

The return of war to Europe: an opportunity for geopolitical union in EU?

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The Russian war of aggression against Ukraine created a new geopolitical situation in Europe. By opposing the invasion and uniting for a common cause, the European Union is offered an opportunity to assert the political power and strengthening the strategic independence. However, it will also have to engage in a reorganization of the European continent, by agreeing to reform the existing states and to integrate new Member States, as well as being a stakeholder in this necessary restructuring. A renewed and newly founded European Union could then become one of the three poles of a new globalization.

Key words: *Aggression – Strategic autonomy – European political community – Enlargement of the European Union – Ukraine*

1. Strengthening European integration and power

With the war of aggression unleashed by Russia against Ukraine, the European continent has entered a “Zeitenwende”, what President Putin calls a “special military operation” constituting “a strategic turning point of the first order in the history of Europe and perhaps the world”¹. These words may even seem a little weak in the face of “the greatest conflict in Europe since the Second World War (which) turns out to be a Kunderian war”², if we remember that Milan Kundera has shown for about forty years in his essay “A Kidnapped West” that the European center of gravity would certainly be called upon to move towards the East³, consequently towards Ukraine⁴.

This “unjustifiable, unprovoked and illegal war of aggression”, in the words of the EU Council, constitutes in particular a clear violation of the Charter of the United Nations and of the peremptory norm of *jus cogens* which is the prohibition of armed aggression against a State. It also represents a fight for European freedoms and values such as democracy, the rule of law, freedom of expression, as well as the freedom to forge one’s own destiny,⁵ even though some of these values are being called into question by certain Member States⁶. Finally, it is destabilizing for the entire European continent, because it

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¹ F. Heisbourg, *The Lessons of a War*, 2023, Odile Jacob, p. 9.

² P. Berman, *The biggest European conflict since the Second World War turns out to be a Kunderian war*, *Le Monde* July 21, 2023.

³ Delaneuville, Frédéric, *European multi-governance and identities*, In: *Management of cultural diversity: what are the issues in Europe?* Brussels: Bruylant, 2012. - S. 127-142. - ISBN 978-2-8027-3560-1

⁴ VJ Rupnik, *Milan Kundera sketched a certain idea of Europe*, *Le Monde*, July 21, 2023.

⁵ V. European Council, *Decl. and obs.* 119/23, Feb 23 2023; U. von der Leyen, *Speech/23/2724*, May 14, 2023.

⁶ F. Delaneuville, *The fracture of Europe: Myth or reality? Analysis of the divergences displayed by the States of the Visegrad Group with regard to the policies of the European Union*, Seville 2018, ISBN 978-0-9998551-1-9

calls into question the very foundation of the European order, and even the international order.

The Member States of the European Union are therefore facing a common enemy following the Russian war of aggression. This constitutes a big change for the European project, “which is undergoing a new existential crisis after the repeated crises of recent years (Eurozone crisis, migration crisis, Brexit, Covid-19 pandemic ⁷) and which once again seems to confirm Jean Monnet’s prophecy that Europe would be built through crises and would be the sum of the solutions provided to these crises” ⁸.

This return of war in Europe allows - if one can say so - the European Union to achieve a kind of catharsis, and it is not wrong to say that it has begun “a new life in a new context”. Indeed, “the conflict in Ukraine, already a driving force in the transformations of the Union and its policies, can the opportunity for new European development, a real new beginning made necessary by external circumstances” ⁹. The Union is ready to enter a new era thanks to a strengthening of its integration and its power, which is imposed by the external events (1). In addition, the new geopolitical situation emerging from this war of Russian aggression destabilizes the European continent and, as a result, the entry of the Union into “*terra incognita*” implies that it looks into its reorganization and the new status quo of the European continent (2).

After the months of war, one thing is clear. Faced with President Putin’s imperial ambition, Europe has become aware “that it has no alternative but to oppose its unity to Russian aggression: the war in Ukraine reveals Europe’s weaknesses, but also its opportunities, particularly in order to assert - finally - its power” ¹⁰. It is therefore no exaggeration to say that Russian aggression could result in an acceleration of European construction and allow the Union to take off politically (A) and, even if there are many reservations, to increase its strategic independence (B).

