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# From Bystanders to Contributors

## A Realistic Way Towards Candidates' Participation in the EU Council

### Introduction

Guided by the aim to unlock the political will necessary to implement reforms and expedite the next enlargement, CEP has advocated, as part of the [Staged Accession Model](#),<sup>1</sup> for the gradual, merit-based opening of EU institutions to EU candidates. Using the level of achieved reforms as a basis for rewards, [institutional incentives](#) were intended to work in tandem with [financial incentives](#) that entailed increasing but conditioning funds that would be available to candidates. The proposal for increasing EU funds was designed to reduce the socio-economic convergence gap between the Western Balkans and the EU and encourage the development of domestic absorption capacities of candidate countries. The institutional incentives were intended to enable candidates to engage in discussions with member states' officials on mainstream EU policy issues, socialise with their EU peers and gradually develop their administrations' capacities to assume membership responsibilities. Such a proposed integration framework was subsequently reflected in the European Council's 2022 June [Conclusions](#) on gradual integration, indicating a readiness of EU institutions and member states to innovate the enlargement toolbox. However, unlike the financial incentives which have been [incorporated](#) into the [New Growth Plan for the Western Balkans](#), the institutional incentives remain largely

1 The proposal was co-created with the Centre for European Policy Studies (CEPS) from Brussels.



under-operationalised to date. The European Commission<sup>2</sup> and the European Parliament<sup>3</sup> have recently expressed willingness to open their doors to candidates' participation, while the European Economic and Social Council (EESC) has already involved civil society organisations from candidate countries in its work.<sup>4</sup> Yet, the Council of the EU has so far done little to engage with the candidates.<sup>5</sup>

The reluctance of the Council to take decisive action on including candidates in its work is counterintuitive, given the widespread acclaim that the idea of institutional incentives has received across the EU member states.<sup>6</sup> To understand the underlying reasons behind this paradox and find a way to resolve it, CEP has engaged with the Council of the EU<sup>7</sup> and has visited 23 of the 27 member states to date.<sup>8</sup> Building upon the collected insights, this paper outlines the encountered challenges and proposes a new, feasible strategy moving forward.

2 In its Communication on the [New Growth Plan](#) for the Western Balkans, the Commission indicates it will encourage "fullest possible participation in Commission-led expert groups". Although the candidates already have access to these groups, making this access more predictable, regularised, and merit-based would fit well with the design proposed by the Staged Accession Model.

3 The European Parliament reiterated its intention twice, once in late 2022 and then in early 2024. It [suggested](#) "granting candidate countries observer status in relevant bodies and institutions, including Parliament, initially on the basis of temporary arrangements if negotiations are sufficiently advanced, in particular on clusters on fundamentals and external relations". As the new institutional cycle starts, the European Parliament has the opportunity to achieve what it argued for in recent years.

4 The EESC was the [first](#) body to officially start involving candidate countries in its work, thus setting a positive example for other EU institutions to follow. "[Enlargement candidate member](#)" is an honorary title, which shows support and consideration for representatives of civil society in the EU candidate countries without conferring on them the status of EESC member. Therefore, the concept of ECMS is distinct from membership of the EESC as defined in Articles 300 to 304 of the Treaty on the Functioning of the European Union (TFUE).

5 The following parts of the paper will explore in more detail the Council's approach to participation to date.

6 This claim is based on the author's and his colleagues' extensive consultations with representatives from EU member states, as well as analysis of official statements and positions expressed during relevant public and closed-door discussions. In fact, the idea of institutional incentives has been far less controversial than of financial incentives.

7 CEP was invited to a [meeting at COWEB](#) (Council Working Party on the Western Balkans Region) in June 2024. Besides discussing the merits of the New Growth Plan, at this meeting, CEP advocated for opening the EU Council's doors to EU candidates, in a predictable, gradual, and merit-based manner.

8 In terms of [bilateral visits](#) to member states and engagement with Ministries responsible for enlargement, EU and foreign affairs, CEP has visited all member states so far except Croatia, Romania, Bulgaria and Malta. The intention is to cover them all as soon as possible.

The basic idea is that opening the doors of the EU Council is not only legally feasible but also practically achievable. Transitioning from the original proposal presented in Template 2.0 for Staged Accession in August 2023, this paper offers a revised but more realistic pathway for involving the candidate countries in the work of the EU Council while accounting for the identified practical needs and concerns of member states. The ideas presented in this paper are primarily directed at the upcoming Council Trio—Poland, Denmark, and Cyprus—who would be in a unique position to set a positive example for subsequent Trios to follow by agreeing to apply the proposed framework for gradual institutional participation already in the first half of 2025.

