



Conference of European Churches
Conférence des Églises Européennes
Konferenz Europäischer Kirchen

July 2009

CSC Briefing on EU Enlargement

INTRODUCTION

What began as a peace-building and reconciliation project between six countries with economic tools has evolved into an intensive and broad co-operation of 27 European states. According to the European Union (EU) law (Art 49 TEU), any European country may apply for membership if it respects the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law¹. To be accepted as a member it has to fulfil the Copenhagen criteria, i.e. have stable political institutions which guarantee democracy, have a functioning market economy and the capacity to take on the obligations of membership. In addition, it must implement the entire body of European legislation, some 90.000 pages of documents. The decision on EU membership requires the unanimous support by the existing EU Member States and the consent of the European Parliament.

The EU sees its enlargement process as a success story. In its own words: “It has helped to overcome the division of Europe and contributed to peace and stability throughout the European continent. It has inspired reforms and has consolidated common principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law as well as the market economy” (European Council Conclusions, December 2006). Also the churches are convinced that the above-mentioned values have been fostered by the enlargement process. Churches in Europe have contributed to the European integration and have, in principle, supported the EU enlargement since its inception. Alongside with the dissemination of values, the EU sees enlargement as a way to serve its other interests like, for instance, improving links with vital transport and energy routes, and increasing the EU’s weight in the world (Enlargement Strategy 2008).

In 2009, Croatia, the Former Yugoslav Republic of Macedonia (FYROM) and Turkey are candidates to EU accession. Albania, Bosnia-Herzegovina, Kosovo, Montenegro and Serbia are considered as potential candidate countries.

¹ The Treaty of Lisbon brings a few changes to this article (still numbered 49 TEU). Human dignity and equality are added in the list of values and the notion of liberty replaced by that of freedom. It is stipulated that these values must not only be respected but also promoted.

The European Commission informs the stakeholders - and anyone interested - about the applicant countries' progress through annual strategy papers and progress reports on the individual countries. Based on the Commission's assessment the EU Member States express an opinion where they see particular deficiencies or reasons for positive recognition. To facilitate the negotiations and their monitoring, the EU legislation, *acquis communautaire*, is divided into 35 chapters², each corresponding to a policy area.

ABOUT THE EU'S INTEGRATION CAPACITY

Despite the official commitment towards "the European perspective" (EU membership) of the Western Balkans and of Turkey, the debate on the speed and the limits of the EU enlargement continues. In December 2006 the European Council sought to settle the old controversy over the EU's "integration capacity" (or absorption capacity) and declared enlargement and consolidation on an equal footing (the question of parallelism). The Summit stated that "the pace of enlargement must take into account the capacity of the Union to absorb new members" and that "successful European integration requires that EU institutions function effectively and that EU policies are further developed and financed in a sustainable manner". The Summit also agreed to strengthen the rules of accession talks by a principle that difficult questions (such as administrative and judiciary reforms and corruption) should be tackled at an early stage and by a decision not to fix deadlines until the negotiations are close to completion. Furthermore, it agreed on fair and rigorous conditionality, on better communication, and affirmed commitment to earlier promises.

Even if the December 2006 European Council conclusions became the reference of the "renewed consensus", they did not halt the debate. This spring Chancellor Angela Merkel and her Christian Democrat Party (CDU) called for a "consolidation phase" after the entry into force of the Lisbon Treaty. The CDU argues that instead of further immediate accessions (except for Croatia), the European Union should allow itself time to strengthen its identity and institutions. While the CDU is in favour of the adhesion of Serbia, Montenegro, Albania, FYROM, Bosnia-Herzegovina and Kosovo, it believes that their integration process will take many more years. Instead of full membership, the CDU pleads for a privileged partnership with Turkey. France shares this view.

Germany and France are also the most vocal in demanding the Lisbon Treaty to enter into force prior to any further accession. Without it, deepening of co-operation is expected to become difficult. The Lisbon Treaty substantially increases the number of policy areas where decisions are taken by qualified majority instead of unanimity. It also ensures that a group of Member States can decide to go ahead and increase their mutual co-operation in areas where there is not a common desire for more joint work.

