

Review of the Balance of Competences between the United Kingdom and the European Union:

EU Enlargement

Submission by the Senior European Experts Group

Introduction

The Senior European Experts group is an independent body consisting of former high-ranking British diplomats and civil servants, including several former UK ambassadors to the EU, a former Secretary-General of the European Commission and other former senior officials of the EU institutions. A list of members of the group is annexed.

SEE has no party political affiliation. As an independent group, drawing on the extensive knowledge and experience of its members, it makes briefing papers on contemporary European topics available to the public through organisations interested in European issues.

Overview

The enlargement of the European Union has been an astonishing success story. Since the first enlargement in 1973, when the United Kingdom joined the European Communities:

- 1) Accession negotiations have been concluded with 20 countries; in fact, no European country has been rejected since Britain's accession was vetoed by France in the 1960s;¹
- 2) The EU's willingness to accept new members has extended security, stability, democracy, prosperity and the market economy across most of the European continent;
- 3) The prospect of EU membership has been a catalyst for political and economic transformation in Southern, Central and Eastern Europe;
- 4) Fears that enlargement would paralyse the EU's decision-making and development, and cause excessive budgetary costs, have proved unfounded.

The single biggest lever enabling the EU to influence its neighbourhood has been the prospect of membership. This has allowed the UK, as a prime mover within the EU for enlargement, to have a powerful influence in securing stability, democracy and prosperity in Europe. The UK on its own, outside the EU, could not have implemented policies that would have given us anything like the same level of influence in attaining these objectives. In Southern Europe in the 1980s the prospect of membership helped Greece, Spain, and Portugal to move from authoritarian regimes to democracy. In Central and Eastern Europe in the 1990s it helped ten

¹ Norway withdrew its application for EU membership in 1994, as it had done in 1972, after a national referendum said 'no'. Switzerland suspended its application in 1992. Iceland did the same in 2013. Morocco's approach to the EC in 1987 (not a formal application) was rejected on geographical grounds.

former Communist countries, including three that had been in the Soviet Union, to make a successful transition. In the Balkans today the EU is the single greatest source of regional stability; it is helping to bring reconciliation and reconstruction after the disastrous conflicts of the 1990s.

The expansion of the EU has been endorsed by Britain's non-EU allies. Successive US administrations have encouraged and supported it, more enthusiastically than some of the EU's own Member States. Initial American fears that a wider and stronger EU could pose problems for US foreign policy, or that the development of European defence and security policy could lead to rivalry with NATO, have been replaced by support by the Obama administration for a closer transatlantic partnership with an enlarged EU and a more effective European role in foreign policy and security.

Enlargement was an important reason why the Nobel Peace Prize was awarded to the EU in 2012. The Norwegian Nobel Committee declared:

“The stabilizing part played by the EU has helped to transform most of Europe from a continent of war to a continent of peace ...In the 1980s, Greece, Spain and Portugal joined the EU. The introduction of democracy was a condition for their membership. The fall of the Berlin Wall made EU membership possible for several Central and Eastern European countries, thereby opening a new era in European history. The division between East and West has to a large extent been brought to an end; democracy has been strengthened; many ethnically-based national conflicts have been settled. The admission of Croatia... [and the] membership negotiations with Montenegro and Serbia... strengthen the process of reconciliation in the Balkans... the possibility of EU membership for Turkey has advanced democracy and human rights in that country”.²

Though our comments focus mainly on recent enlargements, we wish to recall that the first enlargement in 1973 has had profoundly positive effects for the UK's relationship with the neighbouring country with which we have the closest links – Ireland. The mutual experience of political and economic co-operation within the EU has transformed our relations with Ireland and helped to banish the ghosts of past mistrust. Common membership of the EU created an environment in which the UK and Ireland were helped to address together the complex political problems of Northern Ireland.

We note also that the first enlargement was relatively the largest in proportionate terms of population and economic size, though not in terms of the number of new Member States.³

We turn now to the specific questions posed in the Call for Evidence.

² See http://www.nobelprize.org/nobel_prizes/peace/laureates/2012/press.html

³ Enlargement from 6 to 9 members in 1973 increased the EC's population by 33% and its GDP by 32%. Enlargement from 15 to 25 members in 2004 increased the EU's population by 20% and its GDP by 9%.

