

# Enlarging and deepening: giving substance to the European Political Community

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## Executive summary

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**FRANCE'S PRESIDENT EMMANUEL MACRON AND GERMANY'S CHANCELLOR OLAF SCHOLZ** have stressed the geopolitical emergency of re-designing the European Union's relationship with its neighbourhood. Both acknowledge that EU enlargement is necessary, but also emphasise that profound EU institutional reform is required beforehand, though deepening and widening the EU are complex processes that veto players could block.

**THE GEOPOLITICAL CHALLENGES** mean it is in the critical interest of the EU to bring stability to its neighbourhood by ensuring geopolitical alignment with the EU, limiting the blackmailing power of external, authoritarian states, supporting more resilient democracies and strengthening the rule of law. Meanwhile, the EU's neighbours are seeking a political space in which challenges to collective security and stability can be addressed and concrete policies decided. Given the urgency, it is not enough to rely on lengthy EU accession processes.

A **'EUROPEAN POLITICAL COMMUNITY'** (EPC), which will have its first summit on 6 October 2022, could act both as a bridge to an eventual larger EU and as a framework for continental-scale partnership. Leaders should use the summit to start the building of a platform that can combine political dialogue with policy delivery in a quick and flexible way, and will thus structure more impactfully the relationship between the EU and its neighbourhood.

**THE EPC COULD** start as a soft law agreement between states and the EU. It would work with existing institutions as far as possible, while aiming at more effective decision-making than currently in the EU. For instance it could function without vetoes and could work in geopolitically relevant areas that are not yet EU competences. An ambitious EPC would provide financial resources for deeper cooperation on energy and climate, security and defence, and economic and social convergence.

**THE EPC WOULD** not be, and should not be, regarded as a substitute for EU accession, but should be designed to work as an accelerator. For countries not seeking to join the EU, it would provide an ongoing framework that sustains structured cooperation with the EU.

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# 1 The need for a new approach

The war in Ukraine has shown that the European Union needs a new approach to structuring relationships with its neighbours. Russian aggression led the bloc in June 2022 to grant candidate status to Ukraine and Moldova, showing that the EU is conscious of the extent to which the new geopolitical situation requires rapid and determined action. But it is unclear if the EU can respond to these risks simply by adding new members. There is no consensus on speeding up the accession process and in any case, the process should not be rushed because a precipitous accession of Ukraine and Moldova with unchanged EU institutions and treaties would weaken the EU in the long run and put off candidate states that have been waiting for years at the door.

**An unreformed EU of 36 members – adding current candidate countries to the 27 – would be entirely dysfunctional**

An unreformed EU of 36 members (adding only current candidate countries to the current 27) would be entirely dysfunctional. It would be hobbled by veto rights, a bloated European Parliament, and a hopelessly fragmented executive<sup>1</sup>. Indispensable prerequisites to enlargement include governance reforms regarding the scope of qualified majority voting, the distribution of seats in the European Parliament and the assignment of executive responsibilities within the European Commission. These issues must be at the heart of treaty reform.

However, just letting EU enlargement proceed slowly through the existing uncertain process will turn the politically significant commitment to Ukraine, Moldova and other candidates into a discouraging obstacle course. It will fail to take advantage of the geopolitical momentum, which calls for regular, credible and concrete high-level political engagement of the EU with its neighbours<sup>2</sup>.

Indeed, until the accession process is completed, a candidate country is confined to a bilateral dialogue with the Commission<sup>3</sup>. In general, no candidate country or neighbour has a voice in the system, including on issues of first-order importance for its future (Ukraine's energy linkages for example). In normal times, when the EU changes only slowly, this can be regarded as annoying, but inconsequential. In the current circumstances, it undermines the attractiveness and the effectiveness of the whole process and comes at a very high political cost for EU and accession countries.

The risk therefore is that putting Ukraine and other candidate countries through a long, slow and painful accession process, without ambitious policies and forums for strategic exchange, could fail to anchor them as long-term political, economic, energy, security and defence partners of the EU. Moreover, the current lack of flexibility in designing relationships with third countries also hampers the establishment of structured partnerships with former EU members (the United Kingdom) and long-term accession candidates (Turkey).

