

# Turkey-EU relations: Road to nowhere or hope for progress? An analysis in light of the enlargement policy-concepts, tools and prospects\*

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## Abstract

This study aims at analysing main approaches, concepts and tools of the recent enlargement wave of the European Union on the basis of the policy documents specific to the design and implementation of such policy. Analysis of the main elements of the enlargement policy and the necessary reforms for preparing the EU for enlargement as per the concept of “integration capacity” pave the way for certain initial assessments regarding the future of EU’s deepening and widening and their intertwined nature, as well as putting into perspective the future prospects of Turkey-EU relations.

*Key words:* European Union, EU enlargement, EU integration capacity, EU-Turkey relations

## 1. Introduction

This paper aims at contextualising the state of play in Turkey-EU relations by providing a brief outlook from the perspective of widening and deepening debate in the European Union, through focusing on main policy tools and objectives for

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enlargement, their development and connection with the content, process and procedure of reform in the EU as they currently unfold.

The EU enlargement has come to the fore once again due to recent geopolitical and geostrategic turn of events, most significant of which being the Russian aggression on Ukraine. As this new wave of enlargement, its main driving factors and decision making process attest, accession to the Union has always been, and still is, a predominantly political matter, a political decision. The criteria, principles, standards, procedures and processes of enlargement, however, also require a rule-based, normative and legal outlook both for the Union and for the candidate country, in order to attain the desired outcome and benefit the membership entails both for the candidate and for the EU.

In that vein, how those legal and policy instruments and concepts will be construed and implemented in the recent enlargement wave will be adopted as the method to make some basic observations both on the current enlargement process, EU's preparation for this process and moreover, on the current status and the possible direction of both the EU and Turkey-EU relations.

The accession process for Turkey, despite continuing on paper or “de jure”, for all intents and purposes, is in a political, practical and “de facto” coma, if not yet called “dead” officially. The pendulum which is one of the most employed metaphors to describe the positive and negative developments following each other in the relations, seems to be mainly stuck on the cold, dark, negative side for almost 20 years now, and it might prove to be too difficult to resuscitate the full-fledged, regular accession process for the foreseeable future. That would be the case, in particular, if the current political and economic climate continues for another decade or so both for the Member States and Turkey alike, and both parties' intentions and attitudes remain stuck accordingly as well. The underlying factors of this negative and seemingly long-lasting turn of events are manifold, and are beyond the confines and objectives of this paper.

Instead, this paper will focus on the so-called “integration capacity” of the EU, that is the 4<sup>th</sup> Copenhagen criteria regarding its enlargement process, and the meaning of this concept and its evolving nature from mid-2000s till the mid-2020s. In that regard, the enlargement process and its corollary, the concept of “integration capacity” also provide some key elements of the differentiated integration debate both in its internal and external varieties. (Schimmelfennig and Winzen, 2020).

The relationship between the concept of “integration capacity” both in relation to the EU and its necessary reform process to prepare for integrating the new member, and the candidate country's relevant attributes in order to be smoothly integrated into the EU will be examined briefly here. Such examination will be undertaken in order to situate the prospects of Turkey-EU relations with its various contours within the legal, economic, security and political structure of wider Europe,

albeit outside the formal borders of the EU as such, yet within confines of its politically and legally fuzzy borders, processes and structures.

The aim here is neither to discuss the normative desirability or substance of the possible or probable EU reforms to prepare for enlargement and also to function more efficiently, nor their feasibility. The same goes for the recently energised enlargement policy. Rather, the objective of the paper is to provide a perspective on the discussions on both aspects of the development of European integration and their probable impact on the short to medium term prospects of Turkey-EU relations, either as regards the accession, or any rule and procedure based relationship structure, i.e. an external differentiated integration model, and maybe in the direction of a transactional relationship.

Here, the main argument of the paper is that neither the widening, nor the deepening dynamics of the EU will have a significant impact on Turkey-EU relations and that the parties are locked in their own positions, mainly emanating from their irrational, emotions and frustrations based stances towards each other, which reflects upon the enlargement policy and instruments on the part of the EU and are also demonstrated by them. It is also argued that only a shift in dynamics of the international political or economic circumstances and/or in the domestic political and economic circumstances of the parties' might trigger a change of direction.

## 2. EU enlargement from 2004 onwards: history, policy and its main instruments

### *2.1. Brief history of enlargement following the Eastern Wave*

The EU had previous experience of accession of new members, the 2004-2007 period –starting in mid-1990s- however, witnessed the most ambitious, politically significant and at the same time overstretching enlargement of the EU to date. 12 states, 10 of which were former Eastern Bloc countries became EU members after an arduous, yet retrospectively short enlargement process resulting in profound political, economic and legal transformation, mainly for the newcomers, but also for the Union as well. (Sjursen, 2002; Sjursen, 2006; Schimmelfennig and Sedelmeier, 2002; Schimmelfennig and Sedelmeier, 2005)

Almost two decades later, the EU is faced with a new wave of enlargement. In fact, there were other candidate countries for EU accession following the big bang enlargement wave, i.e. the Western Balkans and Turkey, yet until the war of aggression by Russia on Ukraine, only one candidate country had become a member from that group, Croatia in July 2013, and since then there were no candidate countries that came even close.