Impact on the national interest

1. What has been the impact of EU enlargement on UK interests? How has the UK influenced the enlargement process?

From the point of view of British national interests, EU enlargement has been advocated by successive British governments for reasons of its own security and prosperity, and to make the EU more open, diverse and flexible. We agree that it has extended liberal democracy and open markets to areas formerly under the control of the Soviet Union (or other authoritarian regimes) to the benefit of the UK's security and prosperity.

The Foreign and Commonwealth Office has stated that "Enlargement is one of the EU's greatest achievements and is firmly in the national interest of the UK".⁴

- Prosperity

Each enlargement has increased the size of the EU's internal market, and the opportunities for the UK to benefit from it. Many of the new Member States have achieved sustained economic growth, from which the UK benefits through increased export and investment opportunities. Poland's economy, for example, grew by 3% annually in the period 2006-2013. In the period 2004-2010 Britain's exports to Central and Eastern European EU members increased by an average of 13.1% per year, while its exports to Western European EU members increased by 4.7%.⁵

- Security

Each enlargement has augmented security in Europe by bringing neighbouring countries into a common political and economic framework, embedding democracy, fundamental rights, market economies and better governance, and strengthening the rule of law and the fight against organised crime and corruption. This export of security within Europe has been of considerable importance for the UK's own security.

The Minister for Europe has declared that 'the accession process and the ambition for EU membership have institutionalised the rule of law, democratic values and human rights in a part of the continent where those things were crushed for most of the twentieth century'.⁶

A Minister from a country that joined the EU has explained it in the following way: "the accession process is a unique opportunity in the history of these countries to carry out in 10 to 20 years transformations that would otherwise take a hundred years. There is the technical expertise from the European Commission and the old Member

⁴ Memorandum for the House of Lords EU Committee, November 2012, see: <http://www.parliament.uk/documents/lords-committees/eu-select/EU%20Enlargement/EUenlargementEvidencevolume.pdf>

⁵ Analysis of IMF Direction of Trade Statistics, Centre for European Reform.

⁶ David Lidington MP, Evidence to the House of Lords EU Committee, January 2013, see: <http://www.parliament.uk/documents/lords-committees/eu-select/EU%20Enlargement/EUenlargementEvidencevolume.pdf>

States, plus political and financial support. And there is this permanent pressure, which is crucial. Without pressure from Brussels you can't do difficult things like judicial reform".⁷

- Influence

In terms of influence, the UK has been widely recognised, both within the EU and among prospective members, as one of the main protagonists of enlargement. British governments have consistently deployed the political and economic arguments for accepting new members. One of the UK's particular themes has been the geopolitical dimension of enlargement. In view of Britain's geographical situation at the Western edge of the continent, our partners are sometimes surprised that we take such interest in the situation of Central, Eastern and Southern Europe. But successive British Governments, drawing on the lessons of two world wars, have understood that the security of individual European countries depends on the security of Europe as a whole.

2. What effect has EU enlargement had on UK interests in specific policy areas? What advantages and disadvantages has the UK experienced as a result? Please give examples.

Many of the 16 states that joined the EU in the last two decades have pursued similar interests and objectives to the UK, becoming effective allies with us in developing and improving the EU's governance and policies. Although an increase in the number of Member States could mean a potential reduction in the influence of individual members, in the case of the UK this has been more than compensated by the arrival of like-minded partners.

In foreign and security policy, the new members want a more coherent European approach, anchored in the transatlantic alliance and NATO, of which most of them are staunch members. More transparency and public accountability have been advocated by the Nordic countries. The Single Market and free trade policies have been priorities for them and for most of the countries of Central and Eastern Europe. The former communist countries that made the transition from central planning to the market economy have made far-reaching economic reforms and wish to go further in fields such as innovation, the digital economy, and better regulation. Eight new Member States (Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Poland, Slovakia and Slovenia) joined the UK in signing letters to the Council and Commission in 2012 arguing for a 10-point plan for smarter regulation.

