The Enlargement of the European Union: Between Procedural Constraints and the Needs of Candidate Countries

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Abstract

The enlargement of the European Union is not only a manifestation of the desire to unite the European continent, but also an expression of the expansion of the internal market and the needs felt by candidate countries for increased economic competitiveness, the well-being of citizens and the security of belonging to common values. The study will analyse, in an analytical and comparative manner, the integration process, focusing on the procedures and stages that states must go through, but at the same time it will focus on the situation of candidate countries and specific issues, including those relating to Moldova and Ukraine. The study will attempt to assess whether a rapid, short-cut procedure is possible, or whether the Union is prepared, at a time when it is not exactly in the best of shape, to integrate the candidate countries.

Keywords: *EU enlargement, candidate countries, accession negotiations, reform of European institutions, clusters and negotiation chapters*.

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1. Introductory Aspects

The enlargement of the Union is a highly topical issue for the Western Balkan states and the states of the former Soviet Union, which want rapid and, why not, easy access to the European Union. The desire to unite the European continent in a supranational political and economic structure is about to be realised, but at the same time, internal and external challenges are intensifying in an international society that seems to have lost its sense of identity.

The article does not develop a new theme, but rather a subject that is constantly changing. We will use analytical, quantitative and qualitative methods in a critical manner to capture the most important aspects of the subject. The paper, divided into five sections and conclusions, aims to bring to the attention of specialist readers, researchers, doctoral students and professors, as well as legal experts, a different approach to the enlargement of the Union and the challenges it entails. At the same time,

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the paper is interdisciplinary in nature, predominantly legal, but it will also cover aspects of public policy and elements of geostrategy, because it is difficult to limit ourselves to a strictly legal analysis as long as the will of states is affected by external factors that influence both internal stability and the will expressed in international relations.

2. Forward and Backward. From the Communities of the 6 to the Union of 27 States

The European project was, by its very nature, a factor of development in a continent affected by wars, loss of human and economic resources, where mistrust and suspicion had to be replaced by cooperation and openness. Faced with an unprecedented expansion of communist mechanisms, democratic states, regardless of their role in the Second World War, decided to strengthen their cooperation, first at a thematic level, then by extending their competences to an internal market. Between 1952 and 1992, there were no clear accession criteria involving a series of preconditions for states wishing to join the three European communities. All three treaties establishing the communities provided for the opening up to new members, and accession was achieved by submitting the specific instruments of ratification, after the Council unanimously determined the conditions for accession and the Member States signed an agreement with the state applying for accession[2]. This period focused on the growth and implementation of democratic and market economy mechanisms, in particular as a competitive counterweight to the closed mechanisms of the communist bloc.

After the political collapse of the USSR and the communist regimes, the countries in transition quickly turned towards a space of democratic values, and the signing of the Maastricht Treaty paved the way for 10 countries, including Romania, to apply for membership of the Union. Subsequently, at the Copenhagen European Council in June 1993, a set of criteria was established that states must meet in order to achieve membership status[3]. The political, economic, administrative, legislative and judicial criteria were intended to prepare candidate countries for accession without affecting their labour market, economy, purchasing power or legal and democratic mechanisms, and, on the other hand, to provide Member States and the Union as a whole with guarantees that democratic processes are irreversible, that the economy functions on well-regulated criteria without state intervention, that minority rights are respected, that justice is independent and effective, and that minority rights are respected. The construction of the Union thus remains focused on the concept of common values[4].

Subsequently, the European Councils of Essen and Madrid, as well as the Treaty of Amsterdam, drew up a series of new accession criteria, taking into account territorial

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[2] Mihaela Tofan, Crina Mihaela Verga, *Drept institutional al Uniunii Europene [Institutional Law of the European Union]*, Ed. C.H. Beck, Bucharest, 2023, pp. 20-23.

[3] Gabriel-Liviu Ispas, Daniela Panc, *Drept institutional al Uniunii Europene [Institutional Law of the European Union],* second edition, Ed. Hamangiu, Bucharest, 2021, p. 43.

[4] Gabriel-Liviu Ispas, „Valorile fundamentale - temei al supremației dreptului Uniunii Europene" [„Fundamental Values – Basis of the Supremacy of European Union Law"], *Curierul judiciar*, no. 7/2022, 377-382.

and geographical aspects, according to which each candidate country must be located on the European continent, standards regarding the capacity of the judiciary and public administration to comply with and implement the common rules of the Union[5], and the assessment of procedural and legislative compliance with the application of the Union's trade policies and single customs system.

Currently, Article 49 TEU stipulates that any state that respects the fundamental values set out in Article 2 TEU may apply, after completing its internal decision-making procedures, to become a member of the Union. The enlargement of the Communities and, subsequently, of the Union, from the six founding members (France, Germany, Italy, Belgium, the Netherlands and Luxembourg) to the current 27 members involved the successive accession of the United Kingdom of Great Britain and Northern Ireland (which voluntarily withdrew from the Union in 2020), Ireland and Denmark (1974), Greece (1981), Spain and Portugal in 1986, followed by Austria, Finland and Sweden in 1995. Of particular importance is the major enlargement of 2004, when 10 states joined (Cyprus, Estonia, Latvia, Lithuania, Malta, the Czech Republic, Poland, Hungary, Slovakia and Slovenia), followed by Bulgaria and Romania in 2007 and Croatia in 2013.

