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Association, membership and the EU's capability to act geopolitically

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Abstract

This article critically analyses the German proposal of 'associate membership' for Ukraine, considering it against the backdrop of the tension between geopolitical challenges and the Union's capacity to act. It begins with the premise that the Union's current economic and political weakness stems from its institutional architecture, which no longer allows it to respond adequately to geopolitical challenges. This has resulted in the Union being sidelined in international diplomacy regarding Ukraine, and poses the risk of interference by Russia, China and the US in other candidate countries. Neither an expansion of the Union in terms of territory and population, nor a blurring of the fundamental distinction between association and membership instruments can change this situation. A resolute and pragmatic policy of internal reform is the superior alternative to the German proposal; until that can be put in place, one viable option could be to upgrade existing association agreements by incorporating the countries into the European Economic Area.

Keywords: European Union, Merz proposal, enlargement, association, legal basis, treaty reforms

JEL classification: F15, K33, O52, P48

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Association, membership and the EU's capability to act geopolitically

1. A LOSS OF POLITICAL INFLUENCE

The long-standing debate surrounding the issue of whether to widen or deepen the EU has gained fresh momentum in recent years. 'Deepening' currently refers to internal reforms designed to counter the Union's economic and political decline on the global stage – a decline which (at best) has left the Union with only a back-row seat in international diplomacy.¹ This loss of political influence has largely been caused by the EU's weak decision-making capacity, as each of its 27 member states pursues its own national agenda and is equipped with veto rights on foreign, security, defence and reform policy issues. This shortcoming would only become more acute in a Union with a bigger membership. 'Widening' (or enlargement) represents the pressure that the EU currently faces from accession candidates pushing to join; the Union fears that enlargement will only serve to make it harder to take political action. In early May 2026, in a letter to the President of the European Council, the President of the European Commission and the Cypriot Council Presidency, German Chancellor Friedrich Merz proposed a 'new status' for Ukraine as an 'associate member'.² This would give Ukraine the right to observe and speak in key EU institutions, but not to vote. Added to this is the idea of a commissioner without portfolio. Could gradual admission – or 'membership lite' without voting rights – offer a middle ground? And is 'associate membership' even possible at all? This article seeks to answer those questions analytically.

On the methodology of the following analysis: given that the German proposal (and many other proposals put forward of late) links the issue of enlargement to that of reform,³ any analysis must be viewed in the context of the major changes occurring in the geopolitical environment. It is therefore appropriate to begin by outlining the shift in the Union's self-conception from a peace project to a geopolitical one: it is from this that both the necessity for and the possibility of action in enlargement policy derive. We must then consider whether any proposal of the kind put forward by Chancellor Merz is feasible against the backdrop of the EU's treaty architecture. As an alternative to this, consideration might be given to upgrading the existing association agreements – not only with Ukraine, but also with the Republic of Moldova and the Western Balkan countries – following the model of the association of non-EU countries within the European Economic Area (EEA).

¹ With an average annual growth rate of 0.5%, economic growth in the euro area has been stagnating, despite historically low interest rates and the massive bond purchase programmes of the European Central Bank. Though I shall not pursue the issue further here, that is the reason for the economic decay of the Union.

² Merz's letter has received widespread coverage, particularly in the German-language press. I am referring to <https://www.sueddeutsche.de/politik/ukraine-assoziertes-mitglied-eu-merz-antrag-status-li.3486682>

³ Here I refer in particular (though not exclusively) to the 2023 proposal by a Franco-German Group of Twelve (French-German Working Group on EU Institutional Reform), entitled *Sailing on High Seas: Reforming and enlarging the EU for the 21st century* (Paris and Berlin, 18 September 2023); <https://www.politico.eu/wp-content/uploads/2023/09/19/Paper-EU-reform.pdf>

2. FROM A PEACE PROJECT TO A GEOPOLITICAL ONE

Broadly speaking, the history of European integration to date can be divided into three phases. The transitions between the phases have been incremental, rather than abrupt.