*Unlike the financial incentives which have been incorporated into the New Growth Plan for the Western Balkans, the institutional incentives remain largely under-operationalised to date. The European Commission and the European Parliament have recently expressed willingness to open their doors to candidates' participation, while the European Economic and Social Council (EESC) has already involved civil society organisations from candidate countries in its work. Yet, the Council of the EU has so far done little to engage with the candidates.*

### **From a Blueprint to a Bottleneck**

When the Staged Accession Model (hereafter “the Model”) was introduced, it presented a unique way to pursue institutional participation in a structured and merit-based manner. At Stage 1, a candidate country achieving an average moderate level of preparedness across all clusters would gain access to EU Council configurations or bodies dealing with chapters where the country has demonstrated above-average readiness.<sup>9</sup> As the candidate achieves an average good level of preparedness and thus progresses towards fulfilling all membership conditions, this access is expanded in Stage 2, by allowing for the broadest possible involvement in discussions across all EU policy areas. Importantly, participation in the Council formations in a particular policy area would not guarantee future invitations, reinforcing the idea that institutional benefits could be revoked if the necessary reforms lagged. With this logic, the Model aimed to enhance the EU’s conditionality, making the accession process more predictable and transparent for candidate countries.

<sup>9</sup> On a scale from 1 to 5, following the Commission’s annual preparedness assessments, a moderate level of preparedness is rated 3, whereas a good level is rated 4.

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Despite being carefully designed, the institutional incentives outlined in the Model have not been implemented in practice, even though the Council Legal Service and General Secretariat confirmed that there are no legal obstacles to opening the doors to candidates based on the “right of occasional presence”.<sup>10</sup> This allows third countries to be “invited to attend certain meetings” at all Council levels “on an ad hoc basis”.<sup>11</sup> Previously, the Commission had insisted that “under the new enlargement methodology, the candidate states can take part in the work of the Council”.<sup>12</sup> In practice, a candidate country could be invited to enter the meeting room to exchange views with and provide information to Council members on a “specific item on the agenda” and leave the room after the item has been discussed.<sup>13</sup> The General-Secretariat explains that this way, the third party “does not participate in the deliberations but only provides the Council with information that it can draw upon before taking a decision”.<sup>14</sup> These legal findings indicate that there are other relevant, non-legal matters that have discouraged member states from inviting candidates to its meetings in a systemic manner and have stood in the way of applying gradual institutional integration in practice.

### **Three Key Challenges**

From discussions with EU officials, three key arguments have emerged to explain their resistance. These can be summarised as challenges of “autonomy vs. uniformity,” “fairness vs. political sensitivity,” and “effectiveness vs. potential for bias.” Each of these is explored in more detail below.

#### **1. Autonomy vs. Uniformity**

The first challenge in implementing the Model’s institutional proposal is seen in the requirement for all EU member states in the Council to agree to a specific, binding methodology of candidates’ involvement. Referred to here as the “autonomy versus uniformity challenge”, this dilemma captures the core conflict between the autonomous authority of each

<sup>10</sup> Council’s Legal Service Contribution, 6566/20, article 10; and General Secretariat’s comments on Council’s Rules of Procedure, 2023, p.56.

<sup>11</sup> Council’s Legal Service Contribution, 6566/20, Article 10; and General Secretariat’s comments on Council’s Rules of Procedure, 2023, p.57

<sup>12</sup> The Council’s Legal Service Contribution 6566/20, in Article 3, refers to the Commission’s 25 February 2020 presentation of its Communication on the new enlargement methodology to the General Affairs Council.

<sup>13</sup> General Secretariat’s comments on Council’s Rules of Procedure, 2023, p.58

<sup>14</sup> Ibid, p.59.

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Presidency to shape the Council’s agenda and the need for a consistent, uniform approach that spans across multiple presidencies. For institutional participation to work as a credible carrot, it needs to be predictable from the candidates’ standpoint. Yet, since the discretion to invite candidates’ representatives for an exchange of views rests with the Presidency, no legal mechanism exists to compel adherence by the presiding member states to a predetermined methodology for such invitations. Member states seem to agree that an attempt to bind the Presidency to follow a pre-determined methodology for issuing invitations could be perceived as “limiting” the Presidency’s autonomy. This is particularly relevant for those further down the line to assume the Council presidency, given that the rotation cycle spans over a period of 13 years. Consequently, this perspective makes it challenging to establish and maintain a consistent methodology agreeable to all member states throughout an entire institutional cycle – despite the majority of member states reaffirming the value of institutional participation of candidates.