On the other hand, some new members have obstructed progress in EU policies of interest to the UK, particularly in the field of climate change where new members such as Poland have refused targets for reduction of emissions that they consider to be too high. Reform of the common agricultural policy was accelerated by the prospect of the accession of Central and East European countries with large agricultural resources. But now the progress of reform has become slower, because agriculture is important to them, and because they consider that the lower level of direct aids to

⁷ Monica Macovei MEP, who as Romania's non-party Justice Minister in 2004-7 led its anti-corruption policy and judicial reform, see interview at:
<http://www.esiweb.org/enlargement/?cat=101#awp::?cat=101>

their farmers decided in their accession negotiations is unfair. The common fisheries policy was significantly affected by the accession of Spain with its large fleet of fishing vessels. The UK and others were successful in excluding Spanish vessels from fishing in the North Sea, but many Spanish companies nevertheless gained access to UK fishing opportunities by acquiring British vessels and licences to fish ('quota hopping'). In the field of defence and security policy, the accession of a divided Cyprus has obstructed the UK's objective of better co-operation between the EU and NATO

A consequence of enlargement that has been prominent in recent public debate is the influx of migrants from countries of Central and Eastern Europe. In terms of numbers, arrivals in the UK from the countries that joined the EU in 2004 were much higher than expected, principally because the UK was one of only three Member States to open its doors immediately on enlargement and not to make use of the transitional controls provided for in the accession arrangements. This has caused problems for the provision of social services and education in some areas. But analyses show that the vast majority of these migrants came here to work and do pay taxes, and that their participation in crime, unemployment and social welfare benefits is below our national average. Overall they have made a positive contribution to the British economy.⁸

The enlargement from nine to 28 members has increased the operating costs of the EU: more staff have been recruited to the EU institutions, but the increase in their numbers has been less in relative terms than the increase in population of the EU. Since 1973 the number of official languages has increased from six to 24, which has complicated the work of translation and interpretation; meanwhile, unofficially, English (the first foreign language in most new Member States) has in practice become the language most commonly used in the EU institutions.

Another consequence has been an inflation in the number of Commissioners beyond the number of meaningful jobs for them to do.

3. How do you consider the balance between the roles of Member States and of the EU institutions in the process? Might UK interests be served by any changes to the balance of competences in this area?

In terms of the balance of competences between the EU and Member States, the essential fact is that intergovernmentalism is the standard operating procedure in matters of enlargement. Accession negotiations are conducted in an intergovernmental conference, unanimity is the rule for decision-making, and at every stage of the process each Member State can exercise a veto. This has always been the case, and is not likely to change in future: among the many proposals made over the years for switching from EU decision-making by unanimity to majority voting, enlargement policy has never figured. In any case, enlargement is put into effect not by the EU institutions, but by accession treaties between existing and future Member States; although the EU institutions have important roles in the process, they are not signatories of the treaties.

⁸ *The Fiscal Effects of Immigration to the UK*, Dustmann et al, University College London, November 2013:
<http://www.ucl.ac.uk/news/news-articles/1113/051113-migration-report>

Concerning the roles of the institutions:

- All decisions on enlargement are taken by unanimity by Ministers in the Council of the EU. In fact, for many years all major decisions on enlargement have been taken at Head of State/Government level in the European Council.
- The signature of an accession treaty is subject to a vote of the European Parliament. However, the Parliament's approval is requested by the Council only after the end of accession negotiations and the initialling of a treaty. The Parliament is informed of the progress of the negotiations, but it has no role in them. It is then asked to make a yes/no decision on a treaty that may cover several applicant countries.
- The European Commission has an important technical role in the enlargement process, but no powers of decision. Under the rules of procedure drawn up by the Council for accession negotiations (essentially unchanged since the negotiations of 1969-72) the EU's common position is presented to applicant countries by the Member State holding the rotating Presidency of the Council, not by the Commission. At various stages the Commission is asked to produce reports for the Council, including an Opinion before the opening of accession negotiations, regular reports on the progress of applicant countries, and 'screening' reports. For accession negotiations the Commission has the task of proposing 'draft common positions' to the Council, and may be asked to conduct exploratory discussions with applicant countries.

The Commission's experience and technical expertise are an important resource for the accession process, and this gives the Commission considerable influence. However, the fact that all decisions on enlargement are taken in the Council by unanimity ensures an adequate balance, and developments in recent years have diminished the influence of the Commission in relation to the Council.⁹ The Commission's Opinion on an application for membership is now requested only after the Council has decided whether an applicant country 'respects the values referred to in Article 2 of the Treaty, and is committed to promoting them'. The definition of 'benchmarks' (detailed conditions for opening and closing chapters in accession negotiations) has multiplied the occasions when Member States must give unanimous agreement. The position of Member States on questions of enlargement is often subject to parliamentary consultation, particularly in the case of Germany.

