

A Political History of Reunifying Europe

By

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Dedication

To all those who, whether known or not, from my own country or not, have made possible the dream of European (re)unification, the only one capable to ensure the entire Continent's peace, progress, and well-being.

My thanks to Mihnea Gafita
for translation work.

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Abbreviations

AFSJ	Area of Freedom, Security, and Justice
BENELUX	Belgium – The Netherlands – Luxembourg
<i>Bol. CE/UE</i>	<i>Boletín de las Comunidades Europeas / Unión Europea</i> (Bulletin of the European Communities / European Union)
CAP	Common Agricultural Policy
CARDS	Community Assistance for Reconstruction, Development, and Stabilization
CCP	Common Commercial Policy
CEE	Central and Eastern Europe
CEFTA	Central European Free Trade Agreement
CEI	Central European Initiative
CFSP	Common Foreign and Security Policy
CIS	Commonwealth of Independent States
CMEA	Council for Mutual Economic Assistance
CoR	Committee of the Regions
COREPER	Permanent Representatives Committee (from French <i>Comité des Représentants Permanents</i>)
CSCE	Conference on Security and Co-operation in Europe
CSDP	Common Security and Defense Policy
DCFTA	Deep and Comprehensive Free Trade Area
<i>DOCE</i>	<i>Diario Oficial de las Comunidades Europeas</i> (Official Journal of the European Communities)
EAA	European Accession Agreement
EAEC	European Atomic Energy Community
EAECT	European Atomic Energy Community Founding Treaty
EBRD	European Bank for Reconstruction and Development
EC	European Community
ECB	European Central Bank
ECCJ	European Community Court of Justice
ECFT	European Community Founding Treaty
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECSC	European Coal and Steel Community
ECSCT	European Coal and Steel Community Founding Treaty
EDC	European Defense Community
EDI	European Defense Identity
EEA	European Economic Area

EEC	European Economic Community
EESC	European Economic and Social Committee
EECT	European Economic Community Founding Treaty
EFTA	European Free Trade Association
EIB	European Investment Bank
EMU	Economic and Monetary Union
ENP	European Neighbourhood Policy
EP	European Parliament
EPA	European Political Area
EPC	European Political Co-operation
EPF	European Peace Facility
ERDF	European Regional Development Fund
ESDI	European Security and Defense Identity
ESDP	European Security and Defense Policy
ETCA	Economic and Trade-Cooperation Agreements
EU	European Union
EURO	European Single Currency
EUROPOL	European Union Agency for Law Enforcement Cooperation (short for European Police)
GAC	General Affairs Council
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GNP	Gross National Product
IGC	Intergovernmental Conference
IM	Internal Market
IMF	International Monetary Fund
IPA	Instrument for Pre-accession Assistance
IR	International Relations
ISPA	Instrument for Structural Policies for Pre-Accession
JHA	Justice and Home Affairs
JOCE	<i>Journal Officiel des Communautés Européennes (Official Journal of the European Communities)</i>
NACC	North-Atlantic Cooperation Council
NATO	North-Atlantic Treaty Organization
NDICI	Neighbourhood, Development, and International Cooperation Instrument
NPAA	National Program for the Adoption of the Acquis
OECD	Organization for Economic Co-operation and Development
OEEC	Organization for European Economic Co-operation

OM	<i>Monitorul Oficial (Official Monitor – Romania)</i>
OPOCE	Office for Official Publications of the European Communities (from French <i>Office des publications officielles des Communautés européennes</i>)
OSCE	Organization for Security and Co-operation in Europe
PECOs	Central- and East-European States (from French <i>Pays de l'Europe Centrale et Orientale</i>)
PfP	Partnership for Peace
PHARE	Poland and Hungary: Assistance for Restructuring their Economies (a program of community support aimed at the PECO states)
PS	Political Sciences
SAA	Stabilization and Association Agreement
SAPARD	Special Accession Program for Agriculture and Rural Development
SD	Structured Dialogue
SEA	Single European Act
SEPA	Single Euro Payments Area
SR	Structured Relationship
TEU	Treaty on European Union (or Maastricht Treaty)
TROIKA	The Council's three successive presidencies
UNO	United Nations Organization
USSR	Union of Soviet Socialist Republics
WEU	Western European Union
WTO	World Trade Organization

Foreword

There is a feeling today, at times – and a false one, for that matter –, that the enlargement of the European Union towards the former communist countries from the Center and East of the Continent (that were called PECO's during their accession process) and, consequently, their accession to the EU was an easy and swift process from which only the older member-states had to gain, with the PECO's being in fact “victims” of that process. Some even think that they still are, while many of the latter reckon that Romania was and still is the “preferred victim”.

We often hear mentions about “colonies” and “parent-states”, but especially about the European Union “colonizing” the PECO's, especially through its “larger countries”.

The truth is that everybody had to gain, eventually, from the process of European unification that was achieved through the accession of the PECO states to the EU, making the process itself one of the win-win type.

That is precisely why we take a further step towards understanding the Europe we live in, towards deciphering its “horizontal” development from the six founding states to the current twenty-seven ones, but its “vertical” evolution, too, meaning from the economic communities to a political union. Our analysis answers the three fundamental questions that existed, still exist, and will presumably continue to exist at least for a while, namely:

- the EU: economic communities or political union?
- the EU: deepening or enlargement?
- the EU: a federation or a confederation?

