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medium-term priorities for meeting the accession criteria. Here as well, the Union will provide support. The National Programme for the Adoption of the *Acquis*, which Turkey will adopt in the months to come, is expected to provide a central tool in this regard.

As the first accessions draw closer, the dialogue with interested third countries will have to be strengthened, so as to reassure them that the impact of enlargement will be primarily positive, and to tackle problems where they arise. The envisaged discussions with Russia on the impact of enlargement for Kaliningrad are a concrete example.

In the meantime, the Union must prepare itself "mentally" for enlargement, by explaining the costs and benefits to its population. We have to set in motion a wide-ranging dialogue in our societies to make the risks and benefits clear, diffuse misconceptions where they exist, and let the people know that their concerns are being taken seriously. With this purpose, the Commission adopted an Enlargement Communication Strategy in May 2000, which is being

implemented on a decentralised basis in the Member States and the candidate countries, involving also national and regional authorities. As the first accessions draw closer, our work in informing the population must continue and be intensified, both in the current EU Member States and in the candidate countries. Enlargement can only succeed if it has democratic support.

The Nice conclusions have added momentum to the enlargement process, bringing it into a qualitatively new stage. Not only has the Nice European Council cleared the last institutional obstacles and provided a road map, it also has set a clear time window for the first accessions, expressing the hope that the first acceding countries will be able to take part in the next European Parliament elections. Very considerable and determined efforts are still required to bring the process to its conclusion. But the way ahead is now clear. The Commission is fully prepared for the work in prospect. As to myself, I am personally determined to see the enlargement project well towards completion within my current term of office.

Elmar Brok\*

## Post-Nice State of the Preparations for EU Enlargement

In 1993 the Copenhagen European Council made a historic promise that "the countries in Central and Eastern Europe that so desire shall become members of the Union. Accession will take place as soon as a country is able to assume the obligations of membership by satisfying the economic and political conditions". Since then a lot of efforts have been made both by the states wishing accession and by the Union to let this dream of one large European house come true. One important step on the way to achieving accession was to adapt the EU Treaty to a Union probably consisting of 27 members. To achieve this was the aim of the Intergovernmental Conference taking place from 7 to 10 December 2000 in Nice. But it must be stated that the enterprise got stuck in the attempt because the Member States short-sightedly paid regard only to their own interests while nearly losing from view their responsibility to the states

wishing to accede. Although I estimate the Nice Summit to be a catastrophe it is necessary to analyse carefully the present state of the enlargement process and the effects of the Nice Summit on it.

Despite the meagre results of the Nice Intergovernmental Conference the present Member States of the EU have clearly declared that they are willing for the accession of the first countries to take place in 2003. The European Council reaffirmed at Nice "the historic significance of the European Union enlargement process and the political priority which it attaches to the success of that process". Moreover the European Council set up a road map for the next 18 months which will ease the way for further negotiations, bearing in mind that those countries which are the best prepared will continue to be able to progress more quickly. This principle of differentiation is the basis of the strategy paper proposed by the Commission on 8 November 2000. In Göteborg, in June 2001, the European Council will assess the progress in implementing that accession strategy, in

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order to give the necessary guidance for its successful completion. And it should also be pointed out that the pre-accession strategy of the Union has always single-mindedly and systematically been the achievement of enlargement. So we should have a closer look at the details in order to be able to judge the results of the Intergovernmental Conference in Nice.

### **Pre-accession Strategy**

The pre-accession strategy of the Union consists of a combination of priority setting coupled with Association Agreements, financial assistance, participation in Community programmes and agencies and preparation of the negotiations through analytical examination of the *acquis*. Its purpose is to help the candidate countries to prepare for their future membership by aligning with the *acquis* before accession.

The accession partnerships are the central pre-accession strategy instrument. The current accession partnerships were adopted in December 1999 for candidate countries in Central and Eastern Europe and in March 2000 for Cyprus and Malta. On the basis of the regular reports they put forward the short and medium-term priorities for each country to fulfil the accession criteria. They also indicate the financial assistance available from the Community in support of these priorities and the conditions attached to that assistance. In 2000 an Accession Partnership for Turkey was proposed for the first time, in line with the Helsinki European Council conclusions.

As far as the second strategy instrument – financial assistance – is concerned, the Central and Eastern European candidate countries benefit from EC financial assistance. It is to be doubled from the year 2000 to over € 3 billion a year. The PHARE programme is now accompanied by two new instruments which prepare candidate countries for the Structural Funds. These are, firstly, the ISPA (pre-accession structural instrument) promoting national strategies for transport and the environment and secondly, the SAPARD (Structural Adjustment Programme for Agriculture and Rural Development), which fulfils a similar function for agricultural and rural development.