In this field of policy it is difficult to identify cases where powers could be transferred to the national level: all significant decision-making powers are already with the Member States.

Exercise of competence

4. How effectively have the Member States and the EU institutions run the enlargement process? Have lessons drawn from previous enlargement rounds been applied?

⁹ See Christophe Hillion 'The Creeping Nationalisation of EU Enlargement Policy', Swedish Institute for European Policy Studies (SIEPS), November 2010, published at: <http://www.wider-europe.org/sites/default/files/attachments/events/SIEPS%20report.pdf>

A recurrent problem in recent enlargements has been the disturbance of the accession process by bilateral issues between individual Member States and applicant states: for example, the difficulties experienced by Slovenia with demands from Italy for restitution of property, or Croatia's problems with Slovenia resulting from their dispute over maritime limits, or Greece's refusal to allow accession negotiations with Macedonia to begin. In these and other cases solutions were often found only after unnecessary delays and suspicions of blackmail. Such action by individual Member States' raises doubts over the EU's commitment to enlargement, with consequences for the EU's credibility and ability to exercise leverage to promote reforms'.¹⁰ And this has been particularly acute in the case of Turkey.

The UK for its part has tried to avoid this temptation (for example, in the case of Iceland and the Icesave dispute) and to discourage other members from using such tactics.

One of the disappointing features of the 2004 enlargement was the accession of Cyprus without reunification of the island as a bi-zonal and bi-communal federal state. It was hoped that the accession process would assist this, but the rejection of the UN's Annan Plan by the Greek Cypriot community, despite its acceptance by the Turkish Cypriot community, resulted in the accession of a divided island whose government in Nicosia tends to see most issues through the lens of the Northern problem and relations with Turkey. In this situation the economic potential of Cyprus is not fully realised, and a solution to the island's political problem (now linked to the question of Turkey's EU membership) remains elusive. Meanwhile the development of relations between the EU and NATO, and a NATO-friendly European Security and Defence Policy, has been impeded by the dispute with Turkey over Cyprus.

For the future, the EU must beware of the risk of bringing in new members with unresolved problems of frontiers, international recognition and bilateral disputes. However, it should not allow a country's membership application to be vetoed by a third country.

On the use of conditionality in the enlargement process, and the lessons drawn from previous accessions, see the next section.

5. How do you assess the EU's use of conditionality (e.g, the Copenhagen Criteria, the New Approach on rule-of-law issues)? Has conditionality been effective in ensuring candidate countries implement reforms necessary for EU membership? Please give examples.

Since the dynamic of conditionality was created by the adoption of the Copenhagen Criteria in 1993, the EU has used it as a lever in the enlargement process with a considerable degree of success. Its effective use is linked to the principle of differentiation, under which each applicant's progress towards membership is determined by its individual performance in relation to the criteria. The linking

¹⁰ See Rosa Balfour & Corina Stratulat, 'The enlargement of the European Union', European Policy Centre (EPC), December 2012, published at: http://www.epc.eu/documents/uploads/pub_3176_enlargement_of_the_eu.pdf

together of applicants, or the announcement in advance of a date of accession, can greatly reduce the leverage.

Although the enlargement of the EU to Central and Eastern Europe was extraordinarily successful in many ways, the accession of Bulgaria and Romania in 2007 with inadequate preparation was a disappointment. For these countries, and for some that joined in 2004, the EU failed to ensure adequate compliance in areas of 'good governance': rule of law, fair and efficient conduct of courts and public administration, and prevention of corruption and organised crime. As a result, a more rigorous approach to conditionality was endorsed by the European Council in 2006, and in 2012 a 'New Approach' was introduced to ensure that these problems are tackled earlier, by handling the chapters on 'judiciary and fundamental rights' and 'justice, freedom and security' upfront at the start of accession negotiations. These changes should produce better results, but it is too soon to know how successful they will be.

Since the Copenhagen criteria are not applied to existing members, and post-accession monitoring is of limited use, it is all the more necessary to apply the criteria effectively to candidate countries in the pre-accession period; their reforms should, if possible, be embedded in their constitutions.

6. How effective has EU financial and technical assistance been in helping candidate countries prepare for EU membership? Please give examples.