In this context, French President Emmanuel Macron and German Chancellor Olaf Scholz have argued strongly for profound institutional reforms<sup>4</sup>, though neither has suggested a roadmap. Building on an idea floated by former Italian Prime Minister Enrico Letta (see Letta, 2022), Macron on 9 May proposed to create a “*European Political Community*” (EPC). European Commission President Ursula von der Leyen said subsequently the Commission would set out proposals on this<sup>5</sup>, and also supported the idea of a convention to reform the European

1 As noted by German Chancellor Olaf Scholz in a speech in Prague on 29 August 2022. See <https://www.bundesregierung.de/breg-en/news/scholz-speech-prague-charles-university-2080752>.

2 See Sapir (2022) and Alexander Stubb, ‘The case for a confederal Europe’, European Council on Foreign Relations, 21 June 2022, <https://ecfr.eu/article/the-case-for-a-confederal-europe/?amp>.

3 Except for the intergovernmental Berlin Process for the Western Balkans, led by Germany.

4 Macron in a 9 May 2022 speech in Strasbourg (see <https://presidence-francaise.consilium.europa.eu/en/news/speech-by-emmanuel-macron-at-the-closing-ceremony-of-the-conference-on-the-future-of-europe/>) and Scholz on 29 August 2022 in Prague (see <https://www.bundesregierung.de/breg-en/news/scholz-speech-prague-charles-university-2080752>).

5 See von der Leyen's State of the Union speech, 14 September 2022: [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_22\\_5493](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_22_5493).

treaties, though she did not link it to the idea of an EPC.

We argue that a smartly defined European Political Community would be a suitable response to the new geopolitical situation. It can also help address the EU's internal deficiencies and the challenges in its neighbourhood. A first meeting of the political community – meaning an informal summit of EU country and candidate country leaders – will be held in Prague on 6 October 2022. It should be used to set out key principles for the community and an ambitious timeline.

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## 2 The European Political Community: A proposal

Since Macron's announcement of the idea, little progress has been made in spelling out the concept of the EPC. It runs the risk of becoming a leaders' forum that would meet once or twice a year, like the bilateral EU-Africa summits or Asia-Europe Meetings, but would not meaningfully define policy. Creating a more formal structure relying on EU institutions to turn the EPC's leaders' dialogue into policy action, would however risk encroaching on the mandates of those institutions while infringing the principles underpinning the EU. Building the EPC more formally could thus expose it to lengthy legal challenges.

We suggest a middle ground between an intergovernmental agreement resting on EU institutions, and a loose leaders' forum. As illustrated by the G7/G20, one solution is to rely on existing institutions to implement decisions. Another is to use a soft law agreement as a cooperation and experimentation framework. It could be formalised at a later stage by the combination of EU treaty reforms and a mixed agreement between the EU, its members and non-EU member states. There is a precedent for such a cooperation framework: the Conference on Security and Co-operation in Europe in the mid-1970s was a meeting of leaders that eventually led to the creation of the Organisation for Security and Co-operation in Europe. In another field – education – the Bologna Process started as a round of ministerial meetings to organise comparability of higher education standards and eventually led to the creation of a European higher education area.

It should be noted that a European political community was proposed already in the 1950s. The attempt to create it was contingent on the agreement to establish a European Defence Community, based on a treaty signed in 1952. The failure by France to ratify this treaty in 1954 undermined both the creation of a collective European approach to defence and an ambitious framework for political and policy dialogue. Our approach today is the reverse: establish the foundation of a political and policy dialogue first, in preparation for future EU and international law processes.

### 2.1 Membership

The perimeter of the EPC will be central to its success. Clearly, geography cannot be the only criterion for deciding on its members. Given that the geopolitical conflict with Russia is the trigger for its creation, it is natural for the EPC to be based on shared values and geopolitical alignment. To ensure this coherence, broad *ex-ante* entry criteria should be defined collectively, unlike for the EU accession process, in which the so-called Copenhagen criteria<sup>6</sup> serve as 'last hurdles' before eventual membership.

Assessing alignment of values and geopolitical stance is however hard to pin down with rules. Even when it can be done, applying the criteria raises difficult issues, as EU members, candidate countries and third countries cannot be dealt with in exactly the same way. Moreover, there are inevitably political choices that cannot be avoided.