In fact for the Union, enlargement was an item not on top of the agenda for almost a decade. The shift of focus on the part of the EU from enlargement to other more pressing matters and policies, together with the so-called enlargement fatigue are considered as the factors behind such ambivalence of the EU towards enlargement. This is also demonstrated for instance by the policy of the Juncker Commission announcing that no new members will accede to the Union in their 5 year term of office. The multifaceted hardships faced by the EU, starting with the ratification of the Constitutional Treaty to the financial crisis of 2007-2008, from the rise of radicalism, populism and almost the collapse of the centre of the political spectrum, or in other words the mainstream political parties in a significant number of Member States to problems with managing migration and the migration averse public opinions, from Brexit to the difficulties in the Transatlantic relations-in particular during the Trump administration era-, and the rule of law -or in other words values- crisis mainly in some of the newcomers, but not only specific to them, dampened the mood, curbed the enthusiasm towards further enlargement to be put on the agenda.

Admittedly, the new bout of candidate countries also presented formidable challenges towards the EU, comparable to the Eastern Enlargement countries if not even more so. The Western Balkans with their individual political, economic and legal difficulties aside, also required special attention towards their relations with each other, and also some of the existing member states for the EU as well.

And then there was Turkey...Turkey had acquired the candidate status on December 1999, at the end of the first stage of the so-called "long and winding road" which took almost 40 years, if one starts counting from the first application of Turkey in July 1959. The following few years witnessing Turkey sufficiently fulfilling the Copenhagen Political Criteria and starting the accession negotiations in October 2005, greatly helped by the overall enabling economic and political conditions in the international climate, as well as the country itself. Yet, from that achievement onwards, the parties, i.e. Turkey and the EU, almost seem to have started to build together some sort of an insurmountable stumbling block, brick by brick, in way of the smooth progress of the bilateral relations, let alone the accession process.

Democratic backsliding on the part of Turkey, its newly discovered passion for a so-called diversified foreign policy, somewhat distancing itself from the institutions, mechanisms and principles of not only the West, but also the founding tenets of the Republic to some extent, frustration with EU's ambivalence and the Cyprus issue all played their part in the deterioration of the relations with the EU. The problems of the Union, briefly mentioned above all fed into the perception of Turkey, as a problem to be managed, instead of a candidate to be transformed for EU membership.

The growing tension in the relations resulted in a mutual dissatisfaction and frustration in the parties to such a degree that even the transactional moves, such as the migration cooperation and refugee deal of 2015-2016 managed to pave the way for a functioning, interest-based, mutually satisfactory relationship model, let alone any principled, rules-based structured model, such as the revision or modernisation of the Customs Union between the parties, and obviously the accession prospects became more and more distant.

The Western Balkans, on the other hand, despite following a different trajectory, faced similar difficulties with their accession processes, which resulted in frustration both in the political elites and more significantly in the public opinion of those countries.

Then the Russian war on Ukraine as of February 2022 and Ukraine's membership application immediately afterwards, forced the EU to change its ambivalent attitude towards enlargement and brought into limelight once again its most effective and successful foreign policy tool to date (Anghel and Džankić, 2023; Börzel, 2023; Laffan, 2022).

This eventuality also brought forward the need to putting its own house in order to prepare for this new and challenging enlargement wave and increase its "integration capacity" as we will discuss below.

## *2.2. Enlargement policy: instruments and their consequences*

As is well known, the Copenhagen criteria, which were adopted in June 1993 Copenhagen European Council Conclusions in order to prescribe the political, economic and legal prerequisites for EU accession in the aftermath of the Cold War, set down the following requirements for membership:

- the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- the existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union;
- the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union and the administrative capacity to effectively apply and implement the *acquis*. (European Council, 1993).

There is, however, one last Copenhagen criterion and as the Copenhagen Summit Conclusions declare: "The Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries".

The concepts, methods and tools of enlargement employed by EU's enlargement strategies and negotiating frameworks in the aftermath of the big bang enlargement of 2004-2007 differed from the previous bout in many ways.

The reasons for that include, *inter alia*, the enlargement fatigue as a result and the lessons learned because of the big bang enlargement, the long EU reform process which took almost the best part of a decade, the political and financial hardships faced by the Union with the sovereign debt crisis, migration crisis, rise of the populism crisis, values crisis, but also from the particulars of the candidate countries, and in particular one of them, i.e. Turkey.

Indeed, Turkey provided such a challenge to the EU as an accession country that the already existing 4<sup>th</sup> and last Copenhagen criteria, “the absorption capacity” had to be remembered and reminded by the Member States while the decision to open accession negotiations with that candidate country was taken in 2004-2005 (European Council, 2004 and Council of the EU, 2005).

The conditions and procedures of the EU's enlargement policy for the Western Balkans and Turkey as a new group, or wave, of enlargement were designed around 2004-2005, i.e. during the time when the decision about Turkey's starting the accession negotiations was being taken, together with Croatia. That methodology was then extended to all candidate and potential candidate countries with the 2006 Enlargement Strategy and their respective Negotiating Frameworks.

The main elements of 2006 Enlargement Strategy continue to be implemented today in principle (See Commission Enlargement Strategy 2006). There are some significant aspects of the wording and methodology that have been adapted to the necessities that emerged, in particular regarding the Western Balkans (See Commission's Revised Enlargement Methodology, 2020). The most significant of such novelties of wording, approach or methodology which were introduced over the years will be examined briefly, following the discussion on the 2006 Strategy below.