The accession procedure has undergone a series of significant changes, starting with general aspects and ending with a procedure considered in doctrine to be extremely bureaucratic and highly technical, as it is today. Without questioning the need for any enlargement process to start from the will of the state, expressed in its internal forums and validated by its citizens, the actual negotiation procedure, which is cumbersome, with many typical elements, spanning a long period of time, generates a state of waiting in the candidate states, which are caught between the needs of their citizens and the European institutional mechanisms.

The accession procedure takes place in several stages, some of which are internal (at the political and institutional level, the applicant state initiates the application for accession and submits the request to the Council of the Union, informing the European Parliament and the parliaments of the Member States), others are interinstitutional (the Council requests that, on the basis of the application, the Commission formulate opinions and proposals, so that the Parliament can then decide on the application[6], and subsequently the Council, by unanimous vote, can decide on the initiation of accession procedures). A central role in the three phases is assigned to the European Council, which is, in fact, the institution with a strong decision-making role in driving the direction of the negotiations[7]. Subsequently, the actual negotiation takes place, currently through the opening of clusters and related chapters. The six clusters (fundamental rights, internal market, competitiveness and inclusive growth,

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[5] Gyula Fabian, *Drept instituțional al Uniunii Europene [Institutional Law of the European Union]*, Fourth Edition, Ed. Hamangiu, Bucharest, 2023, p. 46.

[6] Wolfram Kaiser, „History calling: Strengthening evidence-based politics and policymaking in the European Parliament", *Societal Impacts*, Volume 6, December 2025, 100123, https://doi.org/10.1016/j.socimp.2025.100123.

[7] Lucas Schramm. „Navigating widening and deepening: the European Council, geopolitical motives, and Union enlargement", *Journal of European Integration*, vol. 47, issue 8, 2025: 1197-1218, https://doi.org/10.1080/07036337.2025.2457007.

green agenda and sustainable connectivity, resources, agriculture and cohesion, and external relations)[8] comprise 35 chapters, which must be opened, negotiated and closed once both the Commission and the governments of the Member States agree that the accession standards have been met[9]. Once the negotiations are complete, the European Parliament approves the results of the negotiations, and then the applicant country approves the Accession Treaty, which will be subject to ratification in the Member States. Following unanimous ratification by the Member States, the applicant country becomes a full member of the European Union on the negotiated date.

3. The Enlargement of the Union, an Evolutionary Process in International Society?

Without a doubt, the process of formation and enlargement is a great gain for the European continent, which has been so troubled by wars over time. The establishment of common fundamental values[10], the creation of the single market, with the great benefit of labour mobility, and the establishment of a single customs regime are strategic points, both in relation to the internal situation in the Member States and in relation to the globalised world, in which the Union's external action positions it as an important player in international law and global economic relations[11].

Most of the time, analyses of enlargement formally focus on how the accession criteria are met and the benefits that candidate countries gain from joining the Union's club of values. However, without denying the importance of negotiations and the preparation of countries for accession, it is important to emphasise that the big winner of enlargement is the Union itself[12]. After the internet revolution and in the context of the unprecedented development of artificial intelligence, global strategic games are mainly played between large, significant players. The period when the world was dominated by the division between the democratic bloc and the communist bloc has come to an end, and the transition to a new world order is nearing its end. In this context, where economic, military and international relations power will be the fundamental elements of the future bipolar or multipolar order, the way in which the European Union

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[8] Steps towards joining, https://enlargement.ec.europa.eu/enlargement-policy/steps-towards-joining_en, accessed on 10 January 2026.

[9] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Enhancing the accession process - A credible EU perspective for the Western Balkans,* Brussels, 5.2.2020, COM(2020) 57 final, https://enlargement.ec.europa.eu/document/download/ef0547a9-c063-4225-b1b4-93ff9027d0c0_en?filename=enlargement-methodology_en.pdf, accessed on 10 January 2026.

[10] Koen Lenaerts, *Constitutional Relationships between Legal Orders and Courts within the European Union.* Speech of the President of The Court of Justice of European Union, The XXIX FIDE Congress in The Hague, The Hague, 3 – 6 November 2021, https://forumfws.eu/fide-opening-ceremony-koen-lenaerts-04112021-1-.pdf, accessed on 10 January 2026.

[11] Cristina Elena Popa Tache, Cătălin-Silviu Săraru, Elise Nicoleta Vâlcu, *Droit international et intégration européenne. Perspectives de l'Europe centrale et orientale*, L'Harmattan, Paris, 2025, p. 7-9.

[12] Nicole Scicluna, Stefan Auer, „Pushing the EU's Boundaries: Enlargement and Foreign Policy Actorness after the Russian Invasion of Ukraine". *JCMS: Journal of Common Market Studies*, vol. 61, Issue S1, September 2023: 45–56. https://doi.org/10.1111/jcms.13540.

manages economic growth and international presence processes is becoming vital for the European architecture. Both Enrico Letta's report[13] and Mario Draghi's report[14] envisage the programmatic establishment of development in order to meet the challenges of the future. Certainly, the Europe of 27 is better prepared for a significant international role than the Union of 15 would have been.

The process of enlarging the Union is probably the most successful attempt at political[15], economic and social integration in the world, which begins long before a country actually becomes a member. A candidate country must meet a series of criteria involving legislative, political and economic reforms, with an impact on administrative modernisation and state organisation, independence and increased confidence in the judicial system, economic modelling and increased prosperity for citizens. At the same time, the Union as a whole sends a political and economic message to investors, which builds confidence in the European process and its ability to be effective, predictable and geared towards economic and social progress.

