. Throughout its history, the EU has been ambivalent towards new member states. On the one hand, the EU has played hardball, imposing temporal discriminations from membership benefits. On the other hand, the EU has generously accommodated new member states by temporarily exempting them from obligations (Schimmelfennig 2014). What are the determinants for the EU's terms of enlargement? Under which circumstances does the EU play hardball with new member states and when does it accommodate them generously?

The prevalent dichotomy in European Studies between rational and normative institutionalism yields contrasting assumptions regarding the politics of EU enlargement. Rational institutionalists posit that states are self-interested utility maximisers, suggesting that new member states are likely to encounter discriminatory treatment during their initial membership years (Moravcsik 1998; Schneider 2009). Conversely, normative institutionalists argue that states are guided by norms and a sense of shared European identity. This entails that new member states are generously accommodated with temporary exemptions from membership obligations (Sedelmeier 2005; Sjursen 2002).

I contend that although longstanding debates between rationalist and normative institutionalists are intriguing, they fall short of providing comprehensive explanations for real-world phenomena (Friedrichs and Kratochwil 2009; Lake 2013; Moravcsik 2003). Building on ‘analytic eclecticism’ (Sil and Katzenstein 2010, 411), I develop a theoretical framework that integrates rational and normative institutionalism to postulate more complex and, thus, more realistic testable expectations. Although analytic eclecticism is widely appreciated in IR, its application in practice remains sparse (Chernoff, Cornut, and James 2020, 385–386). Particularly within the regional integration literature, integrative theorising remains uncommon with scholars predominantly adhering to a single theoretical approach (an important exemption is Schimmelfennig 2003, 2014). One central aim of this article is, therefore, to further establish integrative theorisation in the regional integration literature.

Building on the fundamental assumption that human behaviour is always a combination of rational cost–benefit calculations or ideational factors (compare March and Olsen 2011), I argue that the process of preference formation among member states regarding the enlargement terms for a new member state is shaped by both material interests and a sense of common European identity and related norms. Intergovernmental negotiations are characterised by episodes of tough bargaining with material interests at stake but also deliberative exchanges about norm-guided behaviour. The resulting enlargement terms are a painstakingly negotiated compromise respecting the normative and material interests of all member states to a sufficient degree.

I test this integrative theoretical approach by analysing the terms of enlargement for the integration of the German Democratic Republic (GDR) into the European Community (EC). This often-overlooked enlargement, performed concurrently with Germany’s reunification, constitutes the EC’s first expansion after the fall of the Iron Curtain amidst the Community’s evolution to an ever-closer political Union. This enlargement holds significance not only substantially but also theoretically, as the tension between material interests and norms is more pronounced than with other enlargements. The ongoing democratic transition in the GDR and its pioneering role in overcoming Europe’s division provided a normative justification for generous accommodation. Simultaneously, the economic reconstruction of the GDR required vast financial outlays, which raised concerns among existing member states.

The findings of the article contribute to the regional integration literature that has so far disregarded the GDR’s exceptional and momentous accession. EU enlargement remains topical with today nine states holding official candidate status. Furthermore, the article contributes to scholarly discourse in European Studies concerning the EU’s normative foundations and the influence of norms on political decision-making (Hyde-Price 2006; Manners 2002; Thomas 2009).

The article is structured as follows. In the first section, I discuss EU enlargement and its implications on the validity of EU law under the conceptual framework of differentiated integration. The next section engages with established rational and normative institutionalist theory for the terms of enlargement. Because I claim that none of these theoretical approaches provides a sufficient explanation for the terms of enlargement the EU imposes on new member states, I develop an integrative approach in combining elements from both camps. The third section established the article's research design. Before I conclude, the fourth section discusses the results of the mixed-methods analysis. The quantitative analysis compares the GDR's enlargement terms to other rounds and finds a trade-off consisting of an unprecedentedly high number of derogations with few discriminations but comparatively short durations. This assessment is supported by the qualitative study using recently declassified archival documents as evidence.

## I. The Terms of Enlargement and Differentiated Integration

As a result of several enlargement rounds, the EU currently has 27 member states and 448 million inhabitants (European Union 2024). The benefits the EU provides for its member states constitute a major incentive to apply for membership. Before being rewarded with access to the Union's club goods, candidates have to master a long and rocky road. The major hurdle in the application process is to adopt all the legislation of the *acquis communautaire*.<sup>1</sup> Nevertheless, the exact terms of enlargement for new member states are not entirely predefined. The member states possess leeway to introduce the *acquis* in the new member state flexibly, meaning that the *acquis* does not apply in its entirety from the outset. The resulting incongruence between 'the territorial extension of the European Union (EU) membership and EU rule validity' (Holzinger and Schimmelfennig 2012, 292) is termed differentiated integration (DI).

In contrast to primary law, in which noteworthy differentiation only emerged in the 1990s, the secondary law has been featured by differentiation clauses since the Treaties of Rome. Enlargement has always caused temporary increases in secondary law DI (Duttle et al. 2017). This enlargement related DI has two forms. The EU can either introduce 'exemptive differentiation' (Schimmelfennig 2014, 682) in releasing newcomers from obligations or impose 'discriminatory differentiation' (*ibid.*) and exclude states from membership benefits. The proportion of exemptions and discriminations provides a meaningful understanding for the conditions under which a state is accessed to the EU. When using the 'terms of enlargement', I also refer to the absolute number of differentiations, their duration and distribution across policy fields. The exact composition of the transitionally introduced differentiation clauses is subject to intergovernmental negotiations. Thus, 'the terms of enlargement are endogenous to the accession negotiations' (Schneider 2009, 4).

## II. Establishing the Terms of Enlargement

Before enlargement takes place, the EU and the acceding state sign a treaty specifying the terms of enlargement. The treaty enters into force after ratification by the EU members and

<sup>1</sup>The *acquis* is the 'constantly evolving body of common rights and obligations'. More information: [https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/union-acquis\\_en](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/union-acquis_en), accessed 10.04.24.

the accessions state.<sup>2</sup> Despite this unanimous decision-making mode, the bargaining power within the negotiations is de facto unequally distributed to the disadvantage of the candidates because they lack alternative options outside of membership (e.g., Moravcsik and Schimmelfennig 2009). Except for the Northern enlargement 1995, candidates have typically lagged behind the EU average in economic terms and faced structural deficits. For example, the combined GDP of the Eastern enlargement states (2004 and 2007) accounted for 5 % of the existing member states' GDP (Moravcsik and Vaduchova 2005, 201). For candidates with structural deficits, the benefits of membership such as support from the regional and agricultural funds or gaining access to the single market are extraordinary and unattainable through any other option than membership. Thus, candidates are in a weak bargaining position vis-à-vis the EU during the accession negotiations (Moravcsik and Vaduchova 2005, 199–203). The following three sections introduce the theoretical standpoint of rational institutionalism followed by normative institutionalism and my eclectic approach. From each approach a distinct set of process expectations will be produced concerning the preference formation stage, the intergovernmental negotiations and the outcome. These process expectations will then be tested in the empirical section of the article.

### *Rational Institutionalism and the Terms of Enlargement*

From a rational institutionalist standpoint, the EU member states are expected to leverage their favourable bargaining position and play hardball with candidates by imposing tough enlargement terms. The prevailing logic of action in the negotiations is assumed to be a 'logic of consequences' (March and Olsen 1998, 950). From this perspective, states are rational utility maximisers that pursue outcomes satisfying their material interests. Liberal intergovernmentalism, a prominent rational institutionalist approach in the regional integration literature, understands EU decision-making as a three-step process of national preference formation, interstate bargaining and institutional choice (Moravcsik 1998). States are expected to form their preferences primarily on material aspects. When interests diverge, actors are expected to prioritise their material interests and engage in hard bargaining. This involves calculated moves like the positioning of threats, competitive exchanges or coercive tactics. As powerful actors are unhesitant to exert their influence, institutional choices closely reflect their positions (Moravcsik and Vaduchova 2005, 199–203).