² (1) Free movement of goods, (2) Freedom of movement for workers, (3) Right of establishment and freedom to provide services, (4) Free movement of capital, (5) Public procurement, (6) Company law, (7) Intellectual property law, (8) Competition policy, (9) Financial services, (10) Information society and media, (11) Agriculture, (12) Food safety, veterinary and phytosanitary policy (13) Fisheries, (14) Transport policy, (15) Energy, (16) Taxation, (17) Economic and monetary policy, (18), Statistics, (19) Social policy and employment, (20) Enterprise and industrial policy, (21) Trans-European Networks, (22) Regional policy and coordination of structural instruments, (23) Judiciary and fundamental rights, (24) Justice, freedom and security, (25) Science and research, (26) Education and culture, (27) Environment, (28) Consumer and health protection, (29) Customs Union, (30) External relations, (31) Foreign, security and defence policy, (32) Financial control, (33) Financial and budgetary provisions, (34) Institutions and (35) Other issues.

At the same time, the enlargement has a strong backing of many countries. According to the Enlargement Commissioner Olli Rehn, enlargement policy remains the main driving force for reform and democratic development in the Balkan countries and any threat to it would be detrimental in a region where stability, democracy and economic prosperity are of crucial importance to the EU. Commenting the December 2006 Council decision, the (then) President of the European Council, Finnish Prime Minister Matti Vanhanen told that “the prospect of membership - the knowledge that the Union is open to new members - is essential to stability in Europe.” He also argued that the limits of enlargement are not determined by geography but by values.

This being said, the EU Member States have jointly raised concerns about the various conflicts that exist within the candidate and potential candidate countries and with their neighbouring countries. This argument reminds us that the core objective of European integration was and should continue to be reconciliation between people. Some have even argued that any country not committed to this priority and only looking for economic co-operation and financial aid should, instead of a full membership, ground its EU relations on the European Neighbourhood Policy and association agreements.

On the other side, the applicant countries deplore the EU not setting clear deadlines. They find this exhausting and revealing of a lack of trust. The response of the EU has been that the timing depends on the country’s progress and that they are welcome to set dates for their own reforms.

TURKEY

PROCESS AND PROGRESS

For the Turkish Government and the big political parties in Turkey, there is no alternative to EU membership. The relations between Turkey and what is now the European Union go back to 50 years. Turkey applied for associate membership of the EEC in 1959 and was granted such a status four years later. The country submitted its application for full membership in 1987 and was accepted as a candidate country in 1999. The accession negotiations started in October 2005. Currently 10³ of the 35 chapters to be negotiated have been opened and only one chapter (science/research) provisionally closed.

Eight chapters have been officially frozen (will not be opened) until Turkey has fulfilled its commitment under the Ankara protocol on customs union and opened its ports and airports to trade from Cyprus. Cyprus is also blocking two further chapters for political reasons, and France five because they exclusively prepare for Turkey’s full membership.

On the whole, the accession negotiations with Turkey are expected to be a long and complicated process. Commissioner Rehn estimates that the country might become an EU member in 2020 provided it pursues its reforms. By now, all the relatively “easy” matters have been tackled and the negotiations are getting tougher. The objective that each EU presidency country enables talks to tackle two new chapters per semester was not achieved during the Czech Presidency this spring. Turkey did not improve its labour law to meet the necessary standards (benchmarks) in order to allow the opening of negotiations on social

³ Chapters 4, 6-7, 10, 16, 18, 20-21, 25, 28, 32.

and employment affairs. The chapter on taxation was opened on the last day of the Czech EU Presidency.

The situation is not helped with enlargement fatigue on both sides. There is a lack of strong political will and of broad public support in Turkey. On the EU side Germany and France hold the foot on the break, and Cyprus and Greece make sure their specific concerns are not forgotten. In addition, the EU is still digesting the last enlargements and is in need of institutional change. The Swedish EU Presidency, in the second half of 2009, is endeavouring to bring new enthusiasm into the picture and to make enough progress to allow for the opening of the chapters on competition policy and environment.

Over the years, the Turkish Government has made substantial changes to the legal system of the country, adapting it in such a way that it could fulfil required criteria. However, both the Member States (the Council) and the European Parliament have noted a slowdown of this process. Moreover, the most crucial aspect, the implementation of the adopted rules, is generally judged inadequate. In December 2008, the EU Member States called upon Turkey to “redouble its effort” in this respect.