However, the methodological changes in negotiation that the Union has considered in the current enlargement process must also be taken into account. The six stages of negotiations involve a sequence of procedures that are conditional on a unanimous vote at both the opening and closing of negotiations, as well as on the implementation of reforms by Member States, which previously entered into the negotiation stages and are now pre-accession conditions. These changes, which seem to be more a means of protecting the institutions, after previous accession experiences, affect both the pace of negotiations and the enthusiasm of the states, which find themselves in a veritable mirage in relation to the goal of integration. Debates on the rule of law[16] turn negotiations into real disputes between Member States, or between Member States and candidate countries, which undermines both the enthusiasm of citizens and the will expressed by states.

The fact that the Union did not use the same yardstick in previous enlargement procedures when analysing the rule of law[17] in candidate countries should not constitute subjective standards in the assessment of new candidates and must not become real obstacles to the accession of new members. As we will show below, there are no elements that would determine an effective position and absolute confidence in the

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[13] Enrico Letta, *Much more than a market – Speed, Security, Solidarity. Empowering the Single Market to deliver a sustainable future and prosperity for all EU Citizens*, April 2024, Council of the European Union, https://www.consilium.europa.eu/media/ny3j24sm/much-more-than-a-market-report-by-enrico-letta.pdf, accessed on 10 January 2026.

[14] European Commission, *The future of European competitiveness: Report by Mario Draghi*, Luxembourg: Publications Office of the European Union, 2025, https://commission.europa.eu/topics/competitiveness/draghi-report_en, accessed on 10 January 2026.

[15] Besa Shahini, Towards Enlargement - How to Rebuild Trust in the EU Accession Process, Jacques Delors Centre, 03.06.2024 https://www.delorscentre.eu/en/publications/detail/publication/towards-enlargement-how-to-rebuild-trust-in-the-eu-accession-process, accessed on 10 January 2026.

[16] Martin Loughlin, „The Rule of Law: A Slogan in Search of a Concept". *Hague Journal on the Rule of Law* Volume 16, 2024: 509–523. https://doi.org/10.1007/s40803-024-00224-5.

[17] Laurent Pech, *The rule of law*, in Paul Craig & Gráinne De Búrca (eds.). *The evolution of EU law*. Oxford University Press, 2021, pp. 307-339.

evolution of the rule of law[18], a fact also proven by the setbacks encountered in some of the long-standing Member States of the European Union[19]. "Different imperfections of the rule of law require different legal strategies for its correction. The demise of the rule of law can be resisted only where there is social-political readiness to stand for the democratic constitutional order, but this social-political willingness must be underpinned by legal techniques. Where the self-corrective mechanisms of the rule of law are still functioning, preventive repair work is appropriate"[20].

However, we believe that analyses should be less politicised, less protective of institutions and their functioning, and more focused on economic development, competitiveness and common progress. In line with Mario Draghi's report, it is important to pave the way for competitiveness for a significant European presence at international level, trying to focus on increasing trade. In this regard, the economic benefits of integration could become a priority, and the accession of a large new group of states could reduce the costs of selling products made in the candidate countries, could bring greater competitiveness to the internal market and could increase the Union's international transactions[21].

4. We Have Nine Candidate Countries. How Do We Proceed?

The European Union has opened accession negotiations with a significant number of countries, the largest enlargement effort since 2004, and the opening up to the Western Balkans and the Eastern countries, former parts of the USSR, is unprecedented. Negotiations with Albania, Macedonia, Montenegro, Bosnia and Herzegovina, Serbia, Turkey, Georgia, Moldova and Ukraine are currently underway, while Kosovo's international status remains uncertain in the face of opposition to its recognition by a significant number of Member States. Negotiations with Turkey are a special case, as concerns remain about the rule of law, respect for minority rights and the independence of the judiciary. Turkey acquired candidate status in 1999, and in 2004 the European Council decided that it met the criteria to start accession negotiations. In 2005, a framework for negotiating the chapters was established. Sixteen negotiation chapters were opened in turn and one was closed before June 2018, when the Council noted that Turkey was moving away from the rule of law and fundamental values, which is why no new chapters were opened, even though the annual assessments mention the progress made by this country. With regard to the situation in Turkey, it should be noted that this country played a significant role during the period of illegal migration between

[18] Paul Craig. *Formal and substantive conceptions of the rule of law: an analytical framework*. In Richard Bellamy (ed.) *The rule of law and the separation of powers,* Routledge, 2017, pp. 95-115, https://doi.org/10.4324/9781315085302.

[19] Case C-619/18, *Commission v Poland*, https://curia.europa.eu/juris/document/document.jsf?text=&docid=215341&pageIndex=0&doclang=RO&mode=req&dir=&occ=first&part=1&cid=155824, accessed on 10 January 2026.

[20] András Sajó, „Militant Rule of Law and Not-so-Bad Law". *Hague Journal on the Rule of Law*, vol. 16, 2024: 525–549. https://doi.org/10.1007/s40803-024-00221-8.

[21] Rodolfo G. Campos & Jacopo Timini, „Trade bloc enlargement when many countries join at once". *Review of World Economics* (2025). https://doi.org/10.1007/s10290-025-00606-3.

2015 and 2019 in taking in illegal immigrants and identifying common mechanisms to prevent a veritable invasion of Western countries. At the same time, Turkey's position on Russia's armed aggression against Ukraine has been one of openness, respecting its status as a NATO member state, and even though it has not aligned itself with the sanctions promoted by the European Union, it has taken steps to deter aggression and support Ukraine.