EU aid programmes in Central and Eastern Europe began with PHARE (Poland and Hungary: Assistance for Restructuring their Economies) complemented by ISPA (structural policies) and SAPARD (agricultural and rural development), and were then replaced by IPA (Instrument for Pre- Accession Assistance), and in the Western Balkans by CARDS (Community Assistance for Reconstruction, Development and Stability).

These programmes have been an indispensable component of the accession process. Among other measures, Commission-managed twinning programmes in the 1990s and early 2000s, designed to help the prospective Member States develop their capacity to implement the *acquis* by transferring knowledge and expertise from the existing Member States, proved invaluable. In Bulgaria, for example, our Ministry of Agriculture, Fisheries and Food led a major long term project whose outcome was the timely transposition into Bulgarian law of all the agricultural *acquis*.

Similarly the UK Know How Fund, aimed essentially at capacity-building and supporting the transition to pluralist democracy and market economy, was effective in bringing bilateral technical assistance to a number of countries that applied for EU membership, and to countries of the former Soviet Union. Although the Know How Fund no longer operates under the same title, the Department for International Development continues to manage UK development assistance programmes in some of these countries, including most recently Ukraine.

We consider that European and bilateral technical assistance of this kind - of which members of the Senior European Experts Group have had direct experience - has been

of crucial importance for the EU's enlargement policy. Without it, applicant countries would have found it extremely difficult to prepare for accession.

Future options and challenges

7. What challenges / opportunities might EU enlargement face in future?

One needs to distinguish here between different countries or groups of countries:

1) Western Balkans

These countries should continue to be a priority for the EU's enlargement policy. As a group, they received a promise of membership from the EU's leaders at Thessaloniki in 2003. Most of the international community considers that the prospect of EU membership is the only satisfactory way of bringing peace and stability to the whole Balkans region. The region suffers from grave problems of governance and the heritage of conflict after the break-up of Yugoslavia; in the absence of solutions it could return to conflict. The Western Balkan countries constitute a major challenge for the future effectiveness of the EU's enlargement policy.

On the positive side, the accessions of Slovenia in 2004 and Croatia in 2013 demonstrate that results are possible. But there is a risk in the region now of a two-tier scenario, with some countries (Serbia, Montenegro, Albania) progressing towards the EU, while others (Kosovo, Bosnia-Herzegovina, FYR Macedonia) lag behind or even regress. The solution cannot be to relax the principle of differentiation, but to find creative ways to ensure that all the countries make steady progress towards full conformity with the Copenhagen criteria though some may take longer to than others.¹¹

2) Turkey

The challenge here is to keep the accession negotiations on track, and to open chapters that would encourage Turkey to pursue reform in areas such as rule of law and press freedom. It is essential to restore the credibility of the EU's accession process in the eyes of Turkey. Otherwise the incentive for Turkey to pursue the necessary political and social reforms will continue to diminish, and there may be a breakdown in the accession process, leading to rancour and recrimination. In terms of the potential economic benefits of enlargement, Turkey presents great opportunities and also challenges: from the point of view of population it is the biggest country ever to apply for EU membership, and its economy is growing rapidly. In terms of foreign policy, Turkey has strategic importance, and we should ensure that it is anchored securely in Europe.

¹¹ See Corina Stratulat, 'EU enlargement to the Balkans, European Policy Centre (EPC), November 2013, published at http://www.epc.eu/documents/uploads/pub_3892_eu_enlargement_to_the_balkans_-_shaken,_not_stirred.pdf

3) EFTA countries

Norway, Switzerland and Iceland have all in the past applied for membership; at present they prefer to stay outside the EU and keep a close relationship with it. If they reactivate their membership applications, we should be ready to accept them: they satisfy all the main conditions, and in many areas of policy have similar views to the UK.

4) Eastern Neighbourhood

Recent events in the EU's Eastern neighbourhood, particularly developments in Ukraine and Russia's annexation of Crimea, have brought into the open the question whether the countries in the EU's Eastern Partnership (Belarus, Ukraine, Moldova, Georgia, Armenia, Azerbaijan) should be regarded as potential members of the EU. As European countries they can, in fact, apply for membership under the EU Treaties if they wish. Should the EU signal its willingness to consider them as future members by recognising their 'European vocation'? Should their relations with the EU be intensified so as to improve their prospects of acceptance? What is the balance of risks between encouraging or discouraging their aspirations to accession? These questions will need to be addressed more effectively in the future.

