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**“Europeanisation” of CEE executives:  
EU-membership negotiations as a shaping power**

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**Workshop Report**

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The research project „Europeanisation of Public Administration in Central and Eastern Europe in the Process of Transformation and Integration“ is based on the following major assumptions:

- (1) The development of the EU is highly influenced by the performance of national bureaucracies. The multi-level-character of the EU implies special demands on these public administrations. In the context of the forthcoming enlargement this is a major challenge for the applicant countries on their way to Brussels.
- (2) The adoption of the ‘*acquis communautaire*’ is a process, which has great impact on all areas of public life within the CEEC-5 and all other candidate countries, especially for their public administrations. This occurs increasingly problematic for the applicant countries as the adoption of EU-specific styles of governance seems necessary for reaching the administrative EU-readiness.
- (3) Furthermore the EU does not offer a precise administrative target zone. This even complicates the process of adaptation. Moreover, the EU is characterised by an administrative diversity, including the different national models and administrative traditions of the EU-member states. The main question arising from this context is how do the applicants cope with the new challenges and how do they adapt their political and administrative systems to the new demands of an EU-membership as

they are simultaneously facing the processes of integration into the EU and systematic transformation and consolidation in their countries?

### **'Europeanisation' of CEEC-5 executives: EU-membership negotiations as a shaping power**

A comprehensive and instructive lecture on „Europeanisation of CEEC-5 executives: EU-membership negotiations as a shaping power“ served as an introduction to the research theme. It examined the impact of European integration on the executive development in the Czech Republic, Estonia, Hungary, Poland and Slovenia (CEEC-5) by distinguishing five stages of 'Europeanisation'. 'Europeanisation' is broadly defined as a shift of attention of all national institutions and their increasing participation – in terms of the number of actors and the intensity of contacts– in the EC/EU decision-making cycle. Thus, 'EU-Europeanisation' is about the resources in time, personnel and money directed by current and future member-states towards the EU-level. In this context an analytical distinction should be made between Europeanisation in general and specific 'EU-Europeanisation'. EU-membership is special because of the requirements for the member states arising from the nature of the EU as a supranational community.

The national administrations are affected by an increased variety of EU modes of governance (supranational Community method, EU regulatory model, multi-level governance, 'hard' and 'soft' policy coordination, transgovernmentalism). They all exert a considerable adaptation pressure already during the accession negotiations.

The EU, thus, requires a special profile of 'EU-readiness' with regard to administrative structures, resources and styles of interaction, while at the same time the CEEC-5 still experience most parts of the EU system as 'outsiders' and 'decision-takers' rather than decision-makers.

Furthermore it has to be taken into consideration that the candidates face EU-Europeanisation in the context of systemic transformation and consolidation. This makes it difficult to distinguish unambiguously between those processes that are caused by, and connected to, EU integration and those associated to democratisation and marketisation.

## **5 stages of EU-Europeanisation**

Within the transformation process in the CEEC-5, five stages of 'EU-Europeanisation' can be identified, which are linked to the widening and deepening of relations with the EU.

In a pre-stage first contacts were established (Trade and Co-operation agreements, PHARE). The first stage was closely linked with the Europe Agreements (EAs), which constitute a free trade area, institutionalised political dialogue and offer a membership perspective. It took shape against the background of basic institutional transformation of the CEEC-5. Concerning administrative reforms, this led to an incremental rather than a 'big bang' approach.

The second stage comprised the pre-accession process, which took off around the Essen European Council (1994) and in which the Commission's White Paper on the integration of the CEEC-5 into the internal market became the central point of reference. The efforts concentrated mainly on the harmonisation of law that especially gave the Ministries of Justice a comparatively stronger role. Structures and procedures for co-operation and co-ordination were developed. The EU machinery at the centre of government was upgraded. Ministerial committees were established, with permanent secretariats or support offices. Within parliaments, European Committees were set up. Finally also implementing agencies for taking on the *acquis* were established and new institutions were created and adapted. (e.g. for the management of the upgraded PHARE programme).

The third stage started with the issuing of the Commission's opinions on the individual applications in 1997 and the beginning of the accession negotiations (March/November 1998). The first statements released by the Commission stressed the importance of the administrative EU-readiness as a horizontal task and pointed at the weaknesses of a general nature and in specific sectors. The candidates responded both at the level of policy planning and at the level of implementation of the *acquis* designed for the longer term. The membership negotiations have been a defining point of these processes of administrative Europeanisation.