In preparation for accession, the Report of the 12, *Sailing on the High Seas: Reforming and Enlarging the Union for the 21st Century*, played a special role. This report by French and German experts on the Union's preparedness for enlargement looked at the internal preparation of the Union's institutions for accession, but also at how negotiations with candidate countries should evolve. The analysis highlights that the Union is not institutionally and functionally ready for enlargement, and the report presents a series of necessary reforms, some concerning treaty changes, others concerning decision-making mechanisms and the reduction of unanimous procedures, and others concerning a greater extension of the European Union's competences. The report proposes a series of measures for enlargement that would lead to the conclusion of negotiations by 2030. Nine principles are proposed to guide the enlargement process, grouped into two categories: essential for accession (first and foremost fundamental rights, geostrategic situation, conflict resolution, additional technical and financial support, democratic legitimacy) and principles for streamlining the accession process (equality, systematisation, reversibility, qualified majority voting)[22]. Even though it can be considered a useful independent report, it is worth noting the obvious bureaucratic manner in which the enlargement of the Union is analysed. Because the Union is not ready and perhaps lacks the will to streamline its decision-making mechanisms, should the enlargement process be slowed down? However, such an approach is neither useful nor effective in terms of loyal and effective cooperation with the candidate countries. Furthermore, in the dialogue between the states and the Union, models of sovereignty must be taken into account, as well as the way in which the amendments to the treaties have led to deeper integration. In this regard, the experiences of the Member States[23] could be taken into consideration in order to better prepare for future enlargement[24].

The negotiation process is not new, and the new accession methodology also introduces the concept of clusters, grouping chapters in such a way as to ensure logical continuity in the accession process. However, making the completion of the fundamental rights cluster a condition for advancing negotiations may be a real

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[22] Report of the Franco-German Working Group on EU Institutional Reform. *Sailing on High Seas: Reforming and Enlarging the EU for the 21st Century*, Paris-Berlin, 18 September 2023, https://www.auswaertiges-amt.de/resource/blob/2617322/4d0e0010ffcd8c0079e21329bbbb3332/230919-rfaa-deu-fra-bericht-data.pdf, accessed on 10 January 2026.

[23] Joined cases C-83/19, C-127/19, C-195/19, C-291/19, C-355/19 and C-397/19, *Asociația „Forumul Judecătorilor din România" (Association of Romanian Judges Forum*), ECLI:EU:C:2021:393, https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:62019CJ0083&from=en, accessed on 10 January 2026.

[24] Elena Simina Tănăsescu. *The Romanian Constitutional Court and the European Court of Justice—Parallel Monologues*. In: Gavin Barrett, Peter-Christian Müller-Graff, Jean-Philippe Rageade, Viktor Vadász (eds.), *European Sovereignty. The Legal Dimension,* Springer, 2024, pp. 87–102, https://doi.org/10.1007/978-3-031-71851-9_7.

impediment to a rapid integration process[25]. In addition, the Union has experience of large-scale negotiations and enlargements, all of which took place before the economic crisis that began in 2009. On the other hand, the Commission's caution may also be justified by the post-pandemic situation and the economic and political effects of Russia's aggression, but it is courage that has brought the Union to its current stage of development. Based on a critical analysis of the revision of the treaties[26], the doctrine approaches the issue of enlargement in a critical manner, in which the substantive debate[27] starts from the question: does enlargement bring new challenges, or are they familiar challenges manifested in a new form? Reform of the Commission, Parliament and Council is necessary because a Union of 36 states must remain efficient, flexible and open to new political and administrative challenges, but the accession process must not be slowed down until the Union and the states find a way to streamline internal decision-making mechanisms and judicial cooperation can be extended[28]. In addition, the Union is in a situation that has not existed since the establishment of the communities. Each enlargement marked a logical and natural stage in the development of the Union, from the horrors of war to the end of communism in Europe. However, since 2007, the economic challenges generated by the crisis have been compounded by Russia's occupation of Crimea, the economic and strategic growth of India and China, and the proximity of military aggression and the risk of a Member State being attacked by Russia. The fluctuating decisions of the US administration, both in terms of customs tariffs and in supporting NATO's position on military aggression, cannot be overlooked either. In this complicated international context, the Union's opportunity lies in expanding and positioning itself as a key player in international society.

5. Progress of Negotiations. Pros and Cons Highlighted in the European Commission's Report

After the opening of negotiations, developments varied from country to country, depending on how they undertook the necessary reforms. On 4 November 2025, the Commission issued a Communication, COM (2025) 690 final, presenting the progress of negotiations with candidate countries[29].

The Commission's communication shows that, in today's world, enlargement

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[25] Jaap W. De Zwaan, „The Enlargement of the European Union and the relevance of its fundamental values", *European Review of Public Law*, vol. 37, no. 1/2025, pp. 271-307.

[26] Michel Petite, „Process and institutional challenges in enlargements". *ERA Forum,* Vol. 25, 2024: 373–377, https://doi.org/10.1007/s12027-024-00802-y.

[27] Eleanor Sharpston. „Further EU enlargement – a 'brave new world', or more like 'back to the future'?". *ERA Forum,* Vol. 25, 2024. https://doi.org/10.1007/s12027-024-00800-0.

[28] Augustin Fuerea, "Judicial Cooperation in Criminal Matters – An Essential Component of Integration into the EU." *Challenges of the Knowledge Society* (2025): 189-198. https://cks.univnt.ro/download/cks_2025_articles%252F3_CKS_2025_PUBLIC_LAW%252FCKS_2025_PUBLIC_LAW_002.pdf.