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## **2. Fairness vs. Political Sensitivity**

The second obstacle the Model’s institutional proposal has faced pertains to what may be termed the “fairness versus political sensitivity challenge”. Specifically, the Model’s approach operates independently from formal progress in accession negotiations such as cluster opening or chapter closing. It opted for “separate tracks” in order to allow a country to progress in terms of benefits received from one stage to another, even if the formal talks are (sometimes unfairly) stalled due

to the Council’s unanimity requirement. The pitfalls of the often-politicised nature of the accession talks are evident in the growing number of examples of a single member state misusing the procedures to block a candidate for reasons unrelated to enlargement. The Model sought to address this problem by linking access to increased benefits to a candidate’s level of preparedness across all clusters, as assessed in the Commission’s annual reports, rather than the status of formal talks. Although many member states understand this reasoning, they also warn that political sensitivities inevitably come into play when deciding whether and whom to invite.

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The risks associated with this challenge become especially pronounced in a scenario where a candidate shows a higher level of preparedness in the Commission’s annual reports but remains far from accession in terms of opened clusters and closed chapters due to a lack of unanimity in the Council. If the Model’s original proposal were to be followed, a scenario where a “backbencher” starts getting more privileged status than a “frontrunner”—with the former being invited to the Council’s proceedings and the latter denied this opportunity due to genuine stagnation or backsliding—could cause new political risks. In fact, an absence of an invitation might be misinterpreted by frontrunners as deliberate, unfair, and arbitrary marginalisation. Serbia’s potential reaction to being surpassed by, for example, North Macedonia in terms of institutional access, despite the former being further ahead in formal talks than the latter, serves as a case in point. Additionally, the Model’s feature of reversibility, where the previously granted institutional benefits can easily be withdrawn, heightens these political risks. Moreover, potential adverse outcomes could

lead the candidate to misplace the “blame” exclusively on the presiding member state – increasing the chances of deterioration of bilateral relations as well. The perceived risks of this kind undermine the intended predictability and meritocracy of gradual institutional integration, making it susceptible to political considerations and relationships rather than being based solely on performance criteria for membership preparedness.

### 3. Effectiveness vs. Potential for Bias

The third challenge, named “effectiveness versus potential for bias”, centres on the Model’s exclusive reliance on the Commission’s annual reports to determine a candidate’s eligibility to progress through stages. Originally, the Model’s authors opted for these assessments as they represent the only publicly available EU reports on candidates’ preparedness. Moreover, they are quantifiable, allowing for the averaging of ratings. By basing the averaging on a single source – in this case, the Commission’s annual reports – the Model aimed to ensure an effective evaluation system that would be applicable to all candidates equally.<sup>15</sup> It did so by quantifying the Commission’s preparedness ratings, which follow a standardised qualitative scale ranging from early stages of preparation (1) to a well-advanced level of preparation (5). The same logic was supposed to apply when deciding when to reverse the benefits if stagnation or backsliding in preparedness levels is identified. Although member states agreed that this approach provided a clear, transparent and intuitive framework for regulating the stage progression, it nevertheless also had a notable flaw—the possibility that the ratings could be misleading due to a potential Commission’s bias.

The mistrust of the Commission’s objectivity has been particularly pronounced among member states that view the rule of law and democratic standards as fundamental membership prerequisites. According to them, the Commission has failed thus far in establishing a credible track record when it comes to matching the preparedness assessments with the objective realities on the ground. For instance, the Commission has been suspected of bias in its assessments of Serbia, as none of the reports has downgraded the country’s level of preparedness in rule-of-law-related chapters, despite ample evidence provided by various international reports of democratic backsliding in recent years.<sup>16</sup> The more scepticism of this kind accumulated over time, the stronger became the argument against using the Commission’s assessments as the basis for advancing toward increased pre-accession benefits.<sup>17</sup>

<sup>15</sup> By opting for this approach, it was simultaneously emphasised that there was need to increase the Commission’s reports quality and to involve civil society more strongly.