The framework for monitoring the adoption of the *acquis* and the implementation of accession partnership priorities is set by the Europe Agreements (EAs) with the Central and Eastern European candidate countries. And the recently re-organised subcommittees provide a suitable forum for this. The agree-

ment with Hungary has taken the next step following an Association Council decision in June 2000. This means further liberalisation as regards the provisions on establishment. A similar decision regarding the Czech Republic is expected shortly. With both of these states framework agreements for a Protocol on European Conformity Assessment (PECA) were also initialled. And as far as all ten Central and Eastern European countries are concerned it has to be mentioned that negotiations for additional reciprocal trade concessions in the field of agricultural products have led to agreements.

Another very helpful strategy instrument must also not be forgotten. I am speaking of the participation of candidate countries in Community programmes. Only to name two of them I would like to underline the important role of ERASMUS and of the YOUTH programme. Both are irreplaceable tools for educating people in the candidate countries to be aware of European Union issues and able to make the Single Market function.

And as a last instrument, we must point to the analytic examination of the *acquis*, “screening”, which began with the candidate countries of Central and Eastern Europe and Cyprus in March 1998, and continued with Malta in February 1999. It was completed at the end of 1999. And the new *acquis* adopted in the course of 1999 was transmitted to negotiating countries in the first part of 2000. Meetings to explain the new *acquis* were held on certain issues. This will be repeated in early 2001 to present the new *acquis* adopted in 2000. In future the Association committees and sub-committees will be used to explain the new *acquis* and to discuss its adoption and implementation.

### **The State of Fulfilment of the Copenhagen Criteria**

Having explained the instruments leading candidate countries to the status of members it is now time to have a closer look at the so-called Copenhagen criteria which each candidate has to fulfil to achieve its goal and at the progress they have made so far.

Firstly “membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and fundamental freedoms”. In addition, each candidate country will be measured according to economic criteria. One of these is, for example, a working market economy. And finally, the Copenhagen Council indicated that membership requires “the ability to take on

the obligations of membership, including adherence to the aims of political, economic and monetary union". This presupposes the adoption, implementation and enforcement of the *acquis communautaire* by each candidate. Furthermore the European Council of Madrid highlighted the importance not only of incorporating the *acquis* into national legislation, but also of ensuring its effective application through appropriate administrative and judicial structures. This is also, in my opinion, a key aspect of preparation for membership.

Some of the candidate countries have made enormous progress in fulfilling the Copenhagen criteria. The enlargement reports developed by the Committee of Foreign Affairs and adopted by the plenary session of Parliament on 4 October 2000 give testimony to this progress, as does the strategy paper of the European Commission of 8 November 2000.

But it has to be pointed out that the progress of each single candidate country will be examined individually and differentiatedly. This principle of differentiation will not be traded in for political discounts. So at the moment it cannot be foreseen which countries will be the first acceding countries. From the current point of view Poland, Hungary and Estonia will have good chances of being the first to accede – provided that their pace of development continues.

### **The Accession Negotiations**

Before I elaborate concisely and judge the results of the Nice Summit in fitting the EU contract for enlargement, let me first draw a picture of the present state of the accession negotiations.

The negotiations began on 31 March 1998 with Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia, and on 15 February 2000 with Malta, Romania, Slovakia, Latvia, Lithuania and Bulgaria. The negotiations are conducted in bilateral accession conferences between the member states and each applicant. With one half of the candidates the first round of negotiations was held on 10 November 1998 and with the other on 14 June 2000. To structure negotiations the *acquis* has been divided into 31 chapters.

Based on the progress made up to now, the Commission has, in its Enlargement Strategy Paper of 8 November 2000, outlined a strategy for taking the negotiations into a more substantial phase. And at the Nice Summit the European Council endorsed the General Affairs Council's conclusions of 4 December

concerning the strategy proposed by the Commission. This strategy would enable the Member States and the candidates to take up in the accession conferences the key issues which need to be resolved to bring the negotiations to a satisfactory conclusion. It contains in a kind of "road map" indicative priority schedules for 2001 and 2002. According to these, all requests for transitional measures and other outstanding issues will be addressed by the Union with the most advanced countries by June 2002 at the latest.