8. How might the EU's approach to enlargement be improved in future?

People in most Member States were not well informed in the past of the implications of enlargement. In future, better information needs to be provided to the public by the British government, and by governments in Member States such as France, Germany and Austria where enlargement lacks support. This should include a clear explanation of its economic, political and strategic benefits. A feature of the situation after the accessions of 2004 and 2007 was so-called 'enlargement fatigue'. But the next accessions are likely to be individual accessions of relatively small Western Balkan countries.

Concerning the EU's accession criteria:

1. There exists a risk, already observed in some applicant countries, of the reforms necessary for accession being simulated. There may be a temptation on the part of some Member States to collude in such simulation by accepting 'Potemkin' reforms. This syndrome – to which some analysts attribute the premature accession of Romania – must be avoided.
2. There exists another risk, already perceived by analysts of the Western Balkans, of the accession criteria being applied by the EU in such a rigorous way that further accessions are excessively delayed. That would be a perverse result.
3. Although the Copenhagen criteria were designed for the situation of Central and East European countries, they have become the template for all applicant countries, and the procedures for applying them have been adapted to the situation of countries with low standards of governance. This can pose problems in the case of applicants with better standards, such as the EFTA

countries; in the negotiations with Iceland, uniform adherence to the procedures developed for other situations was inappropriate.

Experience with Turkey has showed that the effectiveness of the EU's leverage depends on the credibility and consistency of the prospect of membership. In future, the EU should not open accession negotiations unless its Member States are willing to conclude them if and when the candidate country fulfils the conditions for membership.

9. What future impact might EU enlargement have on UK interests? How might any positive impacts be enhanced or disadvantageous impacts be addressed?

In light of the economic, political and strategic considerations already mentioned, future enlargements should continue to have a positive impact on British interests.

The improvement of the pre-accession process in the ways described should lessen the risk of countries entering the EU with problems of poor governance, and improve the chances of their economic success and a positive impact on UK trade and investment.

The consequences of migration into the UK from future new members should be handled, if necessary, by a combination of transitional controls on the free movement of workers perhaps for a period longer than the previous norm of seven years and targeted social measures to solve regional or local problems. To avoid the risk of distortion arising from uncoordinated action by individual Member States, the application of transitional controls in future should be better harmonised at the EU level.

General

10. Are there any further points you wish to make which are not captured above?

a) Expansion of the EU

A theme that has entered public debate recently is the EU's alleged 'expansionism' and 'imperialism' in Eastern Europe.¹² The EU's policy for enlargement is essentially reactive, not pro-active. The main driver for its expansion is the desire of neighbouring countries to join, not some kind of imperialist ambition in Brussels. In fact the EU hardly has a strategy for enlargement in the sense of a deliberate plan for expansion: its 'strategy' is a response to legitimate membership applications that it has received or may receive. It has sometimes discouraged countries from applying prematurely.

From the beginning the EU Treaties have said 'any European state may apply to become a member'. The EU institutions have never attempted to define what 'European' means in this context, and thus where the EU's borders could ultimately lie. In fact, it would be impractical and undesirable to do so: impractical since there is no possibility of consensus among Member States on this question, and undesirable

¹² The EU has "an absolutely stupid, almost imperial foreign policy; like almost all empires [it] wants to expand and expand", Nigel Farage MEP on Ukraine, reported in *The Guardian*, 28 March 2014.

because defining limits now would demotivate or destabilise countries excluded, and diminish the leverage on those included.

b) Eurozone & Schengen

The Copenhagen criteria require ‘the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union’. This phrase is often understood to imply that new members have an obligation to adopt the euro; it is also suggested that new members must join the Schengen area. But while this may be true in principle it is not the case in practice.

Firstly, new members are not permitted to join immediately either the euro or Schengen, for which the criteria are evaluated during a period of years after accession. Secondly, no Member State can be obliged to join the euro or Schengen, as the experience of the 16 new members who have joined the EU since 1995 shows:

- While 9 have chosen to join the euro¹³, 7 have not yet done so: Sweden,¹⁴ Poland, the Czech Republic, Hungary, Romania, Bulgaria and Croatia remain outside, and no date has been fixed for their membership.
- While 12 have joined Schengen, Cyprus, Bulgaria, Romania and Croatia remain outside. Croatia wishes to join as soon as possible; Bulgaria and Romania applied to join in 2011 but at that time were refused by other members; Cyprus does not wish to join because of the problem of Northern Cyprus, and no date has been fixed for its membership.