To comprehend the economic implications of enlargement, it is essential to distinguish between short-term and long-term effects. Although both existing and new member states benefit from enlargement in the long run, short-term impacts differ (Schneider 2009, 41–47). The accession of new member states represents a major burden for the EU budget as new members (usually) become net recipients. Enlargement forces the existing members into 'distributional conflicts' (Schneider 2009, 60). To guarantee the payments to which new members are entitled, the existing member states must either increase their contributions to the EU budget or accept reduced payouts. There exist two solutions to mitigate short-term enlargement-related costs: increased budget contributions from particularly benefiting members or temporary exemptions for new members.<sup>3</sup> I focus on the latter

<sup>2</sup>Even though the accession treaty eventually requires the European Parliament's (EP) consent, the Parliament is not a decisive player as it lacks formal amending power European Union (2012), Art 49. Thus, I focus on the member states.

<sup>3</sup>Schneider (2009, 4) highlights that states may benefit differently from enlargement and distinguishes between 'relative winners and losers' of enlargement.

option as outsourcing the costs of enlargement to the newcomer is usually the first choice.<sup>4</sup> This institutional solution corresponds to discriminatory differentiation (Schimmelfennig 2014). Under the premise of rational institutionalism, states are inclined to discriminate the new member if this avoids costs. Distributional conflicts are resolved to the detriment of the candidate. Given the newcomer's weak bargaining position, it can hardly contest discriminations and also not influence their durations. In fact, prolonged discrimination clauses reduce enlargement-related costs for old member states while increasing the costs for the newcomer. Generally, the EU can be expected to impose as many discriminations for as long as necessary to compensate for short-term enlargement-related costs. Furthermore, new member cannot expect exemptions from the *acquis* if these are costly for existing members. The differentiation clauses resulting from the accession of new members should, therefore, be predominantly discriminatory. The EU is expected to play hardball.

This framework thus produces the following expectations:

- 1 State preference formation is guided by material interests.
- 2 The intergovernmental negotiations are dominated by the states with the highest relative bargaining power.
- 3 The terms of enlargement are tough with discriminatory differentiations prevailing over exemptions and enduring until short-term enlargement-related costs are compensated.

### *Normative Institutionalism and the Terms of Enlargement*

The rational institutionalist perspective faces criticism for its narrow focus on material interests and bargaining power. Normative institutionalists emphasise the influence of a common European identity, shared values, historical traditions and norms on the EU's enlargement politics (Sedelmeier 2005; Sjursen 2002; Thomas 2009). Norms 'specify standards of proper behaviour' (Katzenstein 1996, 5). From the normative institutionalist perspective, the EU's intergovernmental negotiations follow a 'logic of appropriateness' (March and Olsen 1998, 949). During the preference formation stage, states are expected respect their normative obligations. They generally prefer those enlargement terms that align as closely as possible with norms they are committed to.

States should be more open to accommodating new members with whom they share a common identity and that adhere to the EU's fundamental norms of peace, liberty, democracy, the rule of law and human rights. Furthermore, preference formation is impacted by 'minor norms' (Manners 2002, 242) such as solidarity or anti-discrimination, as well as specific enlargement-related norms like legal unity and equal treatment across enlargement cases (Schimmelfennig 2014). During negotiations, actors are guided by the norm of legal unity<sup>5</sup> and collectively strive to apply the *acquis* as comprehensively as possible to the accession territory. When considering discriminatory or exemptive differentiations, the member states assess if the differentiations are normatively justifiable. In cases of

<sup>4</sup>Only if discriminating the new member state is not sufficient the EU might opt for "intra-union redistribution" Schneider (2009, 11).

<sup>5</sup>The norm of legal unity stipulates that differentiation is undesirable Schimmelfennig (2014, 685–686).

disagreement, actors do not resort to a logic of consequences but adhere to substantive and procedural<sup>6</sup> norms (Heisenberg 2005; Lewis 2005). Conflicting issues are resolved through deliberation consistent with Habermas' discourse ethics (Habermas 1985, 1996; Mansbridge 2015; Steenbergen et al. 2003). Accordingly, actors are expected to engage in open discussion, carefully weighing arguments until a shared agreement is reached. Rather than relying on threats or coercive tactics, participants seek to persuade one another through normative reasoning and argumentation.

New member states are well positioned to request exemptions. The EU consents to differentiation clauses whenever it is normatively justifiable. Still, there should not be an overwhelming number of differentiation clauses because the norm of equal treatment stipulates equal treatment of candidate states over the various accession rounds. Moreover, the norm of legal unity motivates the member states to minimise exemptions (Schimmelfennig 2014, 682). Additionally, the new member state is also committed to the EU's norms and only asks for exemptions if this is normatively justifiable and necessary, for instance, until capacity issues are resolved (Winzen 2016). The same logic applies to discriminatory differentiation clauses, for which the normative hurdle is generally high. Therefore, the enlargement terms should represent a generous accommodation instead of the EU playing hardball.

This framework thus produces the following expectations<sup>7</sup>:

- 1 State preference formation is guided by norms and identity.
- 2 The intergovernmental negotiations are a joint, deliberative effort to ensure that the terms of enlargement align with the EU's norms.
- 3 The terms of enlargement predominantly accommodate the new member state. Exemptive differentiations prevail over discriminations. All differentiations and their length are justifiable with the EU's norms.

### *Eclectic Approach to the Terms of Enlargement*

The opposing process expectations derived from rational and normative institutionalism are characteristic of IR, which continues to be dominated by paradigmatic grand debates. After decades of certainly intriguing and scholarship-advancing controversies between theoretical camps,<sup>8</sup> these debates have left little room for novel insights and have largely become dogmatic, repetitive and ultimately 'inconclusive' (Lake 2013, 567). An increasing number of IR scholars emphasises that theoretical discussion should not be the final destination but rather a vehicle to explain real-world phenomena (Cornut 2015; Friedrichs and Kratochwil 2009; Jupille, Caporaso, and Checkel 2003; Maher 2021; Moravcsik 2003). By adopting a pragmatic approach to research, 'analytic eclecticism' (Sil and Katzenstein 2010, 411) has been well received.<sup>9</sup> Although analytic eclecticism acknowledges the value of the

<sup>6</sup>For this distinction, see Thomas (2009). Example of procedural norm: the Council's consensus norm (e.g., Heisenberg 2005).

<sup>7</sup>As specified earlier, the three-stage decision-making model was originally introduced by Moravcsik (1998) for his theory of liberal intergovernmentalism. The intuitive three-stage decision-making structure can, however, also be applied under the premise of normative institutionalism. Moreover, it allows for precise identification of the differences between rational and normative institutionalism.

<sup>8</sup>Compare, for example, the intriguing debate about the 'normative power Europe' between Manners (2002) and Hyde-Price (2006).

<sup>9</sup>Analytic eclecticism has also been received critically, compare Chernoff et al. (2020, 389–390); Cornut (2015, 52–54).

theoretical proposition, it explicitly encourages scholars to transcend ‘paradigmatic boundaries’ and combine components from ostensibly opposing camps. This helps to account for the ‘messiness and complexity of concrete dilemmas facing “real world actors”’ (Sil and Katzenstein 2010, 411). As previously discussed, the EU’s process for establishing enlargement terms for prospective member states exemplifies such a multifaceted dilemma.

Drawing on the innovations of analytic eclecticism, I integrate rational and normative institutionalism. My objective is not to propose yet another comprehensive theory of international relations but rather to build upon established theories to derive more complex, and, thus, more realistic process expectations concerning EU enlargement (compare Katzenstein and Sil 2009, 116–119). Although the potential of analytic eclecticism is widely recognised, the majority of IR scholars practically remain within the narrow boundaries of one theory or resort to competitive theory testing (Chernoff, Cornut, and James 2020, 385–386).

The underrepresentation of studies acknowledging the simultaneous influence of norms and material interests on decision-making is particularly evident within the regional integration literature, where analytic eclecticism has yet to gain traction. There are, however, meaningful exemptions demonstrating the potential for integrating normative and rational institutionalism (compare Schimmelfennig 2003). Focusing on the intergovernmental negotiations concerning the terms of enlargement, Schimmelfennig (2014, 695) finds actors’ material interests to be ‘normatively constrained’. Although this illustrates the value of bridging divides between existing theoretical camps, the relationship between normative and rational institutionalism remains hierarchical (compare March and Olsen 2011, 492). My theoretical innovation lies in transcending this hierarchical framework by assigning equal significance to both norms and material interests. I argue that for actors norms are ends in themselves, meaning they advance normative arguments without material ulterior motives (compare Sjursen 2002).