Within this third stage the impact of European integration became more controversial. Negotiation and co-ordinating structures were established on the basis of the central decision-making structures that were put in place during the second stage.

Two basic types of EU-related decision and policy-making structures can be identified in the CEEC-5. The first shows central co-ordination with a strong position of the Prime Ministers' Office (example of Poland). The second type is central co-ordination with a strong position of the Foreign Ministry (example of the Czech Republic, Estonia and Hungary). Slovenia constitutes an in-between type with an exceptional position of the Government Office for

European Affairs headed by a Minister without Portfolio for European Integration. In all cases, the Prime Minister (PM) and Foreign Minister (FM) are supported by a special top official who heads the key domestic co-ordinating institution responsible for European integration. Parliaments play a more 'enabling' role, as the accession negotiations are the 'hour of the executive'.

The negotiation (delegations for direct interaction with the EU at ministerial, deputy and working group levels), domestic policy formulation and inter-ministerial co-ordination structures were newly set up in 1998 or developed from the existing EU decision-making machinery. The structure of the negotiation delegations varies from country to country. In the current stage of the negotiations, the missions of the CEEC-5 to the EU in Brussels play a key operational role.

Throughout the second and the third stage the general streamlining of the state administration by reduction in the number of ministries and non-ministerial agencies continued. In the case of the five classical Ministries (Ministry of Foreign Affairs, the Interior, Justice, Defence and Finance) a certain degree of operational stability can be discerned – while several changes occurred in the Ministries dealing with socio-economic issues.

In all five countries, all Ministries, with the exception of the Ministries of Defence and partly those of Health and Culture have established EU-units. Some Ministries maintain even direct links with the institutions of the EU. In all countries except for Slovenia (see above), no special EU Ministry with overall co-ordinating functions has been created.

As far as the fourth stage after accession is concerned, it remains to be seen whether current designs will persist in an enlarged, differentiated and perhaps more formalised form (path-dependent development according to the neo-institutionalist approach), or whether they will be replaced. The arrangement for defining national positions will in any case need significant reinforcing, especially in view of the strong differentiation of European decision-making structures.

### **Administrative adaptation of EU-styles – a simple institutional transfer?**

Concluding the general introduction the basic theses of the research project were revisited. In line with the 'adaptation-by-anticipation thesis', a growing impact of European integration on the CEEC-5's domestic administrative set-up over the last decade can be confirmed. Whereas the context of transformation was prevalent for the redefinition of the state and administration, i.e. for polity building, immediately after the systemic changes of the early 1990s, growing into the EU system has turned into a dominant framework for administrative

adaptation and reforms thereafter. EU membership has served as an incentive and moved national policy-makers towards administrative reforms.

The EU has increasingly given general orientation to the modernisation of public administration in the CEEC-5 and has also a direct impact on the design of public policies. In line with the non-convergence thesis there is neither convergence of national EU decision-making models nor a simple institutional transfer.

Public administration reform has been an incremental trial and error process. Furthermore the EU does not offer a concrete administrative target zone. Moreover, the Annual Progress reports of the Commission and the Accession Partnerships provide some lines of orientation concerning the administrative demands of an EU-membership and monitors the candidates' performance. However, the EU does not clearly define this target zone of administrative EU readiness in qualitative or quantitative terms. The CEEC-5 have shown some common administrative weaknesses (corruption, inter-ministerial conflicts, quality of staff) that can partly be traced back to the lack of a legal definition of civil servants. This puts the administrative EU-fitness of the CEEC-5 in question. Another common characteristic concerns the dominant role of the executive in the current process of accession negotiations. The position of officials is strengthened. Membership negotiations proved to be the 'hour of the executive', in which an EU-related 'core executive' is emerging within the national arenas, including national cabinets, officials from the Foreign Ministries, the national European Integration bodies and other high-ranking civil servants from the ministries involved. Through the engagement and central role of public administration within the emerging national core executives, Europeanisation could promote the bureaucratisation of policy-making after the accession to the EU. This could open the door for a 'technocratisation' of the political process at the expense of political actors who are accountable to the electorate. Moreover this could lead to special problems for the less consolidated democratic systems of the applicant countries. On the other hand the adaptation pressure of the EU could also support the modernisation of the CEEC-5 to make them 'fit' to join the EU.