The founding of the European Economic Community in 1957 was conceived as a peace project, aimed at eliminating the root causes of the major European and global wars of the twentieth century through a customs union and joint planning in the coal and steel sector. This motivation has left its mark right up to the present day and the European Union's current enlargement debates. For example: In the run-up to the 2021 Western Balkans Summit in Slovenia, the International Institute for Middle East and Balkan Studies (IFIMES), Ljubljana, published its analysis of relations, concluding with particular emphasis:

"The European Union was established as a peace project after the end of World War II and it facilitated establishment of enduring peace and long-term stability in Europe ... EU leaders have to be aware of the fact that if they wish the peace project of the EU to be spread to the rest of Europe it needs to be implemented in the Western Balkans countries, because their membership in the EU would provide for enduring peace and long-term stability in countries of the region."⁴

That was in 2021, but the world has changed since the Treaties of Rome that gave birth to the EEC in a bipolar world with competing political systems. Following the collapse of the Soviet empire, the 'golden age' of neoliberalism began, as Joseph E. Stiglitz once put it. This also led to a change in the self-conception of the EEC, which evolved into the European Communities and ultimately into the European Union. The process of establishing the Union began in 1993 with ratification of the two primary Maastricht Treaties (furthermore also: the Treaties).⁵ However, this process was not completed until 2009, with the entry into force of the 2007 Treaty of Lisbon, which is also regarded as amending the Maastricht Treaties, since it incorporated the preceding Treaties of Amsterdam (in force since 1999) and Nice (in force since 2003). The Treaty of Nice provided for the introduction of qualified majority voting in many areas, rather than the previous requirement for unanimity in the European Council and the Council of Ministers – though with the exception of matters relating to association and enlargement, as well as sanctions against member states that fail to comply with the principles of EU membership as set out in Article 2 of the Treaty on European Union (TEU).

The motivation behind the transition from the EEC via the European Community (EC) to the EU was to enhance the Union's capacity to act in an increasingly neoliberal environment – that is, one governed by competition rules that were as uniform and enforceable as possible in global markets for goods, capital and other sectors. While this shift in the EU's self-conception did not replace its peace mission, it did bring to the fore its economic mission of fostering greater competitiveness. The subsequent implementation of a monetary union – with a single currency and a common monetary policy – served as a key lever in achieving this mission. For example, it enabled national fiscal policies to be reined in, most notably through the 2012 Fiscal Compact.

⁴ <https://www.ifimes.org/en/researches/2021-eu-western-balkans-summit-eu-credibility-in-western-balkans-undermined/4936?> (accessed on 10 October 2021).

⁵ The Treaty on European Union, and the Treaty on the Functioning of the European Union.

It is true that the Union's documents also mention the goal of establishing a 'Social Union'. That this has not yet been achieved is due, not least, to the unresolved question of how the goal can be aligned with the competitiveness issue. Each country was to be held responsible for the consequences of insufficient competitiveness (no bail-out clause). Policy measures were intended to strengthen the EU's global position, preferably through competitive labour conditions and the restructuring – and, in most cases, the downsizing – of social welfare systems.⁶ This also guided the enlargement policy: the three criteria adopted at the 1993 Copenhagen Summit that countries must meet prior to accession include an economic criterion, which in turn consists of three sub-criteria: the ability to withstand competitive pressure within the EU internal market; a functioning and competitive market economy; and the openness of markets to foreign trade. Previous enlargements had apparently given no cause for doubt in this regard.

The Union's capacity to absorb new members, mentioned for the first time at that time and often referred to as the fourth Copenhagen criterion, served the same purpose. Not least in view of the experiences with structural, regional and convergence funds from the southern enlargement, there was concern about the risk of the negative fiscal consequences of an eastern enlargement for the competitiveness of the remaining member states. A related provision was established for the accession of a member state to the monetary union, in the form of the fiscal and monetary convergence criteria. In the absence of sufficient convergence, there was a perceived risk that enlargement could weaken the stability of the single currency through easy monetary policies, thereby undermining the economy's global competitiveness.