In December 2008, the EU Member States stressed as a first priority that Turkey needed to look at the rules on political parties, further judicial reform, eradicate corruption and abolish torture. Turkey must improve its protection of human rights including freedom of expression, freedom of religion, cultural rights, rights of minorities, property rights, women’s rights, children’s rights and trade union rights. It must ensure the civilian authorities’ control of the military.

One of the main stumbling blocks in the way is the military occupation of a part of the EU (Cyprus) by Turkey. Since late spring 2008, efforts are once again made in order to solve the Cyprus issue. The negotiations between the leaders of the two parts of the island are held under the auspices of the United Nations. The second round is due to begin after the summer. It is hoped that results would be achieved in good time prior to the presidential elections on the Northern part of the island in April next year.

Besides a positive judgement on the latest legislative reforms (e.g. of judicial sector, women’s rights, non-Muslim foundations, health policy and fight against torture), the European Union (all the Institutions) applaud Turkey for the constructive role it played in the region last year. Following the crisis in Georgia, the country suggested setting up a Caucasus Stability and Cooperation Platform to promote dialogue among those countries. President Gül paid the first-ever state visit of that level to Armenia since the latter became independent in 1991. Turkey also served as a mediator between Israel and Syria and conducted a dialogue with Iran on the nuclear issue.

It has also been noted that despite the slowing of economic growth, Turkey’s economy has gained strength over the last years. The European Union now considers Turkey to be a functioning market economy in terms of the Copenhagen economic criteria.

Currently, the Nabucco pipeline connecting the Caucasus with the EU is one of the key issues and, at the same time, areas of conflict in Turkey-EU relations. Provided the Cyprus issue is solved, energy could become an important instrument of close cooperation and mutual benefit in the relations. The pipeline is expected to be operational by 2013.

ARGUMENTS IN FAVOUR AND AGAINST

Alongside with the more general debate on enlargement (see above), there is a lively debate concerning one of the countries applying for EU membership: Turkey.

Among the opponents, the economic argument put forward is that it would **destroy the EU's economy** to embrace such a heavily populated (estimated to reach 82 million in 2015 and over 100 million in 2040) and poor country as a member. In particular, the common agricultural policy (CAP) and regional policy would be radically affected by Turkey's membership of the EU. In case Turkey would join the Union in 2025, the yearly costs are estimated to amount to 16-28 billion Euros.

It has been argued that Turkey's membership of the EU would **disrupt the balance of the European institutions**. The size of Turkey would give it a greater power in the Council than any other member state, and the largest number of MEPs (provided the population grows in line with the current estimate).

Turkey's currently **poor record in respecting and protecting human rights** is considered a major obstacle. The cultural and religious arguments are based on there being a rather distinct **European identity** in the EU that **would suffer from** a Muslim and culturally Oriental country entering it. Turkey's EU membership would represent a challenge for mastering the different histories, mentalities and traditions.

Furthermore, it has been suggested that **Turkey would be better off without the EU membership** as it would allow it to retain its freedom of action, for instance, in relation to energy market and EU Common and Foreign Security Policy (CFSP). It has been argued that **Turkey is geographically, ethnically and politically involved in the problems** in Iraq, Iran, Armenia, Azerbaijan, Cyprus, Greece, Bulgaria, Russia, Tajikistan and Syria. Furthermore, it has been suggested that CFSP cannot be adapted to take Turkey's positions into consideration and that, at the same time, Turkey would benefit from its autonomy on these questions.

The proponents of Turkey's membership, on the other hand, argue that the EU has a lot to gain from it, even economically, since the country both **offers a big market** for the products of EU countries and has a relatively young population that can **balance out Western Europe's coming labour shortage**. Turkey also plays an important role in proving **an alternative route for EU energy supplies**.

While the proponents of Turkey's membership do not deny that democracy in the country still leaves a lot to be desired, they point out that the **strengthening of democracy, the rule of law and human rights** can primarily be attributed to the pressure exercised by the EU prior to and during the membership negotiations. Turkey is also hoped to play an important **stabilising role in the Caucasus and Middle East**.

