



INTRODUCING QUALIFIED MAJORITY VOTING IN THE INTERMEDIATE STEPS OF EU ENLARGEMENT

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Introduction

Since Russia invaded Ukraine in February 2022, European Union (EU) enlargement has gained new momentum, bringing the topic to the forefront of political discussions. This renewed focus highlights the need to strengthen the EU's geopolitical position and security through enlargement. However, significant challenges remain, particularly regarding the effectiveness and credibility of the current accession process.

The EU enlargement process is often perceived as inefficient and unreliable, leading to frustration among candidate countries. According to the Balkan Barometer, 54% of citizens in the Western Balkans support EU membership, but this support has declined compared to previous years.¹ While confidence in joining the EU increased this year, fewer people believe it will happen soon.² In 2022, 37% of people in the region thought their country would access the EU by 2030,³ but by 2024, that number dropped to 20%.⁴ This distrust largely stems from EU Member States blocking progress over bilateral disputes unrelated to the formal Copenhagen criteria. For instance, North Macedonia obtained candidate status in 2005 and has faced delays since 2009 despite fulfilling several sensitive requirements due to objections from Greece and Bulgaria. A similar situation is likely to occur in other cases, as demonstrated when Hungary delayed the approval of the negotiation framework for Ukraine.⁵ These obstacles undermine

¹"Balkan Barometer 2024 Public Opinion," Regional Cooperation Council, accessed December 10, 2024, https://www.rcc.int/balkanbarometer/key_findings_2024/2/.

² Ibid.

³ "Balkan Barometer 2022 Public Opinion", Regional Cooperation Council, accessed December 10, 2024, <https://www.rcc.int/pubs/139/balkan-barometer-public-opinion-2022>.

⁴"Balkan Barometer 2024 Public Opinion."

⁵ Srdjan Cjivic, Nikola Dimitrov, Leposava Ognjanoska Stavrovska, and Ivana Rankovic, "Bilateral Disputes and EU Enlargement: A consensual Divorce," *Belgrade Centre for Security Policy*, May 2024, <https://bezbednost.org/wp-content/uploads/2024/05/bilateral-eng-08.pdf>.

the EU's joint approach and implementation of EU enlargement as a strategic priority.

To address this challenge, there is a growing demand to streamline decision-making in enlargement by introducing qualified majority voting (QMV) in the intermediate stages of the accession process. This shift could enhance efficiency and credibility without necessarily requiring changes to EU primary law (as explained further in the text).

The idea of implementing QMV in intermediate steps of the enlargement process has gained traction in recent years. In 2023, a Franco-German paper on EU reforms highlighted that QMV could be introduced within the existing treaty framework.⁶ This proposal was further reinforced by the German Slovenian non-paper, presented to the Council in February 2024. Various think tanks and CSOs have also elaborated on these ideas.⁷

Proposals for Implementing QMV in Enlargement

Transitioning to QMV could enhance the predictability and efficiency of the EU accession process. The Clingendael policy brief⁸ outlines several potential decision-making models, suggesting that QMV could apply at various stages of the

⁶ "Sailing on High Seas: Reforming and Enlarging the EU for the 21st Century," Report of the Franco-German Working Group on EU Institutions Reform, September 18, 2023, <https://www.politico.eu/wp-content/uploads/2023/09/19/Paper-EU-reform.pdf>.

⁷ Zweers, Wouter, Isabelle Ioannides, Zoran Nechev, and Nikola Dimitrov, "Unblocking decision-making in EU enlargement: Qualified Majority Voting as a way forward?," *Clingendael Policy Brief*, June 2024, https://www.clingendael.org/sites/default/files/2024-06/PB_Unblocking_decision-making_in_EU_enlargement.pdf; Srdjan Cjivic, Marie Jelenka Kirchner, Iskra Kirova, and Zoran Nechev, "From Enlargement to the Unification of Europe," *Open Society Foundation*, June 2019, <https://www.opensocietyfoundations.org/publications/from-enlargement-to-the-unification-of-europe>; Srdjan Cjivic, Nikola Dimitrov, Laposava Ognjanoska Stavrovska, and Ivana Rankovic, "Bilateral Disputes and EU Enlargement: A consensual Divorce,".