<sup>6</sup> See <https://eur-lex.europa.eu/EN/legal-content/glossary/accession-criteria-copenhagen-criteria.html>.

We recommend that the EPC be as inclusive as possible, which implies extending invitations to all EU countries and all candidates, plus Georgia, Kosovo and also Norway, Switzerland and the UK. No country should be excluded at this stage, provided all participants are made aware that decision will be made on the nature of eligibility criteria and that invitation initially doesn't necessarily equate to guaranteed longer-term participation.

The preparation of a joint declaration setting out membership criteria and exclusion mechanisms should begin before the 6 October summit and should involve a diverse group of EU and neighbouring countries. The October meeting should have the goal of securing approval by a first group of countries by the end of 2022, before formally launching the EPC.

At minimum membership criteria should include:

1. Observance of democratic values and the rule of law as laid down in the political aspects of the Copenhagen criteria,
2. Respect for human rights (full participation in the Council of Europe)<sup>7</sup>,
3. Geopolitical alignment with the EU stance on the Russian aggression (full-faith participation in sanctions).

When developing these criteria, it is important to consider that all EU countries are bound by EU treaty provisions. Respect for fundamental rights belongs to the values that are common to the member states according to Article 2 of the Treaty on European Union (TEU). According to Article 7 TEU, breaches may lead to the suspension of voting rights. In theory, this would suggest that membership in the EU is, by itself, a sufficient criterion for assessing compliance with the Union's values and principles. In practice, however, effectiveness of this provision is blocked because it requires unanimity of the other member states. Hence the EPC should be able to suspend or withdraw the membership of certain countries, even if they haven't been sanctioned by the EU. Non-EU members and non-candidate countries are not subject to any legally binding EU conditions, but as members of the Council of Europe, they are bound by the principles of the European Convention on Human Rights and subject to the jurisdiction of the European Court of Human Rights. This would in theory argue for the inclusion of the UK and Turkey.

The situation for geopolitical alignment could be even more complex because the EU treaties essentially deal with procedures rather than substance on foreign policy and geopolitics. Moreover, while Finland and Sweden are becoming members of NATO, Austria and Ireland remain outside. Membership of the EU or NATO are therefore not substantively significant criteria for deciding on these matters: belonging to the EU or NATO is not a sufficient guarantee of geopolitical alignment.

These examples show that EPC membership cannot be rooted in pre-existing hard-wired rules, but should rather be based on the endorsement of a common set of principles covering fundamental values, democracy, the rule of law and compliance with key principles of international relations. For geopolitical reasons, it would be highly preferable if all countries subscribed to the principles of the EPC, so that new divisions are not created in Europe as it makes progress towards stronger regional integration.

Ukraine, although at war, should be allowed to join the EPC, as it is there that the geopolitical conflict plays out most brutally. This would be coherent with the decision to grant it EU candidate status despite the view prevailing since the accession of Cyprus to the EU that no country involved in a territorial conflict, let alone a full-fledged war, should become an EU member. Sticking to this view would give Russia an indirect veto power over EU enlargement. The same reasoning should apply to the EPC.

<sup>7</sup> Kosovo has expressed interest in membership in the Council of Europe and already has partial agreements eg membership of the Venice Commission. It should not be excluded from EPC membership if it affirms its adherence to the norms and principles laid out for the EPC, and continues to pursue Council of Europe membership.

Given the complexity involved in thinking about the perimeter of the EPC, and given the benefit of being inclusive towards countries in the 'grey zone' in the hope of leverage and change, there are, in principle, two ways for deciding on membership:

- There could be a formal process of inclusion/exclusion, but this would most likely make the EU, as the convener of the first meeting, into the prime decision-maker, which could result in the Council of the EU taking responsibility for deciding who to allow in and who to exclude.
- A more diplomatically elegant approach would be for the EPC declaration to be prepared jointly by, say, half a dozen countries from within and outside the EU. This agreement should at least be as ambitious as the EU and Council of Europe principles (see above). It would set the bar for commitment substantive enough that countries that do not subscribe to the principles and goals self-select out.

**Wars, like financial crises, are accelerators, and what seemed impossible to reach in years can be achieved in weeks**

In any case, there should not be an arbitrary decision on participation. Countries that do not want to comply with the entry requirements should be welcome to join at a later date. Solving these fundamental issues in months may seem unrealistic. But the first G20 summit, where essential principles were agreed on, took place only two months after the collapse of Lehman Brothers in 2008. Wars, like financial crises, are accelerators, and what seemed impossible to reach in years can be achieved in weeks.