The norms the EU member states adhere to reside at different levels. The EU’s fundamental norms of peace, liberty, democracy, the rule of law and human rights are enshrined in the Treaties, for example, in Articles 2 and 3 of the Treaty on the European Union (TEU).<sup>10</sup> The EU’s commitment to these norms dates back to the 1950s. The preamble to the Treaties of Rome pledges to ‘preserve and strengthen peace and liberty’ and commits to the UN Charter.<sup>11</sup> Since then, the EU’s norms consolidated and consistently evolved. Both fundamental and ‘minor norms’ (Manners 2002, 242), such as solidarity or antidiscrimination, reside in legislative output the EU produces but also, for example, in declarations or public statement statements of EU officials (Manners 2002, 242–244). Procedural norms such as the Council’s consensus norm may not be codified but are firmly established (Heisenberg 2005). Being a club of democracies, similar norms also reside at the national level, for instance, in member states’ constitutions. Many states also recognise the norm of solidarity and practice redistribution towards poorer regions, similar to the EU’s social and cohesion funds.<sup>12</sup>

Throughout all stages<sup>13</sup> of the decision-making process, I expect elements of rational action and normatively guided behaviour. In the preference formation stage, states assess anticipated material costs and benefits. For the likely case that accession candidates have

<sup>10</sup>The Treaty is accessible under: [https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF), accessed 03.06.24.

<sup>11</sup>The Treaty is accessible under: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A11957E%2FTXT>, accessed 03.06.24.

<sup>12</sup>E.g., Germany’s ‘Länderfinanzausgleich’ or France’s under Article 72(2) constitution.

<sup>13</sup>For reasons of consistency, I apply again Moravcsik’s three-stage decision-making model.

structural deficits, enlargement yields more short-term costs than benefits for existing member states, thereby incentivising them to favour discrimination of applicants. Based on their material interests, the candidate states should of course prefer exemptions from the *acquis*. At the same time, the preference formation is equally and simultaneously influenced by what is normatively 'appropriate'. Existing member states should encounter difficulties in excluding candidates with whom they share a common identity. If a candidate demonstrates substantial efforts to comply with the EU's norms, the member states should be inclined to offer generous concessions. The EU's norms, which the candidate has internalised, equally influence its preference formation. For instance, the candidate should be influenced by the norm of equal treatment and strive for the full implementation of the *acquis* upon accession (cf. Schimmelfennig 2014). When material interests and norms align, preference formation is straightforward. When they diverge, states seek middle-ground solutions that satisfy both sets of motivations.

I expect the intergovernmental negotiations to involve both tough bargaining over material interests and deliberative exchanges on normative principles. The nature of the negotiations is influenced by the policy to which the potential differentiation pertains. Differentiations in policy fields strongly impacting material interests are more likely to result in difficult negotiations. Differentiations in these policy fields are closely linked to enlargement related 'distributional conflicts' (Schneider 2009, 60). These conflicts cluster in policy areas such as the EU's agricultural subsidies or structural funds but also the free movement of workers. Other policy areas are less related to distributional conflicts such as the EU's regulatory policies or environmental and technical standards (Schneider 2009, 57–65). When differentiations concerning these policies are discussed, material interests are less at stake so that negotiations are either uncontroversial or resolved deliberatively. Yet, even in the latter scenario, states do not entirely disregard their material interests. Even in episodes dominated by normative deliberation, states only agree to outcomes that do not fundamentally oppose their material interests. Conversely, because states are normatively bound by the EU's foundational and procedural norms, tough bargaining over material aspects is mitigated by norms.

Ultimately, I expect the terms of enlargement to be a painstakingly negotiated compromise<sup>14</sup> respecting material interests and norms. Addressing the material interests and normative obligations of all involved states to a sufficient degree represents a necessary condition for the EU to agree on enlargement terms. To mitigate the risk of states vetoing, actors engage in compromises both across and within differentiation clauses. Compromising across clauses means that if clause A was resolved disadvantageous to a state's material interests or normative obligations, it will be compensated for that in clause B. Compromising within clauses may involve adjustments to duration and financial implications.

This framework thus produces the following expectations:

- 1 State preference formation is guided by material interests and norms equally and simultaneously. When these material interests and normative obligations conflict, states prefer middle-ground solutions respecting both.

<sup>14</sup>For an elaborated discussion on 'compromises' consult Pruitt and Carnevale (1993, 16–18).

2 The intergovernmental negotiations are featured by episodes of hard bargaining about material interests and episodes of normative deliberation.

3 The terms of enlargement are a compromise respecting the material interests and normative obligations of all states. Compromising occurs across and within differentiation clauses and may include duration.

### III. Research Design

#### *Case Selection: The GDR's Accession to the EC*

To assess the derived expectations, I conduct a case study analysis of the integration of the GDR into the EC. Although it is beyond the scope of this article to test theoretical expectations for all EU enlargements, the analysis still considers all enlargement rounds and compares prevalent enlargement terms across several indicators. This approach seeks to determine whether the GDR's accession was indeed an outlier, a premise that has led many regional integration scholars to exclude the GDR from analyses (e.g., Winzen 2016, 109). Beyond filling the gap in regional integration literature on the GDR's accession, there are two main reasons why this case is ideal for studying the EU's enlargement terms.

Firstly, unlike other enlargements, the membership question of whether enlargement occurs can be distinctly separated from the question of under which terms. For the GDR, both questions were resolved sequentially rather than simultaneously. This guarantees that the empirical observations succeeding the Dublin summit most certainly concern the enlargement terms. The GDR's accession was arranged without an enlargement treaty specifying the conditions. At the Council in Dublin (28 April 1990) the EC agreed that the GDR territory would be incorporated into the Community upon Germany's reunification without discussing the precise enlargement terms (Klein 2024b).<sup>15</sup> This agreement and the absence of an accession treaty deprived the EC member states of the opportunity to prevent or at least delay enlargement. In legal terms, Germany was not sovereign because of reserved rights of the former occupational forces. However, it was beyond their influence to rule about the exact form and date of reunification.<sup>16</sup> Under Article 23 of the FRG-constitution, the GDR could declare to join the FRG, and upon the latter's consent, both reunification and EC enlargement would occur.<sup>17</sup> Furthermore, the EC treaties are based on the principle of flexible treaty boundaries, meaning that the Community territory is determined by its member states and not a precise territorial definition (for a discussion of this aspect: Jacqué 1991; Randelzhofer 1991; Timmermans 1990; Zimmermann and Eiken 2021).<sup>18</sup>

Secondly, negotiating the terms of enlargement for the GDR compelled the EC member states to navigate a more pronounced conflict between material interests and normative obligations than with other enlargements. The GDR's accession held symbolic significance being the first enlargement after fall of the Iron Curtain. Throughout the Cold War,

<sup>15</sup>HAEU-DORIE-567-38\_00: 'Conseil Européen – Dublin', 28.04.90.

<sup>16</sup>This was, for instance, discussed among high-level government advisors. The UK advisor pointed out the limited influence: NA-PREM19/2998: 'Germany: Meeting with Herr Teltschik', 09.02.90.

<sup>17</sup>Article 23 as valid in 1990: [https://www.bundestag.de/webarchiv/textarchiv/2013/46662599\\_kw46\\_grundgesetz\\_23-213482](https://www.bundestag.de/webarchiv/textarchiv/2013/46662599_kw46_grundgesetz_23-213482), accessed 17.12.22.

<sup>18</sup>Note that the principle of flexible treaty boundaries led to EU enlargement in other cases, including the Saarland in 1957 or Mayotte in 2014.

the EC consistently emphasised the shared identity of states on both sides of the divided Europe. Moreover, the socialist states' 'return' to Europe, including EU membership, was promised once the continent's division was overcome (Grabbe and Hughes 1998; Piedrafita and Torreblanca 2005). The pan-European vision mattered for the accession of the Central and Eastern European countries (CEECs) (Schimmelfennig 2003; Sedelmeier 2005; Sjursen 2002). Similarly, the events in the GDR in 1989/1990 directly appealed to the EC's fundamental norms of democracy, the rule of law and human rights. The ongoing democratic transformation in East Germany provided a normative justification to support the GDR generously through favourable enlargement terms. Indeed, the GDR's accession can be seen as a precedent for the EC to fulfil its Cold War promises of 'reuniting Europe and making up for the painful divisions of Yalta' (Grabbe and Hughes 1998, 1).