[29] European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2025 Communication on EU enlargement policy.* Brussels, 4.11.2025, COM(2025) 690 final, https://enlargement.ec.europa.eu/document/download/eb69a890-40d6-4696-801e-612d51709fdd_en?filename=2025%20Communication%20on%20EU%20Enlargement%20Policy.pdf, accessed on 10 January 2026.

policy is an essential geopolitical tool essential geopolitical tool that contributes to our common safety, prosperity and security. In an era marked by transformative global changes, enlargement unifies Europe on the basis of common values and identity, while embodying an economic, social and democratic model that continues to inspire and attract. The communication insists that the enlargement process remains rigorous, fair and merit-based, based on the objective progress made by each candidate country. This approach, which has been consistent and continuous since the start of the pre-accession process, confirms that there will be no mechanisms to shorten procedures, making enlargement easier for some candidate countries. In this context, the efforts of the Western Balkan countries to prepare their economies for the Union's competitive rules are commendable. In this context, the efforts of the Western Balkan countries to prepare their economies for the Union's competition rules are commendable.[30]

The communication shows that significant progress has been made over the last year, and the Growth Plans for the Western Balkans and Moldova and the Facility for Ukraine are significantly increasing the capacity for reform and the confidence of citizens in the candidate countries. In this context, the willingness of Montenegro and Albania to conclude negotiations by 2026 and 2027 respectively is noteworthy.

The Commission also noted that Serbia, Moldova and Ukraine have expressed their desire to conclude accession negotiations as soon as possible, but the situation in Ukraine remains problematic, regardless of the optimism and goodwill of the Union and its Member States, as some issues relating to the rule of law and the fight against corruption are still far from being resolved, as we will show below. The Commission's communication was accompanied by a working document for Ukraine, registered as SWD (2025) 759 final, dated 04.11.2025[31], and a document for Moldova, registered as SWD (2025) 758 final, dated 04.11.2025[32].

In doctrine, there is a critical approach to the rule of law situation in the Western Balkan candidate countries, which states that: "This issue remains central for two reasons: first, the EU would like to avoid the problems it faced in consolidating the rule of law in two EU Member States that it monitored after accession, Romania and Bulgaria. Together with the crisis created by democratic regression in Poland and Hungary and the rise of populist tendencies across the continent, the desire to avoid

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[30] Gani Asllani, Bedri Bahtiri, Simon Grima, „Regulation on Abuse of the Dominant Position of the Western Balkan Countries with EU Practices", *Juridical Tribune- Review of Comparative and International Law*, vol. 14, no 3, (October 2024): 494-507, DOI: 10.62768/TBJ/2024/14/3/10.

[31] European Commission, Commission Staff Working Document. *Ukraine 2025 Report* accompanying the document „Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.2025 Communication on EU enlargement policy", Brussels, 4.11.2025, SWD(2025) 759 final, https://enlargement.ec.europa.eu/document/download/17115494-8122-4d10-8a06-2cf275eecde7_en?filename=ukraine-report-2025.pdf, accessed on 10 January 2026.

[32] European Commission, Commission Staff Working Document. *Republic of Moldova 2025 Report* accompanying the document „Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.2025 Communication on EU enlargement policy", https://enlargement.ec.europa.eu/document/download/23fa6af0-89b3-4532-a3d9-d1638727d14c_en?filename=moldova-report-2025.pdf, accessed on 10 January 2026.

post-accession problems has shaped the thinking of Member States and EU institutions. The second reason why the rule of law is central – and a counterpoint to the EU's supply-side thinking on the rule of law – is the desire of citizens and political leaders in the Western Balkan countries to join the EU and comply with the rule of law standards. The extensive reforms carried out under the auspices and with the technical and logistical support of the EU and its institutions have changed the economic, social and legal landscape of these countries. Indeed, many political commitments have been gradually implemented, while some remain pending. However, the general perception is that further improvements in the rule of law are needed and that its transformative potential is undeniable and not yet fully exploited"[33].

Despite significant progress in government transparency, corruption remains high; models of judicial self-governance based on the European model of judicial councils have not brought about judicial independence, considered the main prerequisite for combating corruption. Political parties are close to government funds, citizens do not trust institutions, and the growing influence of autocratic regimes makes the region vulnerable to the promotion of illiberal democracy, which is gaining ground in Serbia. A recent study by the European Court of Auditors concluded that support for the rule of law in the Western Balkans between 2014 and 2020 has been largely ineffective in responding to these challenges[34]. Negative aspects regarding absorption capacity are highlighted both in the Commission's Communication and in the specialist literature[35].

With regard to the rule of law, but also to the way in which the Commission assessed ex-ante compliance, it should be noted that both institutions and states consider the fight against corruption and the establishment of the rule of law to be extremely important[36]. However, Romania's experience with the Cooperation and Verification Mechanism allows us to draw a number of conclusions that could be taken into account for future assessments[37]. Even if the situation appears to be under control, developments in Georgia need to be analysed in depth, including how the Commission carried out or should have carried out its progress assessments, before the events of 2024 led to a genuine suspension of accession negotiations. An in-depth analysis must answer some uncomfortable questions: did the European Commission negotiate correctly? Were the Georgian authorities genuinely involved in the accession process, or was it a simulation of willingness and implementation of measures? Did the Georgian population

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[33] Nedim Hogic, „Pre-enlargement Reform Failures in the Western Balkans: Social and Economic Preconditions of the Rule of Law". *Hague Journal on the Rule of Law*, Vol. 16, 2024: 693–714. https://doi.org/10.1007/s40803-024-00235-2

[34] Ibid.

[35] Gazmend Qorraj, Arben Hajrullahu, Driton Qehaja, „Absorption capacity and the European integration of the Western Balkans", *Regional Science Policy & Practice*, Volume 16, Issue 8, 2024, 100043, https://doi.org/10.1016/j.rspp.2024.100043.