⁸ Zweers, Wouter, Isabelle Ioannides, Zoran Nechev, and Nikola Dimitrov, "Unblocking decision-making in EU enlargement: Qualified Majority Voting as a way forward?."

process, such as opening and closing negotiation chapters or setting benchmarks (excluding major decisions on entire negotiations), opening clusters (excluding the fundamentals cluster) and establishing benchmarks, as proposed in the German Slovenian non-paper, or any combination of these options.⁹

The German Slovenian non-paper advocates for QMV, as set out in Article 16 (4) of the Treaty on European Union, requiring at least 55 % of the Member States and representing at least 65 % of the EU population. However, the discussion also explores variations in the type of majority required. Additionally, higher threshold QMV alternatives are considered. Other ideas to streamline decision-making include mechanisms like constructive abstention, an “emergency brake”, or reducing the number of decision-making moments without altering existing procedures.¹⁰ As detailed below, introducing QMV for intermediate steps while preserving unanimity for opening and closing accession negotiations is considered legally viable.

Enhancing EU Enlargement Without a Treaty Change

Article 49 of the Treaty on European Union outlines the conditions for a country wishing to join the EU. It requires the Council to act unanimously to grant candidate status, following consultations with the European Commission and approval from the European Parliament. Upon concluding negotiations, the Accession Treaty must be signed and ratified by all Member States, as also stipulated by Article 49.¹¹

⁹ Ibid, 7.

¹⁰ Ibid, 7-10.

¹¹ “Consolidated version of the Treaty on European Union Article 49,” EUR-LEX, February 2, 2024, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016M049>.

During the accession process, once candidate status is granted, the European Commission conducts a screening process and sets benchmarks (specific criteria that a candidate country must meet to progress through accession stages). The negotiation framework, approved by the Working Party on Enlargement and Countries Negotiating Accession to the EU in the Council of the EU, is then presented at the first intergovernmental conference. This framework structures the process into six clusters and 33 chapters. Opening and closing benchmarks are established for each cluster and chapter.¹²

To advance, the Council must unanimously agree to open and close each cluster once the established benchmarks are met. Approximately 70 unanimous decisions are needed before reaching the end of the negotiations, which over-complicates the process.¹³

While unanimity is a requirement for granting candidate status, approving the Accession Treaty in the European Council, with the consent of the European Parliament, and subsequently ratifying the treaty in all Member States, the intermediate steps are not explicitly defined in primary or secondary law. These steps are determined by the negotiation frameworks approved by the Council, making the unanimity rule in these phases a political choice, not a formal treaty requirement.¹⁴ Since intermediate phases of the process are not

¹² For the chapters 23 and 24 under the fundamentals cluster, which opens first and closes last, interim benchmarks are established in addition to the opening and closing benchmarks. "Enhancing the Accession Process – A Credible EU Perspective for the Western Balkans," European Commission, accessed December 1, 2024, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0057>.

¹³ Michael Emerson and Steven Blockmans. "EU Adopts Negotiating Frameworks for Ukraine and Moldova: The Starting Gun for the Accession Process." *SCEEUS Guest Commentary*, NO. 15 (2024):2, <https://sceeus.se/en/publications/eu-adopts-negotiating-frameworks-for-ukraine-and-moldova-the-starting-gun-for-the-accession-process/>.

¹⁴ Wouter Zweers, Isabelle Ioannides, Zoran Nechev, and Nikola Dimitrov. "Unblocking decision-making in EU enlargement: Qualified Majority Voting as a way forward?",5-9; Barbara Lippert. "EU Enlargement: Geopolitics Meets Integration Policy." *Stiftung Wissenschaft und Politik Comment*, NO.1 (2024): 7, https://www.swp-berlin.org/publications/products/comments/2024C01_EU_Enlargement.pdf.

determined by primary or secondary law, treaty changes are unnecessary for adopting QMV in EU enlargement. However, the negotiation frameworks for countries already in the process would need to be modified – requiring unanimous approval by the Member States. For countries still awaiting the start of negotiations, such as Bosnia and Herzegovina and Georgia, QMV could be incorporated from the outset.¹⁵ Despite the ongoing debate, the recent opening of negotiations with Ukraine and Moldova in July 2024 did not include QMV in the intermediate steps.¹⁶