In light of the GDR's disastrous economy and enormous structural deficits, the enlargement was related to immense financial costs. Later the GDR's transformation cost was estimated at almost two trillion euros (Schroeder 2014, 41). As the GDR would foreseeably be a net-recipient to the budget, this triggered 'distributional conflicts' (Schneider 2009, 60) and strong incentives for the EC to play hardball with Germany and impose tough enlargement conditions. The GDR's capacity issues were exacerbated by the short preparation time to comply with the *acquis*. Although candidates typically have years to prepare and resolve capacity issues, the GDR had only 11 months from the fall of the Berlin Wall.

Overall, the member states faced a greater dilemma between generous accommodation and playing hardball compared with other enlargement cases. Because of the pronounced conflict, the GDR's accession is particularly well suited to test my eclectic approach. How the tensions between material and normative obligations were resolved offers valuable insights. Likewise, to the GDR, the integration of the current enlargement candidates would possibly constitute a major financial burden to the EU budget until structural deficits are compensated. At the same time, enlargement might be normatively desirable and force the EU into a dilemma.

Despite its historical peculiarities, the bargaining setup for negotiating the terms of the GDR's enlargement resembled that of other enlargements. The outcome of the Dublin summit precluded regular enlargement negotiations between the GDR and the EC so that determining the enlargement terms was an internal Community matter. The influence of GDR officials was negligible. The government formed after the GDR's first free elections in March 1990 was like-minded with the West German government so similar preferences can be assumed. Moreover, the GDR government consisted of 'political greenhorns' (Patel and Schulze 2022, 67). The UK's Foreign and Commonwealth Office (FCO) judged the GDR's influence 'next to none'.<sup>19</sup>

The enlargement terms for the GDR were established in a legislative package requiring unanimous consent among the member states. Although all states held veto power, the bargaining constellation was *de facto* asymmetrical. Because enlargement was irrevocable, the fallback option after negotiation failure would imply the immediate validity of the *acquis*. This outcome would create significant difficulties for Germany, as it could be accused of breaking EC law and face complaints before the European Court

<sup>19</sup>NA-FCO30/9170: 'EMU and the GDR', 27.07.90.

of Justice. Consequently, Germany had a stronger interest in reaching an agreement with its fellow member states than vice versa resembling the asymmetrical bargaining constellation of ‘regular’ enlargement negotiations (compare Moravcsik and Schimmelfennig 2009).

### *Mixed-Methods Approach and Data*

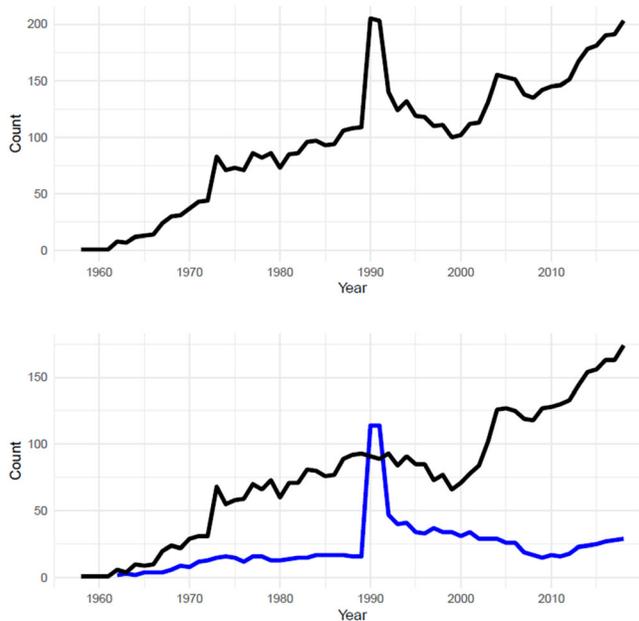
The empirical analysis applies a mixed-methods approach and comprises two parts. The first part provides a detailed quantitative assessment of the GDR’s enlargement terms compared with all other enlargement rounds. I disaggregate by examining discriminatory/exemptive DI, as well as the duration of exemptions and policies. Drawing on statistical outlier and trends analyses, I also provide a comparative assessment of whether the enlargement terms for East Germany were particularly tough or accommodating. The latter assessment would not be possible if only focusing on the GDR case.

I rely on the updated version of the EUDIFF2 dataset (Duttle et al. 2017), which captures differentiations from the EU’s secondary legislation (1958–2018), supplemented by my own data collection efforts. The EUDIFF2 data allows for a precise assessment of DI across years and states. If for example, Germany is granted a derogation from a legislative act in the year 1991, this is coded as one differentiation. However, the EUDIFF2 dataset excludes differentiation directed at a single member state and legislative acts that ‘merely amend, supplement, extend or suspend existing legislative acts’ (Schimmelfennig and Winzen 2022, 8). After coding all legislative acts introduced in the context of the GDR’s accession to the EC, I count 187 differentiations whereas the EUDIFF2 dataset only counts 96. My coding closely follows the instructions of the EUDIFF2 codebook (Schimmelfennig and Winzen 2022) with the exception that I include legislative acts directed to only one member state (Germany) and acts amending, supplementing, extending or suspending existing ones and thereby introducing differentiations.

The first part of the analysis offers a comprehensive comparative understanding of the GDR’s enlargement terms, primarily focusing on outcomes while providing limited insights into preference formation and negotiations. To address this, the second part employs a process tracing analysis following Bennett and Checkel’s (2015) best practices, which involve considering alternative explanations and acknowledging the varying inferential weight of observations (for recent advancements of process tracing relying on Bayesianism, see Fairfield and Charman 2022). The analysis is foremost informed by archival data. After decades under lock and key, strictly confidential documents have been declassified that prior publications could not draw on. Because of their original confidentiality, archival files are more trustworthy than other data typically used, such as memoirs, interviews or newspapers (Klein 2024a; Moravcsik 1998, 77–85; Trachtenberg 2006, 147). The archival material for this analysis was collected from the Historical Archives of the European Union (HAEU), the National Archives of the UK (NA) and the German Federal Archives (BA), ensuring a strong basis for robust findings through triangulation.<sup>20</sup> The analysis draws from more than 400 files, each comprising several hundred pages. Given the article’s limited scope, I am selective on some illustrative examples that,

<sup>20</sup>The translation of non-English archival sources is my own.

Figure 1: Top: Actual differentiation in secondary legislation across all states (1958–2018). Bottom: blue line: Germany, black line: all other member states. [Colour figure can be viewed at [wileyonlinelibrary.com](http://wileyonlinelibrary.com)]



nevertheless, effectively test the process expectations.<sup>21</sup> The Supporting Information includes more extensive citations from the respective archival documents.

#### IV. Analysis

The results generally support the expectations derived from my integrative theoretical approach. Neither rational nor normative institutionalism alone but a combination of them convincingly explain the GDR’s enlargement. The quantitative assessment substantiates the exceptionalism surrounding the GDR’s enlargement. Not only was the absolute number of differentiations unprecedentedly high compared with other enlargement rounds but also almost exclusively exemptive. The phasing-in period of the former GDR was, however, exceptionally brief. When disaggregated to the policy level, the differentiations cluster around the same policy areas as in other enlargement rounds. Evidence from previously classified documents elucidate the dynamics of the intergovernmental negotiations.