[36] Renata Treneska-Deskoska, Jelena Trajkovska-Hristovska, „The Interplay of Sustainability, Constitutionalism and Legitimacy: Examining the "Political Ecotopia" as a manifestation of Social Sustainability and a Pillar of Constitutionalism", *Juridical Tribune – Review of Comparative and International Law,* vol. 14, issue 4, December 2024: 670-687, DOI: 10.62768/TBJ/2024/14/4/09.

[37] Bogdan Iancu, „Quick Fix Solutions-Anticorruption as Core/Peripheral Modality of the 'Rule of Law'". *Hague Journal on the Rule of Law,* vol. 16, 2024: 611–642. https://doi.org/10.1007/s40803-024-00220-9.

understand the benefits of accession, or was there an operation to manipulate the will of the citizens?

The situation in Ukraine[38] is a particular concern, especially as corruption appears to be affecting fundamental state institutions[39], with several ministers and heads of public institutions suspected of corruption in the context of the Russian invasion. The latest investigation, presented by the media, suspects corruption of over €100 billion, a huge amount in a context where European states are making great efforts to cover the war needs of the aggressed state, and the resignation of the head of the president's office, accused of corruption, is causing concern[40]. Even though the presumption of innocence applies and the courts have not yet ruled, independent bodies[41] and media institutions[42] are presenting worrying elements of criminal investigation. It is commendable that European society supports the aggrieved state, but a distinction must be made between the aid offered for defence against aggression and the candidate state's fulfilment of the accession criteria. The extent and scale of corruption cannot be independently assessed at this stage, just as it is impossible to analyse whether corruption has become a modus vivendi in the state administration. There must be equivalence between the declared will and actual compliance, as shown by the specialist doctrine[43], just as each state must be assessed individually, without couplings that could affect the will of the candidate states. Otherwise, the Union will face a number of risks to the security and protection of common values[44], which could affect the functioning of the entire internal market and undermine confidence in justice and democratic governance.

6. Conclusions

The enlargement of the Union is still a controversial topic, and approaches to it

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[38] Maria Popova, „(Anti)corruption and conditionality in the geopolitical enlargement: Ukraine's EU accession in comparative perspective". *East European Politics*, December 2025: 1–21. https://doi.org/10.1080/21599165.2025.2604496.

[39] Federico Fabbrini, „The Impact of the War in Ukraine on the Enlargement of the European Union: 'Securing the Blessings of Liberty' and its Challenges". *International and Comparative Law Quarterly*. vol. 74, no. 1, 2025: 123-146. https://doi.org/10.1017/S0020589325000107.

[40] Dan Peleschuk, Ukraine moves to quell $100 million energy corruption scandal, Reuters, November 12, 2025, https://www.reuters.com/world/ukraines-government-suspends-justice-minister-amid-energy-corruption-2025-11-12/, accessed on 10 January 2026.

[41] Sanshiro Hosaka, *Ukraine After Yermak: The End of Power Vertical Built by Zelensky's Shadow Man?*, International Centre for Defence and Security, December 16, 2025, https://icds.ee/en/ukraine-after-yermak-the-end-of-power-vertical-built-by-zelenskys-shadow-man/, accessed on 10 January 2026.

[42] Jamie Dettmer, *Why Andriy Yermak's ouster is a political earthquake for Ukraine*, Politico, November 28, 2025, https://www.politico.eu/article/andriy-yermaks-ukraine-politics-volodymyr-zelenskyy-scandal-kyiv-russia/, accessed on 10 January 2026.

[43] Maryna Rabinovych, „EU Enlargement Policy Goes East: Historical and Comparative Takes on the EU's Rule of Law Conditionality vis-à-vis Ukraine". *Hague Journal on the Rule of Law,* vol. 16, 2024: 715–737. https://doi.org/10.1007/s40803-024-00223-6.

[44] Teresa Russo. *The Security Implications of Enlargement on EU Fundamentals*. In: Teresa Russo, Anna Oriolo, Gaspare Dalia (eds), *Solidarity and Rule of Law. The New Dimension of EU Security.* Collection: European Union and its Neighbours in a Globalised World, vol 9. Springer, Cham, 2023, pp. 49–71. https://doi.org/10.1007/978-3-031-29227-9_4.

are not yet consistent. The concept of the rule of law, the organisation of clusters and the negotiation of each chapter are complex issues that need to be analysed comprehensively. Even though it is obvious that, faced with Russian aggression, the Union's institutions are tempted to encourage Moldova and Ukraine to speed up negotiations, it is extremely important that the principle of meritocracy is not ignored and that integration only takes place when there is certainty that the criteria have been met, without minimising the efforts of the Western Balkan states.

The enlargement of the Union is not a comfortable and easy process, but it is necessary for states to move beyond internal discussions on apparent issues of sovereignty and prepare for the reform and streamlining of institutions in parallel with the negotiations, without ignoring the importance of fundamental values for institutions, states and citizens. No illusions should be harboured, but unjustified delays would not be helpful either. Ideally, countries should join in clearly defined groups, but this possibility must be carefully considered so as not to hold back countries that are already strongly committed to completing negotiations.

At the same time, it must be understood that there is no necessity for enlargement, just as enlargement is not a consolation prize for a possible territorial seizure.

