

# REFORM IMPERATIVES IN GERMANY'S DEBATE ON EU ENLARGEMENT: AN OVERVIEW OF PROPOSED CHANGES

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## ABSTRACT

*This paper engages with the current debate on EU enlargement and the institutional changes deemed necessary to safeguard the Union's capacity to act. With the prospect of the EU potentially expanding from 27 to 37 member states, questions arise about whether its institutional framework is adequately equipped to manage such growth. In this context, the paper gives particular attention to the 2023 Franco-German expert report 'Sailing on High Seas – Reforming and Enlarging the EU for the 21st Century,' commissioned by the German and French governments and presented to their European affairs ministers in September 2023. Composed of scholars and policy experts from both countries, the group formulated reform proposals intended to make the EU enlargement-ready, including short- and long-term measures to improve institutional efficiency, strengthen democratic legitimacy, and uphold the rule of law. Their point of departure is the conviction that enlargement and reform must proceed hand in hand. This paper explores the core recommendations of the expert group and situates them within the broader German debate on EU reform.*

## KEYWORDS

*EU enlargement  
institutional reforms  
governance challenges  
German reform proposals  
rule of law mechanisms  
qualified majority voting  
structural modernization*

## 1. Introduction

The debate about the future of the European Union, particularly regarding its enlargement and related discussions on potential reforms, has gained new momentum in recent years. The catalyst for this renewed focus was Russia's attack on Ukraine in 2022.

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In the aftermath, Ukraine applied for EU membership just days after the war began,<sup>2</sup> followed by Moldova<sup>3</sup> and Georgia<sup>4</sup>. The Western Balkan countries have been aspiring to join the EU for years,<sup>5</sup> while Turkey also remains on the candidate list.<sup>6</sup> This has revitalised the enlargement debate – not just geographically, but also politically.

Historically, 2004 marked the EU's largest enlargement to date, with the admission of ten new member states.<sup>7</sup> Now, the Union faces the challenge of potentially growing from its current 27 members to 37. This raises the question of whether the EU, in its current form, is ready to handle such a significant expansion, and if so, what institutional reforms might be necessary to ensure the EU's continued functionality. While these questions have become more urgent in the light of recent critical events – from the migration crisis and the COVID-19 pandemic to Russia's war against a direct EU neighbour – they are far from new. Reform debates have accompanied the EU's development for decades, driven by enduring concerns about its institutional architecture, such as the often-cited democratic deficit or the balance of competences between the Union and its member states. The current enlargement momentum thus brings longstanding questions back to the political forefront – now with greater urgency and heightened political relevance.

Among the most notable recent responses to this renewed reform pressure is the 2023 Franco-German expert report 'Sailing on High Seas – Reforming and Enlarging the EU for the 21st Century.' Commissioned by the German and French governments, the non-governmental expert group presented concrete reform proposals in September 2023 to address the institutional and political challenges of future enlargement.

This paper takes the expert group's proposals as a point of departure to examine current German perspectives on institutional reform in the context of EU enlargement.

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## 2. Why bother with enlargement?

The reality is that not every country is rushing to join the European Union. The UK's exit with Brexit and growing skepticism in the EU show that EU membership isn't the straightforward choice it once was. A 2024 poll in Serbia revealed that less than 50% of the population supports joining the EU.<sup>8</sup>

2 | See European Commission, 2023b, p. 3.

3 | See European Commission, 2024c.

4 | See European Commission, 2024b.

5 | See Council, 2024a; Council, 2024b; Council, 2024e; Council, 2024d; Council, 2024f; European Parliament, 2024.

6 | See European Commission, 2024f.

7 | See Council, 2024c.

8 | See European Western Balkans, 2024.

From the Union's perspective, the primary objective of EU enlargement nowadays, especially since the war in Ukraine, is to promote stabilisation.<sup>9</sup> With conflicts unfolding on its doorstep, defending democracy and countering the influence of authoritarian regimes like Russia and China have become urgent. The EU's ability to act as a strong, united force is critical to managing these challenges. Thus, enlargement aligns with the EU's strategic interest: strengthening its global stance while maintaining internal cohesion, ultimately ensuring a stable and secure Europe.<sup>10</sup>

Before the war in Ukraine, the dominant vision of EU enlargement was rooted in the Union's foundational goal: to create a Europe united in values and a shared community of states. Although the idea of a 'completed Europe' has somewhat faded from the immediate agenda in recent years, it remains a guiding principle. The EU's aim is to expand its membership while deepening integration – carefully balancing growth with unity. This dual approach is essential for Europe to achieve its promise of 'completion': a continent that is united not only geographically, but also politically and institutionally, forming a truly cohesive whole.<sup>11</sup>

### 3. Why bother with reforms?

The process of expanding the European Union has always been inherently linked to significant debates about necessary reforms, which often became possible precisely because of enlargement. More or less in parallel with the EU's enlargement process, which increased the Union to 27 member states (after Brexit), efforts were also made to shape the deepening of the EU through treaty changes. This included key reforms such as the Maastricht Treaty (1992), the Amsterdam Treaty (1998), the Nice Treaty (2000), and the Lisbon Treaty (2009). Now, with the recent revival of enlargement ambitions a new opportunity for reform has emerged after years without significant changes. Notably, during the European Council meeting in Granada in October 2023, all member states reached a consensus on the need for reforms,<sup>12</sup> contrasting with previous resistance from some states.<sup>13</sup>

9 | EU leaders have increasingly emphasized stabilization as a primary goal of enlargement, particularly since the onset of the war in Ukraine. For instance, European Council President Charles Michel highlighted this in his speech at the Bled Strategic Forum, stressing the renewed momentum for enlargement driven by the conflict in Ukraine. He argued that the EU needs to be prepared for a significant enlargement by 2030, with stabilization being a critical component of this process (see Ocvirk, 2023). Similarly, European Commission President Ursula von der Leyen, speaking at the European Parliament, has repeatedly framed EU enlargement as a geopolitical necessity, particularly in light of the war in Ukraine. She pointed out that the EU must strategically manage its enlargement process to ensure stability and maintain a unified stance against external threats like Russia's aggression (See European Commission, 2024e).