With regard to **culture and religion**, the proponents of a Turkish EU membership point out that the EU is not a Christian club and that granting full membership to a predominantly Muslim country would be a very positive symbolic signal.

It has also been pointed out that **to deny the full accession would be to deny Turkey's rightful place in the EU** and that such decision might have **major negative impacts on the future development** of the country both internally and in its foreign relations.

WESTERN BALKANS

The Western Balkan countries face many similar challenges. They still need to sort out their internal and regional conflicts⁴. They must set up professional, impartial and accountable civil service; further judicial reform; and fight against corruption and organised crime. In addition, those countries must reform their employment and social policies and performance. At the same time, there is a need to improve overall relations between the EU and the Western Balkans. This endeavour is closely linked to the abolition of travel restrictions for citizens of Balkan countries and the simplification of visa procedures. If the European Commission's proposal – expected for mid-July – is accepted by the EU Member States and the European Parliament, and if the countries in question meet the conditions, visa-free travel could become a reality for FYROM, Serbia and Montenegro as of 1 January 2010. Albania and Bosnia-Herzegovina do not yet meet the required criteria.

Accession negotiations with **Croatia** have been underway since 2005. The country has made substantial progress and is top of the list to enter the Union. However, the negotiations are currently being delayed due to the border dispute between Croatia and Slovenia. The latter is blocking four chapters ready for opening or closing. In last year's progress report, the European Commission had optimistically foreseen the accession talks to be brought to an end this year. In general, Croatia is expected to make significant progress in areas such as judicial and administrative reforms, the fight against corruption and organised crime, protection of minorities, the return of refugees, prosecution of war crimes and economic reforms. Currently, 15⁵ out of 35 chapters have been opened and 7⁶ provisionally closed.

The Former Yugoslav Republic of Macedonia was granted the status of candidate country in 2005. The European Commission has announced that in case FYROM reached the eight benchmarks set in spring 2008, it could in the next progress report (late autumn) recommend a date for opening the accession negotiations. At the moment, however, Greece is ready to block the opening of membership talks until the dispute over the use of the name "Macedonia" has been settled. FYROM is expected to make progress in improving dialogue between political parties, furthering judicial reforms, fighting corruption, and ensuring civil servants are recruited on the basis of professional criteria and that police services operate impartially. The Stabilisation and Association Agreement (SAA) between the EU and FYROM entered into force in April 2004.

Serbia's official accession candidate status and the entry into force of SAA is blocked as long as the country fails to improve cooperation with the International Criminal Tribunal for former Yugoslavia (ICTY) i.e. to arrest Ratko Mladic and Goran Hadzic and have them face trial in Den Haag. In these circumstances, the Serbian Government has decided to unilaterally apply the SAA in order to keep the process going. In 2009 the Serbian Parliament has, for instance, adopted laws on state aid, competition and those related to visa-free travel. Serbia has promised that most of EU legislations would be adopted by 2012. The EU is calling upon Serbia to strengthen the rule of law and accelerate economic and budget reforms. In May this year, the EU accepted the country's wish to have 50% of 2009 pre-

⁴ The Stability Pact for South Eastern Europe has fostered relations among neighbours and the security and stability of the region since 1999. In 2008 the Regional Cooperation Council (RCC) started to operate as the successor to the Stability Pact with the objective of increasing the ownership of regional cooperation by the countries directly concerned.

⁵ Chapters 1-3, 5-6, 9, 14-15, 18-19, 21, 28-29, 32-33.

⁶ Chapters 7, 10, 17, 20, 25-26, 30.

accession aid (100 million out of 200 million) turned into budgetary aid to help Serbia manage the financial and economic crisis. The EU notes Serbia's central role in the region and encourages it to take a constructive approach towards Kosovo's participation in regional initiatives and international fora. Serbia is likely to submit its membership application later this year.

SAA between the EU and **Albania** entered into force on 1 April 2009. The country submitted its EU membership application on 28 April 2009. The European Commission has not yet been asked to evaluate the matter (to give its Opinion). The country's most urgent challenges consist in developing its public administration, strengthening the rule of law, and fighting corruption and organised crime.