The answers to these questions seem to be, respectively, as confirmed by the evolution of the process:

- political union;
- enlargement *and* deepening;
- a federation of nation-states.

And another, particularly important thing: after the fall of the Berlin Wall, in 1989, Europe's greatest achievement was its (re)unification through the enlarge-

ment of the European Union towards Central and Eastern Europe, alongside its economic and political democratization.

Iordan Gheorghe Bărbulescu

Prologue

In this book, I discuss the “New Europe”, this phrase meaning Europe after the Second World War, hence the Europe of peace and cooperation *vs.* that of war and confrontation, the one which came into being in the 1950s and has continued to exist ever since, constantly vital and vigorous, in spite of the crises of every kind, be they political, economic, social, and, lately, sanitary. It is obvious that we, today, regarding this “New Europe”, give a special attention to both the period following the fall of the Berlin Wall, when we look back, and to what is yet to come, when we look forward, on the one hand through the reforms we anticipate with the inauguration, in 2019, of the Conference on the Future of Europe regarding its vertical development and, on the other hand, through the revival of the process of enlargement towards the Balkans and – why not? – towards the Republic of Moldova, Ukraine, and perhaps even Georgia.

There has always been an Idea of Europe, essentially overlapping with that of European unification and, later on, with that of creating a certain type of European federation.

Hence, we may say that:

- the existence of the “European Idea” stood at the basis of any conceivable formula of a European common construction;
- European unification was thought to be the *sine-qua-non* condition for ensuring stability and lastingness to such a European construction;
- European federalization was thought to be the final purpose of the process of European construction.

After I analysed the European model and identity in the first volume of the *New Europe* series, defining the twofold process of EU evolution as being one of enlargement and deepening, in this second volume I approach this twofold process from the point of view of the PECO states in general and from that of Romania in particular. I basically analyse the enlargement of the EU – and, consequently, the accession of these states to it –, which was launched in the years 1991–1993 and completed in 2005–2007, respectively in 2013 – *i.e.*, what we term as “the enlargement of the European Union towards the former communist states of Central and Eastern Europe”, those that are also known through the acronym PECO (in French: *Pays de l’Europe Centrale et Orientale*), while especially stressing, of course, the matters concerning Romania.

This volume has been titled *A Political History of Reunifying Europe* because, strange as it may seem now, after more than thirty years, and although the entire democratic world was longing for the fall of communism, nobody had seriously wondered, until the Berlin Wall actually fell – or, if they had, could not establish –, what the right answers were to the following questions:

- what was bound to happen once the Wall was pulled down?
- what would the Europe “after it” look like?
- would we have a coexistence of “several Europes”, one of the European Union, another of the European Free Trade Association, another of the North-Atlantic Treaty Organization, or finally that of the Western European Union, on the one hand, while, on the other hand, that of the former communist Europe from the Center and East of the Continent, reformed and redefined?
- but, if that last one came to be, in what direction would it evolve? Towards the EU, EFTA, NATO, WEU, or would it take its own shape and get organized into a mix of those, without being 100 percent like any of them, or – why not? – would it get reshaped into a new organization of the CSI type, the Community of Independent States, including Russia and the former Soviet republics? Nowadays, I sometimes feel as if Russia were still dreaming about this latter version, where the EU entered a process of dissolution, and its former satellite-states “returned” under its influence.

This work shows that it is precisely how things stood and that, until the years 1993–1995, there was not even a firm and coherent commitment of the EU to enlargement towards the Central- and East-European states that had recently come out of communism, in spite of the Union having assiduously “courted” the former communist Europe. It seemed as though efforts had sincerely been made in that direction, that the satellite-states “divorce” the USSR and its totalitarian system, but, once that separation had been achieved, one did not really know whether to “ask them in matrimony”, although they had been left to expect that very thing all during the period of the Cold War. Hence, it was not until the European Council held in Essen (1993) and the ones following it, on the one hand, and until the conclusion and ratification of the European Accession Agreements (in 1991 and 1993, respectively) with the states in that area, on the other hand, that the EU began establishing concrete strategies of enlargement and, especially, deciding explicitly that it would enlarge towards those states. And yet, even in those conditions, what ensued was still a complex

and sinuous process of enlargement from the perspective of the EU and one of accession from that of the PECO's.

That is precisely what this book is meant to analyse.

Alongside this thesis, it will show that the enlargement of the EU towards the former communist states was simultaneously a process of European unification, so that the European unification one had been talking about for over a century was achieved through the enlargement of the EU towards Central and Eastern Europe. All I wish to add here and now is that the European unification seen as such manifests itself along two dimensions, being simultaneously a process of integration, *i.e.*, of a federal type, and one of cooperation, *i.e.*, of an inter-governmental type.

The book's main thesis is that there was no cause-effect connection between the evolution of Western Europe from an Economic Community to a Political Union, following the Maastricht Treaty of 1992, on the other hand, and the anti-Soviet and anti-communist revolutions of 1989 from Central and Eastern Europe, on the other hand, since:

- with or without those revolutions, Western Europe had decided, previously to them, that it would evolve from a regional, essentially economic international organization towards a political one; the East-European revolutions admittedly intensified the internal reforms that the EU found to be necessary, so it may be able to respond to the new internal and international challenges, without determining them, however;
- following the same logic and looking at the PECO's as in a "mirror", once they had come out of communism, these states were obliged anyway to undertake political and economic reforms, thus engaging on the road towards a real democracy, irrespective of the existence of the European Union in their immediate proximity and of their wish to become part of it in the future.