10 | See Bertelsmann Stiftung, no date.

11 | See Statement by President von der Leyen on the 2023 Enlargement Package and the new Growth Plan for the Western Balkans (European Commission, 2023a); Calliess, 2023b; Karjalainen, 2023.

12 | See European Council, 2023.

13 | See Bulgaria et al., 2022.

Given the renewed push for EU enlargement, it is no surprise that a robust debate on reform has gained momentum. The prospect of expanding the Union comes with a host of complex challenges that make a strong case for rethinking the EU's current structure. Beyond the mere reopening of the window for reform, several compelling reasons – among a wide range of others – highlight why engaging in reform discussions is indeed justified.

The increasing heterogeneity within the Union poses a challenge. With the arrival of each new member state, the political, economic, and cultural diversity of the EU expands, making it more difficult to achieve consensus on key issues. The experience of managing a Union already consisting of 27 member states has shown that such diversity can lead to friction and inefficiency in governance.<sup>14</sup> This growing diversity brings back the critical question of 'absorption capacity' – defined as the EU's ability to integrate new members while maintaining its capacity to act.<sup>15</sup> If the EU becomes too large and/or too heterogeneous, it risks overstretching and weakening itself,<sup>16</sup> a concern that has driven past institutional reforms such as the Treaties of Nice and Lisbon.<sup>17</sup> Without further reforms, future expansion could overburden the EU's institutional framework, making it increasingly difficult to function effectively.

Additionally, the EU is grappling with a complex web of overlapping crises – ranging from climate change and migration to security threats and economic instability. These challenges transcend national borders and demand coordinated, unified responses from the EU. However, as the Union becomes more diverse, achieving the necessary cohesion for swift and effective action is likely to become increasingly difficult.<sup>18</sup>

Moreover, the expansion of the EU's competencies into sensitive policy areas traditionally managed by individual member states – such as defence, fiscal policy, and health – further complicates achieving consensus, raising concerns about sovereignty and the balance of power within the Union, making some member states wary of deeper integration.<sup>19</sup> As the EU continues to enlarge and crises continue to hit, these legal and political disputes are likely to increase, further complicating the balance between collective EU action and national sovereignty.

Finally, while the Union strives to welcome new members, this may come at the expense of deeper integration, as growing diversity within the EU makes consensus

14 | The European Council meeting in December 2023 highlighted once again the disruptive potential that a single member state can wield, as demonstrated by Hungary's blockade of EU financial aid for Ukraine. This incident underscored how individual national interests can complicate EU decision-making processes and strain the Union's ability to act cohesively. A summary of this incident is available at Joyner, 2024.

15 | See European Commission, 1993.

16 | Calliess refers to the threat of 'imperial overstretch', see Calliess, 2023b.

17 | See von Ondarza, 2022.

18 | It has already been identified as a state of permacrisis that Europe is stuck in, see Zuleeg, Emmanouilidis and Borges de Castro, 2021.

19 | This tension can be seen, for example, in the recent EU Pact on Migration and Asylum (see European Commission, 2024d), which sparked significant opposition from Poland and Hungary. These countries resisted the pact's 'mandatory solidarity' mechanism, arguing that it infringed upon their national sovereignty by potentially forcing them to accept asylum seekers against their will (see Liboreiro, 2024). The lengthy and contentious negotiations highlighted the deep divisions among member states and underscored how difficult it is to reach consensus on policies that deeply affect national interests.

on common policies more elusive. At the heart of this debate lies a critical question: how much sovereignty are member states willing to surrender for the vision of an 'ever closer Union'<sup>20</sup>, and how much diversity can the EU truly sustain without compromising its functionality? The motto 'United in Diversity'<sup>21</sup> has long been celebrated as the EU's guiding principle, but the Union's expanding borders are testing the limits of this ideal. Enlargement without accompanying reforms risks pushing the EU towards a state where its ability to act decisively is hampered by internal disagreements.

#### 4. A longstanding debate

The debate on how to reform the European Union is almost as old as the Union itself. In German legal discourse, this topic has remained consistently relevant, generating a rich and diverse body of literature.<sup>22</sup> The positions range from fundamental reflections on the EU's future shape and political trajectory to more technical considerations such as institutional balance, decision-making procedures, or the allocation of competences – with varying perspectives and approaches emerging across all these sectors.

At a broader level, one way of making sense of this diversity could be to see it as a tension between two guiding narratives: one rooted in a discourse of progress, which sees integration as a historical imperative and envisions an ever-deepening Union capable of addressing transnational challenges;<sup>23</sup> and one shaped by a more sceptical stance, emphasising national autonomy, local rootedness, and democratic proximity, and advocating consolidation before any further steps toward integration.<sup>24</sup> This contrast plays out not only in terms of overarching constitutional visions but also in discussions on concrete institutional questions, including how to address the EU's democratic deficit,<sup>25</sup> how to conceptualise the role of the European Court of Justice,<sup>26</sup> or how to design flexible models of differentiated integration.<sup>27</sup>

In recent years, these long-standing debates have gained renewed relevance.<sup>28</sup> Triggered by new geopolitical realities and the prospect of a significant enlargement, questions of institutional reform have once again moved to the center of academic and political attention. What follows is a closer look at one prominent contribution to this ongoing discourse: the proposals put forward by the Franco-German expert group in their 2023 report *Sailing on High Seas – Reforming and Enlarging the EU for the 21st Century*.

20 | See Article 1 of the Lisbon Treaty.

21 | See European Union, no date.

22 | The following references represent just a selection from the vast body of contributions published over the past decades.

23 | See for a detailed overview with further references Haltern, 2009, p. 283.