In October 2008, the EU and **Montenegro** signed a SAA which will enter into force once the ratification process has been completed. The country submitted its EU membership application on 15 December 2008. The Commission intends to present its Opinion on Montenegro in the course of 2010.

In its latest report on **Bosnia and Herzegovina**, the European Parliament noted that this country does not exist as a real state. The European Parliament considered that the opportunity for joining the EU was given to a single state and that the threats of secession and other attempts to undermine the sovereignty of the state are incompatible with the accession. At the same time, the EU has been criticized for the lack of a coherent policy about whether a state must remain unified or whether separation is acceptable. With regard to Bosnia-Herzegovina and FYROM it prefers a multi-ethnic state whereas the separation of Montenegro and Kosovo was broadly welcomed. The EU and Bosnia-Herzegovina signed a SAA in June 2008. It will enter into force once its ratification process has been completed. Since the Dayton Peace Agreement was signed in 1995, a High Representative for Bosnia and Herzegovina (now also the EU High Representative) is in place to assist Bosniak authorities in implementing the civilian aspects of the peace agreement. Since March 2009 the post has been held by Austrian Valentin Inzko.

According to the European Commission, the EU has a responsibility towards Kosovo and its economic and political development even if the country is not recognised by five EU Member States: Spain, Greece, Romania, Slovakia and Cyprus. In the course of the autumn, the Commission will present a feasibility study on **Kosovo**, which will look at the country's progress over the past year and address its European perspectives.

For the Conference of European Churches (CEC), the membership of the Western Balkan countries would bring 11 of its member churches into the EU community.

ICELAND

The global and financial market has spurred Iceland to reconsider EU membership. The country's government made a proposal in that regard which is currently being debated in the national parliament. Iceland might submit its membership application already in July 2009. The European Commission estimates that the negotiations could be completed in just a couple of years as Iceland already has implemented much of the *acquis communautaire* through its existing co-operation agreements with the EU. As an old and stable democracy neither will it have difficulty in meeting the political criteria set for EU accession. The most delicate issue is likely to be the EU fisheries policy.

THE CONFERENCE OF EUROPEAN CHURCHES' PERSPECTIVE ON EUROPEAN INTEGRATION

European integration has been a topic of particular importance for the Conference of European Churches (CEC) and its Church and Society Commission (CSC) for years. The 2001 document *Churches in the Process of European Integration* stated the basic arguments framing churches' involvement in this area. Finding support in Jacques Delors' famous call for 'Soul for Europe', CEC maintained that for churches European integration, "a common Europe", "means more than just a common market". CEC emphasized:

- Europe is wider than the European Union and, therefore, European integration is not merely a question of EU enlargement. Integration in Europe is about reconciliation, bridge building and cooperation of people on the whole continent.
- European integration needs to be a process that is understandable for all citizens of Europe.
- If the European integration process is to be successful, the European Union must find an appropriate place for the spiritual and ethical aspects of European construction.

Since 2001, various aspects of this approach have been underlined and further developed in several statements of the CEC and CSC decision-making bodies. In its *Letter to the Churches – Europe 2004*, the CEC Central Committee stressed that "European integration has to be a process which has a human face and is based on common values and principles." The message was echoed in the statement of the Church and Society Commission on the occasion of the enlargement to 10 new Member States on 1 May 2004.

One of the most widely discussed questions related to the integration has been EU's relation to Turkey. In 2004, CSC held an extensive consultation on this question amongst CEC membership based on the discussion document: *The Relation of the European Union and Turkey from the Viewpoint of the Christian Churches*. The consultation led to a public statement by the CSC Plenary in October 2005 entitled *The Relationship of the EU to Turkey*. The statement underlined that "for the Churches the accession of Turkey to the EU is not a question of religious differences". At the same time, the statement noted that whereas the EU is committed to being "a community of States and nations in which values of justice and peace, solidarity and pluralism, reconciliation and tolerance, freedom of speech and mutual respect" prevail and seeks "to make them an integral part of everyday life", at present, "we do not see the same expression of these values in Turkey." Particular attention was given to the "deep concern about the situation of Christian minorities [in Turkey]" and to "the limits of religious freedom in the country." Furthermore, the statement argued that the EU itself was not yet prepared for Turkey's accession: "Of equal importance is the Union's task to manage first, in a satisfactory way, the practical implementation of an acceptable model for the cohesion of the society now already living in the Union's territory." It also emphasised that "the risk of taking this substantial political decision without sufficient support from the Union's citizens may lead to increasing the distance between the EU and its citizens."