In other words, just like the EU was transforming, as part of an internal process, the PECO's, too, undertook their own processes of economic, political, legal, and institutional reform, understood first and foremost as an internal necessity.

In conclusion:

- just like the reforms within the EU were not caused by the revolutions in Eastern Europe, the accession of the PECO states to the EU was not

the reason behind the reforms in those states, but a consequence of them, since accession would not have been feasible without them;

- these two parallel processes – going from an Economic Community to a European Union, on the one hand, and the democratization of the PECO's, on the other hand – were necessary in their own right, mutually potentiating and complementing each other;
- moreover, until 1993, it seemed that not even the EU member-states of the time had grasped the relationship between those two processes, because otherwise it is difficult to explain why it took four years after the fall of the Berlin Wall for a formal strategy to emerge, of the EU's enlargement towards the PECO's.

The book refers to the “PECO's generation”, meaning the former communist states from the Center and East of the Continent, that signed European Accession Agreements from 1991 to 1993 and had them ratified between 1993 and 1995. A first group of states were Romania, Czechoslovakia – the Czech Republic and Slovakia, respectively, after their separation –, Hungary, Poland, and Bulgaria. Those were soon joined by Slovenia, Lithuania, Estonia, and Latvia, which took the number of candidate-states up to ten and, later, twelve, when the process of enlargement further extended to include countries from Southern Europe, other than the former communist ones, meaning Malta and Cyprus. The number of states rose up to thirteen after a while, when Croatia also joined the process. There was even an attempt made by Turkey in 1997, but this country failed in its intention to formally draw nearer the EU, as it did again later. It was in that year, 1997, that not only was Turkey ruled out from the category of “qualifiable” states, but the other thirteen were divided into three groups: ins, pre-ins, and Turkey. A “pre-accession strategy” already existed at the time, which was completed, three years after its institutionalization, with a “consolidated pre-accession strategy”, increasing and diversifying the instruments used, but keeping the initial philosophy unaltered.

It should be stressed, too, that the pattern of enlargement has survived to this day, with certain nuances, hence the special interest shown to that period.

A question was often heard in the early 1990s, whether Central and Eastern Europe were seen, back then, as being Europe's main concern, and my answer to it is: *Yes!*

Another question was also circulated, whether Central and Eastern Europe were politically prepared to join, and the EU prepared to enlarge towards them, and my answer to this one, too, is: *Yes!*

Finally, the most important question was: when would this historic event occur, that was bound to turn the “Old Europe” into a “New Europe”?

As will be seen, my own analysis, completed in 1996, showed that the processes of enlargement and, respectively, accession were not feasible earlier than the years 2003–2005, maybe even before 2010.

One thing was certain: enlargement towards the East was a political and economic necessity, but a historic opportunity as well, that could not be “missed” by either side.

All these things were present in the vast intellectual and political debate that took place at European level in the 1990s and afterwards, both in the West and in the PECO states; less in Romania, though, where the European themes did not count among the priorities. This is not to say that there were not among us Romanians, too, people who were able to take part in that outstanding debate, but Europe and the country’s accession to the EU did not seem to be the “number-one problem” in the Romanian public discourse for either politicians or the academic milieu, and even less for the general public. Hence, the very small number of works on such matters published in Romania by both Romanian and foreign authors; one of the very few who were present in the university libraries at that time was Daniel Dăianu, a member of the Romanian Academy. Romania was mainly concerned with NATO and the relation with the United States, which was certainly not bad in itself, except that, aside from military security, there was also societal security to be considered, which could not exist without accession to the EU.

On the other hand, the PECO states’ process of accession to the EU cannot be fully grasped without knowledge of the EU’s parallel one of preparation for the simultaneous enlargement towards thirteen states, of which eleven were former communist ones. This is why, from a methodological point of view, alongside the main narrative referring to enlargement, a complementary narrative had also to be tackled, namely the political evolution of the European Union from the stage of the Economic Communities of the 1950s to that of the political union that formally emerged in 1992 and, thence, to the federation of nation-states that formally set out in the year 2000. To this end, I have introduced a first chapter that complements the basic narrative and helps the reader

contextualize the main text. Of course, if anyone wishes for a deeper analysis of the process, there are works translated and published in Romania over the last two decades, among which I mention: *Policy-Making in the European Union* (Wallace, Pollack, and Young); *The Federal Future of Europe* (Sidjanski); *The Europe of the Future: The Treaty of Lisbon* (Aldecoa Luzárraga, Guinea Llorente); or, speaking of Romanian authors, I mention professor Vasile Pușcaș first and foremost, with, for instance, his six volumes suggestively called *Negotiating with the European Union*; or academician Daniel Dăianu, the most internationalized Romanian author on such topics; and my own works as well, published over the last twenty years, that thousands of students have learned from, for instance: *The EU: From Economic to Political*; *The EU: From National to Federal*; *The Decision-Making Process in the EU*; *The Policies of Enlargement*; *The Trilingual Dictionary of the EU*; or *New Europe: Identity and European Model*.