24 | See *ibid.*

25 | See for example Franzius and Preuß, 2012, p. 41; Schorkopf, 2018, p. 9.

26 | See for example Mayer, 2024, p. 219; Nettesheim, 2022, p. 525.

27 | See for a detailed overview with further references Ruffert, 2022, in: Calliess and Ruffert, EUV/AEUV, Article 20 EUV paras. 1.

28 | See for example Bickenbach, 2016, p. 741; Calliess, 2018, p. 1; Calliess, 2023a, p. 781; Weiß, 2022, p. 162; Kirchhof, Keller and Schmidt, 2020, p. 1.

## 5. The Franco-German Expert Group's reform proposals

Building on the broader patterns of the German reform debate, the following section focuses on one of the most recent contributions to the discussion: the reform proposals presented by the Franco-German expert group in their 2023 report *Sailing on High Seas – Reforming and Enlarging the EU for the 21st Century*.<sup>29</sup> Commissioned jointly by German Minister of State for Europe and Climate Anna Lührmann and French Secretary of State for European Affairs Laurence Boone, the report was developed by a non-governmental group of twelve legal and policy experts and officially presented in September 2023. Upon receiving the report, Lührmann remarked that it marks an important input into the ongoing reform discourse, offering concrete ideas on how the EU could be institutionally and politically prepared for enlargement.<sup>30</sup> This section takes a closer look at the suggestions laid out in the expert group's report.

The authors emphasise two central premises: first, that further enlargement is essential for maintaining stability and security across Europe, regardless of its complexity; and second, that institutional, policy-related, and budgetary reforms are needed either in advance of, or in parallel with that process. The report presents both short- and long-term suggestions aimed at enhancing the EU's operational capacity, upholding the rule of law, and preparing its institutions for future expansion. It also suggests that member states may progress at different speeds based on their readiness to adopt reforms, including potential Treaty changes.

### | 5.1. *Protection of the rule of law*

The expert group firstly focuses on the protection of the rule of law. It argues that while the rule of law is fundamental to the EU's constitutional framework<sup>31</sup> and a requirement for accession<sup>32</sup>, there is no effective mechanism to protect it once a country becomes a member. This issue has been notably discussed in the context of Hungary and Poland, yet the 2024 EU Commission Rule of Law Report indicates that rule of law challenges are observed across several member states.<sup>33</sup> They are spreading across the Union, highlighting growing concerns in numerous member states about upholding this core EU principle. Article 7 TEU, the expert group asserts, is inadequate in addressing rule of law violations effectively. The's enforcement tools lack sufficient impact, and crucially, there

29 | See Franco-German Working Group, 2023.

30 | See Auswärtiges Amt, 2023.

31 | The rule of law is primarily regulated in the EU Treaties under Article 2 TEU, which states that the EU is founded on values such as respect for human dignity, freedom, democracy, equality, and the rule of law. Additionally, Article 7 TEU outlines the procedure for addressing serious breaches of these values by member states.

32 | The requirement for respect of the rule of law as a condition for EU accession is outlined in the Copenhagen Criteria [Online]. Available at: <https://eur-lex.europa.eu/EN/legal-content/glossary/accession-criteria-copenhagen-criteria.html> (Accessed: 10 October 2025). This includes political criteria requiring candidate countries to have stable institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities. These criteria are referenced in Article 49 TEU, which states that any European country wishing to join the EU must respect the values mentioned in Article 2 TEU.

33 | See European Commission, 2024a.

is no exclusion clause to expel members as a last resort. This brings us to the current reality: What is demanded of candidate countries cannot be effectively imposed on member states.

The expert group proposes the following reforms. They begin with the Conditionality Regulation<sup>34</sup>, which currently allows (among other measures) the suspension of EU funds to member states<sup>35</sup> if 'breaches of the principles of the rule of law in a Member State affect or seriously risk affecting the sound financial management of the Union budget or the protection of the financial interests of the Union in a sufficiently direct way.'<sup>36</sup> In other words, rule of law breaches must have a direct impact on EU funds to trigger action. The experts suggest expanding the scope of this regulation, which was originally intended to protect the EU budget, not the rule of law directly. Currently, application of this regulation requires proof of a direct link between rule of law violations and the EU budget – a link narrowly interpreted by the ECJ.<sup>37</sup> If this link is missing, the regulation cannot be used, even if the rule of law is at risk. The group proposes transforming the regulation into 'an instrument to sanction breaches of the rule of law and, more generally, systematic breaches of the European values enshrined in Article 2 TEU (such as democracy, free and fair elections, freedom of the media, or the systematic abuse of fundamental rights, as expressed in the Charter of Fundamental Rights).'<sup>38</sup> This would eliminate the need to demonstrate a direct link to the EU budget, which currently restricts its application.

The expert group favours an amendment to Article 7 TEU though, allowing the Council and European Parliament to adopt regulations aimed at protecting EU values, thereby implementing the above proposal. If no consensus on this can be reached, they alternatively suggest extending the scope of the Conditionality Regulation to cover other behaviours that undermine sound financial management, such as money laundering – achievable without treaty change through ordinary legislative procedures. For future funds, the group proposes modelling them after the NGEU, integrating similar conditionality mechanisms.<sup>39</sup>

Next, the experts address Article 7 TEU, which has proven ineffective in defending the rule of law.<sup>40</sup> They recommend replacing the 'unanimity minus one'-requirement with a four-fifths majority in the European Council, addressing the issue of mutual protection between Poland and Hungary.<sup>41</sup> A six-month deadline for Council and European Council decisions is proposed to force action, along with automatic sanctions if, five years after the declaration of 'serious and persistent breaches' under Article 7 (2) TEU, no vote on sanctions has been taken, and such breaches continue. This would address Article 7's current weakness: the lack of an obligation for the Council to act even when procedures are initiated by the European Parliament or the Commission.<sup>42</sup>

34 | See Regulation 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget.