In the follow-up to the big enlargement of 2004, the European Union launched a public debate on the Future of Europe. The CSC contributed to it with a statement by the CSC Plenary meeting in September 2006 and with a Church leaders' conference on "Values – Religion – Identity" in December the same year. The conference resulted in an open letter *For a Europe Based on Shared Values and a Common Hope* from Church leaders to political leaders in Europe.

CSC very recently, in June 2009, issued a substantial new document *European integration – a way forward?*. The document offers a broad description of the background of the European integration process and also outlines some crucial EU policies which have a direct impact on the process. In addition, the document gives an account of the role and contribution of the churches in this area. Finally, the document invites churches and individual Christians in Europe to debate the following open questions linked to the process:

- What elements can unify Europe vis-à-vis existing diversity?
- Can churches present a unifying view on values in Europe?
- What forms should solidarity take at European and national level?

LINKS

EU DOCUMENTS

Council Conclusions on Enlargement 8 December 2008:

<http://register.consilium.europa.eu/pdf/en/08/st16/st16981.en08.pdf>

Follow the EU enlargement process (strategy papers, progress reports etc.) through:

http://ec.europa.eu/enlargement/index_en.htm

http://www.europarl.europa.eu/enlargement/default_en.htm

Presidency conclusions of the European Council 14-15 December 2006 (including the new enlargement strategy):

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/92202.pdf

Although not part of EU enlargement policy, the reinforced partnership with Ukraine, Georgia, Moldova, Armenia, Azerbaijan and Belarus, launched on 7 May 2009, paves the way for the future. The arrangement comes to strengthen the existing measures under the European Neighbourhood Policy (ENP). The push for more trade, increased mobility and interaction, co-operation in countering unwelcome migration, better governance, energy security, environmental protection, and social and economic development is fuelled by a €600 million budget (until 2013) of which €350 million is genuinely new money.

Communication from the Commission to the European Parliament and the Council: Enlargement Strategy and Main Challenges 2006-2007. Including annexed special report on the EU's capacity to integrate new members. COM (2006) 649 final, 8.11.2006

http://ec.europa.eu/enlargement/pdf/key_documents/2006/Nov/com_649_strategy_paper_en.pdf

CHURCHES' DOCUMENTS

European integration – a way forward?, Churches in Europe contributing to Europe's future: framework and issues, Brussels, 2009. (Soon available on the CEC website.)

For a Europe Based on Shared Values and a Common Hope - An Open Letter from Church Leaders to Political Leaders in Europe, Brussels, 13 December 2006

<http://www.cec-kek.org/content/openletter13.shtml>

Future of Europe - a contribution to the public debate launched by the European Institutions,
Statement of the CSC Plenary meeting, Brussels, September 2006
<http://www.cec-kek.org/pdf/FutureofEurope.pdf>

The Relationship of the EU to Turkey, Public Statement of the CSC Plenary meeting, 2004
<http://www.cec-kek.org/pdf/RelationshipofEUtoTurkey.pdf>

The Relation of the European Union and Turkey from the Viewpoint of the Christian Churches, CSC, Brussels, 2004
<http://www.cec-kek.org/pdf/EUandTurkey.pdf>

Statement on the occasion of the EU enlargement, CSC Plenary meeting, 1 May 2004
<http://www.cec-kek.org/content/pr-cq0418e.shtml>

Letter to the Churches - Europe in 2004, CEC Central Committee, 13-18 December 2003
<http://www.cec-kek.org/News/cq0357E-print.htm>

Churches in the process of European integration, 2001
<http://www.cec-kek.org/English/IntegrationprocE-print.htm>

OTHER DOCUMENTS

Follow the accession talks with Croatia at:
http://en.wikipedia.org/wiki/Accession_of_Croatia_to_the_European_Union

Follow the accession talks with Turkey at:
http://en.wikipedia.org/wiki/Accession_of_Turkey_to_the_European_Union



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