Returning to the year 1989, I think that the challenges and dilemmas brought along by that historic year were best synthetized by Jacques Rupnik who maintained that: "...the European Union and the PECO's faced the contradiction resulting from two opposite phenomena: history and geo-politics moved towards the East, while the institutions remained at anchor in the West. The difficulty of setting up a new European architecture consisted in the Central-European crossing between these two dynamics... One had to clearly define the objectives, so as to prevent those peoples that had recently come out of communism from stumbling into the tunnel at the end of light, after they had caught a glimpse of the light at the end of the tunnel."¹

¹ J. Rupnik, *La Comunidad Europea ante el dilema del Este*, in *Leviatan*, no. 56, 1994.

Introduction

1. Why this book? And why now?

For at least three reasons:

a) Its theoretical and practical relevance

After the fall of the Berlin Wall, Europe was facing the greatest challenge in its history since the end of the Second World War, after a quarter-century historical parenthesis, with the possibility opening before it – or not? – to reincorporate the democracies from the Center and East of the Continent in the great democratic European family. In face of this huge “waver”, the Western states’ response was hesitant until the years 1993–1995, rather leaving the impression that no one actually knew what to do with those freedom-longing countries, although they were adamant about their two wishes: to gain access to the EU and NATO! Moreover, it was not at all clear how such “incorporations” would be made, if ever such a political decision were reached. Nowadays, everything seems crystal-clear: the existence of the criteria of accession to the European Union (that were only defined in Copenhagen, in 1995), of the European Accession Agreements with every state (that were signed only beginning with the years 1991–1993, and later ratified gradually between 1993 and 1995), and of certain accession negotiations (it was only in 1998 that the formal negotiations began with the “first group” of PECO states; for the rest, they began in the year 2000). As will be seen, things proved to be far more difficult than they seem at present. Four fundamental questions were being asked at the time:

- Is the incorporation of these states in the European Community really needed or not?
- If it is needed, how is it going to be achieved?
- If it is achieved, how far will such a “New Europe” reach?
- Furthermore, if it is achieved, how will this “Deepened and Enlarged New Europe” affect the European Continent reunified under the umbrella of the EU – positively or negatively?

b) Its novelty and ongoing actuality

The novelty was given by the first massive enlargement towards states that were additionally shifting from one political system to another.

The actuality was of a political nature (we were witnessing an enlargement of the EU towards Central and Eastern Europe, namely towards Hungary, Poland, Czechoslovakia, Romania, Bulgaria and later northward, with Lithuania, Latvia, and Estonia, alongside Slovenia and Croatia from the middle of the Continent, and Malta and Cyprus from its south), but also economic and social for both the older and the newer member-states – *i.e.*, obviously, for the whole of Europe. The sense of actuality remains valid even after thirty years: the “Eastern Europe” of the 1990s has now been granted full membership of the EU, while the “Europe beyond that”, *i.e.*, the Western Balkans plus the Republic of Moldova, Ukraine, and Georgia, has become the “new Eastern Europe”.

c) The author’s special interest in passing on his theoretical and practical experience of the last thirty years as a direct participant in these debates and events, both as a researcher, a teacher, a PhD candidate, and later a doctor and a Romanian diplomat directly involved in the process of Romania’s accession to the EU.

I think it is my duty to pass on to the new generation, for which the country’s EU membership is a fact of life, all our doubts, concerns, and hesitations, the sorrows and joys we shared during those fabulous years when we discovered that the “European dream”, that had been put on hold by reason of so many wars and dictatorships, could now be resumed and achieved in the form of a New Europe, a larger and stronger one, more democratic and more generous with all its citizens, more human and more secure.

Other questions derived from the previous ones:

- Would there be one or more Europes?
- If only one Europe was going to be, would that one reach “only so far as democracy reaches”²? And then, would there be any relationship between enlargement and deepening? If the answer were a positive one, would it be a relation of complementarity or contradiction? And if it were a contradictory one, could it possibly avoid being antagonistic?
- In the accession to the EU of all the states that had come out of communism, that the present study covers, what relationship was there between accession and pre-accession? Was pre-accession a part of accession and of EU enlargement, of the European unification/reunification respectively, or was it a process in itself?

² R. Coudenhove-Kalergi, *PanEuropa*, Madrid, Moneda y Crédito, 1990.

The attempt to find answers to these questions led to the following intuitive results:

- there is not and there will not be other than a unique Europe, since its history, culture, and geography have always served this purpose³;
- bearing in mind that the PECO states' accession to the EU depended on factors both external (the EU's evolution after 1989) and internal (the political and economic evolution of each candidate-state), the two criteria must always be part of the analysis; on the one hand, it was necessary to build a Europe capable and willing to receive new members; on the other hand, a political, economic, and institutional evolution of the PECO states was needed, that would enable their accession to the EU as rightful members; a method was needed, ultimately, that would implement such a complex and novel process.

The external and internal factors potentiated each other: the reform of the EU required that of the PECO states, while that of the latter required that of the former. To put it differently, once the enlargement of the EU towards the East had been decided, in order to see it come true, an institutional reform of the EU was needed, in the absence of which a Union with more members than mentioned in the treaties could not work. From a historical point of view, if the moments of deepening (the unification of the EEC, ECSC, and EAEC; the emergence of the EP, the Internal Market, the EU, etc.) alternated with those of enlargement (from the six founding states to nine, twelve, fifteen, etc.), this time, history made it compulsory for the EU and PECO states to achieve enlargement and deepening simultaneously. Moreover, the enlargement of the EU was bound to happen almost concurrently with a very large number of states (while the EC and the EU had gone from six to fifteen states in forty years, they were now going from fifteen to twenty-five, and subsequently to twenty-eight in just twenty-five years).

