“Institutional&Practical” Dynamics of EU Enlargement Decision-Making: EU Machinery Effect

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Abstract

Enlargement policy can be considered as maintaining a strong external relations dimension in the sense that the EU negotiates important agreements, such as association agreements and accession treaties, with external partners. According to the TEU the Council, in the form of an intergovernmental conference and acting unanimously, is defined as the formal decision-making body in the field of enlargement. Meanwhile, the Commission and the Parliament seem to be given mainly consultative or secondary roles. However, a more substantive analysis of institutional dynamics of enlargement policy-making would expose a more complicated picture. It will be attempted in this paper to answer what kind of an impact do the internal production processes within and between the institutions – that are labeled as “institutional and practical” dynamics in this paper – create over the enlargement decision-making structure in the European Union. It is hypothesized that although there appears a growing nationalization and intergovernmentalism in the meta-enlargement policy and strategy, the “institutional and practical” dynamics nevertheless creates an EU Machinery which favors the supranational ‘community method’ alongside the formally intergovernmental process. While discussing the issue, a comparative analysis of the fifth enlargement, largely known as the eastern enlargement, and the ongoing process will be accomplished. The analyses in this study are mainly taken from author’s doctoral research project which included 35 in-depth interviews with enlargement policy-makers as well as an exclusive analysis of the existing data in the relevant literature.

Keywords

EU decision-making, enlargement, institutions, interinstitutional relations

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**Introduction**

Enlargement policy can be considered as maintaining a strong external relations dimension in the sense that the EU negotiates important agreements, such as association agreements and accession treaties, with external partners. According to the *TEU* the Council, in the form of an intergovernmental conference and acting unanimously, is defined as the formal decision-making body in the field of enlargement. Meanwhile, the Commission and the Parliament seem to be given mainly consultative or secondary roles. However, a more substantive analysis of institutional dynamics of enlargement policy-making would expose a more complicated picture.

It will be attempted in this paper to answer what kind of an impact do the internal production processes within and between the institutions – that are labeled as “institutional and practical” dynamics in this paper – create over the enlargement decision-making structure in the European Union. If we try to explain the research question here with the terms of Alexander Wendt’s social constructivist theory, it should be said that the ‘institutional and practical’ dynamics will constitute micro-level interactions and that the result of their interaction with the macro structure – which is the entire enlargement decision-making structure in our case – will be inquired. The institutional and practical dynamics of enlargement process have gone through significant changes after the eastern enlargement process, notably in 2006. It is hypothesized in this paper that although there appears a growing nationalization\(^1\) and intergovernmentalism in the meta-enlargement policy and strategy, the “institutional and practical” dynamics nevertheless creates an *EU Machinery* which favors the supranational ‘community method’ alongside the formally intergovernmental process\(^2\). However, the *EU Machinery Effect* would not be sufficient alone to explain all enlargement outcomes unless it is completed with an additional explanatory variable which is the political will and leadership.

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\(^2\) I attempt to prove this argument in my PhD thesis, but not here. In this paper I will only try to describe shortly the institutional dynamics as well as their major impacts in enlargement decision-making. I cannot rigorously prove this argument in such a short article because of the simple fact that there is not enough space to do this and such an enterprise greatly exceeds the limits of an article. However, I will try to resume my main argument.
Before starting our inquiry, it is necessary to mention briefly, in this introductory part, the changing political context in the Union concerning the enlargement policy, notably after 2004. At first glance, the Lisbon Treaty does not seem to have affected much the content of enlargement policy-making because it amended the article about enlargement very slightly while not having touched to the rules (unanimity) or procedures (consent procedure) governing this policy area. Yet, it influences considerably the institutional dimension of the Union by redefining more clearly the roles and responsibilities of each institution and by adding new constitutional actors such as the European Council, the High Representative and the European External Action Service. In the area of enlargement, the Lisbon Treaty nevertheless caused certain substantial changes ³ (1) by giving the possibility of referring more concretely to the ‘Accession Criteria’; and (2) by taking the foreign policy dimension of the enlargement away and offering ground for some possible conflicts of competences in the future, notably when the enlargement to Western Balkans will constitute a concrete case to deal with.

While the Lisbon Treaty did not introduce many procedural changes per se in enlargement decision-making, the ‘renewed consensus on enlargement’ did. After the fifth enlargement round, with the changing political context a new strategy and meta-policy of enlargement arose. As a result, a new methodology in enlargement decision-making, notably in relation to the negotiations, was invented by the Council and the Commission. The major elements of this new strategy involve very strong emphasis on conditionality and much more stress to EU’s internal dynamics such as its integration capacity. The most important novelty of the new methodology consists of offering more control to member states over the whole process at all stages through the extension of the use of unanimity with the addition of benchmarks for opening chapters as well. This new methodology thus makes the enlargement process both more complicated and easier. More complicated for countries to join because of the more complicated and tough procedure of negotiations; but also easier for the Union to control and assess the full compliance of the applicants to the requirements of membership.

³ As these changes are not the subject of this paper and for the economy of place, the Lisbon Treaty changes are not studied in detail here. For more information on this issue, see Gidisoglu (2012), “Lisbon Treaty regime; New rules, new challenges and new games in EU enlargement decision-making”, paper presented at the Sixth Pan-European Conference on EU Politics, University of Tampere, 13-15 September 2012.
It does not mean that this new enlargement policy makes it impossible to enter to the Union but it requires more also from the candidate countries for committing really to the reforms, and for making sure that they come in with a clean page and that they stand to the test. Nevertheless, it would not be wrong to suggest that this new methodology could also allow the encumbering countries or the brakemen of enlargement to find easily many ways to delay, postpone or sometimes momentarily suspend the process at all stages. Furthermore, if we think how contextual and political the enlargement policy is, how different actors will make use of the Lisbon Treaty regime or the new enlargement methodology – to boost the enlargement process or to break it down – will largely depend on the context or on the candidate. The Union’s capacity of integration might not be the same for Croatia and Iceland or Turkey and Western Balkan countries even though all of them fully satisfy the criteria one day.

The analyses in this study are mainly taken from author’s doctoral research project which included 35 in-depth interviews with enlargement policy-makers as well as an exclusive analysis of the existing data in the relevant literature. The paper aims first to describe the ‘institutional and practical’ dynamics of enlargement decision-making in the three main institutions, namely the Council, the Commission and the Parliament, separately. Secondly, the main result of the interaction between these micro-level dynamics and the macro enlargement policy – which is presented here as the ‘EU Machinery’ – will be analyzed. For these purposes, a comparative analysis of the fifth enlargement, largely known as the eastern enlargement, and the ongoing process will be accomplished.

“**Institutional and Practical**” Dynamics in Enlargement

The reason why both adjectives in the title above, namely ‘institutional’ and ‘practical’, are taken together in the same bracket is that the dynamics that these terms describe are both institutional and practical “at the same time”. They are institutional because they are created within the borders of each institution; and they are practical because they are generated by the daily practical work of the agents which altogether compose the entire institutional body. To be more precise, the independent variables whose impact is being questioned in this paper involve the dynamics that are produced by the daily working practices and cultures within each of the
three main European institutions. In this first part, we will describe shortly these dynamics in each institution separately while focusing on specific actors that play a key role in daily enlargement decision-making in those instances.

**The Council**

Regarding enlargement, the Council is defined in article 49 of the TEU as the main decision-maker which shall act unanimously. The Council is formally the main forum during the whole enlargement process from the beginning till the end. When a country applies for membership, it is the Council to whom this application is addressed. Then, the Council asks a first opinion to the Commission which provides a kind of impact study about that application. Then, it is up to the Council to judge whether that application shall be considered and treated according to article 49 of the TEU. From the first moment when the application is launched to the last moment when the accession treaty with the candidate country is signed, the Council should approve by unanimity every step in the process including the acceptance of the application, the terms of association agreements, the recognition of different status such as candidate country or negotiating country, the common negotiation positions in all chapters, opening and closing of chapters, finalization of negotiations and the terms of accession treaties.