Bibliography

1. Asllani, Gani, Bedri Bahtiri & Simon Grima, „Regulation on Abuse of the Dominant Position of the Western Balkan Countries with EU Practices", *Juridical Tribune-Review of Comparative and International Law*, vol. 14, no 3, (October 2024): 494-507, DOI: 10.62768/TBJ/2024/14/3/10.
2. Campos, Rodolfo G. & Jacopo Timini, „Trade bloc enlargement when many countries join at once". *Review of World Economics* (2025). https://doi.org/10.1007/s10290-025-00606-3.
3. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Enhancing the accession process - A credible EU perspective for the Western Balkans,* Brussels, 5.2.2020, COM(2020) 57 final, https://enlargement.ec.europa.eu/document/download/ef0547a9-c063-4225-b1b4-93ff9027d0c0_en?filename=enlargement-methodology_en.pdf, accessed on 10 January 2026.
4. Craig, Paul. *Formal and substantive conceptions of the rule of law: an analytical framework*. In Richard Bellamy (ed.) *The rule of law and the separation of powers,* Routledge, 2017, pp. 95-115, https://doi.org/10. 4324/9781315085302.
5. Dettmer, Jamie, *Why Andriy Yermak's ouster is a political earthquake for Ukraine*, Politico, November 28, 2025, https://www.politico.eu/article/andriy-yermaks-ukraine-politics-volodymyr-zelenskyy-scandal-kyiv-russia/, accessed on 10 January 2026.
6. European Commission, Commission Staff Working Document. *Republic of Moldova 2025 Report* accompanying the document „Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.2025 Communication on EU enlargement policy", https://enlargement.ec.europa.eu/document/download/23fa6af0-89b3-4532-a3d9-d1638727d14c_en?filename=moldova-report-2025.pdf, accessed on 10 January 2026.
7. European Commission, Commission Staff Working Document. *Ukraine 2025 Report*

accompanying the document „Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.2025 Communication on EU enlargement policy", Brussels, 4.11.2025, SWD(2025) 759 final, https://enlargement.ec.europa.eu/document/download/17115494-8122-4d10-8a06-2cf275eecde7_en?filename=ukraine-report-2025.pdf, accessed on 10 January 2026.

8. European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2025 Communication on EU enlargement policy.* Brussels, 4.11.2025, COM(2025) 690 final, https://enlargement.ec.europa.eu/document/download/eb69a890-40d6-4696-801e-612d51709fdd_en?filename=2025%20Communication%20on%20EU%20Enlargement%20Policy.pdf, accessed on 10 January 2026.
9. European Commission, *The future of European competitiveness: Report by Mario Draghi*, Luxembourg: Publications Office of the European Union, 2025, https://commission.europa.eu/topics/competitiveness/draghi-report_en, accessed on 10 January 2026.
10. Fabbrini, Federico „The Impact of the War in Ukraine on the Enlargement of the European Union: 'Securing the Blessings of Liberty' and its Challenges". *International and Comparative Law Quarterly*. vol. 74, no. 1, 2025: 123-146. https://doi.org/10.1017/S0020589325000107.
11. Fabian, Gyula*, Drept instituțional al Uniunii Europene [Institutional Law of the European Union]*, Fourth Edition, Ed. Hamangiu, Bucharest, 2023.
12. Fuerea, Augustin. "Judicial Cooperation in Criminal Matters – An Essential Component of Integration into the EU." *Challenges of the Knowledge Society* (2025): 189-198. https://cks.univnt.ro/download/cks_2025_articles%252F3_CKS_2025_PUBLIC_LAW%252FCKS_2025_PUBLIC_LAW_002.pdf.
13. Hogic, Nedim, „Pre-enlargement Reform Failures in the Western Balkans: Social and Economic Preconditions of the Rule of Law". *Hague Journal on the Rule of Law*, Vol. 16, 2024: 693–714. https://doi. org/10.1007/s40803-024-00235-2.
14. Hosaka, Sanshiro*, Ukraine After Yermak: The End of Power Vertical Built by Zelensky's Shadow Man?*, International Centre for Defence and Security, December 16, 2025, https://icds.ee/en/ukraine-after-yermak -the-end-of-power-vertical-built-by-zelenskys-shadow-man/, accessed on 10 January 2026.
15. Iancu, Bogdan, „Quick Fix Solutions-Anticorruption as Core/Peripheral Modality of the 'Rule of Law'". *Hague Journal on the Rule of Law,* vol. 16, 2024: 611–642. https://doi.org/10.1007/s40803-024-00220-9.
16. Ispas, Gabriel-Liviu & Daniela Panc, *Drept institutional al Uniunii Europene [Institutional Law of the European Union],* second edition, Ed. Hamangiu, Bucharest, 2021.
17. Ispas, Gabriel-Liviu, „Valorile fundamentale - temei al supremației dreptului Uniunii Europene" [„Fundamental Values – Basis of the Supremacy of European Union Law"], *Curierul judiciar*, no. 7/2022, 377-382.
18. Kaiser, Wolfram, „History calling: Strengthening evidence-based politics and policymaking in the European Parliament", *Societal Impacts*, Volume 6, December 2025, 100123, https://doi.org/10.1016/j.so cimp.2025.100123.
19. Lenaerts, Koen*, Constitutional Relationships between Legal Orders and Courts within the European Union.* Speech of the President of The Court of Justice of European Union, The XXIX FIDE Congress in The Hague, The Hague, 3 – 6 November 2021, https://forumfws.eu/fide-opening-ceremony-koen-lenaerts-04112021-1-.pdf, accessed