This strategy based on the principle of differentiation should permit the conclusion of negotiations in the course of 2002 with those candidate countries which fulfil all the criteria for membership named above. Therefore I expect that the first accession states will be able to take part in the next elections to the European Parliament in 2004.

### **The Nice Summit – Preparing the Contractual Framework?**

When all of the above is considered, it can be recognised quite clearly that the European Union and the accession states have for the most part done a good job of preparing for enlargement. In Nice it would have been the turn of the Member States to reform the contractual framework to be able to cope with up to 27 members.

But reviewing the results of the Nice Summit from 7 to 10 December I must admit my disappointment that the mission failed. The European Council did not make the necessary contribution to fulfilling the prerequisites for enlargement. The disaster of the Nice Summit is not only that the democratic deficit and lack of transparency have increased but that the Member States could not reach substantial achievements in expanding the qualified majority vote. The high quota of 35 new areas of agreement disguises the fact that these are only marginal areas. In areas of importance for the single market or for judicial and police cooperation the results achieved are not enough. Thus, the expansion of the qualified majority vote was postponed in the areas of asylum and immigration, taxes and structural funds. And as far as trade policy is concerned we even have to speak of a step backwards. It is true that the Commission can be given a mandate for negotiations by qualified majority vote procedure in the area of services, copyrights and investment, but in practice this will not work because there are far-reaching exceptions. And if within extensive WTO negotiations an exception is touched, unanimous voting applies even in areas for which the

qualified majority vote was previously used. Moreover, the qualified majority vote procedure will become more complicated due to the new 3-step procedure. The requested percentage for qualified majority decisions will amount to 73.5%. A Council decision will also require the simple majority of Member States. And the third hurdle which must be overcome to reach a Council decision is that any Member State can apply that it be established that the majority represents 62 % of the population. This so-called "demographic safety net" is just a further possibility for blocking decisions.

So it can clearly be seen that the summit has not achieved its goal of putting the European Union into the state of being ready for enlargement. As enlargement is a historical, political and economic "must", we cannot accept a result that will lead to the long-term destruction of the European Union. It has to be assured that an EU of 27 Member States can still function.

For this reason, and considering the broader democratic deficit as well, I will advise the European Parliament to vote "no" when the report of the results of the Nice Summit is discussed in the plenary session in February 2001. A rejection of the Treaty will not lead to a delay of enlargement because there are several ways to avoid this scenario:

☐ When it turns out that the Treaty of Nice is not an applicable solution we will need a new round of negotiations. The earlier this new round starts the better.

☐ In the past the technical conditions for the accession of new states – such as the number of votes in the Council or seats in Parliament – have always been part of the accession treaties. This would also be profitable for the accession states as they could not be tricked.

☐ The imperative revision of the Community treaties (the so-called post-Nice process) with the simplification of the treaties, the incorporation of the Charter of Fundamental Rights as legally binding and the delimitation of competencies between the EU and the Member States could take place before 2004 and start immediately.

These alternative ways could also be varied. The argument that a rejection of the Nice Treaty would delay enlargement does not convince. Lasting structural mistakes should be abandoned soon because the chances of these being revised in a Union of 27 Member States will decline. Successful "post-Nice" and enlargement should soon become reality. We therefore need a better version of the Nice Treaty.

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Jan Kulakowski\*

## Federation and a Wider Union

### An Attempt to Respond to Joschka Fischer

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**M**y generation of Europeans experienced the tragedy of World War II and saw the devastation brought by communism. We also witnessed the success of European integration and participated in Poland's Solidarity revolution, which finally resulted in the fall of communism and opened the path to the reunification of Germany and of the European continent.

I have been committed to the European integration process since the very beginning, since the fifties. Therefore I would like to put aside for a while my official hat of Poland's chief negotiator with the

European Union and speak not as a member of the government but rather as a committed European, just as Joschka Fischer, German minister of foreign affairs, did in his speech at the Humboldt University in Berlin. I want to consider Europe's future, bearing in mind what I have seen in the past and what I am experiencing today. Moreover, I would also like to add my views on the Union's enlargement process. I am convinced that slowing down the enlargement process in order to ponder first the ultimate destiny of Europe would in no way help in resolving the Union's existential problems. It will simply delay finding "right" solutions.

#### Problems and Objectives of Integration

European integration has reached the goals which were set almost half a century ago in times of utmost

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\* Chief Negotiator of the Republic of Poland with the European Union. This article is a revised version of a speech held at the meeting of the European League for Economic Co-operation (ELEC) in Berlin, 16 June 2000.