<sup>16</sup> See for example: Smeltzer, Mike and Karppi, Alexandra, *Nations in Transit 2024 - A Region Reordered by Autocracy and Democracy*, Freedom House, (2024), pp. 3-4; Nord, Marina et al., 2024. *Democracy Report 2024: Democracy Winning and Losing at the Ballot*. University of Gothenburg: V-Dem Institute. p. 10; Stojić, Marko, *Anchoring or Undermining Democracy: The European People’s Party and Democratic Backsliding in Serbia*, Journal of Common Market Studies, Volume 62, Issue2 March 2024, 546-563; European Parliament, *Serbia did not fulfil its commitments to free and fair elections, say MEPs*, 2024; Subotić, Strahinja, and Pavković, Miloš, *Identifying Inconsistencies in the 2022 European - Functioning of Democratic Institutions in the Spotlight*, European Policy Centre, 2023, p. 11.

<sup>17</sup> The Model’s authors, although basing their proposal on the Commission’s assessments, have argued that an improvement of the Commission’s methodology would be necessary in order to ensure its appropriate application in a merit-based manner. Nevertheless, the past two years have not seen any tangible efforts to that end.

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Burdened by the aforementioned challenges, the Council has shifted towards a more generalised approach to institutional participation. All candidate countries are now sporadically invited on an equal basis, though only to very specific meetings such as the Foreign Affairs Council (FAC) or the Political and Security Committee (PSC). In such meetings, discussions are usually centred around enlargement-related topics, limiting their impact on the wider preparations of candidates for future functioning as member states. Accordingly, there is no indication of intent to broaden the scope of participation to sectoral policies of the EU. Moreover, these invitations take place regardless of the candidates’ track record of reforms, sidelining the importance of using achievements in the area of *Fundamentals* as a precondition for increased institutional access. In other words, the current practice introduced in the wake of the war in Ukraine equalises the “frontrunners” and “backbenchers” among candidate countries and fails to account for the “Fundamentals First” approach, which is supposed to be the backbone of EU enlargement policy. As a result, the incentive for the governments to step up their reform efforts is lost, as candidates’ governments become aware they might receive sporadic invitations to participate, irrespective of their actual progress on reforms. Such an indiscriminate method of granting access to the Council’s proceedings significantly dilutes the Staged Accession Model’s original intent of using institutional integration as part of the EU’s renewed conditionality framework.

## ***From Cracking the Doors Open to All to Opening the Doors to the Deserving***

While the described concerns of EU member states are justified *vis-à-vis* the idea of gradual institutional participation as outlined by the original Staged Accession Model, they are by no means impossible to resolve. The [2024-2029 Strategic Agenda](#) calls to “use all possibilities to further advance gradual integration” by following a merit-based approach to accession with tangible incentives, in order to support the aspiring members in meeting the accession criteria. Symbolic gestures of ad hoc invitations utilised thus far are unlikely to fulfil this objective. In contrast, as the EU enters a new institutional cycle, the Council has the possibility to ensure that candidates’ participation in its proceedings becomes substantive—perhaps even indispensable to both their ongoing accession efforts and their future roles as EU members. An attempt to do so necessitates refining the framework for candidates’ institutional participation in the Council’s proceedings into a valuable incentive tool. With that in mind, the following outlines how the Model’s proposal for institutional participation can be practically adapted to effectively address and balance the challenges at hand.

*To address the “autonomy versus uniformity challenge”, a shift can be proposed from requiring consensus among all 27 EU member states on the method of introducing gradual institutional participation to focusing on just the Trio. The added value of this approach is that it overcomes the challenges of securing unanimous agreement on a single methodology by all members, and instead puts in the spotlight three member states coordinating the Council over an 18-month period.*

### **1. Trios are the Key**

To address the “autonomy versus uniformity challenge”, a shift can be proposed from requiring consensus among all 27 EU member states on the method of introducing gradual institutional participation to focusing on just *the Trio*. The added value of this approach is that it overcomes the challenges of securing unanimous agreement on a single methodology by all members, and instead puts in the spotlight three member states coordinating the Council over an 18-month period. In practice, the Trio member states could *informally* agree amongst themselves to adopt a unified approach and communicate their strategy through a non-paper to other member states, outlining their vision for institutional participation of candidates during their tenure. This would not only prioritise merit and predictability but would also facilitate internal coordination without imposing that the remaining 24 member states formally accept the same methodology. The downside of this proposal is that it is less binding than the Model,

thus failing to guarantee long-term predictability as the subsequent Trio would retain the liberty to adapt the approach. Its main strength, however, is that it would effectively reduce the burden of achieving broad consensus while preserving the autonomy of Presiding member states. In a best-case scenario, a successful application of such an approach by one Trio would usher the path for the subsequent Trios to follow the same example, thus generating sustainability over time.