Under the 2006 Enlargement Strategy, three concepts or principles were to be taken into consideration for further enlargement of the Union: “consolidation”, “conditionality” and “communication”.<sup>2</sup>

According to the 2006 Enlargement Strategy, “consolidation” of the EU enlargement agenda meant that the Union would from then on be cautious about assuming any new commitments, but would honour its existing commitments towards countries already in the enlargement process.<sup>3</sup> Those would be the countries the accession negotiations had commenced with, i.e. Turkey and Croatia, as well as

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<sup>2</sup> See in general, Blockmans 2007, Amtenbrink, 2007, Stubb, 2006, House of Lords, 2013.

<sup>3</sup> Obviously that position needed a well justified revision or adaptation to the new circumstances due to the unfolding events from February 2022 onwards, namely the Russian invasion of Ukraine.

the Western Balkans countries to which a European perspective had already been offered.

“Conditionality”, which had been a crucial element of the enlargement to the East<sup>4</sup>, was being underlined by the Union as well as being somewhat redefined as “rigorous but fair conditionality”. Thus, “strict” or in other words “rigorous but fair” conditionality was to be applied to all candidate and potential candidate countries. In the words of the 2006 Enlargement Strategy, “[e]very step forward depends on each country’s own progress in meeting the necessary conditions at each stage of the accession process. This approach helps to consolidate reforms and to prepare new Member States to fulfil their obligations upon accession.” (Commission, 2006)

Moreover, the significance of the democratic legitimacy of the enlargement process, arguably for the citizens of the Member States and the candidate countries was highlighted by the new enlargement strategy. As far as the EU was concerned, “[f]or enlargement to be a success, the EU must ensure the support of its citizens. Member States need to take the lead in communicating effectively the enlargement process and in particular the benefits that it offers for EU citizens.” (See Commission’s Enlargement Strategy, 2006). Hence, the popular support of the citizens had to be ensured through several mechanisms including civil society dialogue, which would culminate in better “communication”, and thus understanding, trust and solidarity in order to make the enlargement a success.

Here, it needs to be pointed out that there was a strong emphasis on the absorption capacity of the Union in the Negotiating Framework for Turkey, which arguably also had an impact on the framing of the new Enlargement Strategy. As stated in the Negotiating Framework for Turkey:

“Enlargement should strengthen the process of continuous creation and integration in which the Union and its Member States are engaged. Every effort should be made to protect the cohesion and effectiveness of the Union. In accordance with the conclusions of the Copenhagen European Council in 1993, the Union's capacity to absorb Turkey, while maintaining the momentum of European integration is an important consideration in the general interest of both the Union and Turkey [...] While having full regard to all Copenhagen criteria, including the absorption capacity of the Union, if Turkey is not in a position to assume in full all the obligations of membership it must be ensured that Turkey is fully anchored in the European structures through the strongest possible bond.” (Council of the EU, 2005).

On the call of the European Parliament for this concept to be examined and explained further, the European Commission prepared a Report on the absorption capacity of the EU in the Annex to its 2006 Enlargement Strategy and renamed the

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<sup>4</sup> See in general Inglis, 2006, Kochenov, 2008.

concept as “integration capacity” (Commission, 2006; Amténbrink, 2007). According to this study, entitled as “Special report on the EU's capacity to integrate new members”, the Commission stated that “[t]he EU's absorption capacity, or rather integration capacity, is determined by the development of the EU's policies and institutions, and by the transformation of applicants into well-prepared Member States” (Commission's Enlargement Strategy and Special Report on Integration Capacity 2006). Therefore, as mentioned above, the capacity of would-be members to accede to the Union was to be rigorously assessed by the Commission on the basis of strict conditionality.

In the words of the Commission:

“Integration capacity is about whether the EU can take in new members at a given moment or in a given period, without jeopardizing the political and policy objectives established by the Treaties. Hence, it is first and foremost a functional concept. The Commission will in the future prepare impact assessments at all key stages of the accession process. Where such assessments are made, the specific characteristics of each country will be taken into account.” (Commission, 2006)

According to the Special Report, the capacity of the Union to maintain the momentum of European integration as it enlarged had three main components: institutions, common policies, and budget. The Union needed to ensure that its institutions continued to act effectively, that its policies met their goals, and that its budget was commensurate with its objectives and with its financial resources after the accession of new Member States. Therefore, the size and the attributes of a candidate country would also be taken into account while making the final decision about its accession.

Moreover, also in accordance with the elements of the new Enlargement Strategy, communication amongst the citizens of the existing Member States and candidate countries was deemed as essential within context of the determination of the integration capacity. In that vein, the Commission stated that:

“The EU can successfully welcome new countries provided its own development has progressed and candidate countries can fulfil their responsibilities as Member States. EU citizens also need to be ready for further enlargement, with a better understanding of the issues at stake. This will enhance the democratic legitimacy of the process in terms of public perception.” (Commission, 2006).