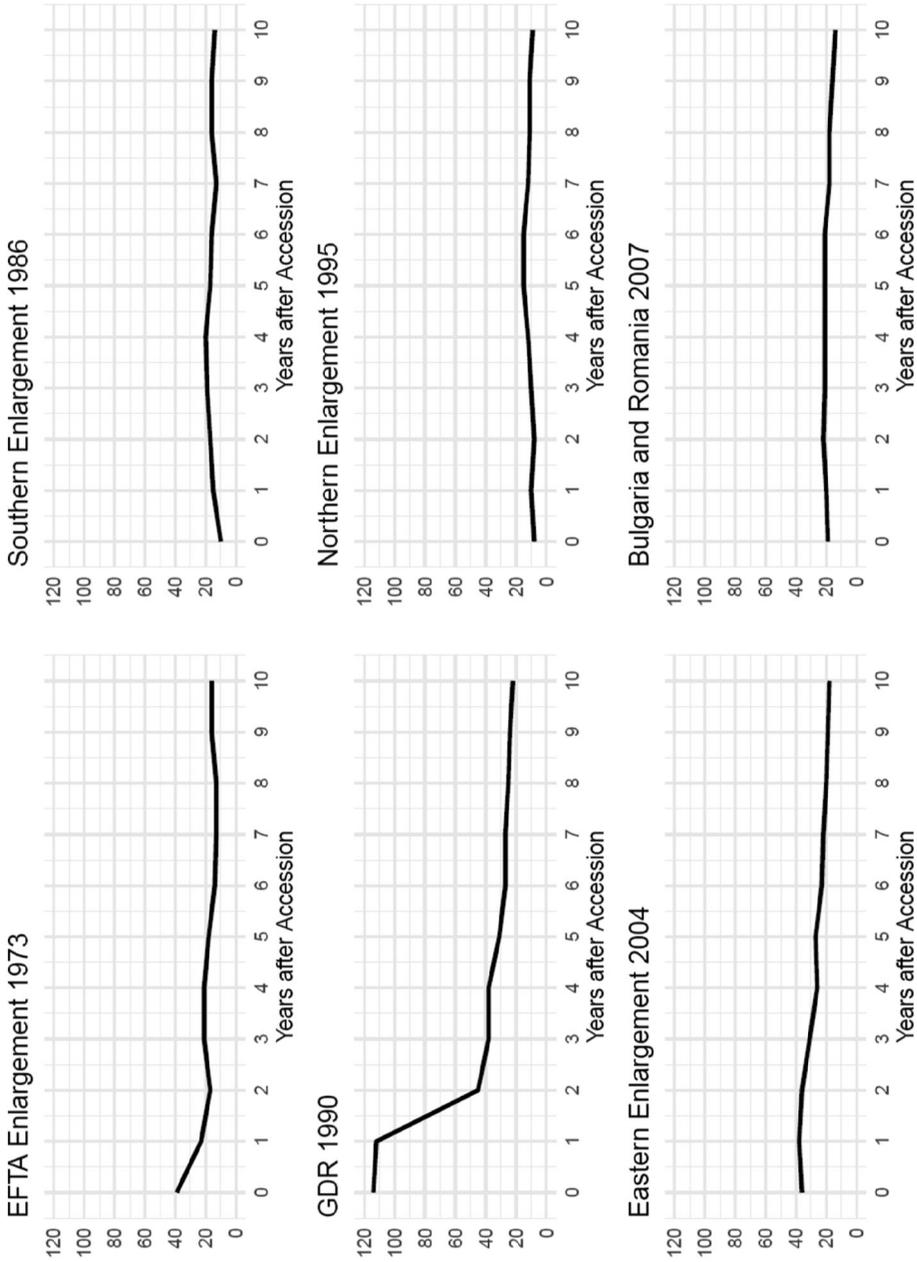
##### *Quantitative Assessment*

###### *The GDR’s Enlargement Terms in a Comparative Perspective*

The top graph in Figure 1 shows valid differentiations across all member states over time. There is a connection between enlargement and high differentiation levels, which is consistent with prior findings (Schimmelfennig and Winzen 2014). The most remarkable

<sup>21</sup>Consult the Supporting Information, which provides more extensive citations from the archival sources used.

Figure 2: Phasing-in/out across enlargement rounds. *Note:* includes only differentiations concerning legislative acts introduced before the year of accession. [Colour figure can be viewed at [wileyonlinelibrary.com](http://wileyonlinelibrary.com)]



peak in secondary law differentiation around 1990 can be attributed to the GDR's accession. This is further illustrated in the bottom graph of Figure 1, where differentiations for Germany are distinguished from those for all other member states. Differentiations concerning Germany remain relatively constant from the 1970s onwards before they skyrocket in 1990. For the subsequent 2 years, Germany had more differentiations from secondary law than all other member states combined. After that, the differentiations for Germany declined but remained higher than pre-1990.

The graphs in Figure 1 indicate a positive relationship between time and the differentiations in force, which can be explained by the continuously advancing European integration leading to a growing body of secondary legislation (Duttle et al. 2017, 408–410). There are, however, outliers to this trend that can be detected through computing *z*-scores, which capture how many standard deviations an observation (here: year) is from the mean. Observations more than 1.5 standard deviations from the mean are conventionally considered outliers. In the underlying sample, this applies for 1990, 1991 (both 1.8) and 2016, 2017 (both 1.6), 2018 (1.8).<sup>22</sup> Thus, the *z*-scores support the graphical interpretation that the GDR's accession led to an exceptionally high number of differentiations.

Disaggregating the differentiation clauses reveals a clear surplus of exemptive over discriminatory differentiation. Of the 187 clauses, 186 are exemptive and only one is discriminatory. In fact, the proportion of exemptive to discriminatory differentiation clauses is comparable to the EFTA and Northern enlargement (Schimmelfennig 2014, 689).<sup>23</sup>

Figure 2 captures the duration of the enlargement-related differentiations. The graphs demonstrate with EUDIFF2 data for each enlargement round how the number of valid differentiations evolved in the first 10 years post-accession. Only legislation introduced before a state's accession is considered. Among the five enlargement rounds, excluding the GDR, three have fewer differentiations after 10 years.<sup>24</sup> Phasing-in patterns are most obvious for the EFTA and the Eastern enlargement. The GDR has a unique pattern: An extraordinarily high level of differentiations is followed by a sharp decline after 2 years. After that, the pattern aligns with other enlargements such as the Eastern enlargement. Turning to the 187 differentiations I have coded for the GDR, the average duration is 2.3 years. This is significantly shorter than the average of 3.6 years across all rounds, indicating an extraordinarily short phasing-in period (Schimmelfennig 2014, 688). I find no long-lasting differentiations known from other enlargement rounds such as the 17 years exemption of Romania and Bulgarian from Schengen.<sup>25</sup>

For a more sophisticated understanding of the GDR's phasing-in/out pattern, I conduct survival analyses. The results are plotted as Kaplan–Meier curves in Figure 3. The *y*-axis of these graphs measures the probability of survival for all differentiation clauses introduced upon accession, whereas the *x*-axis represents time in years. The Kaplan–Meier curves visualise estimated survival probabilities over time. Horizontal survival curves at survival probability one would imply that all differentiations introduced upon accession remain valid throughout the observation period. None of the enlargement rounds exhibits