As unanimity is required at all these different stages, the Council decision-making in enlargement is mainly shaped by the common knowledge that any member state can block the process at any moment. This knowledge might sometimes shape in particular the way Presidencies set the agenda of the Council. This happens as well in qualified majority context and at the COREPER level. Even when qualified majority voting is the rule and the necessary majority exists, there is a strong sense of not isolating countries and not putting them in a minority if they really have important issues at stake. One of my interviewees from the COELA group (the enlargement working party in the Council) phrases this general feature of policy-making in the Council with the following words:

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4 Every formal decision in enlargement is taken by unanimity except one which can be taken by a qualified majority when it comes to suspending the negotiations with a candidate country.

5 If they know in advance that a member state will block something they might not push the discussion on a specific point.

There is an interest in moving forward but it is never as strong to put a member state in minority or putting a lot of pressure on him for he releases his veto. This is a kind of tacit rule of the game; if a member state has a real problem we try to help or encourage him to come out but finally we wait until he solves his problem ….. If we put a member state in minority at any time it can have a counter-part in the future. This is a form of compromise at each step which is heavy but ensured so far that there has never been a failure in the process.

My findings show that enlargement issues are to 90-95 per cent dealt at the COELA group level and very few issues goes to COREPER and the Council of Ministers and less so to the European Council. The enlargement package in autumn is discussed in COREPER but really decided at the level of the Council. Ambassadors seem to intervene to the work of COELA only when there is a highly sensitive or political issue. The mere fact that COELA group itself has almost never made subject of an in-depth scholar analysis, despite being the de facto decision-making center in enlargement policy with a number of 90-95 per cent of all decisions made at that level, is sufficient proof for showing that enlargement decision-making process (not the meta-enlargement policy) as well as its practical dynamics has constituted a scholarly underexplored area so far. Although there is a huge amount of data about COREPER’s place in EU decision-making in general\(^7\), there is almost no data\(^8\) on enlargement working group know currently as COELA\(^9\), except an unpublished master thesis\(^10\), which includes interviews with COELA members as part of a research project that does not directly deal with decision-making in COELA, and very few references in some studies. Therefore, all descriptions and analyses in the following part are generated by my interviews.

\(^{7}\) However, I could not find any specific study on COREPER decision-making in the field of enlargement.
\(^{8}\) The only data about enlargement working group I could have found in eastern enlargement literature was placed in Ludlow’s book (The Making of the New Europe, 2004, p. 45) where he proposes – while speaking about the formation of common positions in the Council following Commission’s proposal – that “[I]n nine cases out of ten, this [shaping common positions] meant agreement within the Council Working Group on Enlargement, composed of middle ranking officials in the member states’ permanent representations. Where the proposals were contentious, however, both COREPER and ministers could and did get involved”. This little mention by Ludlow seems to be the only source confirming that almost 90 per cent of the decisions about enlargement were made at the level of working group also during the fifth enlargement process.
\(^{9}\) The group was not called COELA during the fifth enlargement process. I could not find any specific name for it at that time but it was referred most of the time as ‘Council Working Group on Enlargement’.
\(^{10}\) Cruce Fredrika (2008), EU Enlargement – A Powerful Foreign Policy Tool? A study of Member States’ actions in the enlargement negotiations, Unpublished Master Thesis, submitted to Lund University, supervised by Ole Elgström.
**COELA group**

One can ask why so much is done in COELA? How does it become possible that a working group does what in general COREPER do in policy-making; 90-95 per cent of *de facto* decision-making? I addressed this question to COELA group members in order to find an answer directly from the first hand. While answering this question, they made a common emphasis on two things as the main reasons of this situation; (1) the technicality of the issue – that 90-95 per cent of decisions are really technical and cannot be dealt at the level of ambassadors who do not have neither time nor competence for this – and (2) the tradition in enlargement policy to handle the issues at group level – because member states know that those concrete documents can only be really discussed at this level and if there is no consensus at this level it would be almost impossible to find it at higher levels. Some COELA members also mentioned professionalism and horizontal view of the delegates in the group who are not experts from line ministries like in other working groups but experienced diplomats. So, they have a certain margin of maneuver and if they retain a good communication with their capital they might negotiate and agree at group level.

Moreover, there are also a few individual explanations that can be interesting; one interviewee told that if the member state in question does not have a vital interest in enlargement policy and if its delegate is experienced enough; he or she can negotiate and agree at group level more easily. Another interviewee suggested that one of the reasons why technical question can easily be dealt at the level of COELA is the fact that the current group members have some reference points about almost everything which were engendered during the experience of eastern enlargement. Another interviewee stressed the intergovernmental nature of the process and suggested that as one cannot be output during negotiations because of the unanimity rule and intergovernmental nature, you can negotiate and find compromises more easily at group level.

In order to better understand COELA’s work and influence, how the process advances in practice should be described. The negotiation process starts concretely with the screening made by the Commission. Depending on the existing legislation of the candidate country, it can generally take quite long time such as one or two years. Then, the screening report goes to COELA group and is discussed in its meetings. It takes also some weeks. Afterwards,
COREPER would as well need to adopt the screening report after which the Presidency will send a letter to the candidate country for affirming the outcome of the screening. In that letter, the Presidency can tell ‘you have to do that and that; or there is no need for conditions we can open the negotiations, please present your negotiating position’. When this letter arrives to the candidate country it takes sometimes there to formulate the negotiation position which is sent to the Commission. If the Commission thinks that there is need for some adjustments it addresses a dialogue with the candidate country. When the Commission becomes satisfied about the outcome, the position will be assessed formally in a draft common EU position and presented to the COELA again.

After the screening process is officially finalized, COELA group is given proposals from the Commission whether to open every single chapter or whether to set up some opening benchmarks. If opening benchmarks are proposed by the Commission or requested by the Council – which became the usual practice almost for every chapter today – then agreement by unanimity should be found on opening benchmarks. After these opening benchmarks are fulfilled a chapter can be opened for negotiations. So, this is the first substantial thing that the group usually does; negotiating and deciding on the conditions of opening every single chapter. Then, it is more or less in the hands of Commission. The Commission is dealing with every candidate country and negotiating with them the terms of possible arrangements (temporary derogations, postponements, time frames, safeguard clauses, etc.). When the Commission comes to a conclusion that the chapter is ready to be closed, it prepares a draft common EU position on provisionally closing the chapter. Then, this draft common position goes back to the working party where COELA members decide once again on the conditions of provisionally closing the chapter.

When the draft common position comes before them, COELA members report back to their capitals about Commission’s proposed text. Back home in the capitals, all the other ministries concerned by the chapter in question are consulted; they go through the text and come up with a position. How much time this process can take depends generally on the subject and on the availability of personnel in national ministries. This is also where domestic politics can play a certain role because ministries back home can be run by two partners of a coalition. The different views for example on the accession or on a particular subject can be challenging because the two
ministries have to find a common position which then is to be represented by the COELA member in Brussels. This process can take some time and block things.

So, if there is the green light from the capital, it is agreed in COELA; but if there are amendments, delegates propose changes and try to find allies in the group. In most cases, member states demand via COELA many changes (minor or major) on transitional periods, exemptions or other arrangements. When the agreement is found on all terms of a chapter in COELA, the draft common position on provisionally closing the chapter is sent to COREPER for validation. In some cases where the agreement is impossible to find in the group because of the delicacy of the subject, then the issue is directly transmitted to COREPER for discussion and guidance. That is basically how the process works for the technical part of the negotiations.