35 | See Article 5 of the Regulation 2020/2092.

36 | See Article 4 (1) of the Regulation 2020/2092.

37 | See ECJ, Judgment of 16 February 2022, C-156/21; ECJ, Judgment of 16 February 2022, C-157/21.

38 | See Franco-German Working Group, 2023, p. 16.

39 | See *ibid.*, p. 16 f.

40 | See *ibid.*, p. 17.

41 | See Baade, 2023, p. 133.

42 | See Franco-German Working Group, 2023, p. 17.

## | 5.2. Institutional reforms

### 5.2.1. Addressing enlargement challenges

The expert group begins by highlighting the institutional challenges that could arise from future EU enlargement. The fact is that the Union still operates with institutions that have seen little change since the 1950s. Despite repeated efforts to reform these institutions, especially to address the democratic deficit and prepare for further expansion, there remains a lack of flexibility, too many actors are involved, and the procedures are exceedingly complex. These issues would only be exacerbated by the potential accession of up to ten new member states.<sup>43</sup>

The group sets clear goals: to strike a balance between improved efficiency, the competencies and influence of small, medium, and large member states, democratic legitimacy in decision-making, and the protection of legitimate national interests.<sup>44</sup> This is crucial given the unique nature of the upcoming accessions: Ukraine would be the fifth largest member state and the largest new entrant since the UK joined in 1973, while other candidates would be among the smallest members.

To address these challenges, the expert group proposes:

1. Limiting the number of Members of the European Parliament to the current 751 and introducing a new system of seat distribution. The European Parliament is already one of the world's largest, and maintaining its size is seen as essential for ensuring its effectiveness.<sup>45</sup>
2. Modifying the Council's rotating presidency from the current trio format<sup>46</sup> to a 'Quintet Presidency,' involving five states over half of an institutional cycle. This would enable longer-term agenda setting and better coordination across decision-making periods, ensuring a consistent approach. In an expanded EU, this system would ensure that each quintet includes at least one larger member state with substantial administrative capabilities and prior experience, enhancing cooperation and strengthening horizontal relations between member states.<sup>47</sup>
3. Reducing the size of the European Commission to two-thirds of the member states or adopting a hierarchical model. As the Union enlarges, decisions on the size and organization of the Commission need to be made, especially since the rotation system outlined in Article 17 (5) TEU has never been implemented. Maintaining a 'one member state, one commissioner' model without differentiation is no longer seen as viable. The options under consideration are to either reduce the number of commissioners or to establish a distinction between 'lead commissioners' and 'commissioners'. Only Lead Commissioners would vote or attend meetings, or both could participate equally. This structure would enhance

43 | See *ibid.*, p. 18.

44 | See *ibid.*

45 | See *ibid.*, p. 18 f.

46 | The Trio Presidency system of the Council of the European Union, established by Article 16 (9) TEU and detailed in Council Decision 2009/937/EU, groups three consecutive rotating presidencies to ensure continuity over 18 months. Each Trio collaborates on a joint agenda, aligning long-term priorities and ensuring smoother transitions between six-month terms.

47 | See Franco-German Working Group, 2023, p. 19.



efficiency, ensure member state representation, and allow role-switching mid-term to balance representation.<sup>48</sup>

### 5.2.2. *Decision-making in the council*

The expert group proposes further significant reforms with regard to the Council's decision-making processes, aiming to replace unanimity with qualified majority voting (QMV) in all remaining policy areas. In all areas except Common Foreign and Security Policy (CFSP), this change should be paired with full co-decision making with the European Parliament through the ordinary legislative procedure to ensure democratic legitimacy. Constitutional matters, such as treaty changes, accession of new members, and adjustments to EU institutions, should continue to require unanimity.<sup>49</sup> Acknowledging the challenges of implementing such extensive reforms, an alternative has been suggested. Recognising the challenges of a full shift to QMV, the expert group recommends a gradual transition through three distinct policy packages: enlargement and rule of law, foreign and defence policy, and fiscal and tax policy. These grouped areas would serve as the foundation to allow movement towards QMV, balancing concessions among member states and facilitating a step-by-step approach towards the broader adoption of majority voting.<sup>50</sup>

Additionally, they propose creating a 'sovereignty safety net' allowing member states to invoke vital national interests under QMV, along with an opt-out mechanism to further reassure states. The recalibration of voting weights (60% of member states representing 60% of the population) addresses concerns of smaller states.<sup>51</sup> These measures aim to make QMV more acceptable and feasible.<sup>52</sup>

The rationale is clear: the remaining areas of unanimity are increasingly prone to blockades through vetoes often unrelated to the actual decision at hand. The urgency of reform is underscored by the potential for growing numbers of member states to lead to more vetoes and blockades, threatening the EU's capacity to act. The challenge is to implement these changes in sensitive areas central to national sovereignty, requiring at least concessions to reassure states that they retain control despite QMV. The proposed opt-out and voting weight adjustments (60/60 rule) are intended to address these concerns and make the reforms more palatable.

### 5.2.3. *EU-level democracy*

The democratic deficit is a well-known and widely discussed issue. To address this, the expert group proposes four key measures:

48 | See *ibid.*, p. 19 f.

49 | See *ibid.*, p. 21.

50 | See *ibid.*, p. 21 f.

51 | The 60/60 voting rule addresses concerns of smaller member states by ensuring that decisions cannot be dominated solely by a few large states. By requiring a qualified majority to represent both 60% of the member states (ensuring broad geographical support) and 60% of the EU population (ensuring democratic legitimacy), the rule balances influence between large and small states. This prevents populous countries from unilaterally controlling outcomes and ensures that smaller states' perspectives are also considered, thereby making qualified majority voting more equitable and acceptable.

52 | See Franco-German Working Group, 2023, p. 22 f.

