
Obstacles to EU Enlargement: The Classical Community Method and the Prospects for a Wider Europe

CHRISTOPHER PRESTON

99 Redston Road, London N8 7HG, England

Abstract

The probable expansion of the European Union (EU) to 25 or more Member States raises questions about the way in which the EC/EU has traditionally managed the enlargement process and whether this is an appropriate framework for the future. This article argues that the four enlargement rounds to date have all conformed to the 'classical Community method', with an exclusive focus on the applicant's acceptance of the *acquis communautaire*, and negotiations focusing solely on transition periods. In view of the number and heterogeneity of the potential applicants in future rounds, the article examines the pressures likely to bear on the classical method and how it might be adapted.

I. Introduction

The possibility that the European Union (EU) could expand its membership to 25 or more Member States raises some profound questions about the future of the integration process. The tension between the EU's desire to widen, taking in new members, and its desire to deepen, strengthening the decision-making competence and policy scope of EU institutions is likely to be brought into even sharper relief in the near future.

The desire of countries such as Poland, the Czech Republic and Hungary to join a strong political Union, the high priority given by Germany to the development of an *Ostpolitik* firmly anchored within an EU framework, together with pressures for further Mediterranean enlargement, present formidable challenges for a Union looking to reconcile different visions of Europe in the preparations for the 1996 Intergovernmental Conference (IGC). The emerging debate about 'variable geometry', and 'multi-speed' models touches on fundamental arguments about the compatibility of widening and deepening as they have been conceived. There is a growing realization by academics and practitioners that the traditional integration model, and 'Community method' of enlargement may no longer be appropriate.

This article argues that the 'classical' Community method of enlargement has been based on five key principles. These principles are derived from a number of explicit and implicit assumptions about the rights and duties of both existing members and applicant states. Though these principles have sometimes been accepted only reluctantly, they have nevertheless underpinned the integration process and have ensured the attractiveness of the Community as a club worth making sacrifices to join. The article examines these five principle in turn and looks at how they have shaped the four enlargements of the EC/EU to date. It draws lessons as to how far the experience of previous enlargements might be a guide to the future. It argues that the recently concluded EFTA enlargement is likely to be the last 'classical' enlargement, and that in future a more radical approach, questioning some basic assumptions about the EU's guiding principles will have to be developed if the goal of a genuinely pan-European Union is to be realized.

*Principle 1: Applicants accept the *acquis communautaire* in full. No permanent opt-outs are available*

This principle has been a touchstone of the Community method since its earliest days. De Gaulle's rejection of the UK's application in 1963 was in effect a judgement that the UK was unwilling or incapable of adapting to the *acquis*. The progress of negotiations between 1961 and 1963 raised fears in the Community, particularly in the French that the UK's desire to retain residual Commonwealth preference in trade, and an open external trade regime with its former European Free Trade Area (EFTA) partners were incompatible with the core commitments of EC membership (Camps, 1964). This first, unsuccessful attempt at enlargement established groundrules which have been adhered to ever since.

In more recent enlargement rounds this obligation has been made more explicit. As the *acquis* has expanded, and the Community has deepened by progressively implementing the goals of the Treaty of Rome, extending its policy domain and strengthening the Community's institutional structure, so the

membership threshold has increased to embrace the 'finalité politique'. The statement made to the EFTA applicants at the start of negotiations in March 1993 is the clearest affirmation of this principle:

Accession implies full acceptance by your countries of the actual and potential rights and obligations attaching to the Community system and its institutional framework, known as the *acquis communautaire*. This includes the content, principles and political objectives of the Treaties, including those of the Maastricht Treaty

- legislation adopted pursuant to the Treaties and the case law of the Court of Justice
- statements and resolutions adopted within the Community framework
- international agreements concluded among themselves by the Member States relating to Community activities. (European Council 1993)

Whilst this focus provides a useful discipline for potential applicants, it also increases the baggage that the enlarged Community has to carry forward to the next round. Quite apart from the administrative burden of having to negotiate a much expanded *acquis*, much of its content will create severe difficulties. The comparative advantage that, for instance, Poland would enjoy in agriculture, having undertaken structural reforms, would seriously threaten the interests of some existing Member States. The free movement of people would also be politically sensitive.