Other elements of Turkey's Negotiating Framework such as the possibility to bring “opening and closing benchmarks”, the possibility of “suspension in the case



of a serious and persistent breach of EU's values", the adoption of an "Intergovernmental Conference format" for the accession negotiations were also identified as elements increasing the role of the Member States in the EU's enlargement process. (Hillion, 2010)

Moreover, it was stated in Turkey's Negotiating Framework that there would be a possibility of long transition periods, special arrangements and permanent safeguard measures to be included in the Accession Treaty for Turkey. In the words of the Negotiating Framework for Turkey:

"Long transitional periods, derogations, specific arrangements or permanent safeguard clauses, i.e. clauses which are permanently available as a basis for safeguard measures, may be considered. The Commission will include these, as appropriate, in its proposals in areas such as freedom of movement of persons, structural policies or agriculture. Furthermore, the decision-taking process regarding the eventual establishment of freedom of movement of persons should allow for a maximum role of individual Member States. Transitional arrangements or safeguards should be reviewed regarding their impact on competition or the functioning of the internal market."<sup>5</sup>

Those elements were already arguably developed with the "integration capacity" of the Union in mind, as well as the specific attributes of the candidate country in that regard. The Union was trying to be careful with those policy and budgetary areas that would be mostly effected by the accession of Turkey, taking into account also the public opinion in the Member States, their perceptions and anxieties.

Moreover, such a model of membership, if materialised, would have already presented an exercise of the differentiated integration designs, almost even before such concept was developed.

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<sup>5</sup> For an extensive analysis of such provisions possibility of being incorporated into the Accession Treaty of Turkey and their legal effects and compatibility with the basic tenets of the European Union legal order see Hillion, 2007, Hillion, 2010.

Whereas the Negotiating Framework for Ukraine has a different approach for such precautions in the future accession treaty and states "Transitional measures may also be agreed in the interest of the Union. Appropriate transition periods, derogations, specific arrangements or safeguard clauses may be considered. The Commission will include these, as appropriate, in its draft EU Common Positions to close the relevant chapters for areas such as freedom of movement of workers, structural policies and/or agriculture. Transitional arrangements or safeguards should be reviewed regarding their impact on competition or the functioning of the internal market." (Council of the EU, 2024) The striking difference here is that there is no mention of permanent safeguard measures as was the case of Turkey's Negotiating Framework. (Council of the EU, 2024)

### *2.3. Consequences for enlargement*

In the Commission Report of 2006, prepared in accordance with the request from the European Parliament, in order to explain the meaning of this concept, to a certain extent due to repeated significance being given to the term in December 2004 European Council Conclusions and also in particular in Turkey's Negotiating Framework, we saw that the "absorption capacity" was to be renamed as the "integration capacity".<sup>6</sup> Hence, the "absorption" or "integration" "capacity", whose meaning and various components have been elaborated by the European Commission, albeit arguably not commensurate to the significance of the concept. In the last decade, and in particular now in the verge of a new challenging enlargement, with challenging candidate countries such debate seem to be intensifying to a certain extent.

When we delve into the exploration on the legal and political meaning and consequences of the concept of "integration capacity", the initial approach would be to identify this concept as concerning the capacity of the EU in its various forms and manifestations to "integrate" the new member state. In fact, as the Commission points out, the integration capacity is usually referred to as having evolved into the condition for the Union to function properly and efficiently politically, financially and institutionally before enlargement takes place (Commission, 2006).

The strength, the resilience and the flexibility of the EU in its governance (institutions, decision making practice and processes, objectives and values, judicial structures etc.), its policies (policy shaping, policy prioritisation, policy instruments, policy impact analysis, policy balancing etc.) and its budget (budgetary revenues and expenditures, funds and their allocation principles and procedures, budgetary contributions and allocations etc.) would all be favourably or adversely effected by the accession of a new member. Hence, the need for the EU to prepare for all those positive and negative consequences of the accession of the new member "while maintaining the momentum of European integration", since this "is also an important consideration in the general interest of both the Union and the candidate countries." (Commission, 2006)

The other and equally significant aspect of the "integration capacity", though only implicitly mentioned and would need to be inferred from the analysis of the meaning and implications of the concept, emerges as the so-called "capacity" of the candidate country or the new member state to be "integrated" into the Union. Despite the wording of the Copenhagen Summit Conclusions pointing solely to the attributes of the Union to prepare to integrate the new countries, it needs to be

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<sup>6</sup> Commission Report on Integration Capacity 2006. See further on the term Börzel, Dimitrova and Schimmelfennig, 2017.

underlined that one of the components of the “integration capacity” is inevitably the attributes of the candidate.

First, in the 2006 Report, the Commission, after stating that it will “[...]prepare impact assessments at all key stages of the accession process.”, underlines also that [w]here such assessments are made, the specific characteristics of each country will be taken into account”. (Commission, 2006)

Arguably, the timing of the preparation of the focus on the concept of the “absorption” or “integration” capacity coinciding with the start of accession negotiations with Turkey appearing in the horizon at the end of 2004, and becoming a reality by the beginning of October 2005, a candidate country with a plethora of challenging and promising attributes also attests to this contention. Moreover, Turkey’s being an especially challenging candidate country for the EU was already confirmed by a similar Report prepared by the Commission on Turkey, included in its Enlargement Package of 2004 (See Commission Report on Issues Arising from Turkey’s Membership, 2004).