### **Future Perspectives**

For the time after accession it remains to be seen, whether the CEEC-5 will be able to transform into efficient multi-level players or if they might become permanent special cases. EU membership could evidently be used to give momentum and direction to administrative reform. It does not, however, work as a panacea for making the 'right' institutional choices.

The EU may increasingly leave it up to the member-states to design appropriate institutions and procedures, although this does not exclude practical convergence of national solutions. That is why the candidate countries have to develop medium-term strategies to become ‘multi-level players’ and integrate fully into the European policy-making system.

### **Bureaucratisation through Europeanisation**

The discussion of the main features of the research project focused primarily on the following aspects:

The idea of not working with one exclusive academic approach was widely welcomed: if transformation countries are in the focus of the research one has to consider many factors of the public sphere. As already mentioned above no single model of public administration can be identified within the member states of the European Union but it can be stated that there is a certain trend towards convergence. As a rule, EU-membership gives a boost for civil services and increases the need for executive coordination. Due to this fact an enormous difference between the present EU member states and the East European applicant countries can be identified. The thesis of ‘*strengthening the role of civil servants*’ seems to be a real reason of concern. This is caused by the weak position of national parliaments in the whole negotiation process if everything is given in the hands of a small group of civil servants functioning as an elite promoting democracy and the rule of law. There is a special need for a EU-affairs-related ‘network’ of civil servants, working together as a team throughout all Ministries and on all levels of governance in each applicant country.

### **Importance and problems of a comparative approach**

By having a closer look at administrative strategies short-, medium- and long-term priorities can be identified. Concerning short-term priorities units that deal with the negotiation process can be found in nearly all Ministries. This is due to the size of the *acquis* after the Maastricht Treaty, which requires the involvement of nearly all Ministries. In this perspective one can compare the applicants’ situation with the one of the countries of the last round of enlargement (Austria, Finland and Sweden). They all gained membership in the Union after the Maastricht Treaty.

Medium and long-term priorities need different strategies and requirements. Over the next years and after membership the gradual ‘sinking of the *acquis*’ into the public administrations (‘like watering plants’) in longer waves will be observed, depending on the areas of the *acquis* and the political priorities set by governments and their ministries. Today, no one can tell

whether long-term problems will come up. 'Europeanisation' is thus a long-term process without automatic developments.

It might be helpful for the further development of the research project to identify policy fields of special interests and to observe, what kind of strategies (in terms of implementation and policy evaluation) will be developed by the applicants.

It might also be beneficial to compare the current situation of the CEEC-5 with the situation of the present member states when they joined the Union. In administrative terms most or even all states would not have been ready by that time to join the Union today. The EU officials should not close their eyes and ignore the efforts which have been made by the applicants so far and put forward requirements even members do not fulfil. In comparison to CEEC-5, which have only some years for the adaptation, the present member states have had decades. The present situation puts enormous pressure on the applicants.

Once again one has to state that there exists a great diversity looking at the styles of public administration in the present member countries and that none of them could serve as a role-model for the applicants.

### **One after the other? Remains every country a single case?**

At previous enlargement rounds pre-accession has never been a topic. This has changed and the EU has developed a new set of instruments and several frameworks for the pre-accession phase. One of them is the so-called 'pre-accession' strategy.

The forthcoming round of enlargement cannot be compared to the previous one due to the following reasons:

- (1) the history of the countries, which differs too much from the present member states,
- (2) the size of the enlargement round and
- (3) the size and the complexity of the EU *acquis*.

On the other hand, of course, it is always useful to compare different cases in order to identify the characteristics of each case. Therefore it is necessary to distinguish an analytical level, where it is useful to compare, and a normative level, where it might not be.

### **Civil Servants: 'Europeanisation through education'**

As far as the role of civil servants is concerned several lines of argumentation in the present debate can be outlined. First of all it proves worthwhile to take a closer look at the career-patterns and age groups within public administrations. In the case of the CEEC-5 there is a

great deal of personnel continuity that survived also the systemic changes in the beginning of the 90s. One of the major concerns is that only very few qualified young people want to go into public administration. The incentives from the private sector are far too attractive. As a consequence many civil servants are often not sufficiently qualified to deal with EU affairs in a satisfactory way. Therefore it is necessary to improve working conditions and salary systems in public administrations and to make investments in education and training programs for civil servants ('Europeanisation through education').