## 2.2 Governance

Unlike the EU accession process or neighbourhood policy, which give no say to non-EU countries, all EPC participants would be on an equal footing. The EPC's decision-making rules would treat all members (irrespective of EU membership) as having equal rights. Unless specified otherwise, political decisions should be taken by 'rough consensus'<sup>8</sup>, and in any case without veto powers. The agreement on such decision-making is critical. Without it, the EPC would be limited by to an exchange of views and would fall short of being a real political and policy forum.

However, the EPC must not weaken EU process or institutions. The EU Court of Justice closely guards the autonomy of the EU legal order. A decision would have to be made between creating an independent intergovernmental secretariat (like, for example, the European Stability Mechanism), which would need to be anchored in hard international law, or giving this role to the European Commission on a softer legal basis.

Provided they agree on, and are bound by the principles and mechanisms laid out in the EPC founding document, members should not be forced to participate in all of its policy programmes. A degree of flexibility should be retained and operationalised through opt-in and opt-out clauses. For each of the three main cooperation areas (outlined below), the European Commission would play the central institutional role of secretariat and be given certain operational powers. By providing a modicum of flexibility, the EPC could act as a catalyst for a new and adequate *modus vivendi* between European countries. Given the intertwined geopolitical and geoeconomic challenges Europe is facing, a 'whole-of-government' approach may be needed to foster cooperation and overcome the fragmentation of domestic and European policymaking<sup>9</sup>.

<sup>8</sup> 'Rough consensus,' a concept created for deciding on technical issues related to the internet and intended to ensure that all stakeholders remain on board, is achieved when the group as a whole agrees, but the agreement falls short of unanimity, and opposing views are taken into account.

<sup>9</sup> The whole-of-government approach is a concept first introduced in the UK in the late 1990s to emphasise the significance of collaboration and coordination between different public entities within a government.

## 2.3 Resources

To achieve tangible results, the EPC will require considerable budgetary and financial resources beyond what is already available to support EU accession. A limited commitment of resources from members can be envisaged – as for most international organisations – and/or could be channelled through the EU budget for EU member states. Non-EU countries should contribute in proportion to their resources and their involvement in cooperation areas. Each area of cooperation should be endowed with its own funds, as the extent of participation will depend on the area of cooperation.

In-kind contributions to overcome the traditional donor-recipient logic between accession countries and the EU would be welcome. In some instances, this would be highly strategic: for instance, Ukraine would be able to provide excellent cyber and defence capacity.

Flexibility should be retained: EPC members could be called on to contribute in each area of cooperation, but retain the flexibility to be a net recipient in one area and a net contributor in another, while opting out from yet another. However, given the currently limited size of the EU budget, this would undoubtedly trigger an acceleration of the debate on its reform, on the EU's own resources and on a common borrowing capacity.

## 2.4 Areas for cooperation

The first set of political priorities with clear deliverables could cover three main areas. Further areas of cooperation could be considered, such as research, but we advocate starting with just three areas which are geopolitically the most pressing ones and then building on experience gained and adding others.

### 2.4.1 Networks, energy and climate action

The current energy crisis is an opportunity to set up a new inclusive cooperation framework, to redefine the relative roles of the EU and its member states and to involve neighbouring countries in a unifying project (energy independence and climate transition) (McWilliams *et al*, 2022).

Germany and France have a special responsibility, not least because of their opposite energy models. Finding a cooperative compromise that will lead to greater European solidarity beyond the EU's borders, while pro-actively supporting accession and neighbouring countries, is of utmost geopolitical importance. The connection of Ukraine to the European electricity grid, the need for gas agreements with Norway and the need for green hydrogen infrastructure call for a broader cooperative framework.

The Energy Community<sup>10</sup>, which provides the infrastructure and the technical cooperation to integrate European energy markets, provides an interesting precedent. It includes the EU and non-EU neighbours (including Ukraine, Moldova and Georgia; Armenia, Norway and Turkey are observers). It is based on a 2005 Treaty, has its own secretariat and is equipped with a budget. The EU is represented by the Commission, which serves *ex officio* as a vice-president. The EPC should be assigned more ambitious tasks and it should be given more effective legal and financial instruments. Most importantly, the Energy Community shows that there is potential in variable-geometry arrangements.