*The “fairness vs. political sensitivity challenge” can be overcome by integrating more closely the process of granting access to the Council with the advancements in the formal accession talks. A revised approach would be to link institutional access to achieving milestones primarily and directly in the Fundamentals cluster. These milestones would be tied to the positive opening and interim benchmark assessment reports (the so-called OBAR and IBAR) in this cluster.*

### **2. Avoiding Separate Tracks**

The “fairness vs. political sensitivity challenge” can be overcome by integrating more closely the process of granting access to the Council with the advancements in the formal accession talks. Unlike the Model, which operates independently of accession talks and focuses instead on progress in membership preparedness across all clusters (in accordance with the Commission’s assessment), a revised approach would be to link institutional access to achieving milestones primarily and directly in the Fundamentals cluster. These milestones would be tied to the positive opening and interim benchmark assessment reports (the so-called OBAR and IBAR) in this cluster, whose adoption by the Council would trigger the candidate’s respective transition to Stage 1 and Stage 2 (see Table 1).<sup>18</sup> Each Stage would entail a wider scope and greater intensity of participation, thus keeping the candidate in a constant state of dynamic relationship with the EU.

The implementation of this proposal is straightforward (See **Annex 1**). Once an OBAR is adopted, a candidate would unlock Stage 1 and start receiving *occasional invitations* to discuss mutually important issues in Council working bodies. This would apply only to those bodies covering areas within the scope of the Fundamentals as well as any other clusters

<sup>18</sup> Since invitations are not automatic but contingent upon the decision of the presiding country to place them on the agenda, any stagnation or regression in the area of the rule of law could easily result in the loss of previously gained benefits. In such cases, the presiding country, ideally after prior consultation with the Council to ensure broader consensus, could simply choose not to include the country in question on the agenda until the identified issues are resolved.

opened in the meantime.<sup>19</sup> Thus, the more clusters a candidate opens upon acquiring an OBAR, the wider the scope of its potential participation.<sup>20</sup> Then, the adoption of an IBAR would signal the start of Stage 2. From that point, a candidate’s participation would evolve, with more *regular involvement*, extending beyond working bodies to include engagement at the COREPER and ministerial levels.<sup>21</sup> However, a candidate’s right to participate regularly at all Council levels would only extend to areas where it has closed the corresponding chapters. In areas covered by chapters that are yet to be closed, even upon receiving an IBAR, a candidate would retain the right to be occasionally invited to working bodies only (as per Stage 1). In other words, the more chapters a candidate closes, so do the scope and depth of its institutional participation increase. In short, this approach ensures a fair, merit-based process that mirrors the formal accession dynamics.

Such a framework would keep the process largely fair—assuming member states do not misuse their veto rights to block the adoption of an OBAR and an IBAR—while accounting for political sensitivities. The fairness of the process is maintained by aligning institutional benefits with tangible achievements in the Fundamentals while giving greater weight to the opening of clusters and closing of chapters. This way, one avoids creating separate tracks between the negotiation process and institutional participation. Additionally, political sensitivities are mitigated as eligibility for institutional benefits would primarily depend on a candidate’s formal status. Since participation would increase based on progress highlighted by an OBAR and an IBAR, the Presidency’s decisions to invite a candidate would reflect the Council’s prior unanimous affirmation of the country’s rule of law progress. Any complaints from candidates excluded from proceedings would be thus weakened, as they would lack the necessary reforms to justify their inclusion.

19 In case a country would have a few chapters closed at that time, it would not imply expansion of participation. In practice, the closed chapters are the “simplest” ones and would not necessarily reflect a strong commitment on the candidate’s side.

20 In practice, Montenegro and Serbia would have this status, with the former having the right to be invited to all working bodies as it has already opened all clusters, whereas Serbia only in those bodies covering cluster 1 (Fundamentals) and cluster 4 (Green Agenda and Sustainable Connectivity). Although Serbia has opened some chapters prior to the introduction of clusters under the 2020 revised enlargement methodology, only a decision to officially open an entire cluster would entail approval for institutional participation in Council working bodies in the corresponding areas. Other candidates, such as Ukraine, Moldova, Albania, and North Macedonia, would be next in the line, as opening the Fundamentals cluster usually takes place not long after the talks commence.