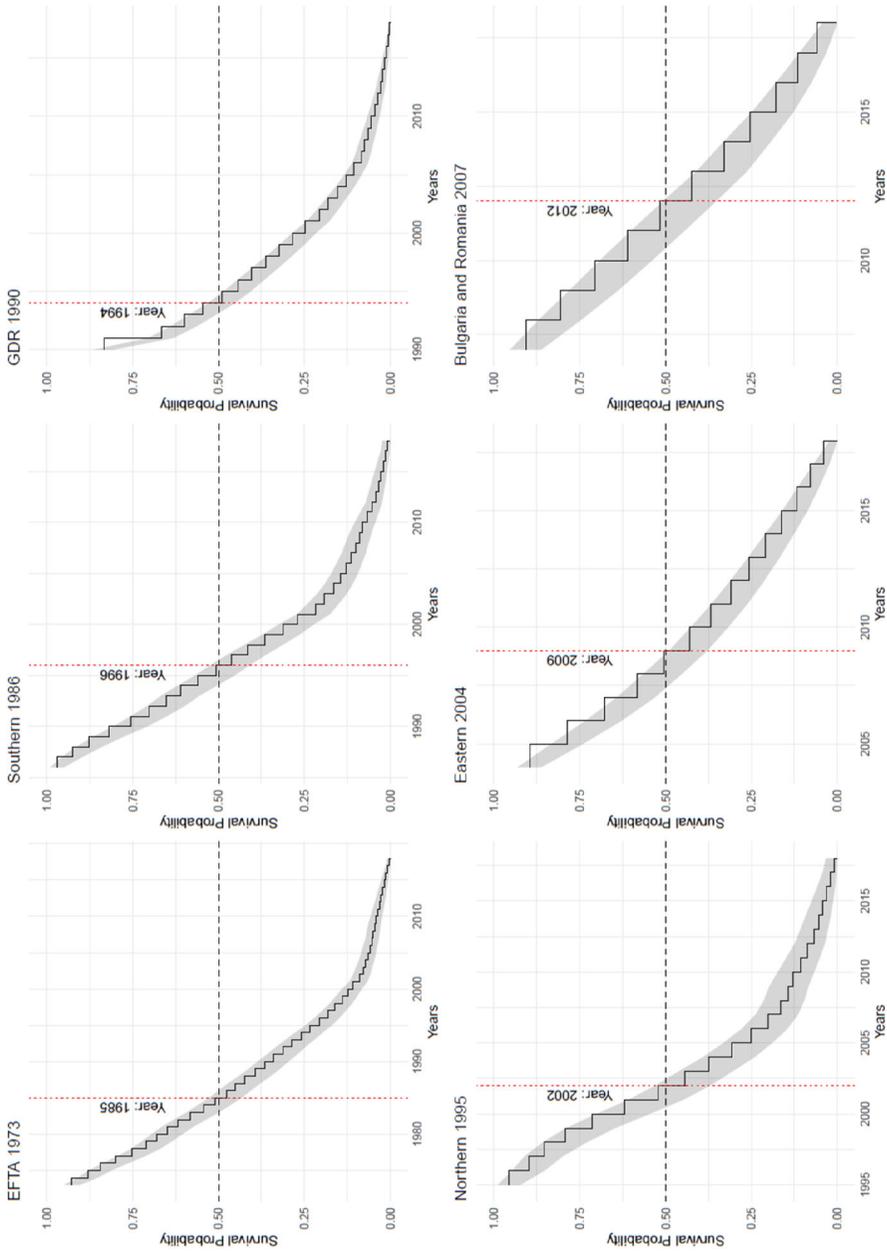
<sup>22</sup>*Z*-scores for 1958–1962 also exceed the 1.5 but interpretation is less meaningful due to the little secondary legislation.

<sup>23</sup>The Supporting Information specifies, which states the enlargement rounds include.

<sup>24</sup>The Supporting Information includes a version of Figure 2 with the five rounds excluding the GDR and smaller *y*-axis scales.

<sup>25</sup>[https://home-affairs.ec.europa.eu/news/schengen-area-controls-air-and-sea-borders-bulgaria-and-romania-will-be-lifted-2024-01-03\\_en](https://home-affairs.ec.europa.eu/news/schengen-area-controls-air-and-sea-borders-bulgaria-and-romania-will-be-lifted-2024-01-03_en), accessed 09.01.24.

Figure 3: Kaplan–Meier survival curves with 95% CIs. Red line indicates year, in which half of the differentiations have disappeared. Note: includes only differentiations concerning legislation introduced before accession. [Colour figure can be viewed at [wileyonlinelibrary.com](http://wileyonlinelibrary.com)]



this pattern, as all graphs steeply decline. The slope of the curves varies, however, which can be investigated with the intersection of the survival curves with the horizontal dashed line, representing the point at which half of the differentiations vanished.

Across enlargement rounds, the time required for half of the differentiations to phase-in/out reduces. For the EFTA enlargement, this point was reached after 13, for the Northern enlargement after 7 years. In the two most recent enlargements, half of the initial differentiations vanished within 5 years. The GDR deviates from this trend, as 50% of the exceptions were no longer valid after just 4 years. Notably, more than one-eighth of the GDR's differentiations vanished in the first year as indicated by the comparatively low starting point of the curve. To account for the robustness of these results, I compute correlation scores and a linear regression analysis. The results are included in the Supporting Information and support the results from the survival analysis.

The longest exceptions for East Germany lasted 5 years and clustered in problem areas such as the environment. The GDR's disastrous environmental condition and necessary derogations from the *acquis* were, for example, discussed during a closed-door meeting of the European Commission with Klaus Töpfer, the FRG's Minister of the Environment.<sup>26</sup> Töpfer highlighted that the GDR's sulphur dioxide emissions were the highest in the world and there was an extensively 'high use of lignite, energy- and raw material-intensive processes in heavy industry, high energy consumption and outdated production processes'. Moreover, 30% of all waters were 'ecologically dead' and 45% of all 'watercourses were no longer usable for drinking water production'. Consequently, East Germany was, for instance, exempted from the EC standards for surface and bathing water quality until the end of 1995.<sup>27</sup>

Other areas of concern were agriculture and fisheries. In an internal document, the Commission noted that '[t]he integration of the German Democratic Republic into the fisheries policy will pose some awkward problems'.<sup>28</sup> Because of the existing planned economy, the agricultural sector was organised in collective farms<sup>29</sup> and had close ties to the Comecon<sup>30</sup> states.<sup>31</sup> Introducing the EC's common agricultural policy required major adjustments in East Germany, which explains long last-lasting differentiations. The former GDR was, for example, exempted from regulations concerning plant seeds until 1995.<sup>32</sup>

Disaggregating the differentiation clauses further to the policy level is possible with the `policy_txt_aggregated` variable in EUDIFF2. The graphs in Figure 4 show that certain policy areas account for more differentiation than others across enlargement rounds, notably agriculture, the market and, in recent enlargements, justice and interior. These patterns generally align with the aggregated observations. The EFTA and Eastern

<sup>26</sup>BA-B136/34468: 'Sitzung der Bangemann-Gruppe mit BM Toepfer', 03.04.90.

<sup>27</sup>CELEX-31990L0656 accessible under <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31990L0656&qid=1698914784474>, accessed 05.01.24.

<sup>28</sup>HAEU-CEUE\_SEGE-SEC(1990)0751: 'The Community and German Unification', 20.04.90.

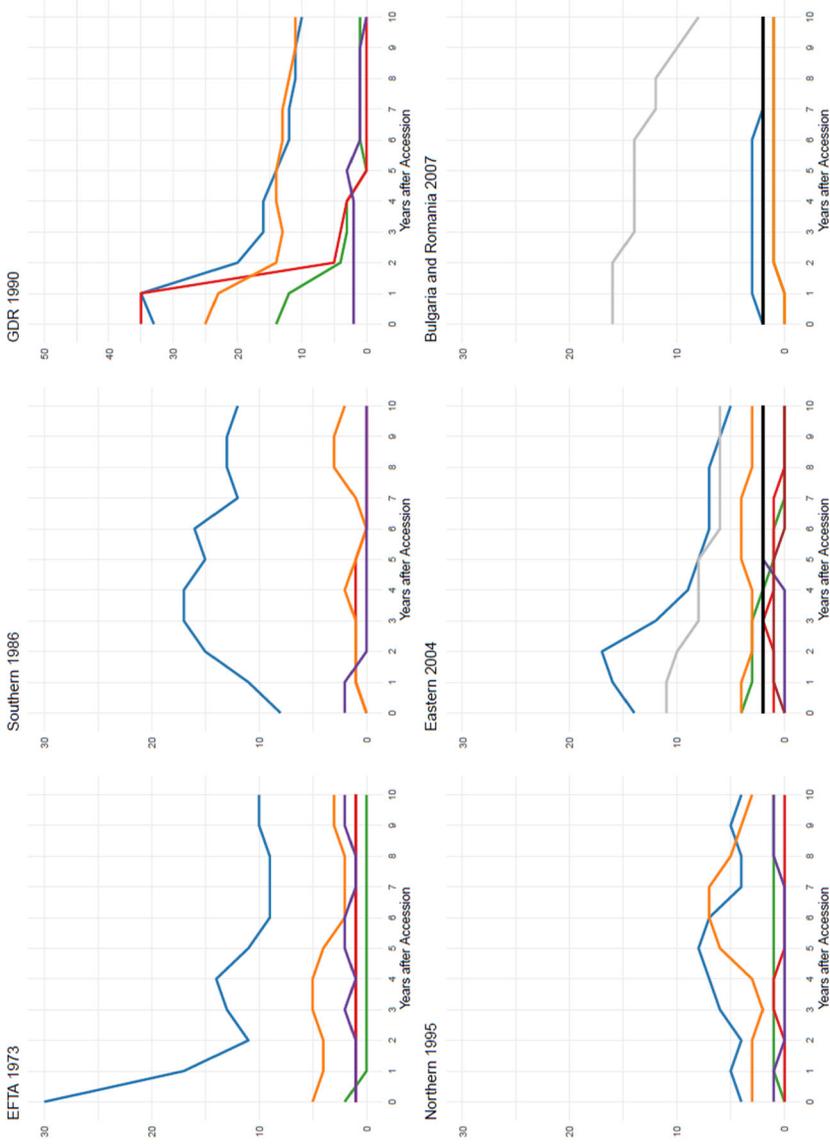
<sup>29</sup>The GDR's agricultural sector was collectivised in the form of LPG (Landwirtschaftliche Produktionsgenossenschaft) and VEG (Volkseigenes Gut).