A. The political take-off of the European Union

Everyone knows that peace, the first word of the Robert Schuman Declaration of 1950, is at the origin of the birth of European construction. After more than 18 months of fierce conflict, the question of the possible transformation of the EU arises. It is indeed a question of knowing if the Union is “now ready to move from an economic area of freedom, democracy and peace to the status of a full political actor respected by the major powers of the moment?” ¹¹ Since it became a leading economic actor, the EU exists

⁷ M. Suplata, M. Giba, F. Delaneuville, D. Demjanovič, The European Union on cross-roads: an overview of post-Lisbon crises and a way forward, European studies, Bratislava 2022, ISSN (print) 1805-8809

⁸ M. Lefebvre, The European Union and the war in Ukraine: liberal power and its limits, Robert Schuman Foundation, Quest. d’Europe, n° 651, 9 Jan. 2023, p. 1.

⁹ J.-D. Giuliani, The new life of the European Union, Robert Schuman Foundation, Quest. d’Europe, n° 664, April 11, 2023, pp. 2 and 7.

¹⁰ Admiral Ch. Lucas, Defence and security issues for the future of Europe in the light of the war in Ukraine, Schuman Report on Europe, State of the Union 2023, p. 36.

¹¹ A. Lamassoure, Europe challenged by war, Commentary, No. 181, Spring 2023, p. 41.

on the international scene thanks to its influence and its influence, in short, its *soft power*. With the imperial war unleashed by Russia, it has entered by obligation into the era of *hard power*.

The EU has no real choice. The European Council has understood this well. It considers that “it is necessary to strengthen the industrial and technological base of the European defense sector and to make it more innovative, more competitive and more resilient, in particular in the context of the new strategic environment which requires defense policy reorganization and a significant increase in Europe’s long-term strategic military capacity to assume greater responsibility for its own defense”¹². In order not to become a participant in an active war on the foreign soil with no boots on the ground policy, the United States took the precaution of keeping NATO out of the Russian war of aggression, and “it is the States and the European Union – yes it is the European Union! – that are arming Kiev, not the NATO as we would expect”¹³. However, it is essential to remember the terms of Article 41-2 TEU, according to which the Union cannot assume “expenditure relating to operations having military or defense implications”. The EU has nevertheless reached “the peak of Community interventionism that today constitutes the purchase of munitions for Ukraine by 27 (Member States)”¹⁴. It has achieved this by circumventing the TEU, even if these joint purchases of munitions relaunch the European defense¹⁵. It is true that the exceptional nature of military aid to Ukraine raises questions about the institutional development of the EU¹⁶.

The Union has used its Peace Facility¹⁷, which “has financed arms supplies organised by the Member States. It has committed almost €12 billion to this”¹⁸. The European Council has also just welcomed “the decision to raise the financial ceiling of the European Peace Facility by €3.5 billion in order (...) to continue to provide military support to Ukraine and to maintain the Union’s capacity to prevent crises and conflicts (...)”¹⁹. A proposal for a regulation of the European Parliament and of the Council (currently being adopted) on the establishment of the action in support of the production of munitions aims to “urgently strengthen the responsiveness and capacity of the European Defence Technological and Industrial Base (EDTIB) to ensure the availability and timely supply of ground-to-ground munitions, artillery munitions and missiles (...)”²⁰. Another innovation occurred in military matters with the creation of an EU Military Assistance Mission in support of Ukraine (EUMAM)²¹, the purpose of which is in particular to help

¹² Conclusions of the European Council (29-30 June 2023), EUCO 7/23, pt 25.

¹³ S. Kaufmann, The ghost of Bucharest hovers over Vilnius, *Le Monde* May 18-19, 2023.

¹⁴ A. Frachon, The EU confronted with its opposite: war”, *Le Monde*, April 21, 2023.

¹⁵ Ph. Jacqué, Purchases of munitions for kyiv revive European defense”, *Le Monde*, April 21, 2023.

¹⁶ VJ-D. Mouton, European reactions (EU, Council of Europe, OSCE) to the war in Ukraine, *AFDI* 2022, pp. 275-298.

¹⁷ Decide. (CFSP) 2021/509 of the Council, March 22, 2021: OJ No. L 102, March 24.

¹⁸ J.-D. Giuliani, The New Life of the European Union, *supra*, p. 5.

¹⁹ EUCO 7/23, *prev.*, pt 27.

²⁰ European Parliament legislative resolution of 13 July 2023, Instrument to support ammunition production, P9_TA(2023)0291.

²¹ Decide. (CFSP) 2022/2243 of the Council, 14 Nov. 2022: OJ No. L 294, 15 Nov.

Ukraine regenerate its troops over time and to train 30,000 Ukrainian soldiers by the end of 2023, which makes it possible to highlight “its added value to amplify national efforts”²². This figure has even been increased to 40,000 by the beginning of 2024²³.