The objective of a political union capable of collective action has not been achieved through the treaty adaptations: institutional arrangements already in place within the EEC have remained – above all, the principle of unanimity on all matters affecting the sovereignty of member states, particularly their foreign, security and defence policies, the association and admission of new members, and the issue of sanctions against members whose actions violate the principles of membership set out in Article 2 of the TEU. This has led to the well-known conflicts with former authoritarian governments in Poland and Hungary, which have created opportunities for Russia under Putin and the US under Trump to attempt to split the Union and thereby neutralise it not only as a geopolitical partner, but also as an economic competitor.

With the final declaration of the informal Granada Summit in October 2023,⁷ the Union's political leadership showed that it is now attempting to respond to these challenges with a geopolitical strategy, the crucial prerequisite for which is an improved capacity for collective action. The geopolitical self-conception in the Granada declaration represents the next phase in the European unification process, although this has not yet led to corresponding primary treaty amendments. The Slovenian reference to the Union's peace project mentioned above therefore had less impact than its authors had hoped.

Rather than enlargement, the geopolitical challenges call primarily for internal reforms. These challenges also currently have a significant impact on all EU summits and – as was evident at the Brussels Summit in June 2026 – influence almost all agenda items, including Ukraine, enlargement, the budget and financial framework, competitiveness, and the EU's approach to China. An expansion of the Union in terms of territory and population would not automatically improve its geopolitical position; indeed, it could even lead to further weakness. Nothing is currently feared more in political circles in Brussels (and in the capitals of almost all countries) than fresh deadlock, not only on economic policy issues, but particularly

⁶ In particular, I am thinking of the reform of pension systems and budget cuts in the health sector. The latter contributed significantly to the high death rates during the pandemic.

⁷ <https://www.consilium.europa.eu/en/press/press-releases/2023/10/06/granada-declaration/>

on security and foreign policy matters, which are subject to the unanimity principle. A country's veto power is not dependent on its size. Nor do the financial burdens on the prospective enlargement candidates – particularly Ukraine – appear to be the real problem, as is often portrayed. Adequate derogations could be negotiated relatively easily and incorporated into the accession treaties. This applies above all to the large country of Ukraine: without derogations, the burden on the Union's Common Agricultural Policy would likely be immense there. The fear that new member states could drift away from the Union's fundamental rules after their accession is compounded by the experiences with Poland and Hungary, where nationalist governments in the past called into question the principles of EU membership, thereby opening the door to external attempts by Russia and the US to split the Union. It is therefore not enough to overcome the geopolitical problems simply by expanding the Union and reforming the accession process, while leaving the Treaties untouched, as some observers have argued (for example, Emerson et al., 2021; Blockmans, 2023).

3. THE ELEPHANT IN THE ROOM: THE TREATIES

Many astute proposals for overcoming the Union's political paralysis, both internally and externally, before and after enlargement, point to the need to amend the EU treaties. In fact, failure to do so is the greatest obstacle to the bloc becoming a geopolitical player. But this recognition of the need for treaty amendment is only raised after proposals regarding the institutional architecture of an enlarged Union have been formulated. It is the big 'but' without explaining how this should be done, and if it is not possible, what should be done instead. It seems that the on the back burner. Everyone sees the elephant in the room, but everyone ignores it – not just Emmanuel Macron, but also Friedrich Merz, who simply hopes to push his proposal through with a qualified majority in the EU bodies.

Hannes Swoboda (2026) has pointed out that European politics requires more courage, determination and pragmatism. Experience has shown that amendments to the EU Treaties are possible, provided the political will is there. The failure in 2005 to gain popular support in all member states for the ambitious Constitutional Treaty shows the value of implementing change gradually and without the need for tricky ratification procedures (such as referendums), where campaigns instigated by populists carry the risk of rejection. The treaties of Amsterdam, Nice and particularly Lisbon (in force since 2007) – the full title of which is the 'Treaty of Lisbon *amending the Treaty on European Union and the Treaty establishing the European Community*' – have moulded the original Maastricht Treaties into their current form.⁸ These latest amendments are now more than 20 years old (if one includes the start of the negotiations). Since then, not only has the Union's geopolitical environment changed, but so too has its internal structure – for instance, through violations of the Union's founding principles at times by Poland and Hungary. In other words, some provisions are outdated and no longer meet the geopolitical and democratic challenges. These provisions include the excessive use of the right of veto, the structure of qualified majority voting and, more generally, overcoming the EU's democratic deficit. One way of achieving the latter would be to introduce the right of the European Parliament to initiate legislative proposals. The foreign and security policy set out in the Treaties also needs to be reviewed – something that has already been called for on numerous occasions. Last but not least, amendments to the Treaties are needed concerning the Union's financing (own tax-raising and borrowing).