Let us review the main stages of that process:

- achieving the EU reform that should allow for its vertical development, *i.e.*, its reform, the institutional one coming first and foremost, so that the EU may function with more than fifteen members;

³ It should be remembered that, apart from the 27 states (Great Britain had already completed its process of leaving the EU, when this book was ready for publication), there are a few other states (Switzerland or the EFTA members) which, while not being members of the EU, still have bilateral or multilateral agreements that keep them close to the EU or are partially integrated with the Union's policies; hence, the above-mentioned thesis remains valid.

- achieving the PECO states' reform and transition from dictatorship to democracy and from a state-owned to a market economy;
- developing an orderly and rigorous process of the candidates' rapprochement to, and progressive integration into, the EU by correctly interpreting the functionalist method, renewed and adapted to the internal and international conditions – the so-called “pre-accession” and, respectively, “accession”.

Pre-accession was a mechanism that allowed for the preparation of accession, while being also a part of it. They were not two distinct processes – pre-accession and accession –, but only one, the former making things ready for the latter and being a part of it at the same time. From the point of view of the method, it was pure functionalism (progressive steps followed by other similar ones, and so on), but an enhanced one, since it made use of specific instruments, such as the European Accession Agreements, the Structured Relationship, the Strategy of Integration into the Internal Market, etc. Hence, I state that pre-accession was actually meant to be a “*de facto* accession”, as long as the “*de iure* accession” was not yet feasible. It was very important, however, that the PECO states' integration into the EU did not come to an end after the actual accession: the process went on even from their full membership through the transitory stages (Romania went through such stages ten full years, the addenda to its Treaty of Accession thus representing the exceptions of its transitory period). Generally, the most vulnerable sectors that required such transitory stages were the Internal Market, the Frontiers, and the Single Currency.

Pre-accession to the EU, as part of the accession process, offered the PECO states the possibility to integrate or, as the case may have been, reintegrate into other democratic regional organizations, which they had not been a part of, or had been absent from, for several decades. Why? Because, with their being part of a process of accession to the EU, a transfer of legitimacy occurred from the EU towards the PECO states, which allowed these states to become members of democratic international organizations, be they political, economic, or security ones, such as NATO, the OECD, WEO, Council of Europe, OSCE, etc. Thus, the PECO states had their share in the European unification beyond the EU and inside the complex of European multilateral organizations. Viewed as such, pre-accession represented the central part and the key-element of European reunification, since it was based on the fact that the PECO states associated to the EU shared the same norms and (political, economic, and social) principles with other democratic European states, primarily with EU members.

There is also a direct relationship between the notions of enlargement and deepening, on the one hand, and those of effectiveness, efficiency, democracy, solidarity, and presence in the world, on the other hand. Deepening the Union means increasing its political, institutional, financial effectiveness, as well as its economic efficiency, which goes hand in hand with steadily decreasing its democratic deficit. A stronger market economy represented an exercise of efficiency, and in the case of a democratic organization such as the EU, it was also one of political effectiveness. A stronger Union was more favourable to its own enlargement than a politically and economically weaker one would have been. In its turn, an enlarged structure, with more states that had been validated from a democratic point of view after having undergone political and economic reforms, was meant to contribute to the reconstruction of a more powerful Union, one capable of facing new internal and external challenges. The relationship between pre-accession, accession, and reunification was a clear one: the first was needed as part of the second, and both led to the third. In the new context of the EU's enlargement towards the PECO states, pre-accession allowed for the adaptation of the methods previously applied in the cases of enlargement towards Greece, Great Britain, Ireland, Denmark, Spain, Portugal, Austria, Finland, and Sweden to the new political and economic realities that these other states brought along. Therefore, pre-accession meant a progressive sharing (an easily recognizable functionalism) of certain sectors (the Common Foreign and Security Policy, cooperation in the fields of Home Affairs and Justice, the Internal Market, etc.), with the purposes of bringing closer and integrating a group of states (the PECO states) in a supranational organization, the EU. Pre-accession was a new instrument, but it also pointed to continuity in applying the federal-functionalist method of Europe's traditional construction. When referring to pre-accession as a *de facto* accession, we also bear in mind the fact that, through the Economic Association Agreements (EAAs) and the Structured Relationship (RS), that pre-accession allowed for, the PECO states had a certain bilateral (EAAs) and multilateral (RS) institutional participation guaranteed, which made it possible to evoke a "formalization of the objective of accession". When talking about the PECO states' accession to the EU as a process, what we mean is a diachronic undertaking, even though it is characterized by the existence of specific, synchronically localized facts and objectives. The EU was not created at Maastricht, nor was Europe in 1989. The EU represented a stage in an ongoing process. Europe represented a philosophy, a manner of doing things, a way of edifying a political and economic democracy through its own socio-economic model that differed from the American or the Asian ones.⁴

⁴ M. Albert, *Capitalismo contra capitalismo*, Barcelona, Paidós, 1992.