What is new is that the EU appears as a leading player, playing a key role in the military field, but also in terms of sanctions, energy policy and support for the Ukrainian economy. It is now possible to say that “Europe has not only emerged from its naivety in the face of the Russian regime’s policy, it has also matured in its geopolitical awareness”²⁴. It is true that as early as 2019, President Ursula von der Leyen wanted a “geopolitical” European Commission. It turns out that Member States “are increasingly calling on the “European dimension “ to resolve difficulties that they cannot resolve alone”²⁵. With the adoption of the “Next Generation EU” recovery plan, the Commission was authorized to borrow on the capital markets, which has been analyzed as a “Schuman moment” or a “Hamiltonian moment” for Europe²⁶. It seems that we can consider that the march towards political union is progressing and that the successive crises are resulting in “an outline of a federation with a single currency, common loans and investments, common environmental objectives - those of the Green Deal (...) -, a defence which everything suggests, thanks to Messrs. Trump and Putin, will become common and a feeling of the need for political unity in Europe which is asserting itself in our opinions”²⁷.

The dangers threatening the EU therefore provide it with “a unique opportunity to assert itself as a true power”²⁸, provided that it is aware of the strategic responsibility that falls to it. Crises make the citizens of the Union understand that it is not only a market, but as the Dutch political scientist Luuk van Middelaar has expressed it, that it is also a *res publica*, the war in Ukraine reinforcing the idea that, “more than ever, (...) the role of the Union as a political body is emerging more clearly, and that a new public life is taking shape”²⁹. The assertion of this power, however, depends on European unity, which is still frequently thwarted by certain Member States³⁰ and by their lack of will “to detach themselves from their individual interests in external relations and to build together a common capacity”³¹. Thus, Germany has made a spectacular turnaround on the diplomatic and military fronts by investing 100 billion euros in its defence. Finland and Sweden abandoned their neutrality to join NATO.

²² Ch. Fries, European institutions facing crises, Schuman Report on Europe, above, p. 121.

²³ Ph. Jacqué, The EU increases training of Ukrainian soldiers, Le Monde, September 13, 2023.

²⁴ M. Lefebvre, The European Union and the war in Ukraine..., *prev.*, p. 2.

²⁵ J.-D. Giuliani, The New Life of the European Union, *supra*, p. 1.

²⁶ Buzelay, Jurisova, Delaneuville, The European Union faces the return of inflationary crises and the behavior of companies Alain Buzelay, Frédéric Delaneuville To be published

²⁷ B. Guetta, The European Nation, 2023, Flammarion, pp. 73-74.

²⁸ Admiral Ch. Lucas, The challenges of defence and security for the future of Europe..., *prec.*, p. 42.

²⁹ C. de Gruyter, The European Union is strong, *Courrier international*, Special issue, July-August 2022, p. 6.

³⁰ F. Delaneuville, M. Giba, L. Zummerova, R. Pyka, From the enthusiasm aroused by the “return to Europe” to the sovereignist temptation: understanding the States of the Višegrad group, Eastern Europe and the European Union: what prospects?, Brussels: Bruylant, 2022, ISBN 978-2-8027-6946-0.

³¹ Z. Zovko, Preventive diplomacy in the European Union – practice does not (yet) make the master, Schuman Report on Europe, *supra*, p. 48.

It turns out that crisis situations “cannot be resolved by outdated nationalism, but can only find adequate and lasting solution through the strength of the Union”³². The sovereignties of the States must gradually give way to common solutions strengthening the European project³³. Without European unity, “we would not have been able to meet the challenges of the pandemic, nor take the first measures of green transition, nor provide the necessary aid to Ukraine, nor begin to regulate the digital universe”³⁴. Although the statement may be somewhat surprising, it seems that a revolution is underway: “The Union has been acting since February 24³⁵ as an actor on the international scene, as a political power moving towards this “strategic autonomy” to which Emmanuel Macron had called in his speech at the Sorbonne”³⁶.

B. The European Union’s flight towards strategic independence

With President Putin’s decision to invade Ukraine, not only has the security order established in 1975 at the CSCE held in Helsinki collapsed, but the reintroduction of war in Europe is forcing the European Union to make a strategic shift. It has generated a lot of discussion, because it puts forward a concept that is far from unanimous: European strategic independence. With the Russian war of aggression, the Union has no choice but to make the strategic move, because Europeans must undertake a similar introspection, particularly in the area of security and defense. Like the President of France Emmanuel Macron, has the right to declare that the Russian aggression was the foundation for a “demonstration of unity, of strategic clarity of purpose”, because “Europe has chosen the independence and European sovereignty”. In addition, “the ideological clarity of vision in European Union and also the resolve in terms of military, humanitarian and economic support for Ukraine” should be highlighted³⁷.