21 At the moment, only Montenegro would qualify for Stage 2, having received a positive IBAR in the summer of 2024. However, as it is yet to increase the number of closed chapters, the Stage 2-like status, implying regular participation at all Council levels, would at present apply only to the three provisionally closed chapters (Chapter 25 – Science and Research; Chapter 26 - Education and Culture; and Chapter 31 – External Relations). If it were to close, for instance, five more chapters by the end of the year, it would be eligible to extend its participation in the Council in areas covered by those five chapters in terms of both regularity and the scope of participation. In the meantime, it would continue participating in working bodies with Stage 1 status in the areas covered by chapters that have yet to be closed. Meanwhile, Serbia is at least theoretically supposed to be next in the line; however, as it will likely need much more time to receive a positive IBAR, it could take years until it obtains the institutional benefits akin to Montenegro’s. As for other countries, acquiring Stage 2 status is likely to take even longer.

Table 1 The revised proposal for gradual institutional participation

	Stage 1	Stage 2
Precondition	Positive OBAR	Positive IBAR
Areas and Regularity of Participation	Occasional involvement in mutually important matters in areas covered by any of the opened clusters	Occasional involvement in mutually important matters in areas covered by any of the opened clusters
Scope	Working Bodies	Working Bodies

*If the Council were to adopt the previously described proposal for conditioned introduction and expansion of institutional participation, it would simultaneously address the “effectiveness versus potential for bias” challenge. Unlike the Model which essentially “put all eggs in one basket” by solely relying on the Commission’s annual reports as a basis to determine the timing of stage progression per candidate, the renewed approach entails a decisive role of the Council.*

### 3. Empowering the Council

If the Council were to adopt the previously described proposal for conditioned introduction and expansion of institutional participation, it would simultaneously address the “effectiveness versus potential for bias” challenge. Unlike the Model which essentially “put all eggs in one basket” by solely relying on the Commission’s annual reports as a basis to determine the timing of stage progression per candidate, the renewed approach entails a decisive role of the Council. While the Commission’s reports and preparedness assessments would still play an important part in informing discussions on candidates’ progression and preparedness, the ultimate decision on whether and when to advance formal accession talks – and thus to gradually grant access to meetings – would rest with the Council. This is key because the new approach mandates that without the unanimous approval by EU member states of an OBAR and an IBAR, a candidate country cannot advance through the stages. This eliminates any concerns of automaticity stemming from the Commission’s annual reports, effectively addressing fears that a potential Commission’s bias could influence the practical allocation of institutional access to the Council in different stages.

Although this proposal empowers the Council, it should be noted that the most effective enlargement- or gradual integration-related goals can be achieved if the Council and the Commission were to act in unison. Grounded in reality, the

proposal at hand accounts for the likely divergences between these core institutions in the next institutional cycle. Nonetheless, it emphasises that there is a need for the Commission to continue improving its credibility in the eyes of the Council and enhancing its annual assessments. Specifically, this can be done via stronger cooperation with civil society organisations from the region and by increasing the use of third-party indicators, as mandated by the Revised Enlargement Methodology. At the same time, it ought not to be forgotten that with great power comes great responsibility. In other words, if member states squander the opportunity and start vetoing not only clusters and chapters but also OBARs and IBARs when it is not due, they will risk impeding the entire process. Such behaviour would effectively render meaningless any notion of gradual integration. As long as there is no transition to qualified majority voting in specific steps of the accession process, no proposal can fully guarantee the smooth implementation of gradual integration and expedited enlargement.<sup>22</sup>

### New Trio, New Opportunities

As the current Trio Presidency concludes its term with Hungary, the upcoming Trio—comprised of Poland, Denmark, and Cyprus—presents an opportune moment to test the newly proposed, more pragmatic approach for facilitating gradual access to EU institutions. With all of its merits, this proposal is still suboptimal in contrast to the proposal outlined in Template 2.0 for Staged Accession. Nonetheless, as the aim is to ensure smooth and swift realisation of gradual institutional participation, the revised proposal will be sufficient to fulfil the purpose of using institutional participation as an important incentive in the EU's enlargement toolbox. With Poland emerging as a key regional power in Central Europe and a staunch advocate for the enlargement of both the “old” and “new” candidate countries, it is particularly well-positioned to spearhead this initiative. To ensure its success, Poland would need to undertake several important steps.

