

# Copenhagen Criteria As The Main Guide To The Accession Of The European Union

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## ABSTRACT:

This article deals with features of European Union enlargement process. Article will not be concerned with the challenges of the enlargement from the European Union perspective. It is important to see how serious the European Union is in terms of fulfilling its membership criteria. The Copenhagen criteria are the membership criteria that must be satisfied by a country that wants to become a member of the European Union prior to accession. The main aim of this article is to analyze the Copenhagen criteria.

Açar sözlər: Avropa İttifaqı, üzvlük, meyarlar, namizəd dövlət

## XÜLASƏ:

Bu məqalədə Avropa İttifaqının genişlənmə prosesinin xüsusiyyətləri araşdırılır. Məqalə Avropa İttifaqı perspektivindən genişlənmə problemləri ilə əlaqəli olmayıb, Avropa İttifaqının üzvlüyünə qəbulun meyarlarının nə dərəcədə ciddi olduğunu öyrənmək baxımından əhəmiyyətlidir. Kopenhagen meyarları Avropa İttifaqına üzv olmaq istəyən istənilən dövlət tərəfindən yerinə yetirilməli olan üzvlük meyarlarıdır. Məqalənin əsas məqsədi Kopenhagen meyarlarını təhlil etməkdən ibarətdir.

Ключевые слова: Европейский Союз, членство, критерии, страна-кандидат

## PEZİOME

В этой статье рассматриваются особенности процесса расширения Европейского союза. Статья не будет касаться проблем расширения с точки зрения Европейского Союза. Важно видеть, насколько серьезный Европейский Союз с точки зрения выполнения его критериев членства. Копенгагенские критерии являются критериями членства, которые должны быть удовлетворены страной, которая хочет стать членом Европейского Союза до вступления. Основная цель этой статьи состоит в том, чтобы проанализировать Копенгагенские критерии.

Since 1993 the standard preconditions for membership are based on the Copenhagen criteria. In the earlier days before 1993, the simple fact that a country was European and democratic, was already the necessary and sufficient requirement for eligibility to membership. In this case the theoretical maximum size of the EU is physically limited by the number of countries belonging to geographical Europe. This explains why the application of membership on Morocco in 1987 was not considered to be acceptable. Even the geographical criterion is not absolute (7). The summit held in Copenhagen on 21-22 June 1993 was a very important decision, as mentioned earlier, that Central and Eastern European Countries could be included in the Union. In this conclusion of the Summit, the political and economic conditions necessary for full membership have been determined.

The EU offers help to countries that are in the process of meeting the Copenhagen criteria. For the candidate member countries the Instrument for Pre-Accession Assistance

(IPA) is available, and the European Neighborhood and Partnership Instrument (ENPI) for the potential candidate countries.

At the Council of Europe Summit held in Copenhagen, it was recognized that “for membership, the candidate country must have provided stability to institutions that guarantee respect for and protection of democracy, rule of law, human rights and minority rights” (3). In Article 6 of the Amsterdam Treaty signed in 1999, the following is written:

“The European Union is founded on principles of freedom, democracy, respect for human rights and fundamental freedoms, and rule of law supremacy.” Having completed the fifth enlargement process, the European Union has set three basic criteria for membership.

The accession criteria, or Copenhagen criteria are the essential conditions all candidate countries must satisfy to become a member state. These are:

- political criteria: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- economic criteria: a functioning market economy and the capacity to cope with competition and market forces;
- administrative and institutional capacity to effectively implement the *acquis communautaire* and ability to take on the obligations of membership (9).

The Union’s capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration. The EU reserves the right to decide when a candidate country has met these criteria and when the EU is ready to accept the new member.

#### First Criteria (Political Criteria)

No clear indication is provided however about the relative weight and importance of the Copenhagen criteria, although it seems that the political requirement still ranks as the highest in the practical assessment of the Copenhagen criteria (8). The political criterion determines whether a country is eligible for membership, while the other criteria control the speed of the negotiations and of the joining process. Candidate countries should be close to European Union standards in the following areas:

- The existence of a stable and institu-

tionalized democracy;

- The rule of law;
- Respect for human rights;
- Protection of minorities.

Generally, the fact that the country is governed by a multi-party democratic system, respect for the rule of law, no death penalty, no discrimination against minorities, no racial discrimination, all forms of discrimination against women are prohibited, all articles of the European Convention on Human Rights are accepted without reservation, features such as the adoption of the European Convention on the Exercise of Children’s Rights are key considerations for full membership (1). However, the existence of these principles alone is not sufficient and must be applied continuously. It is important that the candidate countries not only express the notions of democracy and the rule of law, but also pass them on with all elements of everyday life. In sum, three key political criteria are important for full membership:

#### 1. Democracy and the rule of law

For the superiority of democracy and law constitutional guarantee covering political pluralism, freedom of expression and freedom to choose religion, the existence of democratic institutions, independent judicial and constitutional institutions that enable the various state units to fulfill their normal functions, the realization of free and honest elections that enable different political parties to come to power alternately and generally recognize the role of the opposition are taken into consideration and evaluated.