Principle 2: Formal accession negotiations focus solely on the practicalities of the applicants taking on the acquis

The Community's preference is to manage this process by the use of time limited transitional periods, setting out target dates for mutually dismantling tariffs and quotas, and ensuring legal harmonization and policy alignment. Radical policy innovation is avoided as likely to complicate already sensitive negotiations. The statement made to the EFTA applicants continued:

The acceptance of these rights and obligations by a new member may give rise to temporary (not permanent) derogations and transitional arrangements to be defined during the accession negotiations, but can in no way involve amendments to Community rules. (European Council 1993)

In reality these technical adjustments can be quite far-reaching, and significant enough to qualify as amendments to Community rules. The designation of new Structural Fund Objective 6 regions in Scandinavia, utilizing population density rather than average GDP eligibility criteria, is a recent example of such creative adaptation. The Community, however, has always been keen to maintain the position that these adaptations are based on objective, universally applicable

criteria, rather than on special interest pleading, even when their implementation clearly benefits some Member States more than others.

In the case of the new members the practicalities of taking on the *acquis* would quickly deadlock negotiations, given the budgetary transfers that would be needed from existing Member States, including those who are at present substantial net recipients. A more searching debate would therefore be needed before negotiations could be started. This principle was very severely tested during the Mediterranean enlargement, when it was widely recognized that Greece, Spain and Portugal would have more than technical difficulties in adjusting to the *acquis*. In the Greek case these were overridden by the political priority given to locking Greece's new democracy into the Community. The overall budgetary burdens were considered to be manageable. The Spanish and Portuguese negotiations were so protracted because the overall budgetary costs, as well as specific sectoral implications, were much larger.

Principle 3: Problems created by increasing the economic diversity of an enlarged Community are addressed by the creation of new policy instruments overlaid on existing ones rather than by fundamental reform of the inadequacies of the latter

Each enlargement raises the possibility that hard won agreements between current members may have to be unpicked in order to integrate new members, if their economic structure does not fit with existing patterns of Community expenditures and receipts. This problem was raised most acutely in the UK and Spanish cases. In the first, the high level of food imports from cheaper external producers and, in the second, the competitiveness of Spain's Mediterranean agricultural exports both threatened to undermine the complex package of bargains supporting the CAP. Strict application of the *acquis* either imposed domestic adjustment costs on existing Member States, as was the case with France's Mediterranean farmers during the Spanish enlargement, or imposed high budgetary burdens on new members, leading to lingering resentments, as was the case with the UK.

In these situations the Community's preference is to stretch the technical adjustments and transitional periods of the *acquis*, load the bulk of the adjustment costs onto the applicant, whilst promising a revision of the *acquis* once the new member has joined. The Community also establishes new policies designed to 'buy off' the most difficult interests in the applicant state. The establishment of the European Regional Development Fund (ERDF) in 1975 was in large part a response to the UK budget problem. Similarly the expansion of the Structural Funds in the later 1980s addressed the problems created by the Iberian enlargement. None of these 'side payments' however dealt with the more serious

problems of the structure of the CAP which, by giving such marked preference to Community producers at the expense of often more efficient third country producers, arguably caused many of the adjustment problems in the first place.

To a large degree this policy overlay is an unavoidable consequence of the Community's historical mission to enlarge. Given the new patterns of issue linkage that each enlargement presents, it would be unrealistic for the Community to return to first principles and rationalize the *acquis* each time an application is made. Yet the call that the potential new members would have on the Structural Funds would impose enormous burdens on the EU budget and the political bargains underpinning it.

Principle 4: New members are integrated into the Community's institutional structure on the basis of limited incremental adaptation, facilitated by the promise of a more fundamental review after enlargement

Although the prospect of enlargement usually opens up a wider debate within the Community concerning decision-making procedures, policy capability and overall institutional effectiveness, reforms are usually conducted in separately constituted fora. Although there have been temptations to consider institutional innovations in parallel with enlargement, explicit issue linkage has always been rejected. This was most clearly seen in the June 1992 Lisbon summit decision to negotiate the EFTA enlargement without making any institutional changes, these being deferred to the 1996 IGC. The UK tried to argue in March 1994, close to the conclusion of the EFTA enlargement negotiations, that raising the number of votes needed to achieve a blocking minority in the Council from 23 to 27 changed the balance of power between large and small states in the Union. Other Member States did not wish to open this particularly contentious issue in advance of the 1996 IGC, though isolating the UK would have endangered the conclusion of the enlargement negotiations.