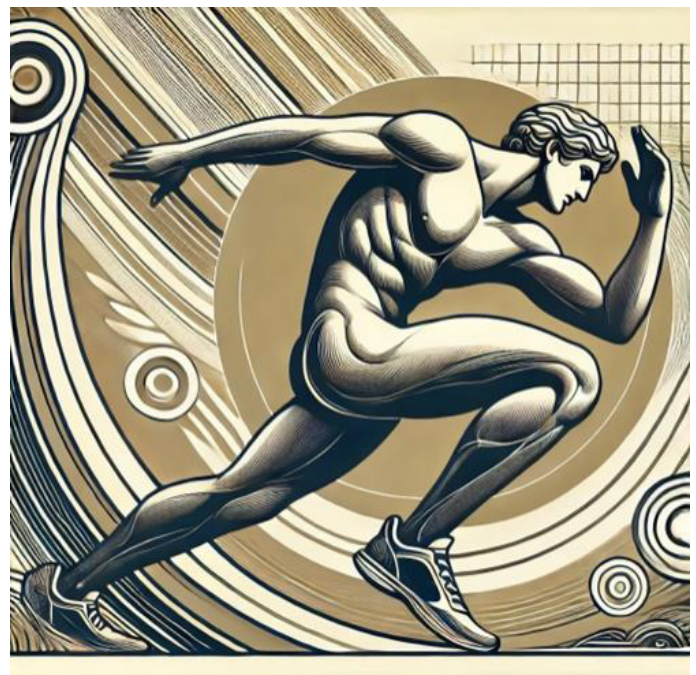
1. Poland would need to agree with Denmark and Cyprus as its Trio partners on the *modus operandi* for facilitating the merit-based, gradual, and predictable institutional participation of candidate countries in the work of the Council. Ideally, they would follow this proposal's outline, requiring OBAR as a precondition for selective access to Council working bodies in areas covered by opened clusters (Stage 1) and IBAR for regularised participation without voting rights at all Council levels in areas covered by closed chapters (Stage 2).
2. The outlined proposal could be tested by applying it, first and foremost, to Montenegro as it has recently received a positive IBAR. This Western Balkan country would have Stage 2 treatment in the several closed chapters<sup>23</sup> and Stage 1 treatment in all the rest. By immediately applying this approach to a candidate in the first half of 2025, the Trio would be able to clearly demonstrate the proposal's benefits and merits. Doing so is important, as the potential reproduction of the approach by subsequent Trios would increase the sustainability of gradual institutional participation.

<sup>22</sup> The German-Slovenian “non-paper on a more efficient Enlargement Process” provides suggestions for technical amendments to the enlargement methodology. It calls for exploration of the possibilities of empowering the Council to decide by qualified majority with regard to certain (technical) interim steps of the enlargement process.

<sup>23</sup> Currently, Montenegro has only three closed chapters. However, with the acquisition of an IBAR in 2024, the number is likely to increase by 2025.

3. Although the Commission would not have a formal role in influencing how Poland and its Trio partners manage the Council's business, it would be nonetheless beneficial for the Council and the Commission to work together as much as possible. Acting in unison, both institutions can foster a shared, accurate and improved understanding of each candidate's current reform status. The better evaluation, the more likely the gradual institutional integration approach will be properly applied.

If successful, this approach could serve as a blueprint for subsequent Presidency Trios. Consistent and long-term application of the approach, voluntarily adopted by each Trio once their term is to commence, would send an encouraging sign to all candidates who are interested in reaping the benefits of gradual institutional participation. This becomes all the more important considering its potential application not only to the Western Balkans but also to the more recent candidates – Ukraine, Moldova, and Georgia. Going beyond the Council, the successful implementation of this proposal would signal the EU's overall commitment to enlargement and its willingness to support candidate countries' preparation for membership in a meaningful way. At the same time, the very same Union would have much to gain by drawing in candidates in a merit-based manner, particularly in these times of global geopolitical uncertainties. With untapped opportunities for third-country participation available, all that is needed now is the political will of the member states to implement them.