The EPC should be a framework for deepening and extending energy cooperation in at least five directions:

- A new transnational cooperative framework with new governance that would take coordinated decisions on rationing and solidarity. As demonstrated by the current context, an integrated European market is much better equipped than national markets to mitigate

<sup>10</sup> The Energy Community is an international organisation that brings together the European Union and its neighbours to create an integrated pan-European energy market. The Treaty establishing the Energy Community was signed in October 2005 (see <https://www.energy-community.org/legal/treaty.html>). The main objective of the Energy Community is to extend the EU internal energy market rules and principles to countries in south-east Europe, the Black Sea region and beyond, on the basis of a legally binding framework.

risks. But it should be clear that the cooperative framework also involves risk-sharing, for which principles and mechanisms should be designed.

- Common framework agreements for the purchase of fossil fuels and hydrogen. The experience with COVID-19 vaccines demonstrated the benefits of a joint approach. It makes no sense for EPC members to attempt to outbid each other in bilateral negotiations with suppliers. Common principles should be defined and negotiated, to which individual contracts should make reference.
- The building of coordinated and sometimes common infrastructures that enhance electricity, gas and future hydrogen interconnections, production and storage capacity. It is essential to signal a move towards greater integration of energy markets and more cooperation in the development of critical infrastructure through the EU Trans-European Networks for Energy<sup>11</sup>, the EU liquefied natural gas strategy<sup>12</sup>, the EU hydrogen strategy (European Commission, 2020) and the partnerships for green hydrogen<sup>13</sup>.
- A common climate-action strategy based on the European Green Deal but with broader scope and differentiated targets. Both the EU and the EPC partners can gain by joining forces.
- Budgetary and financial instruments following the model of the EU's Just Transition Mechanism; these would provide equity finance, risk-reduction instruments and outright budgetary mechanisms to help the EPC members accelerate the energy transition and boost their energy security. This approach will require considerable financial solidarity, but can blend private and public financing, as well as financing from the EU budget and from individual member states.

#### 2.4.2 Foreign and security policy, defence and democratic resilience

The war in Ukraine is exposing the weakness and incompleteness of Europe's security and defence architecture. Although some progress has been made with the EU Permanent Structured Cooperation on Defence (PESCO<sup>14</sup>) and with the recent national and European responses to the war, Europe still has a very long way to go. To support the emergence of a new European security architecture in the medium term, the EPC could make several contributions in the short term. Cooperation in the area of foreign and security policy, defence and resilience of democracies should start as a coalition of the willing and expand over time.

As a starting point, members should discuss security and further geopolitical issues at their meetings. They could use as a basis for discussion the joint EU threat assessment laid out in the March 2022 Strategic Compass (EEAS, 2022). The EPC's contribution would be to bring in the important perspectives of Ukraine, Moldova and the Western Balkans, which were not included in the EU emerging strategic debate. Most obviously, Ukraine's experience from its war against what was thought to be the second or third most capable military in the world should be incorporated into European defence and strategic thinking.

- Security should be understood in broad terms including energy, infrastructure, cyber and human security. Measures to address the resilience of democracies should also be addressed. The EPC has the potential to work across policy areas more horizontally than is

<sup>11</sup> The Trans-European Networks for Energy (TEN-E) policy seeks to link the energy infrastructure of EU countries. As part of the policy, nine priority corridors and three priority thematic areas have been identified. The EU helps countries in priority corridors and priority thematic areas to work together to develop better-connected energy networks, and provides funding for new energy infrastructure. See [https://energy.ec.europa.eu/topics/infrastructure/trans-european-networks-energy\\_en](https://energy.ec.europa.eu/topics/infrastructure/trans-european-networks-energy_en).

<sup>12</sup> See [https://ec.europa.eu/commission/presscorner/detail/en/MEMO\\_16\\_310](https://ec.europa.eu/commission/presscorner/detail/en/MEMO_16_310).