The Ioannina compromise, agreed on 29 March, enters into force when a dispute arises if a veto block of between 23 and 27 votes is achieved. It subjects the measure in question to a 'reasonable delay' while the Presidency seeks to reach a consensus. This form of compromise would not be available to the potential new members. Balancing the interests of small and large states will be particularly difficult in the case of Malta and Cyprus under the present decision-making system.

Principle 5: The Community prefers to negotiate with groups of states that already have close relations with each other

The four enlargements to date have all been with states that had pre-existing trade and political links with each other, presenting the EC/EU with the prospect of

negotiating with defined groups of up to four countries. Yet despite this preference, policy and issue linkage between applications can hamper the enlargement process. The scheduling of the Community's first enlargement was largely determined by complex issues raised by the UK's application. The Danish and Irish applications were linked to a series of issues over which they had no control. There was never any realistic possibility that their applications could have been decoupled from Britain's, despite the relative ease with which they could, and eventually did, adopt the *acquis*.

The Mediterranean enlargement involved complex issue linkage. The decision of the Council of Ministers to set aside the Commission's cautious opinion on the Greek application, which argued for an extended pre-accession period, and proceed immediately to full accession negotiations, prevented the possibility of a global Mediterranean solution. The blockages encountered during the Spanish negotiations, created by the EC's difficulties in developing policy instruments to deal with Mediterranean agriculture, slowed down and threatened to undermine the Portuguese negotiations. Arguably the Greek and Portuguese applications should ideally have been taken together since they presented the Community with similar issues, as small 'demandeur' states in which the applicants' overall impact on the EC's sensitive agricultural interests was comparatively low. Once an accession grouping has been constructed it is very difficult to change its membership, even though rational policy considerations might argue for change.

The EFTA enlargement presented the Community with as close to the optimal grouping as it is likely to see. The pre-accession European Economic Area (EEA) experience in facilitating adaptation to the Single European Market also encouraged convergence in EFTA's negotiating positions.

Future enlargement presents the EU with more difficult choices about groups with which to negotiate. The pool of potential applicants, already 10–12 is larger and more geographically dispersed than has been the case before. Though some 'sub-groups' can be identified, for instance Malta and Cyprus, the Baltic States and the four Visegrad countries, the political and economic linkages within these groups are as yet underdeveloped. A key objective of EU policy is to strengthen these linkages within a coherent multilateral framework before serious accession negotiations could begin.

II. The Classical Method: Strengths and Weaknesses

Despite the often painful and protracted negotiations that the four enlargement rounds have seen, the 'classical method' has proved remarkably robust. It establishes at the outset of negotiations what the key outcomes should be: the integration of new members into a club with an existing and ever-expanding rule

book. This means that negotiations are, as one participant has noted, not about relations between 'us and them' but about relations between the future us. 'The subject matter is not so much a future pact between the parties as the way in which one party will apply the rules of the other party's club' (Avery, 1994).

The classical method places the major onus of responsibility for adjustment onto the applicant states, and therefore provides them with a strong incentive to conclude negotiations speedily. Any outstanding disagreements are therefore left until the new member is inside the club and has full decision-making and voting rights.

Despite its success in managing the enlargement of the EC/EU from six to 15, this method also has some serious weaknesses which are likely to become more evident in the future. The expectation that the bulk of the adjustment costs should be borne by the applicants can lead, and has already led to difficulties, most notably in the case of the UK and Spain. Once internalized into the system these can create lingering resentments. The UK's EC budget contribution is such an example. The failure to address the predictable problems arising from the budgetary consequences of the UK's trade patterns led to a renegotiation of entry terms in 1975, and a long-running and acrimonious budget dispute that was not settled until 1984. The dispute constantly threatened to spill over into the Iberian accession negotiations, and to slow down their progress even further. Each enlargement therefore necessarily increases the complexity of bargaining and the difficulty of creating a 'positive sum game' in major policy initiatives.