According to what COELA members say, the Commission’s recommendations are followed or agreed on by the Council in most cases but frequently with some adjustments. It is more often that for example closing or opening benchmarks in the end get tougher compare to initially proposed versions by the Commission because of different member states’ demands or veto threats. The fact that all decisions in enlargement should be taken by unanimity makes it more problematic when there is a strong bilateral problem between a member state and a candidate country. Besides Greece and Macedonia, there are other examples in the current process such as the bilateral issues between Croatia and Slovenia or Turkey and Cyprus and the recurring blockings. The ‘TAMELIN Nuclear Power Plantation’ issue between Czech Republic and Austria during the fifth enlargement process can also be stated as a significant example of blockage in negotiations due to bilateral problems.

Despite all kind of bilateral blockings, COELA group mostly manages to find an agreement sooner or later, formally or informally. Informal contacts outside the meeting room

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11 One exception in the current process is the case of Macedonia where the Commission – strictly following the Copenhagen Criteria – has recommended starting negotiations but because of the named bilateral issue Greece has blocked the process for very long time.

12 In case of Croatia, the Hungarian Presidency pushed a lot for a solution in order to have a final decision about Croatia’s entrance; however the issue was purely blocked in the working group level and the politicians could not do anything about it. Interview in the European Council, COELA group.

13 One example of a politically sensitive problem which is solved at group level during the fifth enlargement process concerns the very small fishes that Polish and Estonians were eating in the morning together with egg. Concerning the EU legislation, this small fish is not allowed to be caught. This issue, albeit being highly important and sensitive
are as important as formal group meetings for finding compromises. Before formal weekly COELA meetings, which take place in general every Tuesday and Friday, there are usually short briefings among the representatives of the Commission (from enlargement strategy unit), the Presidency (COELA group chair or his assistant) and the Council Secretariat (from enlargement unit and legal service). Those briefings are quite informal, very detailed and very regular meetings. This close and regular cooperation seems to be very important for the work of the group because everybody working in or around COELA mentioned the contribution of this cooperation to the smooth running of discussions in the group and the smooth convert of the negotiations or the overall process.

In addition, almost everybody, especially COELA members, states the importance of their informal contacts and suggests that networking is the most important aspect in policymaking. As one of my interviewees defined it; ‘the EU is a big talking machine’. Interinstitutional relations continue ceaselessly on daily bases and my interviewees propose that they formulate the real deals or compromises during those informal contacts outside the formal instances or meetings. To cite one of my interviewees: “the group’s official meeting is nothing but the emerging part of the Iceberg. The real iceberg is what happens around; those informal meetings, contacts with the Presidency, with the Commission, with other member states”.

Through these informal contacts COELA advisers understand each countries position and try to formulate possible policy options for their home administrations. The fact that it is those COELA members who assess the situation and formulate policy recommendations for their capital makes them also important players in the definition of national position or more generically ‘national interest’ in negotiations. According to my interview findings, all COELA members state that their capital follow their recommendations in a big majority of cases. The group members that I interviewed are aware of their limitations resulting mainly from their instructions; however they are also aware to the same extent that they might have a certain personal influence in shaping their national policy and consequently their own instructions –

for candidates, was never discussed on political level. It was only discussed on the working group level until it has been finally solved. Interview in the European Commission.
such as the case of COREPER ambassadors. The following citations from two COELA members explain very well their perception about their own personal influence:

You can write [to your capital] your personal impression that might be influenced not only by what one country said in the group but also what they told you over lunch …. They [informal contacts] certainly have an impact as it is us who report. It is us also who come up with compromise proposal. It is not always the presidency or the presidency together with some member states. If you invest a lot of time to work on a text, a compromise text, you certainly want to put it through; you report back to [your capital] and say ‘this is a compromise we have found, these were the positions of others and this is our position and I think by trading this against that we made a huge step forward, etc’. This is actually my role also and those of my colleagues.

We can use the COELA group to send signals or messages to the Commission or other member states. We know that we are all reporting for the meeting and so providing our capitals with not only poor reports but also assessments; ‘this is our assessment. These are our like-minded, we know them but here is one country that says something very interesting; perhaps that we should talk to that capital in order to make them work commonly’. That is not only the game in Brussels; but also how it happens in Brussels actually influences what the capitals will do in relation to other capitals.

Besides the importance of informal contacts, another informal or unwritten rule of COELA group is mentioned by many interviewees; to do the lobbying or maximum negotiations beforehand and not to leave a lot of unsolved issues to the formal meetings. This specificity of the group leads to another particularity of COELA which is the fact that most of the time group members do not have to discuss issues for many hours without finding a solution – which might often be the case in other working parties. According to what one of my interviewees from COELA reported, it happens sometimes that someone raises an issue and then the point immediately disappears and then comes back in the agenda with a compromise solution which is shaped outside. So, they do not spend time with discussing that point during the formal meetings. Additionally, it is told that every word counts in COELA; therefore, delegates intervene only

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14 How their administration is organized and how much their country is interested in enlargement policy are also two important elements that influence the extent of the room for maneuver of COELA members. Generally speaking, the more their home administration is well organized and coordinated, the more they feel confident and having a larger flexibility. The less their country is interested in enlargement policy the more they feel to have more room for initiative because they do not have very strict instructions in all chapters.

15 The name of the respective capital is taken off for protecting the rule of anonymity of interviews.
when they really have an issue to rise. At the same time, it makes the delegates more attentive about everything they say and also pushes them to come well prepared by working on compromises beforehand.

It is also stated many times almost by all group members that there is a strong pressure in the Council to solve almost all problems at the level of COELA and not going to a higher level. This unwritten rule also creates an additional pressure on delegations to solve or alleviate their problems or veto at the group level because the deals should be done in the group. One of side effects of this pressure for compromise results in turning the isolation into a very undesirable position for members. None of the members finds isolation as an easy or desirable position in the group. Therefore, they spend a lot of time and energy on trying to find allies or like-minded states. One of my interviewees resumes that situation as such;

Being isolated in the group is not a good thing; meaning that if you do not have a politically vital interest at stake there is a strong pressure to solve your problem. There is a strong pressure to solve your problem because the non-written rule is that the deals are done at group level.

My interviewees in the COELA group commonly suggested that there is not a general rule or trend for this ‘isolation’ issue and it could be better understood case by case. All of them agreed that it depends a lot on the issue at hand and on the member state in question; notably on how much this particular issue is important for the member state in isolated position. How much this issue is important for other member states is also said to be another determining factor. Nevertheless, it also appears from the discourse of the interviewees that nobody prefers to stay in an isolated position and all of them try to avoid such a situation because they also say that it becomes quite embarrassing after a certain time to hold your reserve for very long time and not to accept any compromise. The unwritten rules of the group or the Council in general are quite often mentioned by the interviewees as set of rules to obey. Thus, the ‘logic of appropriateness’ seems to be very strongly present in COELA group as well.
Currently, it is a particular transition phase in the history of COELA group which consists on a continuing renewal of the members; important figures witnessing the fifth enlargement process have recently left the group during the period between 2010 and 2011. Currently, the group is at the stage of strong changes which has a direct influence on general discussions because new comers need some time to find first their own manner and simultaneously learn the unwritten rules of conduct that have been constructed over years and reconstructed continuously with every structural change in the formation of the group. When we look at the current demography of the group, it is seen that the post of COELA member and enlargement counselor in most of the permanent representations is granted to junior diplomats at the very beginning or late beginnings of their career. Nine out of ten of the COELA members that I interviewed were junior diplomats aged between 25 and 35 (or maximum 40) years old.