<sup>13</sup> The Clean Hydrogen Partnership's main objective is to contribute to the European Green Deal and the EU hydrogen strategy through optimised funding of research and innovation activities. The Clean Hydrogen Partnership is the successor of the Fuel Cells and Hydrogen 2 Joint Undertaking (FCH 2 JU) and took over its legacy portfolio as of 30 November 2021. See [https://www.clean-hydrogen.europa.eu/index\\_en](https://www.clean-hydrogen.europa.eu/index_en).

<sup>14</sup> See <https://www.pesco.europa.eu/>.

**The European Political Community may provide an opportunity to advance with defence cooperation in areas that have been stuck in the EU for years**

usually the case on national and European levels. Through very targeted analysis, debate and action, it can potentially be a catalyst for a more holistic approach to complex problems.

- The EPC cannot replace NATO, which despite its weaknesses remains the most credible agent for military coordination, defence and nuclear deterrence. The NATO Secretary General should thus be invited to EPC meetings. The EPC can serve as an important forum for EU and NATO members and non-members, for which security is a matter of common concern. In particular, the EPC can discuss how growing defence budgets, which in some countries may double, can be spent most usefully. Building capabilities and making best use of cooperation, division of tasks and synergies will be vital in the new security environment, and should be approached with flexibility among European countries.
- Cooperation in the areas of counter-terrorism, cybersecurity and digital connectivity (satellite, data centres, undersea cables) could yield important mutual benefits and enable countries like Ukraine to share with the EU their valuable advanced know-how and experience, proving that the partnership is not a one-way street. The EPC should also be open to learning from non-EU experiences on countering Russian propaganda – for example, from the NATO STRATCOM centre in Riga.
- The EPC may provide an opportunity to advance with defence cooperation in areas that have been stuck in the EU for years. Smaller groups, for instance involving Ukraine, could develop armaments projects of mutual interest. The EU's European defence fund should be made available to countries respecting the third-party participation rules<sup>15</sup>.
- A common procurement policy would enhance European sovereignty best if it is paired with a strategy for the development of a European defence industry. Hard security threats on the EU's doorstep call for the Europeanisation of industrial capacities. Little progress has been made so far on this in the EU context, but the EPC could help create new avenues for cooperation.
- If Europe makes progress in building joint armament capacity, arms-export rules will have to be defined. Common policy and industry require common rules but strategic and diplomatic cultures vary greatly in Europe. Arms-export policy should eventually become a European competence. By agreeing at minimum to cooperate, and at best to harmonise, the arms-control frameworks of members, and by subjecting them to qualified majority voting, the EPC could greatly expand the reach of its arms-export policy and bypass internal obstacles.
- Sanctions policy would benefit from deeper cooperation across Europe. Switzerland and Norway joining sanctions against Russia is an important precedent. Coordination of sanctions policy in the larger EPC group, and decisions taken by qualified majority in these areas, would be a real leap forward in foreign policy.

### 2.4.3 Framework for economic and social convergence

The EU has long viewed its market as its single largest source of appeal. Economic, social and political convergence are however interrelated. Beyond current levels of economic integration, a more structured framework is needed, going further than a customs union (Turkey is part of one with the EU) or a Deep and Comprehensive Free Trade Agreement (Ukraine is part of one), to ensure gradual and sustainable economic, social and political convergence.

The EPC should therefore build on existing initiatives, such as the Berlin Process and the accession process, to substantially upgrade economic, social and political cooperation. Trade and investment cooperation and treaties are the basis of the EU's partnership with its neighbourhood. This approach gives a considerable place to market integration but

<sup>15</sup> The EU's current defence policy allows third countries to take part in EU initiatives including the Permanent Structured Cooperation, the European Defence Agency, the European Defence Fund and European industrial policy. For background, see [https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729348/EPRS\\_ATAG\(2022\)729348\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729348/EPRS_ATAG(2022)729348_EN.pdf).

sometimes neglects necessary investments in infrastructure and capacity building. Indeed, free trade should be pursued but must also be accompanied by a broader range of supporting and enabling policies. This could involve at least the following instruments:

- Convergence and cohesion policy have historically been accessible only to EU members, but it provides resources to encourage and finance economic convergence that could be critical in the accession process. Critical infrastructure financing should be made available to EPC countries to accelerate their convergence and the cohesion of the EPC, over and above the modest pre-accession assistance that is available. This could be of particular importance to Ukraine for rebuilding after the war. The EPC could provide an additional forum to help ensure that reconstruction happens with a focus on regional networking and resilient infrastructure, not only for Ukraine, but also for countries such as Moldova or Georgia that are likely to be suffer from fall-out from the war in Ukraine.
- To accelerate socio-economic convergence, additional conditional funding could be made available under the principles established and methods used for the EU's Recovery and Resilience Facility, which has been set up in the context of the still-underdeveloped area of coordination of the economic policies of EU countries. Additional conditional funding could, once legally stabilised in the EU, be exported to non-EU EPC countries. By setting out areas of policy coordination (climate, economic, social) and providing financing against agreed milestones, the EPC could be a powerful engine of convergence.
- Digital convergence between the EU and its neighbours should be happening a lot faster than the formal EU accession process allows. For instance, Ukrainians have been developing extensive collaboration with American tech firms, to the extent that Ukraine could end up closer to the US than to Europe in terms of digital and privacy standards after the war. At the same time, the fact that Ukraine is not covered by EU legal frameworks on platform regulation puts it at the mercy of large platforms on content moderation policies in relation to Russian disinformation. The EPC should find ways to address this.

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## 3 Roadmap

Given the geopolitical context, the EPC's 6 October 2022 summit declaration should commit participating countries to meet twice a year at leaders' level and to prepare a founding document to be signed by spring 2023. This should lay out areas of cooperation, budgetary resources, governance, voting rights, participation criteria and an exclusion process. Setting up the EPC is urgent, but it should be designed and launched with long-term objectives in mind, as presented in this roadmap.

The building of the EPC and the EU's own institutional reform agenda are in principle independent. But as deep EU internal reforms must be agreed and implemented before future enlargements, the EPC could be used as an arena to experiment with alternative policymaking and governance, for example decision-making without veto rights and by 'rough consensus' (see section 2.2).

The strength of the EPC would be in being flexible enough to be established rapidly and implemented effectively. By virtue of being rooted in soft law and taking the form of a joint declaration of heads of state and government, it would not require a lengthy formal ratification process, and the absence of a tight legal corset would allow for a more flexible framework. However, this can only be a transitional arrangement. The EPC will subsequently need to move from a soft law agreement into a more formal concept at some point. This should be done alongside ambitious EU treaty reform.

Core elements of such a reform should be enhanced transparency and accountability of institutions for a more democratic EU, a greater role for the European Parliament and national

parliaments, a strengthening of the EU's executive powers in a larger set of areas, the expansion of qualified majority voting to all critical areas (energy, security, fiscal and budgetary affairs) and an overall consolidation of the European integration project as a community of law, based on the rule of law. These changes would then either have to be ratified by all willing member states, which would require changes to existing ratification procedures, or only the willing parties would enter into a new treaty. These changes are needed because the EU will otherwise fall prey to vetoes, which can block institutional reform and hence enlargement (Bribosia, 2009).

The EPC would then be based most likely on a mixed agreement between the EU, its members and non-EU states. This formalisation would allow even more durable relationships and cooperation to be established with states that would not want to join the reformed EU<sup>16</sup>. Ratification of the EU-EPC agreement – in fact a treaty – will take time. The transition from soft law to hard law can be smoothed out by means of a provisional application of the core elements of the new treaty, though.

It is crucial to anchor and align the EPC's emergence in a process of deeper EU institutional reform that could follow a roadmap combining the creation of a European Political Community, EU institutional reforms and enlargement:

- Statement of EPC leaders following the 6-7 October 2022 summit.
- Founding document for the EPC setting out participation criteria, governance, decision making, areas of cooperation, budgetary resources by end-spring 2023.
- Formal launch of the EPC by summer 2023.
- New convention to prepare an intergovernmental conference on EU Treaty reform by summer 2024, after the European elections.
- Launch of intergovernmental conference for EU Treaty reform in summer 2025.
- Agreement on new EU Treaty proposal by end of 2026, followed by ratification before the 2029 European elections.
- Agreement on new EU-EPC Treaty linking the reformed EU to non-EU EPC members.
- Enlargement of the EU to new member states after 2030.

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<sup>16</sup> See in this regard the proposal made in August 2016 by Pisani-Ferry *et al* (2016).

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