A crucial question for the future EU-membership will be whether the applicant countries will be able to fill their posts in the EU-institutions without damaging their national administrations at home. Generally speaking, there is a lack of qualified civil servants for Brussels in the applicant countries. Moreover up to now every new member tried to fill 'their posts' in Brussels as quick as possible which in some cases caused negative effects for both sides, the EU and the new members states. It would be advisable for the new members to design a 'gradual and prudent strategy', including adequate training for their civil servants in Brussels. This cautious and strategic approach is not likely, given the political expectations to become equal partners from the first day of accession.

In this context it seems worthwhile to examine whether there already by now exists a trans-national academic network and how far it spills over in trans-national advocacy coalitions. This leads to a fundamental dilemma which the EU is facing. On the one hand the EU needs a strong and qualified trans-national elite, but on the other hand this contains a potential risk of alienating EU civil servants and also 'Europeanised' nationals from the citizens. Another aspect to keep in mind is that most of the officials of the council in Brussels are just temporarily working at the EU-level. They are basically national officials that are serving part of their time in the Brussels machinery. This guarantees that EU-politics remains firmly rooted at the national level of governance and potentially counteracts alienation-processes. Considering enlargement it will be of major interest whether a European 'esprit de corps' can be maintained or if one has to expect increased frictions in the decision making process of the European Union.

### **The degree of decentralisation**

The degree of centralisation represents another aspect concerning the 'Europeanisation' of CEEC-5 executives. The more a state is centralised, the easier it is to adopt a national position, to negotiate among its partners and to implement it. The question of implementation is of special concern regarding integration into the EU as there is generally a wide gap

between the officials that are negotiating and taking decisions and the officials that are implementing those decisions at the national level.

### **Manifold incentives for Public Administration reform**

Public Administration reform is not only a result of EU-Europeanisation as there are manifold incentives for reform both internally (transformation<sup>1</sup>) and externally (globalisation). The latter aspect is also a major force behind the processes of bureaucratisation of politics. In the wake of globalisation public life is becoming more and more complicated, the political and administrative systems are getting increasingly fragmented and politics is mainly done in ministries and agencies. Parliaments are getting sidelined as platform for public discussions.

### **‘Towards a Clash of political cultures?’**

Finally one has to refer to the question of political culture. Enlargement might lead to a ‘clash’ between a more consensus-oriented political culture of the EU and a more adversary political culture evolving in the applicant countries of CEE, which could lead to some severe disruptions in an enlarged EU.

## **The EU’s “administrative target zone” and the CEE candidates: Expectations, assistance and performance**

### **The general framework of pre-accession and accession negotiations**

With regard to the European Union’s ‘administrative target zone’ two aspects have to be taken into consideration:

- (1) the terms of accession have to be clarified throughout the process of the negotiations and
- (2) the preparations within the candidate countries have to be analysed according to the defined targets.

The whole process is even more complicated as there is no clear definition of a ‘target zone’ for public administration reforms in the candidate countries from EU-side. The nature of the accession process and interim regulations within this process highly depend on the stage of

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<sup>1</sup> It has been argued that especially for Hungary the stage of transformation is already over as Hungary can now be labelled as an emerging market.

preparation achieved by the applicants which seem to be without orientation by assessing and evaluating the official requirements (concerning public administration reform).

The official requirements for accession are the Copenhagen criteria, including the functioning of a stable market economy and the implementation of EU law. It has been clearly stated from EU side that there will be no space for special solution regarding EU politics or law for the applicants. The character of the accession 'negotiations' does not correspond to the common notion of 'negotiation', as the applicant countries have to fully comply with the structure and rules of the EU. As far as transitional periods are concerned the room for manoeuvre is quite restricted. They have to be limited in time, in scope and must not disturb the internal market and the functioning of EU-policies. This still remains an underestimated problem looking especially at problems with national minorities in several countries (to give two examples: the Roma in Hungary and the Russian minority in Estonia).

