

Spring School 2016

Human Rights as a Key for Democracy

-- Accession Process and Enlargement of the EU - -

I. Political motives and the legal basis of the EU accession process

1. Political motives: Whom benefits enlargement?
2. Accession criteria
 - a) Legal (art. 49 TEU): Commitment to the values of the EU (art. 2 TEU)
 - b) Political and economic: The Copenhagen criteria
3. The instruments to create the conditions for accession / Pre-accession strategy
4. The principles of accession negotiations
 - a) Total acceptance of the acquis
 - b) Negotiations only on (temporary) exceptions
 - c) Conditionality: Progress according to the own efforts of the accession candidate

II. The enlargement procedure step by step

1. Preparatory phase: Status as a (potential) candidate, application, avis of the Commission
2. Negotiation phase: Opening of the negotiations, screening, conditionality for the opening and closure of chapters, drafting of the treaty of accession
3. Concluding phase: Conclusion of the treaty of accession, monitoring

III. Legal transposition of the accession negotiations results

1. The structure of the accession documents: Accession treaty, act of accession and final act of the accession conference
2. The necessity of ratification and the consequences of non-ratification
 - a) By a candidate country
 - b) By a member state
3. The legal techniques for transposing the accession negotiation results
 - a) Principle of the acceptance of the acquis and its special cases: Schengen, monetary union, treaties with third parties
 - b) Adaptation of primary law
 - c) Five ways to adapt secondary EU legislation
 - d) Temporary provisions in favor and against the acceding countries
4. Protection clauses and „super-protection clauses“

IV. EU enlargement policy: the next steps

1. The enlargement negotiations with Turkey and its specificities
2. The interruption of the negotiations with Island
3. Other candidates and potential candidates: The stabilization and association process for the Western Balkans

V. The relationship of the EU with its neighbours: "The borders of Europe?"

1. Participation without membership: The European Economic Area, Schengen and the bilateral relations with Switzerland
2. The European Neighbourhood Policy (ENP) for the neighbours in the East and the South: „Everything but institutions“
3. Russia: Strategic partnership or confrontation? - Fundamental differences in approaches:
 - a) Supranational integration vs. imperial ambitions
 - b) Monistic vs. pluralistic foreign policy