⁸ My italics.

However specific the solutions may be, any amendment to the treaties requires not only a bold and resolute approach on the part of European politicians (something they have so far shied away from, thus contributing to the current predicament), but also pragmatism. Pragmatism means taking a step-by-step approach. The Constitutional Treaty was rejected in referendums in France and the Netherlands. Such a setback was not repeated with the less-demanding Treaty of Lisbon (though Ireland did require two referendums to secure its ratification). Treaties can evidently be ratified more easily by a national parliament than through a referendum. However, pragmatism also means exploiting every window of opportunity that arises to undertake substantial reform, with the aim of avoiding outright rejection by a hesitant government (and perhaps even of securing its approval). Such a window of opportunity has opened with the changes of government in Poland and Hungary, but it may close again in a few years' time. By choosing the first steps carefully, enough momentum may even be built up to facilitate the necessary further steps. Until such time as the first treaty reforms can be implemented, the instrument of association should be developed as far as possible, so that candidate countries do not view the argument regarding the Union's capacity to absorb new members as an 'infamous attempt to delay the admission of new members', as Emerson et al. (2021: 17) put it.

Any hopes of circumventing veto blockades without amending the treaties by using the so-called *passerelle* clause under Article 48(7) of the TEU are unlikely to gain traction. The application of the *passerelle* itself requires a unanimous decision in the European Council and the Council of Ministers, and no government could fail to spot that the intention is to undermine its right of veto. It is therefore more likely to vote against the move. And if a government were to give its hesitant consent, it would perhaps do so in the hope – or even expectation – that the national parliament would reject the decision using its national right of veto. All in all, therefore, this is not a very effective crutch.

4. ASSOCIATION IS NOT MEMBERSHIP – IN ANY FORM

Historically, association agreements were intended as an alternative to membership. This was the EU's motivation behind the establishment in 1994/1995 of the European Economic Area, which comprises the EU and the European Free Trade Association (EFTA),⁹ as well as the European Agreements with the countries of Eastern and Central Europe since 1994. Most of these countries – including all those in Eastern and Central Europe – applied for EU membership relatively soon thereafter and were admitted following a shorter or longer accession process. In this respect, the agreements have served *de facto* as an antechamber for those seeking EU membership. Ukraine and the Republic of Moldova have submitted their applications for membership, as have the Western Balkan countries, except for Kosovo. The EU had previously concluded association agreements with all these countries, albeit with less substance than in the instances of the EEA-EFTA countries. To understand why this is the case and why association and membership must not be merged in a concept of associate membership, we need to explain the distinction between the EU's 'foreign policy instrument' of association agreements and its 'domestic policy instrument' of membership. This also highlights the limits of treaty reform in this area.

⁹ Here I am referring to Austria, Finland, Iceland, Norway, Sweden, Switzerland and Liechtenstein, all of which – with the exception of Switzerland – joined the EEA; apart from Iceland, Norway and Liechtenstein, these countries later also joined the EU.

Both accession and association are based on bilateral agreements between the Union and the third country. Article 49 of the TEU governs the accession of a European state, including its outermost regions (OMR).¹⁰ Unlike the Treaty on the Functioning of the European Union (TFEU), the TEU makes no mention of the association of other countries as an instrument of EU accession, or even as a prerequisite for accession. It would also make little sense, for reasons of legal systematics, to blur the distinction between association and accession, as an inconsistent legal framework would only lead to dissatisfaction and legal uncertainty. Suppose the Union admitted Ukraine as an 'associate member', as suggested by Chancellor Merz. In that hypothetical instance, the accession negotiations that have just begun would, of course, become obsolete: what would there be left to negotiate, if the country were already a member? Two legal standards would then apply within the EU: community law and divergent national laws. However, if associate membership were to be granted only after successful accession negotiations – let us be optimistic and say in five or six years' time – Ukraine would surely feel that it had been 'taken for a ride'. Such an ill-defined status as 'associate member' – characterised by the lack of voting rights – would inevitably be perceived by new member states as an expression of second-class status, as also Lippert et al. (2026) argue.¹¹