### **'Europeanisation' more than Multilateralisation**

EU-membership implies huge obligations and restrictions in national sovereignty. Therefore each new member state requires an efficient national decision-making structure for being in the position to exert effectively national influence in Brussels. Each country has to bear in mind that membership in the EU is different from membership in other international Organisations.

### **„Fit for the EU?‘**

It has been stated time and again that the core challenge is not to transpose but to implement and enforce European law. This is the most difficult criterion to fulfil. Concerning Competition policy and the Judiciary (to give the most obvious and measurable examples) none of the CEEC 5 countries fulfils the required criteria. It will be indispensable regarding further negotiations to make commitments concerning transition periods from the EU side. Otherwise it will be difficult to make further achievements for the candidates and in the whole negotiation process. The next annual progress reports of the Commission will therefore focus on the administrative capacities of the applicant countries. Corruption is a central problem in this context. Generally the decisive question for the EU is how to measure the degree of administrative 'EU-fitness' of the applicant countries in the absence of clear 'convergence indicators'.

Where is the concrete administrative threshold for the applicant countries? Probably this leaves much room for political manoeuvring. The possibilities for the Commission to assess

and control the administrative capacities of the applicant countries are quite restricted. The Commission can just check whether the respective laws exist, if there are stable institutions with staff and procedures producing regulations and if the required infrastructure for the implementation and control of the *acquis* has been established (e.g. laboratories for measuring certain chemicals).

Additionally the Commission uses the instrument of 'peer-reviewing' by setting up small groups of national experts that are sent to the applicant countries to assess their administrative capacities in the respective sectors. The crucial question in this context is who selects the experts according to which criteria.

### **A new approach of the reform of the public administration**

Any further reform of the public administration has to start at a very low level of internal hierarchies of civil servants. This is due to the fact that decisions often are prepared and forwarded at the basis of the Ministries. This seems to be the only way to push interests forward.

The central lesson that can be drawn from the EU's effort to support public administration reforms in CEEC is the following:

In the beginning much money was spent on public administration reform in CEEC-5 in the framework of the PHARE-Programme. Given that public administration reform depends heavily on national traditions and models that determine scope and limits of its success it has to be admitted that because of the divergence of those Eastern European traditions and models from West European experiences the results of the activities were more or less 'disastrous'.

Moreover these reforms cannot only be affected and initiated by the goal of EU-integration. The major reform initiatives, therefore, have to come from within. They need internal support including the necessary budgetary backing. For example, good salaries are absolutely essential to create a professional public administration. Especially EU-subsidised salaries for officials in CEEC (a practice of the early phase of the PHARE programme) would not be sustainable after accession. Moreover the problem of attracting highly qualified people to join public administration remains. Here the public sector has to compete with the private one where better salaries are paid and better career possibilities are offered.

### **Critical junctures in the administrative development of CEEC-5**

The discussion discerned several events in the relations between the EU and the applicant countries, which can be characterised as crucial turning points or milestones in the

administrative development of the applicants. This includes the issuing of the Agenda 2000, which caused a complete reorientation of the PHARE-Programme and shifted the general attention of the EU towards the issue of implementation capacity. Moreover the opening of the accession negotiations gave a clear boost to public administration reform in CEEC-5. Finally the announcement of the 'Strategy Paper' at the Nice summit last year had also an impact on the administrative development of the applicant countries.

### **Twinning**

Twinning is not about transferring models but more about advising and accompanying internal gradual learning processes. Each Twinning-Project is targeted at concrete needs (e.g. creating a VAT-system in Slovenia) and clearly limited in time (usually 12 month).

The overall results have been positive; many changes in the every-day working processes have been initiated but remained mostly restricted in scope. EU officials were sometimes seen as 'spies' rather than allies. Often orders and advises were just not obeyed.

Another danger for the overall continuity of reform projects is that qualified and experienced officials can be replaced as a consequence of a change of government in an applicant country, which might prevent those countries to take full advantage of EU-membership, because of a lack of experience. The central challenge for the EU in the pre-accession stage is thus to push the process of building up administrative and institutional capacities to implement EU law properly, because after accession the EU has no more direct leverage on this process in the applicant countries. Moreover the discussion underlined the fact that everything, which could not be solved before the accession, will probably end up before the European Court of Justice.