Diverging Views of EU Member States on QMV

Enhancing the effectiveness of the EU enlargement process has become a priority for the new European Commission. Marta Kos, the new Commissioner for Enlargement, stated during her hearing in the European Parliament that bilateral disputes should not obstruct accession progress. She promised to work actively on resolving these disputes outside of the enlargement process.¹⁷ Kos emphasized that introducing QMV in intermediate steps of the process while preserving unanimity at the beginning and at the end could ensure a more effective and predictable process.¹⁸

However, while the legal framework allows for this shift, the decision rests with the Member States in the Council. Some countries, including Sweden, Finland, the Baltic States, as well as Czechia, Romania, Portugal, and Spain, have supported

¹⁵ “Commission adopts 2024 Enlargement Package,” European Commission, October 30, 2024, https://neighbourhood-enlargement.ec.europa.eu/news/commission-adopts-2024-enlargement-package-2024-10-30_en.

¹⁶ Emerson and Blockmans, “EU Adopts Negotiating Frameworks for Ukraine and Moldova: The Starting Gun for the Accession Process,” 2.

¹⁷ “Hearing of Marta Kos,” European Parliament, November 7, 2024, https://hearings.elections.europa.eu/documents/kos/kos_verbatimreporthearing-original.pdf, 18.

¹⁸ European Parliament, “Hearing of Marta Kos,” 12.

moving to QMV and endorsed the recent German-Slovenian initiative, arguing that it would enhance the credibility and efficiency of the accession process.¹⁹ By minimizing the impact of bilateral issues unrelated to the accession criteria, QMV could help depoliticize decision-making and sustain momentum in enlargement discussions. Even though a candidate country could still face a veto at the final stage, progressing through the process under QMV would still ensure sufficient incentives for the candidate countries to adopt substantial reforms by allowing progress through the negotiation process by opening and closing chapters and implementing the EU acquis. For instance, France is open to supporting QMV in the accession process, but they view it as part of a broader package with reforms in other areas.²⁰

In contrast, other Member States, such as Austria or Italy, express reluctance or oppose the introduction of QMV even in the intermediate steps.²¹ Their primary concerns center around losing control over the process, especially when addressing sensitive bilateral issues.²² They also argue that QMV is not a perfect solution, as a candidate state could still face a veto at the end of the process, potentially leading to greater frustration and disillusionment.²³ In addition, opponents emphasize that unanimity fosters consensus and stability within the Union. Proponents argue that unanimous approval would still be required at the

¹⁹ "Why the EU Should Introduce Qualified Majority Voting in the Enlargement Process," German Council on Foreign Relations, October 21, 2024, <https://dgap.org/en/mediacenter/explainers/why-eu-should-introduce-qualified-majority-voting-enlargement-process>.

²⁰ Nicolai von Ondarza, and Isabella Stürzer. "The State of Consensus in the EU." *Stiftung Wissenschaft und Politik Comment*, NO.16 (2024): 7, https://www.swp-berlin.org/publications/products/comments/2024C16_QualifiedMajorityDecisions.pdf; Wouter Zweers, Isabelle Ioannides, Zoran Nechev, and Nikola Dimitrov. "Unblocking decision-making in EU enlargement: Qualified Majority Voting as a way forward?", 10-12.

²¹ "Why the EU Should Introduce Qualified Majority Voting in the Enlargement Process."

²² Buras, Piotr, and Engjellushe Morina. "Catch-27: The contradictory thinking about enlargement in the EU," *European Council on Foreign Relations*, November 2023, https://ecfr.eu/publication/catch-27-the-contradictory-thinking-about-enlargement-in-the-eu/?utm_source=chatgpt.com.

²³ These concerns were identified and quoted by experts for example at the Konrad Adenauer Stiftung closed-door event on QMV in enlargement organized in Brussels on 14 November 2024.

beginning and end stages, thus preserving essential safeguards while streamlining the process.²⁴

A Path Forward

The debate over QMV in the intermediate steps of the enlargement process is causing divisions among EU Member States. Supporters advocate for increased efficiency and credibility in the process, while opponents stress the risk of losing control and the need to preserve consensus. Although the proposals in this direction offer a path to streamline the process without requiring treaty changes, its implementation still depends on unanimous agreement to amend negotiation frameworks.