III. Prospects for Further Enlargement

The possibility of further enlargement beyond the EFTA group has been on the EU's agenda since the early 1990s. With the collapse of the Soviet Union and instability in Russia and its neighbours, the countries of central and eastern Europe have increasingly turned westward in their economic, political and security orientation. Applications from Malta and Cyprus lodged in 1990 add to the range and complexity of interests that the EU may have to internalize. The initial response of the EC was ambivalent. Preoccupied at the time with the preparation, negotiation and ratification of the Maastricht Treaty, the EC gave a higher priority to deepening than widening, even to the extent of being unsure as to far it wished to pursue an EFTA enlargement.

The EC responded by offering to the east Europeans Trade and Co-operation Agreements leading to Europe Agreements which envisaged the possibility of eventual EU membership, though implementation of the Agreements was delayed because of domestic political problems in some Member States.

To date the EU has signed six Europe Agreements with Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia. Agreements are also expect-

ed with Slovenia and the Baltic States. The Agreements provide a bilateral framework for the gradual political and economic integration of the CCEEs into the EU. The June 1993 Copenhagen summit further reinforced this trend by stating that 'the associated countries of Central and Eastern Europe that so desire shall become members of the European Union', though the communiqué also noted that 'the Union's capacity to absorb new members, while maintaining the momentum of European Integration, is also an important consideration in the general interest of both the Union and the applicant countries' (European Council, 1993).

In April 1994, Hungary and Poland both submitted applications for EU membership and it is likely that others will follow. Although no commitments have been given on timetables it is now clear that there will be further enlargement. Following the conclusion of a package deal in March 1995 involving a customs union with Turkey, Cyprus has been told that accession negotiations could commence six months after the conclusion of the 1996 IGC. Malta has been given the same assurances, having satisfied the Commission that it is meeting its criteria for economic adaptation to eventual EU membership. The process has been given a higher priority by the recent German Presidency which has asked the Commission to draft a White Paper outlining the steps needed to be taken by the east Europeans in order to make the economic and legal adaptations to the *acquis*. A paper presented to the Essen summit in December 1994 outlined the strategy of a 'structured relationship' between the associated countries of central and eastern Europe and the EU institutions (European Council, 1994). The associates would in effect shadow the EU's policy-making system in order to familiarize themselves with their structures and processes.

The preparation of a paper setting out a pre-accession strategy is a clear indication that the classical Community method is likely to be modified to some degree in the future. Given the key features of the method outlined earlier, what challenges will it face in adapting to the future?

The cornerstone of the Community method, that the *acquis* should be accepted by the applicants with no permanent opt-outs, was restated for the east Europeans at the Copenhagen summit. The communiqué stated that:

Accession will take place as soon as an associated country is ready to assume the obligations of membership by satisfying the economic and political conditions required. Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressures and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adher-

ence to the aims of political and economic and monetary union. (European Council, 1993)

The challenge for the east Europeans is that they are seeking to join a Union substantially more integrated following the completion of the Single European Market and the Maastricht commitments to EMU and a CFSP, from a lower economic base than has been the case in previous enlargements. The traditional method involved granting Association Agreements giving bilateral free trade in industrial goods with an agreed timetable for the dismantling of tariffs. Yet Spain spent 16 years at the Association Agreement stage before full membership in 1986, while Greece had a similar agreement for 20 years before full membership. Even the wealthier EFTA countries, as a result of their 1972 Free Trade Agreement with the EC and their engagement in the Single European Market process through the EEA, had 20 years of tariff-free trade in industrial goods before moving to the next stage of integration. Any east European country hoping to join the EU around the turn of the century would therefore be squeezing this process into 8–10 years.

There is of course no necessary reason why the adaptation process should not be achieved more quickly in the east European case than has been seen in the past. The long period that Greece, Spain and Portugal spent at the Association Agreement stage owed more to their lack of democratic credentials than, strictly speaking, to their level of economic development. The EMU convergence criteria could also be seen as a valuable component in the process of macroeconomic stabilization.

IV. Obstacles to Enlargement

Yet formidable obstacles remain. As Baldwin points out, 'even the Visegrad 4 are two and a half times more agricultural and less than one third as rich as the EU 12. They could not enter the EU without threatening two powerful interest groups—incumbent farmers and poor regions— during the decades they will need to catch up' (Baldwin, 1994 p. xvii).