<sup>30</sup>Comecon stands for Council for Mutual Economic Assistance. It was the economic organisation of the Eastern bloc states during the Cold War.

<sup>31</sup>BA-B102/410765: 'Verflechtung der DDR in die RGW', 23.02.90.

<sup>32</sup>CELEX-31990L0654 accessible under <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31990L0654&qid=1698914784474>, accessed 05.01.24.

Figure 4: Phasing-in across enlargement cohorts, disaggregated by policy. *Note:* includes only differentiations concerning legislative acts introduced before the year of accession, also note the different scale for the GDR. Colours: blue (agriculture), green (environment and energy), red (health and consumer protection), orange (market), purple (justice and interior), grey (transport), brown (institutions), black (justice and interior), black (monetary policy). [Colour figure can be viewed at [wileyonlinelibrary.com](http://wileyonlinelibrary.com)]



enlargement, as well as Bulgaria and Romania, are predominantly characterised by exceptions in agriculture and justice/interior and, to a lesser extent, the market. In contrast, the Southern and Northern enlargements do not exhibit clear phasing-in/out patterns. However, as with other enlargement rounds, the majority of derogations are concentrated in agriculture and the market.

Similar to other enlargements, the GDR's enlargement terms included many derogations in the agricultural sector and the market. However, the accession also featured numerous differentiations concerning health/consumer protection and environment/energy, which is less common in other enlargements. The aggregated pattern (Figure 3) with the sharp decline of differentiations after 2 years can be attributed to the rapid disappearance of exemptions in agriculture and health/consumer protection, as well as in the market and environment/energy.

*Compromise: Many Derogations, Few Discriminations but Short Durations*

In the following section I focus on the GDR's accession. How can the terms of enlargement decided for the GDR's integration into the EC be interpreted in light of the three sets of expectations in the theory part? The unprecedentedly high number of differentiations, almost exclusively to Germany's advantage, speaks in favour of a generous accommodation. This finding contradicts the rational institutionalist expectation of tough enlargement terms with predominantly discriminatory differentiation clauses and, instead, supports the normative institutionalist expectation. This interpretation is corroborated by archival evidence showing that the EC member states were aware of the significant capacity issues prevalent in East Germany resulting from the economic and political transformation. There was agreement that derogations from the *acquis* were necessary.<sup>33</sup> The EC's decision to refrain from imposing far-reaching discriminatory measures on Germany indicates a logic of appropriateness. Unlike other new members, East Germany was, for instance, not exempted from the free movement of workers, which is remarkable in light of the ongoing migration from the GDR. Contrary to what rational institutionalism would predict, the EC also refrained from imposing discrimination in other policy areas. The market access of the former GDR was, for example, not restricted despite concerns that existing trade agreements with the Comecon states might allow products nonconform with EC standards to enter the market.<sup>34</sup> Similar concerns were raised about agricultural products from the GDR. The UK government worried, for example, about 'East German agricultural products which do not conform to EC standards to circulate freely' after accession.<sup>35</sup> Yet, no discriminatory clauses were introduced.

The interpretation of the findings becomes more nuanced when considering the length of the differentiations. Given the GDR's capacity issues and the lack of preparation time, the relatively short duration of derogations is surprising, particularly because longer derogations are frequent in other enlargement rounds. From a comparative angle, the average duration of derogations concerning East Germany is discriminatory, which challenges the

<sup>33</sup>NA-FCO30/9155: 'EC implications of German Unification', 08.03.90; NA-FCO 30/8826: 'Dublin European Council, institutional questions: French views', 12.04.90.

<sup>34</sup>HAEU-CEUE\_SEGE-SEC(1990)0415: 'Compte rendu de la reunion du groupe de travail charge d'examiner les consequences des relations interallemandes sur les competences communautaires', 22.02.90; BA-B136/20243: 'Ad hoc-Gruppe "Deutsche Einheit" - externe Aspekte', 05.09.90.

<sup>35</sup>NA-PREM19/3000: 'EC Implications of German Reunification', 25.03.90.

normative institutionalist explanation. Normative institutionalists might still argue that the norm of legal unity motivated the EC to minimise the duration. However, this would violate the norm of equal treatment across enlargement rounds, weakening the normative explanation again (Schimmelfennig 2014).

Process evidence from archival documents supports this assessment. In many instances during the negotiations, Germany requested longer exemptions than were eventually granted. Concerning the problematic environmental situation mentioned earlier, German Minister Töpfer emphasised East Germany's environmental recovery might take until 2000, necessitating 10-year derogations.<sup>36</sup> Yet, the maximum length of derogations granted was only 5 years. Rational institutionalists would argue that this reflects member states' concerns about the material implications of excessive and prolonged derogations. Internal German assessments confirm that other member states were worried about prolonged exemptions providing economic advantages to East Germany.<sup>37</sup> Rational institutionalism struggles, however, to explain the surplus of exemptive over discriminatory differentiations. Why did the EC, for instance, grant the five-year derogations from the environmental standards despite material concerns? My integrative theoretical approach offers an explanation. The solution is a compromise that respects both the material and normative obligations of all involved states. Germany's request for a 10-year exemption was met with a five-year exemption, balancing the competing interests. Materially, the compromise was achieved by settling in the middle between the EC's preference for zero years and Germany's preference for 10 years. However, norms are an integral part of the compromise. From an exclusively material standpoint, it would have been rational for the EC to make use of its bargaining power and deny Germany's demand entirely. The granting of the exemption suggests that normative obligations significantly influenced member states' preferences. Consequently, only a combination of normative and rationalist institutionalism explains this differentiation clause.

Similarly, the overall picture aligns with my expectations outlined in the theory section as I find evidence of a trade-off pattern involving many derogations, few discriminations but short durations. The evidence supports not only the expected outcome but also the expectations derived from my eclectic approach for preference formation and negotiations. The preference formation of the involved actors was guided by material interests and normative obligations. On the one hand, important member states like the United Kingdom and France were materially motivated and concerned about 'additional burdens on the Community budget', to which they were net contributors.<sup>38</sup> Net beneficiaries like Portugal raised similar concerns.<sup>39</sup> Minutes from a meeting between the British Secretary of State and his French counterpart reveal an agreement that 'derogations should be as short as possible' and 'transitional costs must be primarily for the Germans to bear'.<sup>40</sup> Conversely, Germany's material interests were the opposite. In a cabinet meeting, it was concluded that 'the most important issue is the question of transitional measures' and explicitly mentioned that these derogations are linked to Germany's 'economic

<sup>36</sup>BA-B136/34468: 'Sitzung der Bangemann-Gruppe mit BM Toepfer', 03.04.90.

<sup>37</sup>BA-B136/20243: 'Ad hoc-Gruppe "Deutsche Einheit" - externe Aspekte', 05.09.90.

<sup>38</sup>NA-FCO30/8905: 'French EC priorities for 1990', 05.03.90.

<sup>39</sup>BA-B136/34468: '1426. Tagung des ASTV', 05.04.90.

