

Guest Editorial

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When East met West and West met East EU Enlargements Past and Future

The latest three consecutive rounds of enlargement have dramatically changed the European Integration project. In a relatively short period of time the European Union's composition nearly doubled, and as this editorial goes to print the EU is comprised of twenty-eight Member States.¹ However, in mid-2015 the enlargement fatigue from the EU side and the limited ability of candidate and potential candidate states to meet the criteria of membership have created a dangerous and potentially explosive cocktail. It is no secret that despite regular assurances from the EU bodies that the enlargement will continue, a lot of Member States are finding it hard to warm to the idea of having more states on board. Thus, a fundamental question is emerging: has the EU reached its absorption capacity to accommodate new members?

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¹ From among the vast literature on EU enlargement, see *inter alia*: A. Mayhew, *Recreating Europe. The European Union's Policy towards Central and Eastern Europe*, Cambridge 1999; *Handbook on European Enlargement. A Commentary on the Enlargement Process*, A. Ott and K. Inglis (eds.), the Hague 2002; *The Enlargement of the European Union*, M. Cremona (ed.), Oxford 2003; *EU Enlargement. A Legal Approach*, C. Hillion (ed.), Oxford 2004; W. Jacoby, *The Enlargement of the European Union and NATO. Ordering from the Menu in Central and Eastern Europe*, Cambridge 2004; *European Union Enlargement*, N. Nugent (ed.), London 2004; *Driven to Change. The European Union's Enlargement Viewed from the East*, A.L. Dimitrova (ed.), Manchester 2004; *The Strategic Implications of European Union Enlargement*, E. Brimmer and S. Fröhlich (eds.), Washington D.C. 2005; A.F. Tatham, *Enlargement of the European Union* Alphen an den Rijn 2009.

As is well known, absorption capacity is the fourth Copenhagen criterion that was laid down by the European Council all the way back in the early 1990s.² It should be recalled however that the absorption capacity discourse is not new, and in fact dates back to the first enlargements of the then-European Communities.³ At the same time, one should also not forget that the European Union does not function in a geographical vacuum and now that it unites a great majority of the European continent it needs to have a coherent approach and speak with one voice to the outside World. Thus the pertinent issue emerges of what to do next in the wake of the flames raging almost all over its immediate neighbourhood. In the south the Arab Spring has turned into four seasons of dramatic conflicts, forcing thousands of people to take a very risky boat ride to Europe. And while Islamic State has been setting the Middle East on fire, the Russian President V. Putin has been paying a very much uninvited visit to Ukraine. Internally the European Union has become considerably divided in its on-going turmoil over Greece, and the United Kingdom may be getting ready for a spectacular exit from the EU (and possibly everything else that has a European branding).

Bearing in mind these external and internal factors it seems like a good idea to take a pause and reflect back on the past. It is worth taking stock of the times when the East met the West and the West met the East, and to peer into possible future scenarios. In this regard this new volume of the Polish Yearbook of European Studies is a very fitting starting point. As one would expect the Authors very much employ the Polish perspective, which for outsiders means that the articles published in this edition of the Yearbook offer an interesting insight into the on-going European integration debates on the Eastern side of the Oder River.

The two opening articles set the scene by looking at leading contemporary dilemmas of the European Integration: the transfer of sovereign powers to the European Union and tackling the economic challenges

² Conclusions of the European Council at Copenhagen, 21–22.06.1993, Bull. EU 6–1993.

³ For instance, in 1978 the European Commission argued: *‘The institutions and organs of the present Community cannot ensure that the progress of integration will continue in an enlarged Community: on the contrary, there is a reason to fear that the Community decision making procedures will deteriorate. If this happened, it would be difficult or even impossible to create a Community based on the rule of law, which is the foundation of the Community and the sole means of recognizing that in law equal rights correspond equal obligations. The institutions and organs of the enlarged Community must accordingly be decisively strengthened.’* See the Communication sent by the Commission to the Council on 20.04.1978, ‘General considerations on the problems of enlargement’ COM (78) 120 final, 15.