Conversely, it is told that during the fifth enlargement the working group on enlargement was composed of senior or middle ranking diplomats who would probably be named as ambassador in a third country following their posts in the Council. It is also stated that those senior diplomats used to work with an incredibly high rhythm and to meet every day between 9 am and 11 pm. The major explanation for this quite different workload and profile of the working group is actually quite simple. As the concrete negotiations with the candidates of the fifth enlargement process advanced incredibly fast and all negotiations with ten countries had been finalized within two and a half years, the enlargement working group used to have an incredibly heavy workload. This very fast process and the political will to complete negotiations very quickly constituted also the main reasons why member states chose to appoint experienced senior diplomats as working group members. However, with the change in the political context after 2005, the group’s profile has also been adjusted. As there is no more such a big workload and time pressure, the working schedule of the group is reorganized. As the enlargement policy is not a high priority any more in the Council, the profile of group members has been transformed from senior to junior diplomats. This change in group’s profile is both a consequence and an indicator of the change in meta-enlargement policy in the Council.

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16 Meaning especially the year 2011 when the interviews were done.
17 Interview in the European Commission, DG Enlargement.
18 Interview in the European Council.
19 Interview in the European Council, COELA group.
The Commission

Regardless of what the Commission can or cannot do in different policy areas, overall it is “a central EU policy actor”\textsuperscript{20}. Nugent supposes that\textsuperscript{21} the functions and responsibilities assigned to the Commission in EU system have turned it into a kind of mixture of a government and a secretariat cum civil service; in other words, into a hybrid body with powers less than those exercised by national governments but much greater than those enjoyed by secretariats of other international organizations. Many roles, formal and informal, of the Commission are described in the literature. Hooghe and Nugent make a good summary of these functions\textsuperscript{22}.

Besides, the physical and internal restrictions of the most important decision-making bodies, namely the European Council, the Council of Ministers and the European Parliament (EP), have created opportunities for the Commission to exercise to a certain extent “leadership roles in relation to the shaping and management of political and policy agendas”\textsuperscript{23}. The presumably most important leadership role of the Commission finds its roots in EU treaties and takes the form of agenda-shaping through the monopoly of ‘right of initiative’ in legislative areas. Besides its exclusive right of proposing legislation, the Commission can bring forward policy proposals as well. Beyond this formal leadership task, Sandholtz\textsuperscript{24} also names the informal leadership roles as: suggesting – pointing out to potential collaborators areas where collective action would be mutually beneficial; mobilizing – bringing potential collaborators together; informal agenda-setting – defining issues and identifying frameworks of possible action; building consensus and brokering compromises.

If we follow Dinan’s\textsuperscript{25} classification regarding the five stages of the enlargement process – namely pre-accession, application, negotiation, ratification and implementation stages – the Commission exercises, to a greater or lesser extent, certain functions at all stages\textsuperscript{26}. In the pre-
accession stage in which it becomes clear that an application is probable, the Commission assists
the potential candidates in their efforts for complying EU application criteria by preparing and
administering some assistance programs and financial aids. Prior to EFTA enlargement the
Commission was not used to do much at this stage other than estimating the possible impacts of
a probable enlargement; but after the EFTA round it became more evident that a well-developed
pre-accession strategy is certainly needed in the process, notably in the case of CEECs.

During the application stage which is the period between the reception of a membership
application and the opening of accession negotiations, the most important action of the
Commission concerns the production of an opinion on that particular membership application. In
the treaty, the Commission is tasked to provide an opinion before the Council could take the final
decision. In practice, the Commission gives two opinions; one is the informal one in the
beginning and the other is the formal one at the end of the process. The ‘article 49 opinion’ is the
one where the Commission should adopt its formal opinion at the end of the process. For
example; on the 12th of October 2011 the Commission adopted its formal opinion on Croatia.
This was a 2 or 3 pages document. But the other opinion – “the real or the political one” as one
of my interviewees in the Commission called it – is given prior to the opening of accession
negotiations during the application stage. When a country applies, the Council asks the
Commission its opinion, and then comes this long opinion which goes through all the
Copenhagen criteria, which then recommends whether the accession negotiations should be
opened or not, incidentally whether the country should become a candidate country or not.

The negotiation stage constitutes the core of enlargement process; notably when one
analyzes the enlargement policy in terms of decision-making traits, the major process that should
be taken into consideration is the negotiation stage. Here, the Commission plays the biggest role
even though it is formally the Council’s responsibility to conduct the negotiations with the
candidates. However, in practice it is the Commission who plays the role of de facto or “real”
negotiator at that stage because the concrete negotiations are conducted via the Commission,
more precisely the enlargement commissioner and DG Enlargement, who negotiate the terms
with candidates, then present the outcomes to the Council and finally re-negotiate – if necessary
– with the candidates following the common position of the Council. The Commission’s role is
probably most limited during the ratification stage which concerns mainly the existing member
states, the candidate countries, and the EP. Its responsibilities are limited to technical assistance
and to providing information when requested. Finally, the implementation stage affects mainly
new member states and the Commission’s involvement is also limited in that stage to assisting
and watching over the implementation processes as *the guardian* of EU laws and treaties.

Regarding the practical dynamics of enlargement decision-making process, it should be
said that the Commission has a key role at all stages. It has a key role in proposing to move to
next steps; candidacy, opening of accession negotiations. It has a key role throughout the process
on monitoring (all these reports, etc.) and managing the agreements. Hence, managing the
agreements, either the association agreement with candidates or the SAAs (Stability and
Association Agreement) with other potential candidates, might give an important power to the
Commission. Part of this power is formal; for example there is a specific legal role attributed to
the Commission regarding the SAAs, but another part is largely informal; for example the way
the Commission uses these agreements on the way to the accession. The Commission prepares
all drafts for the negotiations and this is not written anywhere 27 but rather decided *ad hoc.*
Ironically the Commission has a strong role there where it is not put in the treaties than in other
areas where it is in the treaties.

The officials working in the Commission named several different roles that their
institution undertakes during the enlargement decision-making process. Among others, the most
mentioned key roles include ‘the invention of a certain methodology for the enlargement
process’, ‘making political arbitrary’ and ‘being the intermediary between the member states and
candidate countries’. Especially, this negotiation methodology and framework, prepared and
proposed by the Commission during the eastern enlargement process and went through certain
changes afterwards, endows the Commission with an important power of control and expertise
over the process.

In addition, some other individual roles are stated by the interviewees such as; managing
agreements (notably Association Agreements), being honest broker and guardian of the *acquis,*
helping member states to find consensus, providing support and assistance to candidates. It
should also be added that the role of active political arbitration in case of crisis or politically

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27 It is written in the negotiating framework but that is not a treaty.
sensitive bilateral problems between a member state and a candidate is stated for the period of eastern enlargement. Another key contribution of the Commission to the Eastern enlargement process is said to be its involvement in preparing the ‘Agenda 2000’ document and strategy. It should additionally be reminded that Commission officials grant great importance to their roles as ‘honest brokers’ and ‘neutral and apolitical bureaucrats’. One of my interviewees resumed this situation;

We, in the ideal case, are apolitical. We are the ‘honest broker’. We in the Commission have to describe the situation as it is. It is the ideal situation but it is not always the case because life is never perfect. But ideally we do not make politics, we describe the situation exactly how it is and say ‘the country is well prepared. We open and close the chapter thank you very much’ or ‘sorry the preparation is insufficient we cannot close the chapter’. That is our task. If the Council overrules us then it is fine, we can live with that. But we should be as factual as possible; without any political interference. This is our aim. This is what we strike for.

Within the Commission, my interviewees considered that the preparation phase is very important in the sense that all Commission positions are in practice being shaped during the preparation with the involvement of all interested DGs. Thus, inter-service consultation and the work of cabinets are two elements that have been put forward most of the time about enlargement decision-making in the Commission. For the enlargement is a very horizontal policy covering all other policy areas of the Union, the preparatory work between the DGs becomes equally important as the internal preparation in DG Enlargement.