Yet, it also needs to be pointed out that the most apparent and legally significant aspect of the “integration capacity” of the Union for any candidate country remains the capacity of the candidate country to assume all the obligations of EU membership.

With the 2006 Report of the European Commission on the integration capacity, a significant element was underlined once again, albeit in different terminology, in EU enlargement policy documents, namely that enlargement also requires a broad and sustained public support in EU and acceding Member States.<sup>7</sup> This element was also to be found in the December 2004 European Council Conclusions and Turkey’s Negotiating Framework, stating that the negotiations would be premised on three pillars comprising the efforts to keep up with complying with the Copenhagen Political Criteria, alignment with the EU Acquis and strengthening the civil society dialogue between EU and Turkish peoples. This last element resonates with the public support for accession of a particular country, both in the EU Member States and the accession country. As Andrea Ott remarks “[t]his hybrid and fluid condition questions legal certainty and predictability but the enlargement policy remains a hybrid process – political and intergovernmental at the same time.” (Ott, 2024)

This examination needs to be linked with the analysis on the enlargement strategies and the negotiating frameworks in order to highlight, and critically explore some of the recent terminology on staged/gradual integration/accession which can be regarded to a certain extent as related to the concept of integration capacity both from the EU, but also from the candidate country perspective. We will

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<sup>7</sup> See European Council Conclusions, 14– 15 December 2006 and Buras and Morina, 2023.

touch upon the matter below, while analysing the recent Enlargement Strategies' wording and methodology since the beginning of the 2020s.

### 3. Revised enlargement principles and methodology for Today's challenges

From European Commission's 2006 Enlargement Strategy onwards, the rules, principles and procedures developed for Turkey and the Western Balkans were all prepared and implemented with such over cautious, almost delaying manner that, save for Croatia, not only Turkey, but also none of the Western Balkans managed to satisfy the requirements of these new strategies (Börzel and Schimmelfennig, 2017).

It needs to be pointed out, however, that despite the accession conditions becoming ever more difficult to comply with for the new group of candidates, their efforts for legal alignment had to be also more vigorous, in particular in the area of democracy, human rights and rule of law too.

The reasons for this were twofold. The Union felt the urgent need for developing a fast evolving *acquis* in the political criteria area and an approach of "lessons learned" from the Eastern enlargement was being adopted. The Union was gaining ground in common rules and procedures in the area of democracy, human rights and rule of law since the early 2000s, so the relevant *acquis* was expanding, and secondly because the Union had experienced the adverse effects of expediting the accession process, especially as regards the independence and impartiality of the judiciary, the separation of powers, the public administration reform and all other governance issues in general, transparency and accountability for all relevant public administration actors, the anti-discrimination legislation, practice and institutionalisation etc. In that sense, delays in the accession process might be agonising and infuriating, yet to a certain extent understandable from the perspective of the EU side: the Union's political and legal system required and justified such caution, hence no accession since 2013.

Yet, today's international geopolitical climate attests to a somewhat different enlargement process (Petrov and Hillion, 2022). The geopolitical climate changed drastically from that of the aftermath of the collapse of the Iron Curtain's liberal economic and political values and approaches to the circumstances created by a war of aggression just outside the borders of the Union. This change in a nutshell has already had, and probably will continue to have, some dramatic impact on the liberal order and also the European integration regarding its political, economic and legal system as well as its policies. It needs to be pointed out that, not only the Russian aggression on Ukraine, but a plethora of reasons from the economic, social and political discontent with the consequences of the global liberal order that emerged

in the aftermath of the collapse of the Iron Curtain created the dynamics of this geopolitical turn of events for Europe. Hence, the enlargement climate this time, in 2020s, is very different from that of the second half of 1990s and the first half of the 2000s.

There is one strong similarity, however, between the Eastern enlargement of the early 2000s and the enlargement of 2020s: enlargement proves to be the best and most powerful response and most effective foreign policy tool for the Union once again. In that vein, on 6 October 2023, at the informal meeting of heads of state or government in Granada, EU leaders reconfirmed enlargement as “a geo-strategic investment in peace, security, stability and prosperity” (Heads of State and Government of EU Member States, 2023).

As stated in the Enlargement Strategy of 2022, “Russia’s brutal invasion of Ukraine in February 2022 has fundamentally changed the geopolitical landscape and is putting the rules-based order to the test. In this context, the EU’s enlargement policy is more than ever a geostrategic investment in long term peace, stability, and security of the whole of our continent and is consequently featuring high on the EU’s political agenda” and that “[t]he Russian aggression has demonstrated more clearly than ever that the perspective of membership of the European Union is a strong anchor not only for prosperity, but also for peace and security.” (Commission, 2022)

With this backdrop in mind, we will look into the enlargement strategies, tools and methods to ascertain whether there are any significant changes in the design and implementation of the enlargement policy in this time span of almost 20 years.