Introducing QMV in the intermediate steps of the enlargement is a complex and politically sensitive issue, yet the German Slovenian non-paper has successfully brought this issue to the forefront of discussions. As political concerns regarding QMV are likely to persist, it is essential to establish a mechanism parallel to accession negotiations to address bilateral issues outside the context of EU enlargement, ensuring progress and maintaining trust among Member States.

²⁴ Wouter Zweers, Isabelle Ioannides, Zoran Nechev, and Nikola Dimitrov. "Unblocking decision-making in EU enlargement: Qualified Majority Voting as a way forward?", 10-12.

Bibliography:

Buras, Piotr, and Engjellushe Morina. "Catch-27: The contradictory thinking about enlargement in the EU," *European Council on Foreign Relations*, November 2023.

https://ecfr.eu/publication/catch-27-the-contradictory-thinking-about-enlargement-in-the-eu/?utm_source=chatgpt.com

Cvijic, Srdjan, Nikola Dimitrov, Leposava Ognjanoska Stavrovska, and Ivana Rankovic. "Bilateral Disputes and EU Enlargement: A consensual Divorce," *Belgrade Centre for Security Policy*, May 2024, <https://bezbednost.org/wp-content/uploads/2024/05/bilateral-eng-08.pdf>.

Emerson, Michael, and Steven Blockmans. "EU Adopts Negotiating Frameworks for Ukraine and Moldova: The Starting Gun for the Accession Process." *SCEEUS Guest Commentary*, NO. 15 (2024):1-5. <https://sceeus.se/en/publications/eu-adopts-negotiating-frameworks-for-ukraine-and-moldova-the-starting-gun-for-the-accession-process/>

EUR-LEX. "Consolidated version of the Treaty on European Union Article 49." Accessed December 1, 2024, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016M049>

European Commission. "Commission adopts 2024 Enlargement Package." October 30, 2024. https://neighbourhood-enlargement.ec.europa.eu/news/commission-adopts-2024-enlargement-package-2024-10-30_en

European Commission. "Enhancing the Accession Process – A Credible EU Perspective for the Western Balkans." February 2, 2024. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0057>

European Parliament. "Hearing of Marta Kos." November 7, 2024. https://hearings.elections.europa.eu/documents/kos/kos_verbatimreporthearing-original.pdf

German Council on Foreign Relations. "Why the EU Should Introduce Qualified Majority Voting in the Enlargement Process." October 21, 2024.

<https://dgap.org/en/mediacenter/explainers/why-eu-should-introduce-qualified-majority-voting-enlargement-process>

Lippert, Barbara. "EU Enlargement: Geopolitics Meets Integration Policy." *Stiftung Wissenschaft und Politik Comment*, NO.1 (2024): 2-8, https://www.swp-berlin.org/publications/products/comments/2024C01_EU_Enlargement.pdf

Ondarza, Nicolai von, and Isabella Stürzer. "The State of Consensus in the EU." *Stiftung Wissenschaft und Politik Comment*, NO.16 (2024): 2-8. https://www.swp-berlin.org/publications/products/comments/2024C16_QualifiedMajorityDecisions.pdf

Regional Cooperation Council. "Balkan Barometer 2022 Public Opinion." Accessed December 10, 2024. <https://www.rcc.int/pubs/139/balkan-barometer-public-opinion-2022>

Regional Cooperation Council. "Balkan Barometer 2024 Public Opinion." Accessed December 10, 2024. https://www.rcc.int/balkanbarometer/key_findings_2024/2/

Report of the Franco-German Working Group on EU Institutions Reform. "Sailing on High Seas: Reforming and Enlarging the EU for the 21st Century." September 18, 2023. <https://www.politico.eu/wp-content/uploads/2023/09/19/Paper-EU-reform.pdf>.

Srdjan Cjivic, Marie Jelenka Kirchner, Iskra Kirova, and Zoran Nechev, "From Enlargement to the Unification of Europe." *Open Society Foundation*, June 2019. <https://www.opensocietyfoundations.org/publications/from-enlargement-to-the-unification-of-europe>

Zweers, Wouter, Isabelle Ioannides, Zoran Nechev, and Nikola Dimitrov. "Unblocking decision-making in EU enlargement: Qualified Majority Voting as a way forward?" *Clingendael Policy Brief*, June 2024. https://www.clingendael.org/sites/default/files/2024-06/PB_Unblocking_decision-