1. Harmonisation of Electoral Law: Standardisation of the electoral process for European Parliament elections across all member states, replacing 27 national elections with a more harmonised approach.<sup>53</sup>
2. Appointment of the Commission President: Interinstitutional agreement, or at least a political one, between the European Parliament and the European Council for appointing the Commission President. This ensures a balanced approach that reflects both the legitimacy of member state governments and the European electorate.<sup>54</sup>
3. Linking Participatory Tools with EU Decision-Making: Strengthening existing participatory instruments to involve citizens and candidate countries, including institutionalising high-visibility citizen forums and using participatory tools to prepare for EU enlargement.<sup>55</sup>
4. Probity, Transparency, and Anti-Corruption Measures: Establishing an independent office with broad powers to oversee the activities of all actors within or for EU institutions, safeguarding democratic integrity.<sup>56</sup>

#### 5.2.4. Powers and competences

Since 1957, the EU's powers have significantly expanded, often sparking criticism that it overreaches or ignores subsidiarity. Yet, the expert group finds no proof of such overreach; existing checks work well, as evidenced by the lack of cases before the CJEU.<sup>57</sup> According to the expert group, the perception of EU overreach might well be a convenient excuse – complaining about the EU could win favour with citizens, allowing national politicians to shift blame and avoid responsibility for local issues by playing the 'EU card'. The group refrains from dictating where powers should lie,<sup>58</sup> focusing instead on clarifying competences in future treaties and ensuring emergency measures align with EU law and democratic standards. Additionally, they recommend creating a 'Joint Chamber of the Highest Courts and Tribunals of the EU' to formalise the dialogue between the EU and its member state courts without binding decisions, maintaining the CJEU's authority while fostering mutual understanding.<sup>59</sup>

#### 5.2.5. EU resources

EU enlargement directly impacts the EU budget by increasing the number of member states that require funding. Additionally, growing expectations in areas such as financial stability, health, energy, digital transformation, and security create further demands on EU financing, especially in times of crisis. To equip the EU to respond quickly and effectively, the expert group proposes increasing the budget both nominally and relative to GDP, enhancing its flexibility, introducing new own resources, adopting qualified majority voting on expenditures, and allowing future joint debt issuance.<sup>60</sup>

53 | See *ibid.*, p. 23.

54 | See *ibid.*, p. 24 f.

55 | See *ibid.*, p. 25 f.

56 | See *ibid.*, p. 26 f.

57 | See *ibid.*, p. 27.

58 | See *ibid.*, footnote 14 on page 27.

59 | See *ibid.*, p. 28.

60 | See *ibid.*, p. 28 f.

### **| 5.3. How can these reforms be realistically implemented?**

The expert group recognises that some proposed changes would indeed require treaty amendments, which demand unanimous approval from all member states.<sup>61</sup> While the group explores alternative methods to achieve reforms without treaty changes, it emphasises that treaty amendments are preferable due to their democratic legitimacy, transparency, coherence, and as a clear expression of the EU's intent to shape its future.<sup>62</sup>

Aware of the difficulty in reaching consensus, the group is exploring the concept of a multi-speed Europe, where reform-willing member states can progress without being held back by those less willing ('coalition of the willing' by an additional treaty law supplementing existing treaty law).<sup>63</sup> However, it cautions that such differentiation could lead to institutional and normative complexities. It recommends clear guidelines for opt-outs, stressing they should only apply when integration deepens or qualified majority voting expands, and never undermine fundamental EU values.<sup>64</sup>

The proposal envisions four layers of European integration: an inner circle of deepened cooperation, the EU itself, an associated member's circle involved in the single market, and a European Political Community (EPC) for political collaboration without binding EU law adherence.<sup>65</sup>

The advantage of this approach is clear: it allows member states that are not ready or willing to advance to avoid being forced into a deeper Europe they do not desire, while still enabling progress for those eager to move forward. This model ensures that integration does not stall due to differing national interests, allowing a flexible yet cohesive pathway for the EU's evolution, where each state can choose its level of participation without obstructing others.

### **| 5.4. What does German politics say about the enlargement and reform process?**

#### *5.4.1. 2021 coalition agreement of the previous German government*

Under the previous government, formed in 2021 by the Social Democrats, Greens, and Liberals, support for EU enlargement was closely tied to the question of reform. The coalition agreement stated that Germany's challenges could not be managed nationally, emphasising the need for a 'strategically sovereign EU'.<sup>66</sup> The agreement reflected the government's support for reforms in line with the expert group's recommendations: 'We support an EU that protects its values and rule of law internally and externally',<sup>67</sup> supports institutional reforms like 'strengthening the European Parliament'<sup>68</sup> and 'replacing unanimity with qualified majority voting in foreign and security policy',<sup>69</sup> and even endorses

61 | 'Double unanimity' is necessary for treaty changes: unanimous agreement in the European Council on the proposed treaty changes and then successfully ratifying these changes in all member states.

62 | See Franco-German Working Group, 2023, p. 30; Wegener, 2022.

63 | See Franco-German Working Group, 2023, p. 32.

64 | See *ibid.*, p. 32 f.

65 | See *ibid.*, p. 35 f.

66 | See Traffic Light Coalition, 2021, p. 104.