The two main contributions of these preparatory phases are cited to be (1) ‘finding consensus within and among the DGs’ and thus (2) ‘clearing the ground for the higher levels in the hierarchy or isolating major political issues’, in other words ‘taking the technical part away and determining what should go up for political discussion or orientation debate in the college’. Some other supporting roles are also mentioned such as; ‘ensuring that the factual base of decisions is correct’, ‘explaining the negotiation rules to candidates while trying to sensibilize and convince them on all technical issues related to the negotiations’ 28, and ‘giving room to

28 An interviewee in the Commission explains this; “the Commission has an important role simply to provide support to the country in understanding what the EU is; what membership entails and understanding therefore what
experts and officials to express their views, to have a certain influence on the process and to feel involved’. This final element can also be considered not as a determined role but rather as a side effect of the process.

As argued by Liesbet Hooghe29, “[t]he conventional notion that the Commission is a unitary actor is misleading. In reality, the Commission is culturally diverse and politically divided”. Political preferences, administrative and social styles vary considerably from one DG to another. Therefore, it is necessary to take a closer look at the dynamics within DG Enlargement for having a better understanding of Commission’s practical impact in enlargement decision-making process.

**DG Enlargement and the College**

According to the practical decision-making in the Commission, things start from DG Enlargement, than there is the usual procedure of inter-service consultation when there is a formal decision to be taken. If something is going to be decided by the College, all, even the remotely interested, services are consulted and the process of consensus is put forward. Practically it happens in the following way; the proposal is sent to all interested services and there is a reply which is either ‘I agree’ or ‘I do not agree’ or ‘I agree provided you take into account some remarks’. The officials try to build a consensus among the services but if there is no consensus at this level, then the issue goes up to the cabinets and they usually solve it. And finally it goes – if there is no consensus at the cabinet level – to the College where there is formally a majority rule; but in reality usually things are agreed by consensus.

To be more precise, there is a level of informal consultation even before these official ones. So, usually when a text is sent to the inter-service consultation, the most important actors had already discussed with each other. One official explains these pre-agreements before the official inter-service phase; “we do not go there and surprise the others with a text which they have never heard of”. The inter-service consultation is mainly for proposals. The enlargement strategy paper and progress reports go to inter-service consultation as well but it is mainly done kind of preparations are necessary at all levels. It is a lot more than just about changing regulations, it is a kind of character”.

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with the written procedure. There are often no official meetings; DGs certainly meet but without discussing formal inter-service consultation on enlargement package. They discuss more practical things. The representatives of all DGs cannot possibly discuss the future enlargement policy in a forum with 32 people. This kind of orientation discussions happen more in smaller groups and more concretely in DG Enlargement in the months leading up to the strategy paper. Hence, three strategy meetings occur in DG Enlargement; with the commissioner, with the director general, if necessary with other director generals.

Only after all these informal pre-contacts, the proposal goes up into the Commission hierarchy, including the cabinet, before it goes into a formal inter-service consultation. But 90% of the issues are solved at the technical level because they are mainly technical issues. Obviously, there are a couple of political issues as well in a number of chapters; in such cases this is more the role of the country unit or sometimes the cabinet to bring these politically sensitive issues into the process. In purely technical terms, the draft common positions and screening reports are not “formally” adopted by the College. There is a derogation from the general rule because enlargement is a specific and formally intergovernmental decision-making process and the Commission does not have a formal right of making proposals to the Council. However basically, these enlargement related documents have to go through a formal inter-service consultation like any other document.

But then, instead of going to the full College which adopts them; the College round is replaced by the so called “cabinet round”, which includes the cabinet of the commissioners concerned plus always representatives from Legal Service and the Secretariat General (in the name of Commission President). They have to agree on these “informal” proposals. Once they agree, then the document is sent over to the Council by DG Enlargement and not by Secretariat General – which is the normal procedure when sending formal Commission proposals to the Council. Precisely because of the intergovernmental nature, it is not a formal Commission proposal. Member states in theory are free to change it any way they want provided the unanimity to do it. Technically speaking, what the Commission sends as a proposal is a kind of working document trying to help the member states to find a consensus.
After the preparations are done at the level of services, final decisions are largely shaped by cabinets of commissioners in most cases, by the College in some cases, or by the Presidential arbitration in a few cases. This high political level in the Commission does not only serve as a finalization point but also as an initiator of policy. Commission’s working program and political agenda are also shaped by the College at the first place. The commissioners are also involved via their cabinets during the preparation phase in relevant DGs. Therefore, we will now mention these political level actors and their decision-making practices.

In relation to the internal functioning of the Commission in enlargement, there are two special meetings of cabinets before the autumn package is discussed in the College; one among the vice chefs or the responsible desk officers in the cabinet and then the other among the chef of cabinets (called HEADCO – meaning head of cabinets). There is always a meeting of head of cabinets before every College meeting but there is specifically one on enlargement when it will be discussed in the College (which is the case for the autumn package) that takes place the Monday before the College meeting. Those are specific meetings, notably for the autumn package which includes enlargement strategy paper and progress reports on each candidate.

Besides this, there are some information points made by the responsible commissioner to his colleagues after a specific event or a visit in a candidate country. In addition, during the accession negotiations, there is a closer cooperation of cabinets, especially on certain difficult chapters and notably in the case where the technical line DG refuses the proposition of DG Enlargement. If the conflict between the line DG and DG Enlargement arrives to a point where it could not be handled among cabinets, then there will probably be a discussion in the College where the Presidential position, represented by President’s cabinet, might most probably be prevalent.

Regarding the enlargement decision-making in the College of the Commission, my findings affirm clearly that issues related to enlargement comes before the College only a few times in the year; there are also ‘orientation debates’ and ‘seminars’ once or twice a year in order to discuss the big picture about enlargement. Individual decisions do not often come to the College for oral procedure; they are rather dealt among cabinets and go to the College for written

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30 Interview in the European Commission, DG Enlargement.
procedure. Once a year, ‘the enlargement package’ of the Commission (including enlargement strategy paper and individual country progress reports) is discussed in the College with an oral procedure.

Moreover, it rarely happens that some politically sensitive issues are discussed in the College. When there are issues of a more political character, then there is the discussion in the College. For instance, the discussions for the preparation of the 2006 decision on the bases of the renewed consensus of enlargement; they were based on a communication from the responsible commissioner. He suggested the policy lines which were then discussed in the College\(^31\). But these political discussions on enlargement issues are much less today than it was the case during the eastern enlargement process. Substantially, the decisions are always made by consensus in the College even though the simple majority is enough technically. Finally, the most important actors in the College about enlargement are the commissioner responsible from enlargement and the President.

In the case of enlargement, the Commissioner is the “real negotiator”. Even though in formal terms it is the member states who negotiate and the commissioner, formally speaking, only facilitates the process; in reality the commissioner negotiates with a country and it is the commissioner’s role to find a kind of common line between member states’ positions and candidates’ positions. A concrete example would be the area of free movement of workers. During the fifth enlargement, free movement of workers was certainly the issue where Germany as well as the other member states had very strong view. It was commissioner Verheugen that came up with the compromise solution of 7 year maximum period for coming up to free movement of labor, with the possibility for individual member states to open up early if they want and the review close. In some ways, there was a macro trade-off between many related issues but the Commission managed to come up with the proposals that had the acceptance\(^32\).