### **Experiences and problems of administrative adaptation processes for EU-membership**

Looking at the applicant countries three major tendencies can be identified:

- (1) There is either a stable development with a high quality in staffing or a problem in recruiting well-educated people for EU administrative work. The Ministries are often staffed with young people directly coming from the universities. They have a lack of work experience and they are in positions as head of departments with high responsibilities which sometimes overload them.
- (2) In the smaller countries there is a tendency to be deterred by the personal capabilities, which are required for the harmonisation in terms of public administration reform.

- (3) Many people are working in public administration, which have already been into leadership positions under communist rule. Finally corruption still remains one of the largest problems in all countries.

Therefore the reform of the public administration in the applicant countries is of great importance also for the present member states of the European Union. All of them have already taken measures to provide a lot of initiatives to train civil servants in the applicant countries (in terms of financial aid and providing own human resources). Transparency in the present reform remains a disputed point. As it was stated inter alia in the conclusions of the Madrid summit the EU has great expectations in questions of harmonization the national systems to EU administration. The Commission especially monitored the progress of the reform of the public administration in the CEEC 5. Only if enforcement in this area can be witnessed the EU is willing to close chapters of negotiation. But still the question on the adequate measurement of efficiency remains open.

#### **CEEC-5 – Towards efficient multi-level players?**

There is still a lack of legal framework concerning career possibilities in the public administration and the problem of low salaries does not attract qualified personal. The only remarkable example is Hungary. Here the salaries of civil servants were increased up to plus 70 percent during the last year. This is one of the country's strategies to recruit more staff. Concerning the future there will even be a bigger problem concerning the staffing of national institutions. The applicants have to send numerous staff to the Commission in Brussels. This will cause a gap of personal especially in the smaller countries like Estonia. But at the moment the question of future staffing is not of high priority for the applicants. This may cause problems because it seems that they underestimate what they have to provide to Brussels once they are members. Furthermore it seems as if there is no recognition of the importance of building up own networks in Brussels to promote national interests. This will become a problem when the new members will take part in policy-related decision-making processes of high national interest and relevance. At the moment the candidates concentrate on building up considerable networks within the respective Ministries.

#### **EU support for Public Administration reform in the CEEC**

The problems of the public administration in the CEEC-5 have already been recognised in the early nineties. Much money was spent on the PHARE programme without leading to the intended results. The money from PHARE seemed to be largely wasted due to the fact that all

this aid was ‘only’ (?) financial aid with which the candidates were left alone and did not gain knowledge support like concrete models of human resource training etc..

Nevertheless there has been a shift to more practical aid and transferring knowledge of public administration reforms. The Commission concentrates more on the implementation of the *acquis* to shape the public administrations and promote harmonization to EU law and numerous Twinning projects have been started. Many aspects of the public administration reform have been linked to short-term aspects. But it has to be clearly stated that until now there is no transition period foreseen for the reform of the public administration from the side of the Commission.

The reform of the public administration sector has to be seen in more pragmatic terms. The ongoing process is not yet satisfactory but as long as the applicants signalise that reforms take place the efforts will be taken positively into account. What has to be guaranteed is that reforms and transformation will continue once the applicants have become members of the Union. The Commission shifted the focus more on what has been achieved so far and how far they have succeeded in their willingness to support reforms and not to monitor where they stand at the moment as it was done at the beginning of the eastern enlargement round. Guidance to the candidates was given by the ‘Strategy paper’ (2000), which goes back to an initiative of the European parliament.

At the moment the present member states look more critical at the applicants and require more efforts from them as they have made during all the years of membership. One can refer to the example of the internal market. When the Union decided to launch the internal market their administrations were not yet ready for this project.

### **Perspectives for the future: ‘a new ball game’**

Finally the discussion focused on the perspectives of the political and administrative system of the EU after the enlargement. The EU á la Nice is not sufficiently prepared for the accession of 12 or even more new members. There are three options for the development of the EU after enlargement:

- (1) we will see comprehensive constitutional reform securing an effective and democratic Union;
- (2) a core group of like-minded member states will emerge leading to a new division of Europe;
- (3) the EU might end up as something like the Council of Europe.

In any case it is highly probable that the EU enters a 'new ball game' after enlargement has taken place.