Admission to and association with the EU are legally distinct instruments of EU policy, though both require the consent of all existing EU member states under Article 218 of the TFEU. In the opinion of the German Federal Government, however, the 'new' form of associate membership would require only a majority decision in the European Council. This is the crux of the legal uncertainty. For why should a 'higher' form of association – higher in the sense of greater participation rights – require only a qualified majority, while a 'lower' form would require unanimity? The problem could only be resolved by amending the TFEU (but see above for that).

The concept of 'association' and its legal status are explicitly mentioned in Part IV of the TFEU (Articles 198-204). This part covers thirteen territories and overseas territories which, although not part of the Union under international law, have special relations with it through their respective mother countries – the so-called Overseas Countries and Territories (OCT). A current example is Greenland, whose citizens, as Danish nationals, are simultaneously citizens of the Union and thus influence policy in Brussels through elections in Denmark, but not through the Greenlandic territorial government. Other OCTs do not have this privilege.

Article 217 of the TFEU provides for the possibility of entering into an association with all other third countries, i.e. non-OCTs. We read:

The Union may conclude with one or more third countries or international organisations agreements establishing an association involving reciprocal rights and obligations, common action and special procedures.

According to a 1986 judgment of the European Court of Justice (ECJ), an agreement based on Article 217 creates 'special privileged links with a non-member country', allowing the third country concerned to

¹⁰ Nine territories are part of the EU under international law, but may benefit from derogations from certain EU laws due to their geographical distance from the EU mainland; the largest OMR is the Canary Islands.

¹¹ Blockmans (2023) argues that the right to vote is merely a 'constitutional' right, but not an absolute one – a distinction which I consider to be rather irrelevant to the debate.

'take part in the [Union] system'.¹² An association agreement under this article thus creates a contractual status that is legally superior to other bilateral treaties – mostly simple trade agreements or investment agreements, such as those with China – but inferior to the privileges of membership. According to van Elsuwege and Chamon (2019: 10-14), three key characteristics of an association come into play:

- (1) The defining aspect in Article 217 is 'common action and special procedure', which in practice means the creation of joint institutions with the power to take binding decisions on all matters relating to the association. The Merz proposal for associate membership would extend this competence to include the associate member's participation in discussion of the EU's 'internal policy' issues. This would indeed constitute a new status.
- (2) These decisions form an integral part of the EU legal system, as stated in a further decision of the ECJ from 1989 on relations with Greece.¹³ This allows for a deepening of the association beyond the original content of the agreement itself (but evidently within this framework). In other words, the association can be further developed through decisions of the joint institutions (association councils) – as happened, for example, in the case of Turkey, whose association agreement was supplemented by a customs union through Decision 1/95 of the relevant Association Council. But the very freezing of Turkey's accession negotiations demonstrates that an association agreement cannot contain the legal elements of membership, because it can be frozen – or even terminated, if circumstances so require. Should Ukraine or a Western Balkan country, within the framework of associate membership, follow a path similar to that of Turkey or, for instance, Poland and Hungary, it would have to be possible to suspend its membership, or the treaties would have to provide for the possibility of EU exclusion as a supplement to withdrawal – a feat that is surely impossible.
- (3) While Article 217 of the TFEU is not explicit regarding the possible scope and depth of the privileged relationship established by an association agreement, the ECJ (again in the Greek case) noted that this article empowers the Union 'to guarantee commitments towards non-member countries in all the fields covered by the TFEU'. Consequently, the court draws a parallel between the EU's internal scope of action and the relationship it may establish with an associated country or international organisation. This implies that the instrument of association can develop in line with the evolution of EU integration itself and with the geopolitical context in which the EU operates. Nevertheless, the court explicitly distinguishes between the status of the Union and that of non-members – a blurring of the lines between association and membership would lead to serious legal problems, potentially resulting in the annulment of the agreement by the court.