#### 2. Human rights

It is important for the European Union to be a party to the European Convention on the Protection of Human Rights and Fundamental Freedoms and to accept the individual application of the Council of Europe Human Rights Court (10).

#### 3. Respect for minorities

The main reference point in this regard is the Council of Europe Framework Convention on the Protection of National Minorities and Recommendation No. 1201 adopted by the Parliamentary Assembly of the Council of Europe.

#### Second Criteria (Economic Criteria)

According to the results of the Copenhagen Summit, the existence of a functional market economy for the first time in the field of economy is sought for full membership:

1. An efficient market economy

For an efficient and functional market economy:

- The fact that the market forces of the supply-demand balance are established with an independent mutual interaction;
- The prices are as free as the trade, the entrance to the market (opening of new company) and the absence of obstacles for exit (bankruptcy);
- The existence of a legal system covering regulations on property rights (intellectual and industrial property) and the enforcement of these laws and regulations;
- The fact that an economic stabilization involving price stability has been achieved and the existence of sustainable external equilibrium;
- To have a broad consensus on the basic principles of economic policies;
- The financial sector needs to be well developed so that savings can be directed towards investments (4).

2. Provision of competitiveness within the EU

The second of the economic criteria for full membership is that the candidate country has the capacity to compete within the European Union. For this:

- The existence of a functioning market economy, with a macroeconomic stability sufficient for economic actors to make decisions in a stable and predictable environment;
- Having sufficient quantities and quality of human and physical capital in infrastructure (energy, telecommunication, transportation, etc.), education and research areas;
- The availability of companies' technology adaptability;
- Government policy and legislation, trade policy, competition policy, state aids, support for SMEs, etc. the extent to which it affects its ability to compete;
- Prior to enlargement, the degree of commercial integration provided by the Union to the Union (this issue concerns the volume and quality of the goods traded with member countries.);
- Having enough small and medium sized companies;

As indicators of the degree of competitiveness in this framework, it is important that there is a certain trade partnership between

the Union and that country before entry into the Union and that small firms in the country's economy have a large number and competitive power.

Third Criteria (Compliance with the *Acquis Communautaire*)

In addition to the above two conditions for full membership, a third condition is sought. This condition is the candidate country's "acceptance of economic and monetary union goals with the political union" and "the capacity to adapt to the decisions that the European Union will and will take".

1. To accept the EU's political unity and economic and monetary union goals

The candidate countries must be prepared to participate effectively in the "common foreign policy and security policy" of the Union. With regard to the Economic and Monetary Union, it is necessary to participate in decisions taken by Member States on issues such as the independence of the central bank, the coordination of economic policies, participation in the Stability and Growth Pact, and the prohibition of the central bank to finance public sector deficits (8).

2. Adhere to the decisions of the EU and the legislation it applies

It is important that the candidate countries adapt to the conditions set out in the partnership agreements such as the Customs Union, the free movement of goods, the free movement of capital, adaptation to the Community *Acquis*, which requires a single market transition, the agriculture, communication and information technologies, environment, transportation, such as justice and home affairs, labor and social rights, education and youth, taxation, statistics, regional policies, general external and security policy.

It is useful here to briefly give information on the *acquis communautaire*. The *acquis communautaire* refers to the entire set of rules and institutions in the main European Union agreements and other sources of auxiliary law (statutes, decisions, directives, etc.). External relations, security and justice, free movement, customs union, protection of the environment, education and research, all issues are settled in the EU *acquis* (6).

including commitment to political, economic and monetary union goals, is essential for membership". The Council of Europe emphasizes the importance of the following in relation to this last criterion. Adoption of the *acquis* covers the transfer, implementation and enforcement processes. It has been emphasized by the Council of Europe in Madrid that, besides transferring Community legislation to national legislation, it is a key precondition for ensuring its effective implementation through appropriate administrative and judicial structures and for accession negotiations. This is a very important aspect of preparing for membership and is a prerequisite for the creation of mutual trust, which is indispensable for membership.

An advanced public service and judiciary has a central place in that candidate countries can assume their membership obligations and make effective use of EU structural funds. To implement and exercise the *acquis* in an effective manner, existing institutions must be strengthened and new institutions established (5). Appropriate human and financial resources should be provided. Training and career development programs are key elements of this process.

On the other hand, the Economic and Monetary Union is an integral part of the Community *acquis*. However, a clear distinction must be made between participation in the Economic and Monetary Union, which is mandatory for all member states, and the monetary adoption of the euro. Even if they join the Economic and Monetary Union, it is not necessary for the new member states to immediately accept one currency after membership (2). Candidate countries are required to restructure their economic policies in order to adapt the Maastricht criteria in order to adopt the euro as early as possible.

The meaning of the Economic and Monetary Union includes the gradual development of the economies of the candidate countries in the ultimate acceptance of the single currency. Candidate countries have adopted the following principle in terms of full membership of the EU: Candidate countries will enter full membership with "status of member state continuing to use their national currency". This exception will be recognized in the Accession Treaties.

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