Europe also represented a process that moved from simple to complex, from national to federal, from economic to political, from singular to plural. These three processes – the general European one, the one of the EU, and the one of the PECO's – converged into one vast and strong current of building up the New Europe, in which the PECO's were to play a major part, as will be shown. After all, the Treaty on European Union supported such a thesis – which is the most adequate interpretation, given the historicity of the process –, referring to it when it stated that “This Treaty marks a new stage in the process of creating an ever-closer union among the peoples of Europe...”⁵

Maastricht was simultaneously the point of arrival of a partial process that had begun with the 1984 Spinelli Project, but also the point of departure of a process yet unfinished, that was bound to culminate in a supranational edifice of all European democracies, from East and West equally. Europe is being made day after day, without hurry, but also without pauses, by coordinating a multitude of differences and opposed interests that must be progressively integrated.⁶ Edgar Morin thought, in his turn, that Europe can only be achieved progressively and saw it as a complex entity that unites its opposites in an inseparable process⁷, while Michel Foucher reckoned that Europe's viability depended on the merging of its various fundamental and simultaneously contradictory elements. In Europe's case, we do not deal with a process of unification in geo-political terms, but rather with one of integration achieved at its very roots by the states themselves.⁸ Finally, Aldecoa Luzárraga stated that the EU were a process that had a “before” – the European Communities – and will have an “after” – the European Union and its objectives.⁹

I have meant to convey the ideas that there is a European general process and that the enlargement towards the East, with the PECO states' subsequent accession to the EU, were a part of that process. We speak about genesis and development in order to express the progressive character of integration and accession, but also the conviction that the origins of this process go far back in time, that it is part of the essence of Europe, understood as a socio-cultural entity

⁵ Consolidated Version of the Treaty on European Union, Title I, Article I, Paragraph 2, in *Official Journal of the European Union*, 26 October 2012.

⁶ J.L. Castro Ruano, *La emergente participación política de las regiones en el proceso de construcción europea*, Vitoria-Gasteiz, IVAP, 1994.

⁷ E. Morin, *Pensar Europa. Las metamorfosis de Europa*, Barcelona, Gedisa Editor, 1988.

⁸ M. Foucher, « Europe et États – Europe et Régions », in *Europe et Régions*, Limonest, Perspective, 1990.

⁹ F. Aldecoa Luzárraga, *La Unión Europea (1984-1999)*, in *De la Comunidad Económica Europea a la Unión Europea*, Leioa, SEUPV, 1992.

above the transient geo-political and geo-economic realities. To be sure, at no time did we think of the European Idea being foreign to us, in the way in which Brugmans, Kalergi, Monnet, or Schuman understood it, as an ongoing process that targeted, at continental level, a federally conceived political and economic construction, with the participation of all European democracies.

The current work distinguishes between the PECO states, a term used to refer to the Central- and East-European states that had concluded association agreements between 1991 and 1993 and ratified them between 1993 and 1995 – *i.e.*, Poland, Czechoslovakia (the Czech Republic and the Slovak Republic, respectively), Hungary, Romania, Bulgaria – and the rest of the states that followed. Our analysis focuses on the group that included Romania, for obvious reasons, which does not mean that we do not refer, whenever the internal economy of the book requires, to the other former communist states – such as Latvia, Lithuania, and Estonia, or Slovenia and Croatia – that joined the process later. Malta and Cyprus are also mentioned, although the only common denominator between them and the other states was the period of their accession to the EU, while the entire specificity of their problems was totally different, as they were states with market economies and political democracies, that had not yet joined the EU for domestic (Malta) or foreign (Cyprus) political reasons.

2. The objective and hypotheses of the research

The objective of this work is to understand the roles that the European Union and the PECO states played in the European reunification, their common purpose being to create an ever-more powerful Union, permanently enlarged and renewed for internal and external reasons – in other words, a New Europe.

Our interest is to answer the following questions:

- Why was this process of pre-accession necessary?
- How was it achieved?
- Which were the instruments used to achieve it?
- Which was the novelty it brought forth?
- Which were the elements of continuity with, and differentiation from, other processes of accession to the EU?

Finally, I wanted to show in detail why I deem pre-accession to be an example of genuine functionalism applied in the European construction, so as to make it clear how and why pre-accession was to me a *de facto* accession of the PECO to the EU, as long as the *de iure* one could not be achieved.

Europe went through a stage of the highest importance for its future. That stage had been initiated in 1989, with the revolutions in Central and Eastern Europe and the respective countries' return to political and economic democracy. The moment coincided, from a historical point of view, with the summoning of the first Intergovernmental Conference for a Political and Economic Union, that anticipated the Treaty on European Union concluded in 1992, *i.e.*, the one that would turn the European Economic Communities into a European Political Union. At that time, Europe had already begun asking itself questions about its own future, about remaining inside the borders of the old European Community (that of the West-European states) as opposed to enlarging towards the newly emerged former communist states – in other words, regarding the advisability and necessity of reunifying the Continent's East and West. This analysis primarily considers the period that preceded the accession negotiations, *i.e.*, the decade between the fall of the Berlin Wall (1989) and the beginning proper of those negotiations (1998), bearing in mind that it was a preparatory decade equally for the EU for receiving new member-states from the East, as it was for the PECO former communist states to engage in formal accession negotiations. Towards the end of that decade, a second Intergovernmental Conference was summoned, in order to have the Maastricht Treaty modified, so as to conclude a new Treaty on European Union, the Amsterdam one of 1997. The period under scrutiny was probably one of the most prolific of the entire history of the Communities and the European Union, or even for Europe itself. It was a time when, on the one hand, the EU made the qualitative leap required by its prior quantitative accretions and, on the other hand, new international actors emerged that were susceptible of playing important roles in the new community and European architecture. It was the time when, for the first time since the Second World War, the new democracies from the Central and Eastern parts of the Continent could speak for themselves, not in the name of communist international alliances – the Council for Mutual Economic Assistance (CMEA) and the Warsaw Treaty which, being labeled as regional international organizations, but controlled by Moscow, had deprived them of their national identities for over half a century.