67 | See *ibid.*

68 | See *ibid.*

69 | See *ibid.*, p. 108.

treaty changes ('We support necessary treaty changes').<sup>70</sup> It acknowledged a multi-speed Europe ('We will prioritise the community method but move ahead with individual member states when necessary')<sup>71</sup> and underscored that 'EU accession must go hand in hand with improving the EU's absorption capacity'.<sup>72</sup>

*5.4.2. Non-Paper by the German government on the ongoing discussions within the 'Conference on the Future of Europe' (March 1, 2022)*

During the Conference on the Future of Europe, the German government took the opportunity to reiterate its position on EU enlargement and reform, echoing the commitments outlined in the coalition agreement. At this time, the war in Ukraine had already begun, adding further urgency to the discussions.<sup>73</sup> The German government emphasised the need for 'a solid foundation of values and a strong, unified legal community' to navigate ongoing crises.<sup>74</sup> It reaffirmed, 'The German government will put all its efforts into making the EU fit for the future, more democratically consolidated, capable of action, and strategically sovereign'.<sup>75</sup> The government also expressed support for citizens' proposals to 'replace the unanimity rule in the Common Foreign and Security Policy with qualified majority voting',<sup>76</sup> and highlighted the importance of enhancing participatory elements at EU level.<sup>77</sup> It committed to 'further solidify European democracy [...] [and] to advance it through institutional reforms',<sup>78</sup> and reiterated its intention to 'strengthen the directly elected European Parliament in the legislative process'<sup>79</sup> while supporting 'a unified European electoral law'.<sup>80</sup> Additionally, the government pledged to 'further develop the instruments to strengthen the rule of law within the EU'.<sup>81</sup>

*5.4.3. 2025 coalition agreement of the current government*

The new government, formed after the election in February 2025 by the Conservative and Social Democratic parties, has continued this line. Its coalition agreement states: 'The enlargement of the EU and its capacity to act must go hand in hand. That is why we need, at the latest during the next enlargement, internal consolidation and reform to strengthen the Union institutionally'.<sup>82</sup> The new government explicitly supports reforming the unanimity principle in the Council and endorses the idea of a multi-speed Europe. It has also signalled openness to treaty change – positions that are largely aligned with the proposals set out by the Franco-German expert group.

70 | See *ibid.*, p. 104.

71 | See *ibid.*

72 | See *ibid.*, p. 109.

73 | See German Government, 2022.

74 | See *ibid.*, p. 1.

75 | See *ibid.*

76 | See *ibid.*, p. 2.

77 | See *ibid.*, p. 3.

78 | See *ibid.*

79 | See *ibid.*

80 | See *ibid.*

81 | See *ibid.*, p. 4.

82 | See Conservatives and Social Democrats, 2025, p. 138.

## 5. Conclusion

The reform proposals put forward by the Franco-German expert group largely revolve around familiar themes. At the top of the list is the strengthening and safeguarding of the rule of law through more effective instruments, such as a reformed Article 7 TEU and conditionality mechanisms. Institutional reforms follow closely, with qualified majority voting taking centre stage. Finally, there is the recurring question of feasibility. The expert group openly acknowledges that treaty change will be difficult, pointing toward a future shaped by differentiated integration. A 'coalition of the willing' may appear to be the favoured path – not out of conviction, but out of necessity given the current European reality. Still, it reflects a clearer vision of what the group hopes to achieve: a Union that is cohesive and capable, yet pragmatic in navigating political fragmentation among its members.

As the debate intensifies, the stakes become increasingly apparent. We are facing a paradox: stability demands enlargement, yet enlargement without reform may endanger that very stability. Reform is necessary – but we remain trapped in a crisis of reformability, still dependent on unanimity to move forward.

In the end, it comes down to political will and the ability to find compromise – which should not be of any surprise. But the real question is: how can all member states be convinced of the need for reform, regardless of its eventual shape? Because if there is one point of emerging consensus, it is this: without reform, enlargement is risky – and arguably, reform would be desirable even without enlargement. To reach that consensus, a trade may be needed: something that gives each member state a reason to say yes. After all, reform means asking every country to give up something significant – as seen in the proposals discussed here. It is easy to criticise hesitant member states, but the fact that Germany, too, would have to give up its veto power if these changes were implemented should not be overlooked. That is a bitter pill, even for a country often assumed to be naturally in favour of deeper integration. Yet even within Germany, perspectives and opinions on reform diverge (see above). This illustrates just how complex and contested the question of institutional change really is.

What could help here? Perhaps it is time for some honest reframing of these reforms. Treaty amendments are not just about empowering EU institutions but also controlling them. Treaty reforms can be used to steer EU priorities and bind institutions to the mandates provided by the treaties, which means that Member states would hold the reins. And being totally upfront: treaty reform, at least in the version proposed here, would strengthen the EU's authority at the expense of national governments. So, how this be made to work in a better way for member states? What kind of grand institutional bargain could reassure member states that their voices would still matter?

In the end, this discussion is vital. Even if it is vigorous and intense – this is the political process that drives necessary change

## Bibliography

Auswärtiges Amt (2023) 'Deutsch-französische Expertengruppe zu institutionellen Reformen der EU', *Auswärtiges Amt*, 23 January [Online]. Available at: <https://www.auswaertiges-amt.de/de/newsroom/deutsch-franzoesische-expertengruppe/2574568> (Accessed: 14 November 2024).

Baade, B. (2023) 'Die Konditionalitätsverordnung: Erwartungen und Realität anlässlich ihrer ersten Anwendung auf Ungarn', *Neue Zeitschrift für Verwaltungsrecht*, 2023/3, pp. 132–137.

Bertelsmann Stiftung (no date) 'Programm „Europas Zukunft“' [Online]. Available at: <https://www.bertelsmann-stiftung.de/de/ueber-uns/wer-wir-sind/organisation/vorstand/europas-zukunft> (Accessed: 14 November 2024).

Bickenbach, C. (2016) 'Die Europäische Union beweglicher denken', *Die öffentliche Verwaltung*, 2016/18, pp. 741–750.

Calliess, C. (2018) 'Bausteine einer erneuerten Europäischen Union: auf der Suche nach dem europäischen Weg: Überlegungen im Lichte des Weissbuchs der Europäischen Kommission zur Zukunft Europas', *Neue Zeitschrift für Verwaltungsrecht*, 2018/1-2, pp. 1–9.

Calliess, C. (2023a) 'Erweiterung und Reform der Europäischen Union', *Europäische Zeitschrift für Wirtschaftsrecht*, 2023/17, pp. 781–788.