facing Europe in the first decades of the twenty-first century. The former is addressed in detail in the opening article by Jacek Czaputowicz, entitled ‘Sovereignty in Theories of European Integration and the Perspective of the Polish Constitutional Tribunal’. It should be noted that sovereignty is not just an appealing concept to those who enjoy delving into theoretical studies. It is also close to the heart of policy makers, who constantly attempt to make sure that the European Union does not engage in a competence creep, and that it complies with the principle of subsidiarity and leaves as much regulatory autonomy to the Member States as possible. The new ‘less is more’ legislative policy of the European Commission seems to be a reaction to the voices of criticism raised in capitals all over the European Union.⁴ Yet the question emerges of how to reconcile this new approach with the objective needs of the internal market and the eurozone. The article by Adam A. Ambroziak looks at the policies developed by the EU in the wake of the economic crisis. It bears the optimistic title ‘Renaissance of the European Union’s Industrial Policy’, and looks at the meanderings and nuances of the post-crisis policies. The author shows that their success depends largely on meeting a set of four criteria, arguing that *‘if they are not met, all discussions and works within the EU will be counterproductive and lead nowhere’*.

As in a good opera, the overture leads smoothly into the first act. In this case it is opened by D. Milczarek, who poses the fundamental question whether the enlargement is a success story or an unfinished project. On one hand, the big bang enlargement of 2004 is considered by some as a successful attempt to unify the post-War divisions in Europe.⁵ On the other hand, as D. Milczarek concludes, *‘everything indicates that there is no possibility of continuing the process of EU enlargement to the East in the near future. This does not mean that there is no will to do so, nor that the situation will never change, but the present circumstances are simply too unfavourable’*. Alas, this *cassandresque* conclusion has merit. As posited above, the EU seems to be suffering from enlargement fatigue, which is has become ever more

⁴ See the Annex to the Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Commission Work Programme 2015 ‘A New Start’, COM(2014) 910 final.

⁵ For instance, the European Commission in 2008 stated that: *‘Enlargement is one of the EU’s most powerful policy tools. It serves the EU’s strategic interests in stability, security, and conflict prevention. It has helped to increase prosperity and growth opportunities, to improve links with vital transport and energy routes, and to increase the EU’s weight in the world.’* See: the further Communication from the Commission to the Council and the European Parliament – ‘Enlargement strategy and main challenges 2008–2009’, COM(2008) 674 final, 2.

visible in recent years. Furthermore, the political climate in the EU's immediate neighbourhood is anything but promising. The question thus is: Can the EU afford a pause in the enlargement process? As I have, together with Mirna Vlašić Feketija, argued elsewhere, the current pre-accession policy needs further strengthening.⁶ To ignore this need would be a mistake of immense proportions and consequences. For a variety of reasons, not only is support for further enlargements required, but it also has to be real, not figurative. This is in the geopolitical interest of the EU and its Member States. Keeping up the momentum without undermining the merits of the process should become and remain a universal EU mantra. The enlargement dividend is simply too big to lose.

While taking stock of the most recent enlargement rounds, B. Góralczyk focuses on the position of Poland in the European arena after its EU accession. It was never meant to be an easy ride for a country with such a rich and complicated past, including painful relations with its two biggest neighbours. But the Polish-German cooperation has flourished over the past twenty years, particularly since Poland joined the European Union on 1 May 2004. At the same time however the relations with Russia have dramatically deteriorated, especially in the wake of illegal annexation of Crimea by alleged Moscow-related forces. Once again this has proven that for countries, just like for humans, growing old is compulsory but growing up is optional. The most recent events on the Eastern side of the Polish borders have proven how vulnerable Poland and its partners in the Baltic region and other parts of Central and Eastern Europe are to the refurbished yet very outdated realpolitik pursued by the EU's biggest neighbour.

It is also a good time to reflect on what the ten years of membership have changed internally in Poland. In his contribution to this volume of the Polish Yearbook of European Studies T.G. Grosse argues that Poland, the biggest of the 2004 entrants, has been fitted in a 'golden straitjacket'. According to Grosse, it is '*a garment that seems desirable and even resplendent, but turns out to be a constraint on freedom*'. It goes without saying that accession to the European Union is multidimensional and affects the functioning of the Member States to a great degree. In his analysis Grosse picks as focal points the modernisation of the economy, changes to the state administration and, last but not least, the shaping of a democratic political system. All three, he rightly argues, are fundamental to the functioning of a democratic state. Yet his take on the first decade of the membership of the European

⁶ M. Vlašić Feketija and A. Łazowski, *Seventh EU Enlargement and Beyond: Pre-accession Policy vis-à-vis the Western Balkans Revisited*, "Croatian Yearbook of European Law and Policy", Vol. 10/2014, p. 1.