Taking the existing structure of EU budget contributions and receipts, Baldwin estimates that admitting the Visegrad Four would increase annual EU spending by 63.5 billion ECU, which would either involve an increase of about 60 per cent in present members' contributions, or a large cut in EU spending. Assuming growth rates three times higher than the 2 per cent average, it will still take 20 years for the Visegrad Four to pass the 75 per cent of average income threshold below which they are eligible for Structural Fund spending. Though these figures are speculative by any measure, the budgetary burdens are likely to be formidable. A far-ranging review of the budget is unavoidable.

Full implementation of the *acquis* involves more problems for incumbents who would have to foot the bill, than applicants. Enlargement would involve unpacking the compromises underpinning the CAP and Structural Funds. The arguments concerning the construction of the Mediterranean *acquis* that so delayed the Iberian enlargement would be mild in comparison.

Given the interests at stake in any future enlargement negotiations, it would be impossible to proceed to a full accession conference without these issues having been dealt with beforehand. The second aspect of the classical method – that accession negotiations concern the practicalities of the applicants taking on the *acquis* – could be stretched to breaking point if some of the larger issues were left until the actual conference. Indications are that this is less likely to happen than in the past. The EU is very conscious of the need to deal with these problems before the momentum for full accession becomes unstoppable.

The process of approximating laws has now been started, though it is too soon to judge when this process might bring some associates to the accession threshold. The EU has been careful not to give any hostages to fortune. In previous enlargements, temporary derogations and transitional periods were used, not only to give the new member time to adjust, but to allow the Community time to review and adapt the *acquis* after enlargement. Difficult choices await the EU, particularly how far it expects the associates to accept the *acquis* in areas such as environmental and social policy, full implementation of which might postpone accession indefinitely. Although the use of derogations is very likely to continue, it could not be relied upon to overcome the problems of the *acquis* outlined above.

The third component of the classical method – that problems created by economic diversity are addressed by new policy instruments overlaid on existing ones – is also likely to be severely tested. For the first three enlargements, the Community established and then expanded in size the Structural Funds to lessen the impact of integration on peripheral agricultural and declining industrial regions. The ‘right of access’ to the Structural Funds is now part of the Community’s bargaining process. Even the Scandinavians will receive some return from the Funds, despite being net contributors to the EU budget on account of their above average EU levels of GDP.

Using 1990 data, Baldwin estimates that a Visegrad enlargement in 2000 would force an increase in the budget of 74 per cent. Taking account of CAP and Structural Fund costs set against budget contributions from the Visegrad Four the net budget cost would be 58.1 billion ECU (Baldwin, 1994, p. 170). The trade-offs and political bargains witnessed in previous enlargement negotiations are therefore not available in the next round since the redistributive implications are too great. An eastern enlargement using the current budget criteria would involve a decrease in expenditure and an increase in revenues raised from present EU

members. The present, poorer beneficiaries would be disproportionately affected and it is questionable whether they would be willing to sanction further enlargement on this basis.

The fourth principle of enlargement being based on limited institutional adaptation, is also untenable in the east European case. Although the principle of further enlargement has already been agreed and some preparatory work commenced, a more proactive approach to enlargement could not start in earnest until the 1996 IGC has been concluded. The key issue at stake is the EU's voting procedures. The inclusion of the east Europeans and Mediterraneans would increase the already marked bias towards small states affecting voting behaviour in the Council of Ministers using the qualified majority voting (QMV) system. The experience of previous enlargements suggests that, as poorer states, they are likely to vote for more 'cohesion' spending and make their agreement on other issues conditional on this. Indeed on present voting rules Baldwin notes that the present 'poor four' (Ireland, Greece, Portugal and Spain) might veto enlargement if it threatened their present budget receipts (Baldwin, 1994 p. 188). This presents the EU with a complex set of dilemmas. The superficial attractions of enlarging the EU sooner rather than later, but excluding agriculture and cohesion spending, would be unlikely to satisfy the east Europeans' aspirations to join a Union of notional equals. The IGC will have to address this issue in developing generally applicable rules that do not create a form of second-class membership. The EEA experience suggests that too much fudging of the boundaries between insiders and outsiders is unsatisfactory for both sides.