The privileged relationship established by an association agreement can therefore take various forms (and names). Article 217 of the TFEU proves to be a fairly flexible instrument, allowing for a variety of links between the EU and states interested in a formal relationship with the Union. However, this does not entail partial or ill-defined membership if a country does not have voting rights in the European Council, the Council of Ministers and the European Parliament.

¹² See Case 12/86, *Demirel*, ECLI:EU:C:1987:400, para. 9.

¹³ Case 30/88, *Greece v. Commission*, ECLI:EU:C:1989:422, para. 13.

5. THE NATURAL SOLUTION FOR A CLOSER BOND: THE EUROPEAN ECONOMIC AREA

The model of an association featuring some consultation and participation rights, not to mention formal rights and informal access to information (albeit without voting rights), is provided by the 1993 association agreements with the EFTA countries for the creation of the European Economic Area. These offer a natural and far-reaching alternative to the existing association agreements with Ukraine and the Western Balkan countries, because they correspond most closely to the German proposal – with one exception: like all association agreements, they must be adopted unanimously by the European Council. The chances of a unanimous decision on this issue being reached are probably greater than on the issue of admission. Most EEA-EFTA countries (Austria, Sweden, Finland) have since been admitted to the EU, and quite rapidly at that (the EFTA countries Denmark, Ireland, Portugal and the United Kingdom had already joined before the EEA was established). Iceland, Norway and Liechtenstein have so far remained in both EFTA and the EEA,¹⁴ although Iceland was holding a new referendum on 29 August on the resumption of accession negotiations, which, however, failed

The EEA involves a sophisticated institutional structure ensuring the homogeneous interpretation and application of the shared legal rules (Baudenbacher, 2008). However, what distinguishes the EFTA-EEA countries from members of the Union is full implementation in the latter countries of the EU internal market, including the monetary and customs union and the Common Agricultural Policy, as well as the opportunities currently existing for co-determination regarding the Union's policies. In effect, this framework constitutes the realisation of the principle of 'integration before accession'. It implies that the EFTA countries – except for Switzerland – are under a direct legal obligation to apply selected parts of EU legislation, and to do so in a manner 'as if' they were part of the EU (Maresceau, 1993).

There is another important point to bear in mind when we look at the candidate countries. The functioning of the EEA is based on a two-pillar institutional structure comprising, on the one hand, the EU and its institutions and, on the other, the EEA states and their institutions. Between the two pillars, several joint bodies have been established by the EEA Agreement, including the EEA Council (representatives at ministerial level), the EEA Joint Committee (representatives at civil servant level), the EEA Joint Parliamentary Committee (representatives at parliamentary level) and the EEA Consultative Committee (representatives of the social partners). All EU legislation relevant to the EEA, i.e. concerning an area covered by the EEA Agreement, is incorporated into the annexes or protocols to the agreement. Given the dynamic development of EU law, the common rules of the EEA Agreement are subject to constant revision. Following the adoption of new EU legislation, it is the task of the EEA Joint Committee to amend the annexes as soon as possible, in order to ensure the homogeneity of the common rules; this is why Switzerland did not follow through with the move from EFTA to the EEA.

These rights of consultation, participation and information play a role in 'shaping decisions', in the sense that representatives of the EEA-EFTA states are involved in the preparation of EEA-relevant legislation and policies, most recently on EU industrial policy and Arctic strategy.¹⁵ They have the right to participate in expert groups and committees of the European Commission, and should be consulted in the same way as EU experts. Moreover, they have the right to submit comments on legislative initiatives, which are officially noted by the EEA Joint Committee once they have been sent to the relevant bodies, as is also provided for

¹⁴ Switzerland did not join the EEA, but remained in EFTA.

¹⁵ The EFTA instrument here is 'Opinion' to be presented in the appropriate EU expert committees.

in the Merz proposal for Ukraine. In other words, this institutional structure provides non-EU members with extensive access to EU policies, representing a strong link between the two sides.