Calliess, C. (2023b) 'Reform the European Union for Enlargement!', *Verfassungsblog*, 6 July. [Online]. Available at: <https://verfassungsblog.de/reform-the-european-union-for-enlargement/> (Accessed: 14 November 2024).

Calliess, C., Ruffert, M. (eds.) (2022) *EUV/AEUV, Das Verfassungsrecht der Europäischen Union mit Europäischer Grundrechtecharta, Kommentar*. München: C.H.Beck.

Conservatives and Social Democrats (2025) 'Coalition Agreement', *Conservatives and Social Democrats* [Online]. Available at: [https://www.koalitionsvertrag2025.de/sites/www.koalitionsvertrag2025.de/files/koav\\_2025.pdf](https://www.koalitionsvertrag2025.de/sites/www.koalitionsvertrag2025.de/files/koav_2025.pdf) (Accessed: 30 June 2025).

European Commission (1993) 'European Council in Copenhagen - 21-22 June 1993- Conclusions of the Presidency' *European Commission*, 22 June [Online]. Available at: [https://ec.europa.eu/commission/presscorner/detail/en/DOC\\_93\\_3](https://ec.europa.eu/commission/presscorner/detail/en/DOC_93_3) (Accessed: 14 November 2024).

European Commission (2023a) 'Statement by President von der Leyen on the 2023 Enlargement Package and the new Growth Plan for the Western Balkans', *European Commission*, 8 November [Online]. Available at: [https://neighbourhood-enlargement.ec.europa.eu/news/statement-president-von-der-leyen-2023-enlargement-package-and-new-growth-plan-western-balkans-2023-11-08\\_en](https://neighbourhood-enlargement.ec.europa.eu/news/statement-president-von-der-leyen-2023-enlargement-package-and-new-growth-plan-western-balkans-2023-11-08_en) (Accessed: 14 November 2024).

European Commission (2023b) 'Ukraine 2023 Report', *European Commission*, 8 November [Online]. Available at: [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_699%20Ukraine%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_699%20Ukraine%20report.pdf) (Accessed: 14 November 2024).

European Commission (2024a) 'Communication – 2024 Rule of Law Report – the rule of law situation in the European Union', *European Council*, 24 July [Online]. Available at: [https://commission.europa.eu/document/27db4143-58b4-4b61-a021-a215940e19d0\\_de](https://commission.europa.eu/document/27db4143-58b4-4b61-a021-a215940e19d0_de) (Accessed: 14 November 2024).

European Commission (2024b) 'Georgia', *European Commission* [Online]. Available at: [https://neighbourhood-enlargement.ec.europa.eu/european-neighbourhood-policy/countries-region/georgia\\_en](https://neighbourhood-enlargement.ec.europa.eu/european-neighbourhood-policy/countries-region/georgia_en) (Accessed: 14 November 2024).

European Commission (2024c) 'Moldova', *European Commission* [Online]. Available at: [https://neighbourhood-enlargement.ec.europa.eu/european-neighbourhood-policy/countries-region/moldova\\_en](https://neighbourhood-enlargement.ec.europa.eu/european-neighbourhood-policy/countries-region/moldova_en) (Accessed: 14 November 2024).

European Commission (2024d) 'Pact on Migration and Asylum', *European Commission*, 21 May [Online]. Available at: [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum\\_en](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en) (Accessed: 14 November 2024).

European Commission (2024e) 'Speech by President von der Leyen at the European Parliament Plenary on the need for unwavering EU support for Ukraine, after two years of Russia's war of aggression against Ukraine', *European Commission*, 6 February [Online]. Available at: [https://neighbourhood-enlargement.ec.europa.eu/news/speech-president-von-der-leyen-european-parliament-plenary-need-unwavering-eu-support-ukraine-after-2024-02-06\\_en](https://neighbourhood-enlargement.ec.europa.eu/news/speech-president-von-der-leyen-european-parliament-plenary-need-unwavering-eu-support-ukraine-after-2024-02-06_en) (Accessed: 14 November 2024).

European Commission (2024f) 'Türkiye', *European Commission* [Online]. Available at: [https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/turkiye\\_en](https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/turkiye_en) (Accessed: 14 November 2024).

European Council (2023) 'The Granada declaration', *European Council*, 6 October [Online]. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2023/10/06/granada-declaration/> (Accessed: 24 November 2024).

European Council (2024a) 'Albania', *European Council* [Online]. Available at: <https://www.consilium.europa.eu/de/policies/enlargement/albania/> (Accessed: 14 November 2024).

European Council (2024b) 'Bosnia and Herzegovina', *European Council* [Online]. Available at: <https://www.consilium.europa.eu/de/policies/enlargement/bosnia-herzegovina/> (Accessed: 14 November 2024).

European Council (2024c) 'EU enlargement policy', *European Council* [Online]. Available at: <https://www.consilium.europa.eu/de/policies/enlargement/> (Accessed: 14 November 2024).

European Council (2024d) 'Montenegro', *European Council* [Online]. Available at: <https://www.consilium.europa.eu/de/policies/enlargement/montenegro/> (Accessed: 14 November 2024).

European Council (2024e) 'North Macedonia', *European Council* [Online]. Available at: <https://www.consilium.europa.eu/de/policies/enlargement/republic-north-macedonia/> (Accessed: 14 November 2024).

European Council (2024f) 'Serbia', *European Council* [Online]. Available at: <https://www.consilium.europa.eu/de/policies/enlargement/serbia/> (Accessed: 14 November 2024).

European Parliament (2024) 'The Enlargement of the Union', *European Parliament* [Online]. Available at: <https://www.europarl.europa.eu/factsheets/en/sheet/167/die-erweiterung-der-europaischen-union> (Accessed: 14 November 2024).

European Union (no date) 'EU motto', *European Union* [Online]. Available at: [https://european-union.europa.eu/principles-countries-history/symbols/eu-motto\\_en](https://european-union.europa.eu/principles-countries-history/symbols/eu-motto_en) (Accessed: 14 November 2024).