<sup>40</sup>NA-FCO30/8905: 'Secretary of State's visit to Paris', 28.03.90.

interests'.<sup>41</sup> This opposing set of material preferences led to episodes of hard bargaining, as I expected. Negotiations in the Council were, for example, 'very lively',<sup>42</sup> including 'significant disagreements',<sup>43</sup> 'extensively and partially controversial'<sup>44</sup> exchanges and 'building up of strong pressure'.<sup>45</sup>

On the other hand, I find proof for the impact of a sense of a common European identity and norms, to which decision makers referred to during the negotiations. The German delegation noted that the actors in the Council were aware of the generally 'special historical situation'.<sup>46</sup> Despite repeated heated exchanges in problem areas such as the fisheries, the German delegation sensed an 'unbroken commitment to help us overcome the problems arising from the unification process'.<sup>47</sup> Internal documents also state that '[the] course of discussions in the Council and the European Parliament shows that the Community as a whole remains determined to make swift and constructive progress with the integration of the five new federal states into the territory of the Community'.<sup>48</sup> This prevailing logic of appropriateness explains why the negotiations were also partly smooth and uncontroversial.<sup>49</sup> There is also evidence that conflicting issues were resolved through deliberation. In a conversation with Margaret Thatcher, who was generally sceptical of derogations, Helmut Kohl sought to persuade her with normative argumentation. The Chancellor invoked the norm of equal treatment across enlargement rounds (compare Schimmelfennig 2014, 685–686), claiming that 'transitional measures like back then for Spain and Portugal were necessary'.<sup>50</sup>

There are two idiosyncrasies to the GDR's accession that might at least partially influence the results. Firstly, East Germany's accession was completed within only 329 days after the fall of the Berlin Wall, which is about one-tenth of the time a successful enlargement process takes on average.<sup>51</sup> This short preparation time combined with the transformation of the political, economic and social system in the GDR caused capacity issues far exceeding those of other enlargements. Although other former socialist states faced similar capacity issues, they had years to resolve them. Additionally, these states took intermediary steps towards full membership such as trade and association agreements with the EU. In contrast, the GDR had no institutional relationship with the EU prior to the fall of the Wall (Graf 2019). Therefore, it is unsurprising that the GDR's accession caused a massive spike of differentiations.

Secondly, the high number of differentiations, particularly the predominance of exemptive differentiation, can be partially attributed to political associative obligations (Gilbert 2006; Simmons 1996; van der Vossen 2011; Leuffen 2021). Normally, the

<sup>41</sup> Referred meeting took place on 03.05.90. The document is accessible under [https://www.bundesarchiv.de/cocoon/barch/0000/k/k1990k/kap1\\_1/kap2\\_15/para3\\_1.html](https://www.bundesarchiv.de/cocoon/barch/0000/k/k1990k/kap1_1/kap2_15/para3_1.html), accessed 10.12.23.

<sup>42</sup> BA-B136/34469: 'Ad-hoc Gruppe Deutsche Einheit Umweltschutz', 07.09.90.

<sup>43</sup> BA-B136/34468: 'Handelspolitische Übergangsmaßnahmen im Zusammenhang mit der deutschen Einigung', 31.07.90.

<sup>44</sup> BA-B136/34469: 'Ad-hoc Gruppe "Deutsche Einheit" übrige Bereiche des Gesamtpaketes', 10.09.90.

<sup>45</sup> See footnote 43.

<sup>46</sup> BA-B136/34469: 'Vorläufige Maßnahmen zum Vorschlagspaket der KOM für die deutsche Einigung: hier Sonderrat und AstV', 12.09.90.

<sup>47</sup> BA-B136/34469: 'Ad-hoc Gruppe Fischerei', 21.09.90.

<sup>48</sup> BA-B136/21523: 'Stand der Diskussion über den EG-Kommissionsvorschlag', 23.10.90.

<sup>49</sup> BA-B136/34469: 'Sitzung Ad-hoc Gruppe Deutsche Einheit des Sonderausschusses Landwirtschaft', 12.09.90.

<sup>50</sup> In Küsters and Hofmann (1998) Doc-Nr. 238: '22. Deutsch-britische Konsultationen London', 30.03.90.

<sup>51</sup> On average enlargement takes 3041 days: [https://european-union.europa.eu/principles-countries-history/history-eu\\_en](https://european-union.europa.eu/principles-countries-history/history-eu_en), accessed 02.12.23.

EU's associative obligations—meaning the duties and responsibilities EU member states have towards another—are neglectable for the study of enlargement. However, for the GDR's integration, associative obligations are relevant because of Germany's status as a particularly powerful member state. Because of their associative obligations towards Germany, the EC states might have been more willing to accommodate than if Germany was a regular third country applying for membership. At the same time, the associative obligations might have prevented the EC from playing hardball with Germany. The norm of solidarity, which is entailed in the EU's associative obligations should be particularly crucial as it might 'constrain choices of differentiated integration' (Lord 2015, 783). The Treaties contain several references to 'solidarity' among the member, such as in Articles 3 and 4 of the Treaty on the European Union (TEU).<sup>52</sup> Article 112 (2) on the Treaty on the Functioning of the EU (TEFU)<sup>53</sup> explicitly calls for member state solidarity, '[w]here a Member State is in difficulties or is seriously threatened with severe difficulties caused by natural disasters or exceptional occurrences beyond its control'.

## Conclusion

Because of its commitment to a norm-based order, liberal-democratic values and the shared identity of its member states, the EU is regarded as the 'most normatively structured transitional space on earth' (Thomas 2009, 344). This view is strictly opposed by scholars who argue that norms are cheap talk and are outweighed by states' material interests (e.g., Hyde-Price 2006). In this article, I offer a fresh perspective on this long-standing IR scholarly dispute by investigating the terms, under which the EU integrates new member states. By developing a theoretical approach that combines elements of normative and rational institutionalism in an analytically eclectic manner, I argue that material and norms hold equal importance. I test this approach for the enlargement terms of the GDR's integration into the EC. The distinctive characteristics rooted in this enlargement make it a well-suited case for investigation. The dilemma the EU faces when accessing new member states between minimising the financial costs of enlargement and accommodating newcomers on normative grounds was particularly pronounced for the GDR.

The mixed-methods analysis reveals that the terms of enlargement under which the GDR was integrated into the EC are exceptional and characterised by an extraordinary high number of differentiations, predominantly exemptive. Compared with other enlargement rounds, differentiations cluster in similar policy fields but last for shorter time. By analysing previously confidential documents, I proof that the GDR's enlargement terms were a painstakingly negotiated compromise resulting in neither particularly tough enlargement terms nor exclusively generous accommodation. Returning to the originally posed research questions, I conclude that both material interests and norms determine how the enlargement terms the EU imposes on new member states. This implies that the EU does not exclusively either play hardball or accommodate new member states generously but instead seeks to compromise between the two. Further research is needed to

<sup>52</sup>The Treaty is accessible under: [https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF), accessed 03.06.24.

<sup>53</sup>The Treaty is accessible under: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:en:PDF>, accessed 03.06.24.

investigate the exact negotiation dynamics of other enlargement rounds apart from the GDR.

Besides contributing to the literature concerning the impact of norms in international relations, the article enriches the regional integration literature by examining a so-far overlooked enlargement case. Despite the historically exceptional circumstances, the GDR's accession offers important lessons for future enlargements. Among the current enlargement candidates, there are states with enormous structural deficits whose integration would cause pronounced distributional conflicts within the EU. Simultaneously, integrating these states—potentially under favourable terms—may be both normatively desirable and geopolitically necessary. Policy-makers can therefore draw valuable insights from the GDR's accession on how to balance the material interests and normative considerations of the states involved. My findings also emphasise that enlargement rarely follows a standard path. In fact, the GDR's accession to the EC might serve as a precedent if reunification becomes a realistic option for Cyprus and Ireland. With DI, the EU possesses a powerful institutional tool to facilitate horizontal integration, which might otherwise be hindered by the concerns of member states or the capacity limitations of applicant states.

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### Supporting Information

Additional supporting information may be found online in the Supporting Information section at the end of the article.

**Appendix S1** Rounds of EU Enlargement

**Appendix S2:** Phasing-in/out Patterns across Enlargement Rounds

**Appendix S3:** Trend and Outlier Analyses

**Appendix S4:** More Extensive Quotations from Archival Documents Referred to in the Article