The trick for the commissioner in charge for enlargement and his cabinet is always to build the necessary support with the aid of the President. That is a large part of the job of the commissioner for enlargement. Once you get to the stage of decision by the College itself, the other members really have a limited role. Almost 90 per cent of the time at least the College

\(^{31}\) Interview in the European Council, DG Enlargement.  
\(^{32}\) Interview in the European Commission.
endorses what the enlargement commissioner and the Commission President have already pre-decided with possible side payments to other member states. It can be deduced from my interviews in the Commission that Commission President is increasingly becoming a more powerful figure within the College and obtaining his support becomes essential for all commissioners who would like to achieve their goals in managing their portfolios.

The European Parliament

The EP is the less involved actor in daily enlargement decision-making. Its formal role consists of giving consent to the membership of a candidate at the end of the negotiations. However, it exercises some informal powers and influences during the whole process. Regarding EP’s informal powers in enlargement, the most important one seems to be EP’s political involvement in promoting EU values within the candidates and in promoting the EU debate on the ground in those countries. Another important informal, soft power kind of influence of the EP consists of overcoming different political problems, conflicts or disputes in candidate or potential candidate countries because the EP is the most political institution of the Union and to this title it can get involved more easily in political arbitration. The Commission does surely extremely important work on all practical, administrative areas as well as on negotiations but it tries to avoid getting too much into political issues in candidate countries.

For example, the political crisis in Albania or Macedonia-Greece issue, they are too sensitive in the eyes of the Commission. So, it prefers to hide himself behind strict formulations which are mandated by the Council where usually there is no agreement on those issues because there is a division between member states. Here the EP sees the opportunity as a political body to come in the game and exercise a certain influence. It can afford to be much more outspoken, much more critical and much tougher on different issues of human rights, rule of law, democracy, etc. In one of my interviewees’ (from the EP staff) words; “it is like the good cop and the bad cop game; the EP is the bad cop saying a lot of things and the Commission is the good cop”.

Regarding the EP’s informal norm entrepreneurship and promotion of democratic values in candidates, it should be mentioned that the EP’s insistence on the insertion of a ‘democracy

33 Interview in the European Commission.
clause’ into the general budget of 1992 was the main factor ensuring the effective introduction of political conditionality into the enlargement process. Furthermore, the EP was the most outspoken actor on civil society issues, whether it be the commitment to parliamentary democracy in Slovakia, media freedom and diversity in Bulgaria, homosexual rights in Romania, or the rights of Russian-speakers in Estonia or Latvia. In addition, the EP’s attitude on ‘Roma’ minorities issue constitutes an even bigger example of EP’s political informal role in enlargement. It demonstrated very clearly to the candidates of the fifth enlargement that making progress in Roma issues was a precondition for garnering its assent. Finally, the personal impact of some MEPs or EP Presidents such as Pat Cox can be cited as another source of influence for the EP.

Although the Parliament is a political institution per nature; it is nevertheless quite different from national parliaments in many aspects. Most importantly, in the EP people are not bound by a government or an opposition. Here, in a way MEPs are much freer. One can come from a small party or from a small member states and yet still have a lot of influence. So, EP, albeit being a political institution, is also similar to other European institutions because it is quite consensual base, quite technocratic and less political in the sense of right wing-left wing policies or government-opposition conflicts. However, many things depend on the issue as well. For example concerning the accession processes the national bias still plays a significant part in the formation of MEPs’ preferences. One interviewee from the EP staff resumes this;

But of course it is very different if you speak about Turkey then Montenegro because in case of Turkey, you get into the classical debate. You have the same debate in the EP which you have outside. People come back with a national background.

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36 According to O’Brennan (2006, p. 106), Pat Cox’s (1999-2004) “energy, enthusiasm and commitment were a remarkable asset, which the Parliament deployed to some effect”. As an example to the activism of personal MEPs; it should be stated that as the result of the work of the EP’s rapporteur for Romania’s accession, Emma Nicholson, Romania had to go through a very long and very difficult process of salting out its orphanages and its adoption system.
37 Interview in the European Parliament.
Finally, it should be noted that the EP is not a homogenous body and thus it is difficult to generalize about its decision-making traits. Positions do not change only depending on the issue in question but also depending on the parliamentarians who deal with these issues. The “EP position” as such is thus difficult to determinate. As one MEP said:

We are in the EP, almost everything is possible. There is not “a culture”. Everybody has their own natural colors. So, you cannot speak about one color. Everything is possible in this EP; only how to proceed matters.

Having defined the major practical dynamics in all three main European institutions, we will now turn, in the second part, to the analysis of the interaction between these micro level dynamics and the macro structure of enlargement decision-making.

**Interaction between Practical Dynamics and Enlargement Decision-Making: “EU Machinery Effect”**

One of the main results of the interaction between micro level dynamics (practical institutional dynamics) and the macro enlargement decision-making structure becomes visible in the form of what I label ‘the EU Machinery Effect’. To state the conceptual definition here, *EU Machinery* is used to point to a kind of specific social structure that has been produced over years in the EU throughout the practical dynamics of decision-making and the resulting specific policy-making culture. It thus corresponds in practice to certain ways of doing things or certain unwritten norms, codes of behavior or rules that have been generated through practice and inter-institutional cooperation or fighting over time. With this conceptual definition, the constitutive relationship between practical dynamics and the EU Machinery becomes more evident. Micro-level interactions in enlargement decision-making constitute practical dynamics, whose interaction with the structure in his turn creates ‘the EU Machinery Effect’ in enlargement policy-making.

The EU machinery is however not a simple aggregation of practical dynamics. The concept also refers to the place of the “community method” in enlargement decision-making. As
the enlargement is an intergovernmental policy area, it is not ruled by the traditional ‘community method’ which is largely employed in most of the other policy areas such as internal market or CAP. So, in theory, the place of ‘community method’ is very limited in enlargement. The area is supposed to be reserved, at least legally, mainly to the member states and consequently to their representative organs; the European Council and the Council of the EU. However, the way enlargement decisions are prepared and made; and the way relations and negotiations with candidate and potential candidate countries are managed in practice necessitate the involvement of two other supranational actors, notably that of the Commission. Thus, there is a certain place for the community method in the practical management of enlargement decision-making process. And the EU machinery in enlargement involves this particular place of the ‘community method’.

Institutional environment and practical dynamics, that have been described in the previous section, play a central role in understanding the EU Machinery and its impact on decision-making. The first and foremost impact of institutional environment seems to be facilitating consensus or compromise even in cases where some or many of the member states vehemently oppose to a particular legislative act (in legislative areas) or a specific point in negotiations with candidates (in enlargement). Such an example explaining the impact of institutional dynamics can be found in Bo Bjurulf and Ole Elgström’s\textsuperscript{38} case study focusing on transparency regulation negotiations. They ask how did it become possible that the member states ended up by accepting a proposal that was largely perceived to differ from their national interests? A similar question has been raised several times in eastern enlargement literature. The argument of Bjurulf and Elgström is that it became possible for the relevant actors to accept the final deal thanks to institutional arrangements surrounding the process which created the necessary operational environment.

In the eastern enlargement, the institutional environment – as a part of the EU Machinery – fastened the process in two ways; by contributing to the construction of a ‘political consensus’ on the overall project, and by helping to find compromise solutions during many crises – small or big – in simultaneous negotiations with twelve candidates. Many efforts of the Commission, notably of commissioner Verheugen, in mediating between sovereign states or between

institutions during the fifth enlargement can be cited as proving examples. Just to remind one such example, the negotiations of one of the most sensitive chapters, namely the free movement of capital, on the eve of Nice European Council in 2000 can be stated here. On the mentioned question, member states, candidates and the DG in lead used to have very diverging views. In such a moment, three negotiators; the Hungarian negotiator, the negotiator from the Swedish Presidency of the time and the appointed negotiator of the Commission took the risk of making up a scenario in order to find a compromise between all parts and to lead the process to a successful end.