The fifth proposition – that the EU prefers to negotiate with closely linked groups – also presents the EU with some difficult choices. The linkage between the EFTA applications clearly facilitated the accession process. Avery, for instance, argues that Norway's linkage to this group speeded up its negotiations and helped to compensate for its late application (Avery, 1994). Conclusion of the negotiations with Sweden, Finland and Austria in March 1994 undoubtedly pushed Norway to close several weeks later, despite the complexity of the fisheries issue. However the deal still failed to gain public support at the November 1994 referendum.

Yet, as has already been noted, the specific Spanish and British problems clearly affected the first and third enlargements. Although the Union prefers groupings which raise similar policy issues, it has limited scope for constructing the ideal accession 'convoy'. It is widely assumed that the next enlargement convoy will comprise Hungary, Poland and the Czech and Slovak Republics because of their geographical contiguity and the self-created connections in the Visegrad Group.

Yet this group also contains considerable economic and structural diversity. Though the need to ensure political stability in central Europe could overcome

the economic consequences of enlargement, it cannot be assumed that this priority would resolve all the difficult issues. The Spanish experience suggests that even the Community's publicly expressed desire to strengthen political stability in a newly democratic region of Europe cannot necessarily override the economic issues in problem enlargement dossiers. The risk to Spanish democracy posed by the attempted coup in 1981 did nothing to break the deadlock in negotiations. Historical experience suggests that the size of an applicant state is important because of its overall effect on the *acquis*. Poland could therefore present some major challenges for the Union, whilst Slovenia and the Baltic States, assuming the continuation of present patterns of adaptation, might be attractive additions to the first convoy. Malta and Cyprus, although unlikely to create a separate, second Mediterranean enlargement, will need to be attached to another convoy given the undertakings they have already received from the EU. The sheer number of potential EU members makes the next round of EU enlargement a qualitatively different experience from previous rounds.

V. Conclusions

Despite the complexity of the issues raised by further enlargement, the EU is unlikely to abandon all aspects of the classical method. Focus on the *acquis* is likely to remain a cornerstone, though in this case it begs more difficult questions about the revision of the *acquis* before the formal enlargement process commences. Here the issue of CAP reform is critical, though the EU is only presently adjusting to the MacSharry reforms and the conclusions of the Uruguay Round reforms on agriculture. Clearly, transitional arrangements and technical adjustments would be utilized, though as has been noted there are limits as to how far these can be stretched before they start to undermine the foundations of the *acquis*. Recent studies undertaken for the Commission of how the CAP could be adjusted to cope with enlargement all stress the need to continue reducing price support to world market levels, and to co-ordinate the reduction of support to farmers in the present EU 15 with a clearly specified target date for enlargement. (Buckwell, 1994; Nallet and Van Stolk, 1994; Tangerman, 1994; Tarditi, 1994).

In using complementary policy instruments to ease the transition process, the role of the Structural Funds is pivotal. Structural instruments and policies are due for review in 1999, and the review is likely to run in parallel with the enlargement process. However this issue linkage could create rather than solve problems, particularly in view of the attitudes of the present beneficiaries of cohesion spending, noted earlier. More radical options, involving a fundamental reappraisal of the notion that integrating poorer states into the Union necessarily involves structural spending may have to be considered, though their detailed examination lies outside the scope of this article.

The principle of limited institutional adaptation in the Community method also need to be reconsidered. All the available evidence suggests that, given existing decision-making procedures, the process could become gridlocked in sectoral interests, as the Mediterranean enlargement did. The IGC will have to make bold moves towards redefining the core common goals of the EU in order to overcome this problem. Given these considerations, some redefinition of the concept of deepening is inevitable if widening is to proceed further. The debate on variable geometry needs to focus on how differentiated policy content and decision-making could be before the integrity of the EU's basic structure is compromised.

The late 1990s could see a hard core of countries moving to full EMU at the same time as enlargement negotiations are started. If the 'structured relationship' is to move the whole Union forward, it must provide the applicants with clear guidelines as to how they can adapt, and, just as important, what adaptation the EU is willing to make to incorporate their own priorities. Given the entrenched interests in the present Union, it remains to be seen whether the frequently stated goal of a genuinely pan-European Union can overcome the limitations of the classical method of enlargement.

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