The EU has neither the intention nor the means to oblige new members to join the euro or Schengen unless and until they wish to do so; and even then, existing members can refuse to admit them.

c) Protection of minorities

The Copenhagen criteria require that ‘the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities’. Among the candidate countries of Central and Eastern Europe the minorities perceived to be most at risk were Russian-speakers in Estonia and Latvia, and Hungarian-speakers in Romania and Slovakia. As a result, these countries were required, as a precondition for their EU membership, to implement policies to reassure their minority populations; although some problems remain, particularly with regard to the Roma populations.

In the light of events in Georgia and Ukraine, where Russia has argued that military intervention was justified to both protect Russian-speaking minorities and Russian citizens, the EU’s requirement for applicant countries to respect and protect minorities has gained new salience.

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¹³ This includes Lithuania, which requested to join the eurozone in 2006, but was refused because it did not satisfy the criteria. It now expects to join in 2015.

¹⁴ Sweden has no opt-out from the euro. Since a national referendum in 2003 said ‘no’ to the euro, it simply refrains from complying with the criteria for joining it.

Annex
Members of the Senior European Experts group

Sir Michael Arthur

Director-General Europe, FCO, 2001-3; British High Commissioner to India 2003-07; British Ambassador to Germany 2007-10.

Graham Avery

Director, European Commission, 1987–2006.

David Bostock

Deputy Permanent Representative to the EU 1995-98; Member of the European Court of Auditors 2002-2013.

Sir Colin Budd

Chairman of the Joint Intelligence Committee 1996/97. British Ambassador to the Netherlands, 2001-05.

Lord Butler of Brockwell

Secretary to the Cabinet and Head of the Home Civil Service, 1988-98.

Anthony Cary

Head of the European Union (Internal) Department, FCO, 1993-96; Chef de cabinet to Chris Patten, European Commission, 1999-2003; British Ambassador to Sweden 2003-2006.

John Cooke

Member of the UK Permanent Representation to the EC 1969-73 and 1976-77. Under-Secretary, International Trade Policy Division, DTI, 1992-96. Chairman, OECD Trade Committee 1996-97

Sir Brian Crowe

Director-General (External & Politico-Military Affairs) Council of the European Union, 1994-2002. Previously Deputy Under-Secretary for Economic Affairs, FCO.

Sir Alan Dashwood QC

Former Director in the Legal Service of the Council of Ministers, later Professor of European Law at the University of Cambridge from 1995 to 2009. A barrister in Henderson Chambers, he specialises in the law of the European Union, and appears regularly in proceedings before the Court of Justice.

Sir David Elliott

UK Deputy Permanent Representative to the EU 1982-91. Director-General (Internal Market), Council of the European Union, 1991-95.

Lord Hannay

UK Permanent Representative to the European Communities 1985-90 and to the United Nations, 1990-95.

Lord Jay of Ewelme

Permanent Under-Secretary of State, Foreign & Commonwealth Office, 2002-06.

Lord Kerr of Kinlochard

UK Permanent Representative to EU 1990-1995; Permanent Under-Secretary of State, Foreign & Commonwealth Office, 1997-2002.

Anne Lambert

UK Deputy Permanent Representative to the EU, 2003-2008.

Andy Lebrecht

UK Deputy Permanent Representative to the EU, 2008 – 2012.

Sir Emyr Jones Parry

UK Permanent Representative to NATO, 2001-03 and to the UN, New York 2003-07. Political Director and previously EU Under-Secretary at FCO. Now President of Aberystwyth University.

Sir Nigel Sheinwald

UK Permanent Representative to EU 2000-03. Prime Minister's Foreign Policy & Defence Adviser, 2003-07. British Ambassador to the United States, 2007-12.

Sir Stephen Wall

UK Permanent Representative to EU 1995-2000. Head, European Secretariat, Cabinet Office, 2000-04.

Michael Welsh

Member of the European Parliament for Central Lancashire, 1979-94.

Lord Williamson of Horton

Deputy Director-General (Agriculture) European Commission 1977-83. Cabinet Office 1983-87. Secretary-General, European Commission, 1987-97.

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