European Western Balkans (2024) 'IRI poll: Most Western Balkan countries support EU membership, but many citizens are sceptical of EU's seriousness', *European Western Balkans*, 16 May [Online]. Available at: <https://europeanwesternbalkans.com/2024/05/16/iri-poll-most-western-balkan-countries-support-eu-membership-but-many-citizens-are-sceptical-of-eus-seriousness/> (Accessed: 14 November 2024).

Franco-German Working Group (2023) 'Sailing on High Seas – Reforming and Enlarging the EU for the 21st Century', *Franco-German Working Group*, 18 September [Online]. Available at: <https://www.auswaertiges-amt.de/blob/2617322/4d0e0010ffcd8c0079e21329bbbb3332/230919-rfaa-deu-fra-bericht-data.pdf> (Accessed: 14 November 2024).

Franzius, C., Preuß, U. (2012) *Die Zukunft der europäischen Demokratie*. Berlin: Heinrich-Böll-Stiftung.

German Government (2022) 'Non-Paper on the ongoing discussions within the 'Conference on the Future of Europe'', *German Government*, 1 March [Online]. Available at: <https://www.auswaertiges-amt.de/blob/2516726/0508a57355d7214e585d1ca03c94872d/220311-non-paper-data.pdf> (Accessed: 14 November 2024).

Haltern, U. (2009) 'Finalität' in Bogdandy, A., Bast, J. (eds.) *Europäisches Verfassungsrecht, Theoretische und dogmatische Grundzüge*. Berlin: Springer, pp. 279–334; [https://doi.org/10.1007/978-3-540-73810-7\\_7](https://doi.org/10.1007/978-3-540-73810-7_7).

Joyner, E. (2024) 'EU overcomes Orban's veto on €50 billion Ukraine aid deal', *Deutsche Welle*, 2 January [Online]. Available at: <https://www.dw.com/en/eu-overcomes-orbans-veto-on-50-billion-ukraine-aid-deal/a-68147741> (Accessed: 14 November 2024).

Karjalainen, T. (2023) 'EU enlargement in wartime Europe: three dimensions and scenarios', *Contemporary Social Science*, 18(5), pp. 637–656 [Online]. Available at: <https://doi.org/10.1080/21582041.2023.2289661> (Accessed: 14 November 2024).

Kirchhof, G., Keller, M., Schmidt, R. (2020) *Europa: In Vielfalt geeint!: 30 Perspektiven zur Rettung Europas vor sich selbst*. München: C.H.Beck.



- Liboreiro, J. (2024) 'EU completes reform of migration rules despite Poland and Hungary voting against', *Euronews*, 14 May [Online]. Available at: <https://www.euronews.com/my-europe/2024/05/14/eu-completes-reform-of-migration-rules-despite-poland-and-hungary-voting-against> (Accessed: 14 November 2024).
- Mayer, F. (2024) 'Judikativer Werteschutz in der Europäischen Union: Grundlagen und Chancen', *Europarecht*, 2024/3, pp. 219–240 [Online]. Available at: <https://doi.org/10.5771/0531-2485-2024-3-219> (Accessed: 04 October 2025).
- Movimento Europeo (2022) 'Non-paper on the outcome of and follow-up to the Conference on the Future of Europe', *Movimento Europeo*, 9 May [Online]. Available at: [https://www.movimentoeuropeo.it/images/Documenti/Non\\_paper\\_9.5.2022.pdf](https://www.movimentoeuropeo.it/images/Documenti/Non_paper_9.5.2022.pdf) (Accessed: 14 November 2024).
- Nettesheim, M. (2022) 'Die „Werte der Union“: Legitimitätsstiftung, Einheitsbildung, Föderalisierung', *Europarecht*, 2022/5, pp. 525–546 [Online]. Available at: <https://doi.org/10.5771/0531-2485-2022-5-525> (Accessed: 4 October 2024).
- Ocvirk, M. (2023) 'Charles Michel's Speech on EU Enlargement: New Momentum or Wishful Thinking?', *Wilson Center*, 5 September [Online]. Available at: <https://www.wilsoncenter.org/article/charles-michels-speech-eu-enlargement-new-momentum-or-wishful-thinking> (Accessed: 14 November 2024).
- Schorkopf, F. (2018) '„Europas neue Ordnung“ – eine plurale Union', *Neue Zeitschrift für Verwaltungsrecht*, 2018/1-2, pp. 9–17.
- Traffic Light Coalition (2021) 'Coalition Agreement', *Traffic Light Coalition* [Online]. Available at: [https://www.spd.de/fileadmin/Dokumente/Koalitionsvertrag/Koalitionsvertrag\\_2021-2025.pdf](https://www.spd.de/fileadmin/Dokumente/Koalitionsvertrag/Koalitionsvertrag_2021-2025.pdf) (Accessed: 14 November 2024).
- von Ondarza, N. (2022) 'Getting Ready', *Verfassungsblog*, 22 December [Online]. Available at: <https://verfassungsblog.de/getting-ready/> (Accessed: 14 November 2024).
- Wegener, B. (2022) 'Petrified Constitutions', *Verfassungsblog*, 11 November [Online]. Available at: <https://verfassungsblog.de/petrified-constitutions/> (Accessed: 14 November 2024).
- Weiß, W. (2022) 'Zur Zukunft Europas: Plädoyer für eine Vertragsreform', *Zeitschrift für Rechtspolitik*, 2022/5, pp. 162–165.
- Zuleeg, F., Emmanouilidis, J., Borges de Castro, R. (2021) 'Europe in the age of permacrisis', *European Policy Centre*, 11 March [Online]. Available at: <https://www.epc.eu/publication/Europe-in-the-age-of-permacrisis-3c8a0c/> (Accessed: 14 November 2024).