### *3.1. New elements of the EU enlargement strategies*

The first significant change, heralding also what would follow, came much earlier with the 2011 Strategy (Commission, 2011-2012) and was reflected in Montenegro’s Negotiating Framework of 2012 (Council, 2012). Here, the Chapters 23 and 24, comprising the EU Acquis on “Judiciary and Fundamental Rights” and “Freedom, Security and Justice” were given a specific status as the first chapters to be opened and last to be closed in accession negotiations of the candidate country. It was stated in the Enlargement Strategy of 2011 that “[d]ifficult negotiating chapters such as those on the judiciary and fundamental rights and on justice, freedom and security should be tackled as early as possible to allow adequate time for the candidate country to build the necessary track record of reform” (Commission, 2011-2012). This was a clear reflection of lessons learned from the previous enlargement wave.<sup>8</sup>

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<sup>8</sup> This is also underlined in the Negotiating Framework of Ukraine as “Given the crucial importance throughout the process of the underlying reforms, negotiations on the fundamentals’ cluster will be

Then following a considerable amount of time without any development in enlargement policy, including the 2014-2019 Juncker Commission's stance that there would not be any new accessions to the Union till the end of 2019-inarguably as a reflection of the policies of most of the Member States-, the French government came up with a proposal for the revival of the enlargement for the Western Balkans in November 2019 (French Government, 2019). The French proposal was answered by a counter proposal at the time by a group of Member States (Politico, 2019).

The French proposal underlined the principles which were to be reflected, a few months later, in the Commission study on the Revised Methodology for Enlargement announced in February 2020 (Commission, 2020).<sup>9</sup> The “gradual association”, “stringent conditions”, “tangible benefits” and “reversibility” and replacing the chapters with successive stages where the completion of each stage would be rewarded by “the possibility to participate in EU programmes, to be involved in certain sectoral policies and, where appropriate, to benefit from certain targeted finance where the final objective would still remain “full and complete accession.” This approach could also be seen as an example of differentiated integration designs.<sup>10</sup>

The Commission presented its new enlargement methodology in February 2020 (Commission, 2020; Mirel, 2019; Mirel, 2022), where the main claim was to have a “more credible, dynamic, and predictable” process and the main novelties were on grouping the negotiating chapters in six thematic clusters: fundamentals; internal market; competitiveness and inclusive growth; green agenda and sustainable connectivity; resources, agriculture and cohesion; external relations; envisaging more credibility by greater involvement of member states; and lastly, greater predictability through the clusters design, which should result in the gradual “phasing in” of candidates in EU policies and increased access to funding throughout the process, but would also include rolling back in the case of stagnation or backsliding in prospective members. The so-called Revised Enlargement Methodology was to be premised on four principles: “enhancing credibility”, “providing a more robust political direction”, “injecting dynamism”, and “ensuring predictability”.

“Injecting dynamism”, in close connection with “enhancing credibility” necessitated from 2020 onwards that the candidate countries would be expected to deliver on commitments, and the Member States would respond by moving forward

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opened first and closed last. This will allow sufficient time to establish the necessary legislation, institutions, and solid track records of implementation before the negotiations are closed. Progress under the fundamentals' cluster will determine the overall pace of negotiations and will be taken into account for the decision to open or close new clusters or chapters.” (Council, 2024)

<sup>9</sup> On a comparison of the proposals see Eisl, 2020.

<sup>10</sup> For detailed analysis of the French proposals see, Milenković, 2020, Tcherneva, 2019, Eisl, 2019.

to the next stage of the process, reflecting a “merits-based” approach, whereas “strong political direction” was to be realised by engaging with the candidates at the highest political level, through regular EU-Western Balkans summits and regular ministerial meetings. Moreover, the Member States will be involved more systematically in monitoring and reviewing the accession process and steering the negotiations.

A “more dynamic process” meant a new terminology of groups of chapters called “clusters”, where a specific related number of Acquis Chapters would be grouped together, and the first group or cluster would be named as the “fundamentals” comprising rule of law and fundamental rights, economic governance and improving economic competitiveness, and strengthening democratic institutions. This cluster would be prioritised and would also continue to be the prerequisite and significant point of focus for the progress in other areas under the motto of “fundamentals first”. Moreover, this approach would allow for identifying opportunities for early alignment and integration into EU policies. Negotiations on each cluster will be opened as a whole, rather than chapter by chapter, though each chapter will be dealt with individually with respect to its provisional closure. In line with the motto of “more predictability”, the EU was providing for both incentives and negative consequences: options like ‘accelerated integration’ and ‘phasing-in’ to specific EU policies, programmes, funding opportunities etc., or negative consequences for lack of progress, such as re-opening of previously closed chapters or reversibility.<sup>11</sup>

For the first time mentioned in the EU’s revised negotiating position on Montenegro and Serbia in 2021, then with Albania in 2022, and repeated with Ukraine in 2024, the Union employs phrases such as accelerated integration and

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<sup>11</sup> For instance under the Ukrainian Negotiating Framework such negative consequences were stated as follows: “In case of i) any serious or prolonged stagnation or backsliding in reform implementation in the fundamentals’ cluster, or ii) a situation where progress under the fundamentals cluster significantly lags behind progress in other areas and this leads to an overall imbalance of the enlargement negotiations, and after having exhausted all other available measures, the Commission can on its own initiative or at the duly motivated request of a Member State propose to withhold its recommendations to open and/or close other negotiating clusters and chapters, and adapt the associated preparatory work, as appropriate, until this stagnation, backsliding or imbalance is addressed. The decision thereon, shall be deemed to be adopted by the Council, unless, after having heard Ukraine, it decides by a qualified majority to reject the Commission’s proposal within 90 days. The Member States will act in the Intergovernmental Conference in accordance with this Council decision. Once the Commission assesses that the stagnation, backsliding or imbalance is addressed, it will recommend to the Council to open and/or close the negotiating clusters and chapters concerned. The decision thereon shall be deemed to be adopted by the Council, unless it decides by a qualified majority to reject the Commission’s recommendation within 90 days.”