**Annex 1: A breakdown of how the proposed gradual institutional participation in the EU Council could be applied in 2025 per candidate country**

Legend		Stage 1 Participation	Stage 2 Participation	Candidates next in the line to get Stage 1 participation (hypothetical) <sup>24</sup>						
Cluster	Chapter	Montenegro	Serbia	Ukraine	Albania	North Macedonia	Moldova	Bosnia and Herzegovina	Georgia	Kosovo
1 Fundamentals	23									
	24									
	5									
	18									
	32									
2 Internal Market	1									
	2									
	3									
	4									
	6									
	7									
	8									
	9									
	28									
3 Competitiveness and inclusive growth	10									
	16									
	17									
	19									
	20									
	25									
	26									
29										
4 Green agenda and sustainable connectivity	14									
	15									
	21									
	27									
5 Resources, agriculture and cohesion	11									
	12									
	13									
	22									
	33									
6 External relations	30									
	31									

<sup>24</sup> If candidate countries open additional clusters shortly after opening the one on the Fundamentals, the number of areas in which they would be eligible to participate would also increase. Since the accession talks prioritise the “Fundamentals First” principle, aiming to frontload reforms in the area of the rule of law, it is hypothesised that countries that have recently begun negotiations will open the Fundamentals cluster early in the process.



## Bibliography

Blockmans, Steven, Emerson, Michel, Mihajlović, Milena Subotić, Strahinja, [Template 2.0 for Staged Accession to the EU](#), European Policy Centre (CEP - Belgrade), 2023.

Council of the European Union - [General Secretariat, Communication](#), 2024.

European Commission, Directorate-General for Neighbourhood and Enlargement Negotiations, [Commission presents a new Growth Plan for the Western Balkans including €6 billion in grants and loans to accelerate economic convergence with the EU](#), 2023.

European Commission, [New growth plan for the Western Balkans](#), 2023.

European Council, [Strategic Agenda 2024 - 2029](#), 2024.

European Economic and Social Committee, [Keeping the EU enlargement momentum: civil society's push to bring benefits to Western Balkans through gradual integration](#), 2024.

European Economic and Social Committee, [Enlargement Candidate Members' Initiative](#), 2024.

European Parliament, [Deepening EU integration in view of future enlargement](#), 2024.

European Parliament News, [Serbia did not fulfil its commitments to free and fair elections, say MEPs](#), 2024.

European Policy Centre (CEP - Belgrade), [The Initiative for a Staged accession to the EU](#), 2024.

General Secretariat of the [European Council](#), [European Council meeting \(23 and 24 June 2022\) – Conclusions](#), European Council, 2022.

Germany, Slovenia, [Non-paper on a more efficient Enlargement Process – suggestions for technical amendments to the Enlargement Methodology](#), 2024.

Karppi, Alexandra, Smeltzer, Mike, [Nations in Transit 2024 - A Region Reordered by Autocracy and Democracy](#), Freedom House, 2024.

Marina, Nord, Lundstedt, Martin, Altman, David, Angiolillo, Fabio, Borella, Cecilia, Fernandes, Tiago, Gastaldi, Lisa, Good God, Ana, Natsika, Natalia and, Lindberg, Staffan I., [Democracy Report 2024: Democracy Winning and Losing at the Ballot](#), University of Gothenburg: V-Dem Institute, 2024.

Stojić, Marko, [Anchoring or Undermining Democracy: The European People's Party and Democratic Backsliding in Serbia](#), Journal of Common Market Studies: Volume 62, Issue 2, March 2024.

Subotić, Strahinja, [On financial and economic implications of the Staged accession model on the EU budget, and on acceding countries' budgets](#), European Policy Centre (CEP - Belgrade) & Centre for European Policy Studies (CEPS), 2023.

Subotić, Strahinja, [Setting the Stage for Enlargement](#), European Policy Centre (CEP - Belgrade), 2024.

Subotić, Strahinja, [Enabling gradual access to EU institutions with the Staged accession model](#), European Policy Centre (CEP - Belgrade) & Centre for European Policy Studies (CEPS), 2023.

Subotić, Strahinja, Pavković, Miloš, [Identifying Inconsistencies in the 2022 European - Functioning of Democratic Institutions in the Spotlight](#), European Policy Centre (CEP - Belgrade), 2023.

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European Policy Centre - CEP - is a nongovernmental, non-profit, independent think-tank, based in Belgrade. It was founded by a group of professionals in the areas of EU law, EU affairs, economics and public administration reform, with a shared vision of changing the policy making environment in Serbia for the better – by rendering it more evidence based, more open and inclusive and more substantially EU accession driven. Profound understanding of EU policies and the accession process, the workings of the Serbian administration, as well as strong social capital combine to create a think-tank capable of not only producing high quality research products but also penetrating the decision making arena to create tangible impact. Today, CEP organises its work into four programme areas:

- 1) Good Governance
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