6. UKRAINE AND THE WESTERN BALKAN COUNTRIES: SCOPE FOR UPGRADING

It is well known that the accession of Ukraine will remain a particular challenge for the Union, even once Russia's war of aggression is over. Discussions focus primarily on the huge financial burdens on the Common Agricultural Policy. However, these can be significantly mitigated through the appropriate derogations, as can the consequences of transfers from other EU funds. As regards repairing the massive war damage, the EU has experience with the restructuring and modernisation of the economy in the former GDR and in Central and Eastern European countries, which were supported to a not inconsiderable extent by private foreign investment. Even if financing from sanctioned Russian assets were to be included, the Union's economic absorption capacity would be a lesser problem than its political absorption capacity, to which the model of the EEA-EFTA arrangements offers a solution. Recall that the EEA Agreements do not allow non-EU members to participate in the Common Agricultural Policy. The EEA option would not impair the EU's existing capacity to act (beyond the extent that already applies with a membership of 27); rather, it would give the EU time to improve this capacity. And it would also bring Ukraine politically and institutionally closer to the membership status that it desires.

The current association agreement with Ukraine has been in force since 2017 and is not as comprehensive in institutional terms as the Stabilisation and Association Agreements (SAAs) with the Western Balkan states. As the name suggests, the SAAs also establish the status of association, although at a minor level. These agreements fall short of the EEA-EFTA arrangements, just as those with Ukraine currently do. They are of a rather conditional, transitional nature – as is reflected in their duration (5-10 years, depending on the country) – partly because they are explicitly designed with a view to subsequent accession to the Union. The successful implementation of the association agreements, designed to be phased over this period, is measured by each country's ability to negotiate with the other SAA countries – in the wake of the conflicts arising from the break-up of Yugoslavia – on the establishment of political dialogue, free trade, mutual concessions regarding the free movement of workers and services, payments and capital movements, and cooperation on justice, freedom and security. This already represents a significant development from the European Agreements of the 1990s with Central and Eastern European countries: those treated conditionality rather implicitly and focused on economic and political reforms, but were concluded under different geopolitical circumstances.

As regards the influence of the Western Balkan countries on EU decision-making processes, the same applies here as in the case of the EEA-EFTA countries: they have no voting rights in the European Council, the Council of Ministers or the European Parliament. They do not even participate in EU expert groups and committees dealing with the Union's 'internal policy' initiatives (and are not consulted by those groups and committees). All treaties provide for an SAA Council, a Parliamentary Council and a Joint Committee. However, these bodies are responsible exclusively for implementation of the agreements, focusing on relations between and among the countries.

7. CONCLUDING REMARKS

Ever since the 2023 Granada Summit (at the latest), the Union's geopolitical self-conception has taken precedence over its earlier missions as a peace project and a competitive global player. The central thesis of this article is that the long-standing tension between deepening and widening the EU must now be viewed in the context of geopolitical challenges. Without prior deepening – in this case, reform of the treaties – enlargement could render ineffective the Union's efforts to assert itself against the US and China.

The present discussion has focused on the proposal to enhance the Union's capacity to act in the face of geopolitical challenges by granting Ukraine (and potentially other candidate countries) 'associate membership'. However, any hope of achieving the desired geopolitical significance through 'associate membership' is built on shaky ground. Firstly, the Union's apparent economic and political weakness is due not to its size in terms of territory or population, but to its institutional architecture, which is no longer capable of responding adequately to geopolitical challenges. Secondly, the proposal contravenes the clear distinction between association and membership that is enshrined in the EU treaties. Violating or abolishing this distinction would be akin to squaring the circle and would entail legal and constitutional uncertainties. The accession negotiations would lose their impact and, in effect, be rendered meaningless. The alternative to the German and other similar proposals is a resolute and pragmatic policy of internal, consistent reform. If the necessary commitment and pragmatism are lacking, these challenges cannot be met. In that case, the obvious solution for accession candidates would be to upgrade their existing association agreements by joining the thinned-out European Economic Area. This could even help speed up accession negotiations, as Austria's experience shows: application for EEC membership while still an EFTA member in 1989; start of negotiations with the EU in 1993; establishment of the EEA in 1994; and accession to the EU in 1995.

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