“phasing in” to individual EU policies, the EU market and EU programmes in a merit-based and reversible manner. In the Negotiating Framework of Ukraine, the elements of the new methodology were employed as followed: “If Ukraine makes sufficient progress on reform priorities agreed in the negotiations, this should lead to closer integration with the European Union, through accelerated integration and “phasing in” to individual EU policies, the EU market and EU programmes, in a merit-based and reversible manner, in order to unleash the potential of such integration, in particular by removing technical barriers to trade, while ensuring a level playing field and safeguarding the internal market’s integrity; primary focus should be given to areas where the candidate country already has the capacity and expertise for exports to the EU, and to areas of mutual strategic interest where the candidate country has significant production but needs to meet EU norms and standards, and to other areas where there is a vast untapped potential.” (Council, 2024)

As remarked by Ott, “Unfortunately, this remains vague and resonates with what the EU also indicated to Turkey in the early 2000s, namely an associated status. However, this association to EU policies and even extending the internal market to third countries, the participation in EU programmes and agencies has been always enabled and therefore states the obvious. At the end, closer integration has its limits, it has to respect the red lines of a level playing field and integrity of the internal market which are mentioned in the official documents but also the autonomy of the EU legal order which is not mentioned in the document”. (Ott, 2024)

The EU was reiterating its commitment to the Western Balkans, emphasising that the region remained a “top priority” (Commission, 2020). The Commission proposals made on the 5<sup>th</sup> of February, were adopted by the Council in March 2020 (Council of the EU, 2020).

Lastly, in that vein, the 2024 Enlargement Strategy underlined the approach of coupling the enlargement momentum “with a reinvigorated engagement with the relevant partners, particularly through their progressive integration into the EU single market. This integration is a facilitator (and not an alternative) to accession, by bringing even before accession the tangible socio-economic benefits of EU membership to the enlargement countries that are ready in specific areas. To show its commitment to above mentioned engagement, the EU has significantly boosted its financial support to partner countries.” (Commission, 2024(b))

### *3.2. Deepening-enlargement tandem*

In 2023 Enlargement Strategy the relationship between the internal reforms for the EU and enlargement were highlighted once again by the statement that “[i]n parallel, the Union needs to lay the necessary internal groundwork and reforms for



further enlargement, to complete the European Union. As a concrete expression of EU support for the enlargement partners, it is crucial to mobilise the corresponding funding, including in the context of the mid-term revision of the current multiannual financial framework.” (Commission, 2023). The 2024 Strategy repeated this link by underlining that “enlargement requires an internal reflection in the EU and the preparation of its bodies. On 20 March, the European Commission adopted a Communication on pre-enlargement reforms and policy reviews, which contributes to the ongoing discussion on the internal reforms the EU will need to make. It looks at the implications of a larger EU in four key areas – values, policies, budget and governance – and lays the ground for the pre-enlargement policy reviews. Last but not least, enlargement should be accompanied by targeted communication actions aimed at informing the public opinion about the process, both in the EU and in the candidate countries.” (Commission, 2024(a))

The French and German Working Group Report which focuses on certain policy recommendations on institutional change, in particular following the next wave of enlargement was a significant initiative for mobilising the efforts and intensifying the debate on reform for the EU (See Report of the Franco-German Working Group on EU Institutional Reform, 2023). European Commission’s new endeavour of pre-enlargement reform preparations might in fact be seen from the perspective of strengthening the integration capacity of the EU as well. A policy review process is already initiated by the Commission with a Communication in March 2024 (Commission, 2024(a)).

The discussions on the “values”, “policies”, “budget” and the “governance” underlined by the Commission in this study constitute the significant aspects of those reform aspirations and consequently their impact on the Union’s integration capacity, including some of the problems they may raise for the proper functioning of the EU integration, will continue to have a prominent place in the future of the EU discussions for the next decade. The main problem remains the willingness and the capacity of the whole structure, with its Member States, their peoples and the EU institutions to rise to the occasion to have an efficient, democratic, focused and result oriented debate and process to achieve the necessary transformation of EU with its direction, priorities, policies, institutions and all other tools to achieve its objectives. Whether or not this is accomplished will be determine the future prospects of not only the next enlargement, but also the European integration project.

#### 4. Conclusion

In the current enlargement wave, the candidates consist of the Western Balkans-together with Turkey-, Ukraine, Moldova and Georgia, and the accession

process is predicted to take a considerable amount of time due to the specific circumstances of the candidates and their need of a long and demanding *acquis*, public administration structures and policy alignment processes.

Moreover, the EU itself would require a long, and again demanding period of reforms to prepare for such enlargement in order to fulfil the requirements of “integration capacity” from the view point of the Union. Commission’s new endeavour of pre-enlargement reform preparations might be seen from a similar perspective. The discussions on the governance and policy aspects of those reform aspirations and consequently their impact on the Union’s integration capacity merits a specific mention, without of course forgetting the budgetary implications.