on 10 January 2026.
20. Letta, Enrico*, Much more than a market – Speed, Security, Solidarity. Empowering the Single Market to deliver a sustainable future and prosperity for all EU Citizens*, April 2024, Council of the European Union, https://www.consilium.europa.eu/media/ny3j24sm/much-more-than-a-market-report-by-enrico-letta.pdf, accessed on 10 January 2026.
21. Loughlin, Martin, „The Rule of Law: A Slogan in Search of a Concept". *Hague Journal on the Rule of Law,* Volume 16, 2024: 509–523. https://doi.org/10.1007/s40803-024-00224-5.
22. Pech, Laurent, *The rule of law*, in Craig, Paul & Gráinne De Búrca (eds.). *The evolution of EU law*. Oxford University Press, 2021, pp. 307-339.
23. Peleschuk, Dan, *Ukraine moves to quell $100 million energy corruption scandal*, Reuters, November 12, 2025, https://www.reuters.com/world/ukraines-government-suspends-justice-minister-amid-energy-corruption-2025-11-12/, accessed on 10 January 2026.
24. Petite, Michel, „Process and institutional challenges in enlargements". *ERA Forum,* Vol. 25, 2024: 373–377, https://doi.org/10.1007/s12027-024-00802-y.
25. Popa Tache, Cristina Elena, Cătălin-Silviu Săraru & Elise Nicoleta Vâlcu, *Droit international et intégration européenne. Perspectives de l'Europe centrale et orientale*, L'Harmattan, Paris, 2025.
26. Popova, Maria, „(Anti)corruption and conditionality in the geopolitical enlargement: Ukraine's EU accession in comparative perspective". *East European Politics*, December 2025: 1–21. https://doi.org/10. 1080/21599165.2025.2604496.
27. Qorraj, Gazmend, Arben Hajrullahu & Driton Qehaja, „Absorption capacity and the European integration of the Western Balkans", *Regional Science Policy & Practice*, Volume 16, Issue 8, 2024, 100043, https://doi.org/10.1016/j.rspp.2024.100043.
28. Rabinovych, Maryna, „EU Enlargement Policy Goes East: Historical and Comparative Takes on the EU's Rule of Law Conditionality vis-à-vis Ukraine". *Hague Journal on the Rule of Law,* vol. 16, 2024: 715–737. https://doi.org/10.1007/s40803-024-00223-6.
29. Report of the Franco-German Working Group on EU Institutional Reform. *Sailing on High Seas: Reforming and Enlarging the EU for the 21st Century*, Paris-Berlin, 18 September 2023, https://www.auswaertiges-amt.de/resource/blob/2617322/4d0e0010ffcd8c0079e21329bbbb3332/230919-rfaa-deu-fra-beri cht-data.pdf, accessed on 10 January 2026.
30. Russo, Teresa. *The Security Implications of Enlargement on EU Fundamentals*. In: Teresa Russo, Anna Oriolo, Gaspare Dalia (eds), *Solidarity and Rule of Law. The New Dimension of EU Security.* Collection: European Union and its Neighbours in a Globalised World, vol 9. Springer, Cham, 2023, pp. 49–71. https://doi.org/10.1007/978-3-031-29227-9_4.
31. Sajó, András „Militant Rule of Law and Not-so-Bad Law". *Hague Journal on the Rule of Law*, vol. 16, 2024: 525–549. https://doi.org/10.1007/s40803-024-00221-8.
32. Schramm, Lucas. „Navigating widening and deepening: the European Council, geopolitical motives, and Union enlargement", *Journal of European Integration*, vol. 47, issue 8, 2025: 1197-1218, https://doi.org/ 10.1080/07036337.2025.2457007.
33. Scicluna, Nicole & Stefan Auer, „Pushing the EU's Boundaries: Enlargement and Foreign Policy Actorness after the Russian Invasion of Ukraine". *JCMS: Journal of Common Market Studies*, vol. 61, Issue S1, September 2023: 45–56. https://doi.org/10.1111/jcms.13540.
34. Shahini, Besa, *Towards Enlargement - How to Rebuild Trust in the EU Accession*

Process, Jacques Delors Centre, 03.06.2024, https://www.delorscentre.eu/en/publications/detail/publication/towards-enlargement-how-to-rebuild-trust-in-the-eu-accession-process, accessed on 10 January 2026.

35. Sharpston, Eleanor. „Further EU enlargement – a 'brave new world', or more like 'back to the future'?". *ERA Forum,* Vol. 25, 2024. https://doi.org/10.1007/s12027-024-00800-0.
36. Tănăsescu, Elena Simina. *The Romanian Constitutional Court and the European Court of Justice—Parallel Monologues*. In: Barrett, Gavin, Peter-Christian Müller-Graff, Jean-Philippe Rageade & Viktor Vadász (eds.), *European Sovereignty. The Legal Dimension,* Springer, 2024, pp. 87–102, https://doi.org/10.1007/978-3-031-71851-9_7.
37. Tofan, Mihaela & Crina Mihaela Verga, *Drept institutional al Uniunii Europene [Institutional Law of the European Union]*, Ed. C.H. Beck, Bucharest, 2023.
38. Treneska-Deskoska, Renata & Jelena Trajkovska-Hristovska, „The Interplay of Sustainability, Constitutionalism and Legitimacy: Examining the "Political Ecotopia" as a manifestation of Social Sustainability and a Pillar of Constitutionalism", *Juridical Tribune – Review of Comparative and International Law,* vol. 14, issue 4, December 2024: 670-687, DOI: 10.62768/TBJ/2024/14/4/09.
39. Zwaan, Jaap W. De, „The Enlargement of the European Union and the relevance of its fundamental values", *European Review of Public Law*, vol. 37, no. 1/2025, pp. 271-307.