Europe was facing a double challenge, as part of a twofold revolution:

- the renewal of its own communities, an ongoing revolution, but one that seemed more pressing than ever at the time;
- the revolutions in the states from the Center and East of the Continent that wished to contribute directly and explicitly to the construction of that New Europe.

The two processes were simultaneous and had the same purpose: the construction of a more secure and more contained Europe, one of peace and well-being for all those who shared this philosophy, the same values and criteria.¹⁰

As I was saying, neither process determined the other one, but each influenced and accelerated the other. Hence, while the first Intergovernmental Conference traced not only the road of the European Communities towards a Political Union, but also the PECO states' road towards democratic, Western-type societies, the second IGC meant not only a continuation of the EU's internal road towards a Political Union, but also enabled the implementation of the decisions adopted by the European Council held in Copenhagen in 1993, regarding the enlargement of the EU towards the PECO's.

Among the foremost purposes of the research was to discard the theory of the "two Europes" that was circulated during the Cold War and served to justify the division of the Continent. Europe had to be conceived of as a single political, geographic, and territorial entity, having the same origins and the same final objectives. The history and culture of all its peoples have developed within the same historical, cultural, and geographic frontiers. In both West and East, the same European civilization unfolded, Westerners and Easterners fighting and labouring for the same values, according to the same criteria.

Therefore, one of the hypotheses is that Europe has a historical and cultural unity, the process of European construction being a part of it. The West conceived of the European construction as an incomplete, yet open process, thus allowing for the possibility of incorporating the Central and Eastern parts of the Continent, in the future, in the institutional complex that had developed circumstantially from the end of the Second World War on, in Western Europe alone. It can be said that, although they were formally absent, the East-Europeans seemed to be already present in the West-Europeans' project, since, apart from NATO and the Warsaw Treaty, other organizations, such as the ECSC, the EEC, and the EAEC,

¹⁰ I.Gh. Bărbulescu, *La preadhesión de los países de Europa Central a la Unión Europea, elemento clave para la unificación europea. Con especial referencia al caso de Rumania*, Bilbao, UPV/EHB, Fond Biblioteca Nacional de España, Madrid, 1996.

had always remained open for a potential accession of the former communist states to the West-European structures of those times.¹¹ Obviously, the potential accession of the former communist states from Eastern Europe was conditioned by their fulfilling of the basic criteria of political and economic democracy. The argument was that the European federalists and functionalists had always thought of Europe as a single entity and had wished for European unification. Federalism and, inside it, functionalism had always supported the method of the “progressive construction of Europe”, and the Central- and East-European states had never been absent from the European federalist theoretical and practical experiencing. Moreover, until a certain point in history, at least, federalism was being experimented simultaneously in the European East and West and lessons drawn, that would help Europe in its becoming.

It is important to verify this hypothesis in order to demonstrate that there are antecedents of a common project of the East and West of Europe, that the idea of unity and identity of the project put forward after the fall of the Berlin Wall did not come “out of nothing”, that it had a past, so it could have a future as well, and that it had come as a legitimate continuation of a major part of European history and culture.

A further hypothesis was the idea that there were two directions after the fall of the Berlin Wall: on the one hand, Europe as a Community, a decision taken in 1991, after the conclusion of the document titled “The Charter of Paris for a New Europe”, to have the two Europes united; on the other hand, there were those who pleaded for an ongoing deepening of the EEC, alongside a democratization of the European East, without formal commitments from the West regarding the accession of Central- and East-European states to the European Community.

Finally, the simultaneity of deepening the EEC and its enlargement towards the East was a further working hypothesis, given the fact that the EU’s enlargement and deepening had occurred in successive stages until then. It was now becoming necessary that they occur simultaneously, which also brought novelty to the entire process and raised major doubts, the first and foremost being whether Europe was capable of facing that twofold process at the same time.

¹¹ We will see this later, when we analyse the offer made by the ECSC, EEC, and EAEC in the 1970s to the states in USSR-dominated communist Europe regarding their accession to the European Economic Communities. At the time, only Romania and Yugoslavia stated that they were interested in formally cooperating with the EEC and concluded trade agreements – in 1974 and 1976, respectively. Otherwise, the states in the East and West worked together within the CSCE, forerunner of present-day OSCE.

Moreover, there was the hypothesis that enlargement should have been achieved according to a sectoral-functional pattern similar to the one used at the beginnings of the Community-advancing process, that had been proposed by Jean Monnet and allowed for certain sectors and functions to be “put in common”, consequently, the progressive rapprochement to of the two parts, integration, and the accession of the PECO states to the EU. Hence, the ideal method of incorporating the PECO states into the EU would have been the federal-functional one. The European Union was willing to adapt its traditional method to the new political and economic realities, both internal and international, which is why we speak, on the one hand, about an instrumental novelty – *e.g.*, the pre-accession strategy – and, on the other hand, about a continuation of the generally-accepted method of European construction, which is functionalism.