Similarly, discussion on various designs on staged/gradual integration/accession can be seen to a certain extent as related to the concept of integration capacity from the candidate country perspective. As mentioned above, since 2020 onwards, the EU’s enlargement policy tentatively started to revolve around such new designs on accession and membership. It is very often argued that a multi-speed construct, where a new understanding of membership due to accession prospects, where membership cannot be all or nothing, would have to be explored in regard to its various components and consequences.

Whether such designs, which might be identified conceptually as “differentiated integration” designs—albeit a debate might be in order on whether they should be considered as “internal” or “external” differentiated integration, depending on a temporal element whether such staged or gradual “membership” is to take place before or after accession— are capable of being reconciled, how and to what extent, with the fundamental principles and foundations of EU law and institutional structure and thus might have any practical traction and/or normative appeal will also have to be explored. In that context, the significant principles or concepts of European legal and political order such as European citizenship, mutual trust, sincere cooperation, single market and beyond, as well as their compatibility with such differentiated integration designs require careful analysis from different perspectives.

At this juncture, we need to draw attention to the fact that whether such designs could have normative appeal as well as practical desirability would need to be examined and assessed from both the institutional, legal, policy, financial requirements and feasibility, but also from a political perspective as well.

Such analysis would pave the way to make certain conclusions about the future of the EU enlargement process and its relations with Turkey, since the overall consequence of such designs would arguably be to build- or strengthen- a *sui generis* structure of differentiated integration, internally and externally.

Here only three remarks will be made on the impact of this broad framework regarding EU enlargement on Turkey-EU relations, in order to make some predictions for the short to medium term prospects of such relations.

First, geopolitics emerges as the main motive and impetus behind this new enlargement stage. Yet, Turkey, whose main attributes include its strong presence in NATO, its experienced and versatile army, its developing defence industry, its prominent position for the supply chains and the economic security at large, hence its contribution to the overall security and defence of Europe, as well as its geopolitical significance not only under the new set of circumstances, but throughout history, and most probably for the future, is not even mentioned or included in enlargement designs of the EU.

Secondly, even the fact that the EU regards enlargement once again as its main foreign policy tool, such urgency or priority does not extend to re-energising Turkey's accession or even a structured and principled relationship model beyond a transactional issue-based model.

And thirdly that the EU will be preoccupied with this new and very challenging enlargement wave and the necessary internal reforms as a response to the current geopolitical climate in Europe and beyond, hence the concerns about Turkey's relationship with this recently emerging policy and structure, seemingly prioritising geopolitics and security over values and norms for the foreseeable future, will be at the slow-burner and transactional at best.

Arguably, this also says a lot about the credibility of the contention regarding the geopolitical and geostrategic EU, not considering the attributes and consequently the possible contributions of Turkey to the Union in this juncture, but also about Turkey's position regarding its alignment with the EU's Common Foreign and Security Policy, which was in high 90% in the mid-2000s, and declining in a steady manner ever since (Commission, 2024(b)). Moreover, the current state of play, which can only be described as stalemate at best, even under the conditions which might have proved to be conducive to rethinking the possible areas of progress for mutual interests, attest to the fact that the time for a deep transformation in the mentality of the parties might be inevitable. Such deep transformation will hardly be in the direction of accession for the foreseeable future.

The EU and Turkey are bound by geography, history, trade, common security architecture, common rules and procedures and beyond. Whether they have the political will for any functioning integration model based on common institutions, norms and values, albeit a model that does not immediately result in membership, remains to be seen. Here, it is argued that to pave the way for a relationship model that is conducive to reinforce stability, security and mutual interests the consent of the peoples on both sides; a perception and an existence of mutual interests and

concrete results; a functioning institutional set up, rules and procedures, and minimum basis of shared values and processes to strengthen them are essential.

Whether the parties manage to find such an alternative model, which might or might not end in Turkey's membership as a final destination, one prerequisite is imperative: "fundamentals first" should also remain the premise of a relationship model that is fit for purpose. Hence democracy, human rights and rule of law should remain the core principles of any functioning, beneficial and worth having design for the future of Turkey-EU relations.

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## Özet

### Türkiye - AB ilişkileri: Çıkmaz yol ya da ilerleme umudu? Genişleme politikası çerçevesinde bir analiz-kavramlar, araçlar, ihtimaller

Bu çalışma Avrupa Birliğinin son genişleme dalgasının, söz konusu politikanın oluşturulması ve uygulanmasında temel teşkil eden politika belgeleri çerçevesinde temel yaklaşımları, kavramları ve araçları incelemeyi amaçlamaktadır. Genişleme politikasının temel unsurları ve AB’yi “entegrasyon kapasitesi” kavramının gerektirdiği reformlar yoluyla genişlemeye hazırlama çabalarının analizi, bir yandan Birliğin derinleşme ve genişlemesinin geleceği ve birbiri içine geçmiş niteliğine dair bazı ön değerlendirmeler yapmaya, öte yandan da Türkiye-AB ilişkilerinin geleceğini bir perspektife oturtmaya yardımcı olabilecektir.

*Anahtar kelimeler:* Avrupa Birliği, AB’nin genişlemesi, AB’nin entegrasyon kapasitesi, Türkiye-AB ilişkileri.