Why would those negotiators have personally taken the risk by going against the will of many member states or even of their own institutions, if they did not believe in the necessity of reaching an agreement for not losing the momentum of enlargement? They could have perfectly noted the non-existence of a consensus and preferred not to take a risk by intervening with a false scenario. On the other hand, one should also imagine that it might have not been possible to find an agreement in Nice without the efforts of these personal actors or other personalities such as the Commission president, the then enlargement commissioner and the representatives of the Presidency. This personal involvement of officials in order to fasten the process or to make it reach to successful ending constitutes a perfect example of what is called ‘the EU Machinery’. However, examples of such creative solutions about major and sensitive issues mostly relate to the period of the fifth enlargement but not afterwards. Can this be interpreted as the decrease of the use of community method in enlargement issues in the current context?

As mentioned in the introduction, the Council attempted to gain more control over the enlargement process and to make its intergovernmental character more obvious, by introducing the new consensus and the changes by the Lisbon Treaty. Why would they feel a necessity of reinforcing intergovernmental traits if they were not disturbed by the increasing influence of the two other supranational institutions, notably that of the Commission? Against what did they want to favor ‘intergovernmentalism’ if it is not the supranational ‘community method’? The Council tried after 2004 to gain some additional power in the interinstitutional fighting in the field of enlargement policy-making by putting more emphasis on the intergovernmental character of that policy and on the control of member states. One of my interviewees in the EP appointed the

39 Interview in the European Commission.
Council as “still remaining the main decision-maker and in many ways keeping the main cards in his hands in many ways, especially in critical cases like Turkey or Macedonia, also becoming a blocking part of all the process” in the post-Lisbon era.

However, the new meta-policy of enlargement did not end interinstitutional struggles. In general terms, interinstitutional infighting tough wars still exist. There is always a toggle war between institutions as to either maintaining their power or extending it. In terms of the three main institutions, one can see particularly the EP now in the post-Lisbon stage trying to exert its power and to increase its influence. And the Commission is also sometimes perceived as trying to take advantage of the new institutional set up to extend its influence and to use the vacuum a little bit to its own advantage. Within the Commission there can also be struggles between different commissioners and different DGs. One cannot assume that there will be the same view on a particular issue seen from different DGs. Obviously DG Enlargement has to spend a lot of time arbitrating with other DGs and trying to find a common view on a given issue.

The Council, as an independent administrative body and although having a more political nature as institution, is less and less involved on that kind of thing because the Council’s administrative under body is the Secretariat which is in a sense more impartial. The Secretariat does not have its own agenda independent from member states because the Council’s administrative body does not engage so much in politics but prefers to assist member states. For example, two of my interviewees from the Council were officials working in the administrative body of the Council – one in the Secretariat General and the other in the Legal Service also affiliated to the Secretariat – and they underlined very strongly the fact that they are impartial professionals bound with a statement and their role is not a policy role but rather a procedural one consisting on helping or assisting member states and their delegations working under the auspices of the Council.

Certainly, the Council tries still to defend its institutional role and the rights of the member states vis-à-vis in particular the EP. The interinstitutional struggles always seem to be present in the background. To this title, the interinstitutional power relations are part of the EU Machinery as well. As regards to the existing interinstitutional balance in enlargement, it seems clear that the Commission proposes and the member states decide, that the EP tries to informally
intervene the process by creating political roles to itself and that a common view among 27
member states in the Council has to be found at all stages. Especially, the necessity for consensus
and the de facto roles of the Commission including de facto policy initiating by preparing all
draft common positions, being de facto negotiators, and bridging member states and candidates,
constitute two most important indicators of the EU Machinery in enlargement decision-making.

The consensus norm in enlargement decision-making is not only about the formal
necessity to find unanimity in the Council. The informal consensus norm also entails efforts to
find a compromise between institutions as well as within them. This internal compromise
seeking may sometimes take quite longertime. In addition, once the consensus is found within the
Commission, a new compromise should also be found with both the members and candidates.
Simultaneously, within the Council, notably in COELA, there occurs the same activity of
compromise seeking within member states – which also consumes considerable time and energy.
So, the EU Machinery is not always a fast working machine; contrarily it can sometimes create a
long and cumbersome process. Additionally, if we think of the new methodology in enlargement
decision-making after 2004, one can assume that the EU Machinery became even lengthier
today. However, the main impact of the Machinery in negotiations consists of eliminating the
open questions one by one and simplifying the focus on really critical points. Two of my
interviewees in COELA group stated;

I think that to some extent the countries as Iceland are underestimating the time
that it actually takes to move from the first screening meeting to actually closing a
chapter. And that is about the EU machinery. And the Commission is not talking
with one voice; there are a lot of internal tensions within the different DGs. And
you have some extremely strong DGs; you have DG Environment, DG MARE,
and DG Competition, of course you have DG Enlargement and there they are
trying to make the best to push it but they have their fights with other DGs also.
That takes time also. So, that makes that it is a very cumbersome process. At some
point during the process there is a feeling – in the candidate countries – of starting
to be tried; what is actually happening. That is very much of the decision-making
that we have in Brussels and that is the structure and the reality of the machinery
that we have, where we have both the Commission and the Council in the form of
the COELA. And that takes a lot of time.

For each level there are open questions that tempt to be fewer and then you will
only have the really critical questions. So, that is the machinery of decision-
making. But as I said the process that starts until the finalization, that is a long and
very multi-actor, very nuanced process with a lot of different interactions and transactions on the way to the decision even though it can be done very simply.

Besides the informal consensus norm and Commission’s central place, another important component of the EU Machinery is the informal networking among institutions and individual agents. Within this informal network, most of the time agents from different institutions do not confront but try to cooperate and work together for building compromises or solutions in advance. This “informal compromise building in advance” is probably one of the most important particularities and at the same time effects of EU Machinery. All my interviewees, notably from the Commission and the Council, emphasized the essential place of this informal networking aspect in their daily work, without which many advances in the process would not be recorded and every step would take much longer. One of the COELA members defines EU Machinery in terms of informal networking in Brussels:

I think that what is the most important task here in Brussels is to book the corridors, to have the contacts (formal and informal contacts), to have lunches rather than to go in meetings. Of course, we would be in meetings because that is actually where the formal decisions are made. The networking rule is extremely crucial for Brussels based diplomats dealing with this kind of issues. And that involves the good guys (like-minded) but also the others because we know that a lot of things are going on in the Commission, the Commission can link something because they know that we will help them if we get the information in advance. And that is also the machinery of the EU.

This informal networking aspect is also related closely to another particularity of the EU Machinery; the role of individual agents. For example, in Council decision-making the delegates in the COELA group have an important influence when it comes to determine the position of member states by actively participating to the definition of ‘the national interests’. During the negotiations, permanent representative ambassadors have to rely on the COELA delegates. If that delegate is with certain seniority and experience, they tend to rely on him or her even more. The COELA members have a rather wide room for maneuver. They receive the instructions directly from their capitals and very often propose the line to take.
In the case of a less interested member state in enlargement policy, that delegate can even be more active and autonomous because a lot of initiative is left to him; thus he has an even larger margin of maneuver. Briefly, COELA members have an important role not only in representing the national positions or interests on the negotiating table, but also and more importantly in defining and constructing these positions and interests at first place. In addition, they can take initiatives on their own for finding compromises or solutions. Certainly, they cannot go against their instructions or the red lines of their countries but they can nevertheless use a certain initiative for making informal agreements outside the group and trying to sell the deal afterwards back in their capitals. Ambassadors do this much often at their level, not only specifically in enlargement but in all areas. Many examples can be found in the works Jeffrey Lewis.