Pre-accession, therefore, was the strategy chosen for the progressive on-coming and integration into the EU of the associated states from Central and Eastern Europe. Pre-accession implied:

- on the one hand, reform and transition in the PECO states themselves;
- on the other hand, the institutional reform of the EU, so it may be able to receive the new member-states from the East;
- finally, the PECO states were supposed to begin their progressive insertion into the EU’s three pillars, by using the method already described as pre-accession, *i.e.*, a renewed functionalism that brought along new specific instruments: the European Association Agreements, the Structured Relationship, and the Strategy of Integration into the Internal Market.

While talking about the on-coming and progressive integration of the PECO states in the EU through transition and democratic reform, it should be made clear that the two processes did not occur through any kind of transition and democratic reform, but through one that considered the “European model”, its values and criteria. The study is based on the assumption that, let aside the differences between them, those states had in common a foundation and certain characteristics, which allowed for their being treated together as politically, economically, and culturally similar entities. The analogies between the PECO states relied on:

- on the one hand, their historical, cultural, and geographic unity;
- on the other hand, their common heritage from the old socio-economic system, after an over forty years’ cohabitation in the “socialist camp”;

- finally, their common objective of accession to the EU, that they had taken on and impelled them to achieve the same kind of reforms, if they wished to share political democracy, a market economy, the rule of law, and the observance of both fundamental rights and the minorities' rights – *i.e.*, to reach the standards that are specific to the EU.

In other words, all those states had to achieve political, economic, and institutional reforms at both macro- and micro-economic levels and to integrate themselves into the world-wide political system and market. There were differences as well, obviously, but those had to do with tactics rather than with strategy. Hence the PECO states' three types of reform and transition, that I have theorized and presented as "shock therapy", "gradualism", and "progressive approach".

I have chosen a new, innovative method that I have called "pre-accession" and assume to be an adaptation of traditional functionalism to specific political and economic, national and international conditions, one that makes possible the *de iure* accession, in fact, through the initial method.

Pre-accession was conceived as a mechanism that allowed for certain specific instruments to be set in motion, building up a network of institutions and of political and economic mechanisms, both bilateral and multilateral, more or less formalized, that help the PECO states approach the EU and integrate into it, and also actually take part in the activities of the Community's institutions, since they could not yet rightfully participate. Therefore, pre-accession appeared as a first stage of accession, it was an "accession before accession proper", an "accession with voice, but without vote", in other words, a progressive participation at the common activities of the EC, even without the right to vote, pending the formal accession. Pre-accession was achieved through specific instruments: the EAAs, the SR, and the Strategy of Integration into the Internal Market. The EAAs thus proved to be bilateral, institutional, political, and economic instruments of collaboration and cooperation between the EU and each state of the PECO group. They initiated the political dialogue through the Association Council, the Sectoral Ministerial Committees, and the Parliamentary Association Committee. Though they were genuine common institutions created by the EAAs between the EU and every PECO state, these, however, functioned outside the institutional system developed within the EU Treaties. Thus, they were new instruments, specific to the process of accession of each given state. By means of the EAAs, the possibility appeared to create a free-trade area between the EU and the PECO states, as well as an institutionalized framework for finan-

cial and technical assistance, through the PHARE program. The SR, in its turn, allowed for the PECO states' direct participation in the Community's activity, even though they were not yet rightful members. It actually meant the participation of the PECO states in the CFSP and JHA, by attending the European Council sessions from 2002 on and also the Sectoral Council of Ministers of the EU. The SR thus appeared, alongside the EAA, as a second specific institution of integration that represented a multilateral and political dimension, by contributing to the lessening of the PECO states' frustration for not having access, formally, to the EU reunions where decisions could be made that might prove crucial for themselves and their future. While the EAAs averted an exaggerated homogenization of the perception regarding the PECO states, the SR helped overcome an exaggerated differentiation between them, thus achieving a balance when it came to the same perception within the EU. Last, but not least, the PECO states' integration into the Internal Market turned out to be very difficult itself and could not be achieved other than progressively, since it implied a passing from a centralized, state-governed economy to an open, market one. Hence, many subsequent difficulties arose, and long transitory periods came to be expected, some of at least ten years, which indeed happened.

Pre-accession was a strategy that allowed for transforming the accession negotiations into a technical matter up to a certain point, if the political decisions had already been made, if the political, economic, institutional, legal reforms were already under way in the associated PECO states, just like the reform of the EU itself was under way, following the 1996 Intergovernmental Conference.

Finally, I think that the PECO states' accession to, and integration into, the EU were parts of a wider process of integration of the PECO states into the Western world on the whole, which means into NATO, the OSCE, the OECD, or the WEU, as well as strengthening their collaboration and cooperation with the EU in such international organizations as the UNO, the OSCE, or the Council of Europe. Hence, the PECO states' accession to the EU ran parallel to their wish to join all those democratic political and economic organizations. There was a complementarity, therefore, between the PECO states' accession to NATO and their accession to the EU, without one being formally conditioned by the other. There were ties, but not conditionalities, because states could be NATO members without being EU members (*e.g.*, Norway), just like they could be EU members without being NATO members (*e.g.*, Austria).

Therefore, I think of the European continental model as being that of a Europe as federal as possible, inside a deepening and ever-more enlarged Union.