Union is that it has been a mixed affair. While some positives are clearly visible, several drawbacks are also on the table. Hence as one would expect the overall picture is mixed, which is keenly captured in this article.

EU membership changes states, but does it change the political actors and, in the broader sense, the political scene? Has it changed the Polish political parties? An attempt to answer these questions is made by A. Paczeński in her article provocatively titled 'Are Polish Political Parties Really Europeanized?' Interestingly, she concludes that '*Europeanization of Polish political parties does not constitute a substantial, qualitative change*'. Although the four leading political parties focused on in her article all had to adjust to the new reality, it has not affected their party structures. Neither has it affected their internal decision making or their internal balance of power.

The following article looks at a more general issue, again through the Polish lens. A.K. Cianciara successfully contributes to the on-going debate about the future of the European Union and the search for answers to the existential conundrum: widening vs. deepening. Not surprisingly the centre of gravity of her contribution to this volume is differentiated integration. With an ever growing number of transitional regimes and opt-outs available to several Member States, as well as a few authorisations for enhanced co-operation,⁷ the European Union has already become an integration project of different speeds.⁸ Cianciara gives an interesting insight into the different approaches to this issue pressed by the Polish political parties. Her insights are of particular interest in the wake of the Polish Presidential elections of May 2015 and the parliamentary elections that will follow in the fall of 2015. The first have already led to election of a Eurosceptic head of state, while the latter have the potential, at the time when this volume is going into print, of bringing back to power the equally EU-hostile Law and Justice Party of Jarosław Kaczyński. Should that happen Poland would be a likely candidate to join the widening camp opposing the further deepening of integration between the Member States.

The analysis of the EU policies from the Polish point of view continues in the article by M. Sus, which is devoted to the impact of the Polish Presidency on the Common Foreign and Security Policy of the European Union. Being one of the first post-Lisbon Treaty Presidencies it did not allow the Polish authorities to spread their wings, but at the same time it did not stop Poland from pursuing some of its initiatives, including, as the author

⁷ See, *inter alia*, Council Decision 2013/52/EU of 22 January 2013 authorising enhanced cooperation in the area of financial transaction tax, OJ 2013 L 22, p. 11.

⁸ See: J-C. Piris, *The Future of Europe. Towards a Two-Speed EU?*, Cambridge 2012.

puts it, *'an operational backup for the High Representative as well as bringing its own contributions to the agenda of the Foreign Affairs Council'*. As one would expect the priorities of the Polish Presidency centred around the Eastern policy of the European Union, but not only. Sus provides the readers with a good account of this particular aspect of the Polish Presidency in 2011.

As already mentioned, this in this volume of the Polish Yearbook of European Studies the authors also look into the future of the EU's enlargement policy. A. Adamczyk and M. Karadzoski focus on Macedonia and the multiple external and, increasingly, internal hurdles on its path to accession. A decade ago Macedonia was a frontrunner to become an EU Member State from among the countries established on the ashes of Yugoslavia. But its disputes with Greece and Bulgaria about the name of the country, as well as the turn of long standing Prime Minister N. Gruevski into territories traditionally reserved for dictators, has pushed Macedonia to the end of the queue of candidate and potential candidate countries for EU membership. This is severely testing the EU's ability to act as a peace broker in the Western Balkan Region and, by the same token, it is exposing the limits of the attraction of EU membership, which is often perceived as a magic wand for creating comprehensive democratic and economic reforms.

Obviously, the EU's neighbourhood is not limited to the Western Balkans but spreads well into the Mediterranean as well as into the countries established after the fall of the Soviet Union. In his article A. Skrzydło focuses on the EU's strategy towards the Central Asian Region. The centre of gravity, rightly so, is on the assessment of the existing policy as well as recommendations for the future.

In 2015 the European Union finds itself in a multifaceted crisis. Its immediate neighbourhood is either on fire or suffering from various types of tensions. This is forcing the EU and its institutions to develop a more coherent stance to face the external challenges. At the same time the European Union is facing a plethora of internal challenges. The financial and sovereign debt crises have exacerbated the EU's dilemmas and the divisions between the Member States. One should not forget, however, that over the decades the European Union has developed into a peace keeping and peace building project of venerable magnitude. The current and future challenges should not overshadow the basic fact that for the first time in centuries the European continent is experiencing a long period of relative peace and economic development. The most recent annexation of Crimea and the tensions ever so present in the Western Balkans should be a stark reminder and warning that peace cannot be taken for granted.