In the EP, the activism of some MEPs, notably on human rights and democracy issues in candidate countries, constitutes the most important example of individual influence in enlargement decision-making in the parliament. Some MEPs, notably rapporteurs on candidate countries, are very sensitive especially on human rights issues. They can create an important public opinion and/or political pressure against or in favor of a specific candidate. Even though this individual influence is not very strong in daily decision-making, it becomes nevertheless important at the macro level where opinion public becomes an influencing factor in the final phase of negotiations. However, this personal influence of MEPs or the impact of public opinion should not be overstated either because they do not really have the power to change the course of decisions.

Meanwhile, the personal influence of Commission officials, both low-level officials in DG Enlargement and high-level officials such as commissioners, directors, cabinet members, etc, is considerably important in enlargement decision-making. The example of commissioner Verheugen and Commission president Prodi is very representative of the influence that individual actors may play on the process. However, it is not only commissioners that can have constitutive effect in the process but also some officials who can sometimes play key roles by finding creative solutions at critical moments. The role of the three negotiators in shaping the deal on a very sensitive issue in the run up to Nice EC can be taken as a good example of such a situation. Similarly, individual officials in DG Enlargement take important responsibilities in
preparing essential documents such as annual enlargement strategy paper, regular progress reports, opinions on candidates and draft common positions as the basis of the negotiations in the Council.

One can argue that the officials are just doing their job by preparing what the member states are asking for; thus their personal influence is nonexistent or negligible in the process. Why the representatives of member states try then to influence the Commission before the preparation of these documents if the Commission is doing nothing but reproducing the mere interests of members in these papers? If we admit that the Commission has a certain autonomy in proposing his position and policy preferences, then we should also assume that individual actors, even at the level of services, may play sometimes important roles in the formation of these preferences.

The main contribution of these individual actors can take the form of finding necessary formulations that would satisfy all parts and be in line with the responsibilities of the Union. More marginally, the Commission as a whole or its individual agents can push the Council or some member states to change their position for the sake of the enlargement policy. This is of course a risky behavior that can have political consequences notably for the College but such behaviors were largely present during the fifth enlargement period. After 2004, the general trend among Commission officials seems to be not pushing the Council on issues where there is no political consensus – such as the case of negotiations with Turkey – but instead to find common grounds on issues where a consensus is present or appears to be possible.

Finally, enlargement is very largely a politically driven process where political will of member states (each and every one of them) counts much more in comparison to areas where the community method prevails. In that sense, it is really very different from the ordinary legislative processes in the Union. Political leadership and political will of member states seem to be the driving force behind enlargement. Nevertheless, concerning the decision-making there is also an undeniable existence of the community method as well as institutional practices and cultures. Because of the complexity and the technicality of the process and the role of the Commission and the EP, the decision-making process in enlargement becomes much more complicated than simple intergovernmentalism. The big “EU machinery” that has been built up over many years also produces its own characteristics and thus intervenes in the process. As one of my
Conclusion

After the descriptions and the analyses on ‘institutional and practical’ dynamics, I argue that the main effect of EU Machinery in enlargement consists of pulling the trigger or speeding the pace of the process under suitable conditions. The ‘Machinery’ reaches to this effect by reinforcing norms, values and other normative elements in favor of enlargement. These normative elements in favor of enlargement, strongly emphasized and put forward by the EU Machinery, create a favorable working atmosphere in all institutions, delegitimize opposing views or reserves and finally turn the process of membership into an irreversible one. The only remaining issue becomes the time of membership depending on candidates efforts in complying with the criteria and on the existence of a favorable political context within the Council and some key member states. This mechanism explains largely the fifth enlargement process, the Croatian case, and the negotiations with Iceland to a certain extent.

However the main problem of this explanatory model about the EU Machinery arises when it comes to the Turkish case which spoils everything. If the Turkish case was not there; it could be argued that this EU Machinery effect, together with normative arguments in favor of enlargement, could largely explain enlargement decision-making without much need to look for liberal intergovernmentalist explanations on material interests and real politics. The Turkish case cannot be analyzed much easily with the EU Machinery effect and normative explanations; only some momentary events or developments in EU-Turkey relations can be explained with these dynamics. However, the pace of the whole process especially since 2004 challenges such an explanation based privileging normative elements and EU Machinery effect. In the Turkish case, it seems that community method, normative reasons, supranational character and EU Machinery

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40 Because of the short of place, long descriptions, analyses and examples could not be reproduced largely in this paper but they exist in the PhD dissertation of the author.
41 Previous rounds should be explained with different dynamics. We cannot speak about the existence of such an EU Machinery during earlier rounds simply because such informal, de facto decision-making rules were not present and institutional powers of the Commission and the EP were not that strong at those times.
effect fail to explain the existing outcome and the incredibly slow pace of negotiations. The Turkish case and the actual situation can rather be better explained with liberal intergovernmentalist explanations and reel politics.

It is also argued here that one of the major reasons behind the change in meta-enlargement policy with the renewed consensus\textsuperscript{42} – together with the general concerns of EU politicians (the Council) about the speed of the enlargement process and their general will to slow the process a little bit and to apply more stricter conditionality – is the fact that the moment for Turkey finally came. They wanted to delay it as much as possible and if possible completely wipe out Turkey’s membership option. I do not have certain scientific evidences for that. Anyway, how could such an argument be scholarly proven? Only by the existence of some kind of confidential records or highly confidential official documents admitting such a will. But it would also be quite unrealistic that such a will, if exists, would be openly exposed in a document – even highly confidential – or be confessed in a recording.

So, we can only assume by looking at the behaviors of the member states and the Council. And there are many reasons and occurred events that allow me to propose that argument. For example; the introduction of ‘integration capacity’ in the same document where negotiations are opened with Turkey in 2004; the fact that it was France who insisted a lot for the introduction of the new meta-policy and threatened to veto the enlargement policy as a whole otherwise; the discussions about the abolition of enlargement policy and DG Enlargement; many different alternative partnership models being offered to Turkey in the early years after 2004; all these can be taken as proofs for my argument. This Turkish case demonstrates the importance of reel politics and domestic contexts in member states, notably in some determinant members such as France, Germany, the UK, the Netherlands, Italy, etc. Also, this case illustrates the limits of EU Machinery effect in enlargement.

Hence, what becomes the most important explanatory variable in my view is the “political will and leadership”. It can be discussed whether political or normative reasons are primarily behind the formation of political will and leadership at first place. Ontologically, my preference would be in favor of an approach bridging normative and rationalist elements in

\textsuperscript{42} It was adopted in 2006 but in my opinion major elements were agreed much before, by the end of 2004.
explaining the construction process of political will and leadership; but without forgetting that at
the final analysis these concepts of will and leadership are after all “socially constructed
phenomena” and thus could not be explained solely with material forces but also and more
importantly with cultural and social forces. However, this discussion is not very relevant for our
argument here.

In conclusion, the EU machinery effect explains many dimensions of enlargement
decision-making but is not sufficient alone to elucidate all cases and thus should be combined
with a second variable which is the ‘political will and leadership’. According to the model I
propose, in case of the existence of a minimal common political will in form of consensus on the
meta-policy and leadership in favor of enlargement in the Council and/or in the Commission (at
the level of commissioner and/or Commission president), then the EU machinery effect comes in
to speed up the process and turn it into an irreversible one. If such political consensus or
leadership does not exist or exist against enlargement or against a particular candidate – such as
Turkey – then the EU machinery cannot speed up the process; contrarily this machinery can be
used by the Council or encumbering member states or hostile people in the institutions as a tool
to further complicate, delay, postpone or prolong the process with many bureaucratic obstacles.

This model seems to explain all outcomes in the fifth enlargement process and the
ongoing period so far. We will see in the near future with the case of Western Balkans and may
be later on with the possible candidature of Ukraine or other ex-soviet Republics, whether this
model will have the same explanatory power.

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