The idea of European strategic independence is now easy to understand since the American presidency of Donald Trump has degraded international relations, and made Europeans realized that they had to be active on the international level. As Spanish Minister Arancha Gonzalez Laya explains, “It is true that the Sino-American rivalry and the absence of a transatlantic project³⁸ have forced Europeans to look in the mirror. And the image they saw is the image of a Europe that had always moved forward based on alliances afraid to rely on its own independence”. However, if the EU wants to exist on the international scene, it must express “its desire to be a full-time international actor and

³² D. Simon, Repère, Is it strength in unity?, Europe, Feb. 2023, p. 2.

³³ F. Delaneuville, The model of the sovereign and protective nation-state in the era of globalization: towards a return of the Leviathan in Central Europe?, International Conference, Milan 2018, ISBN 978-0-9998551-0-2

³⁴ B. Guetta, The campaign for the European elections could outline the first contours of the new European chessboard, Le Monde, September 2, 2023.

³⁵ February 24, 2022 marks the beginning of the Russian invasion of Ukraine.

³⁶ B. Guetta, The European Nation, supra, p. 174.

³⁷ Speech available on: Globsec Summit in Bratislava. | Élysée (elysee.fr)

³⁸ On this point, we should note the abandonment of the Transatlantic Trade Investment Partnership (TTIP).

to have a normative policy role. Strategic independence is not strategic sustainability”³⁹. Soft *power* is not enough for the EU to exist as a geopolitical power, because “if it wants to have influence in a world marked by competition between great powers, (it) must use all its tools, in the most strategic way possible”⁴⁰.

According to the President of the French Republic, “strategic independence must be Europe’s fight (...). The ideological battle has been won, the milestones have been set. Implementation must be accelerated on the military, technological, energy and financial levels”⁴¹, including with regard to the United States, NATO and China. He also advocates a common industrial policy, in order to ensure European economic security. In any case, although the war waged by Russia has shown that the Union must be stronger and more independent on the international level, strategic independence is not yet a hot issue in many Member States, which are still largely divided on this front. Therefore, the commitment of the United States in support of Ukraine, as well as the return to glory days characterized by the strength of NATO, take precedence over the strategic independence of the Union, which makes the strengthening of European defense more complex⁴². However, the EU would benefit from having a more integrated military industry and a strategy of a major power on the world stage⁴³.

It seems, however, that a common security policy, a component of the Union’s strategic independence, is an imperative. Can’t we confidently declare “tomorrow, when the war ends in Ukraine, America will return to its strategic priorities - in Asia? This makes the difficult fight for greater strategic independence for the Old Continent even more essential”⁴⁴. The Chinese newspaper *Global Times* does not hesitate to write that “Europe will not lose friends by complying with strategic independence, it will gain more respect”⁴⁵. In all fairness, despite the unprecedented efforts made by the Europeans to train and equip the Ukrainian army, it must nevertheless be admitted without hesitation that “after two years of war, Europeans are unanimous: without America, Ukraine would have been sacrificed”⁴⁶. This statement symbolises the imbalance in the Euro-American relationship and, therefore, the power challenge facing the EU. American support is essential for the Union to be able to deal with the war of aggression, as Europe finds itself “in a situation of increased political and strategic dependence”. This is even more visible

³⁹ Interview with Europe No. 102, “Europeans have learned that they must build their strategic independence”, Robert Schuman Foundation, 23 Nov. 2020, p. 2.

⁴⁰ G. Abril, Twenty-four hours with “General Borrell”. At the heart of the diplomatic battle, *Courrier international*, Special Edition, July-August 2022, p. 48.

⁴¹ VS Kaufmann, Strategic independence is both Emmanuel Macron’s European DNA and his most divisive hobbyhorse”, *Le Monde* April 12, 2023.

⁴² V. Interview with Daniela Schwarzer, “The war in Ukraine complicates European defense cooperation”, (Comments collected by Ph. Ricard), *Le Monde*, Dec. 14-15, 2022.

⁴³ VM Ehl, Europe must find armor that fits it, *Courrier international*, Special Edition, July-August 2022, p. 18.

⁴⁴ A. Frachon, NATO: Europe increasingly dependent, *Le Monde* July 7, 2023.

⁴⁵ Quoted in Ph. Jacqu  , F. Lema  tre, Ph. Ricard and Th. Wieder, The European cacophony facing China, *Le Monde* April 14, 2023.

⁴⁶ S. Kauffmann, The divisions of strategic independence, *Le Monde*, April 13, 2023.

since “practically all European countries wish to be under the protection of the United States in NATO, including Finland and Sweden, the states have decided to abandon their neutrality to join the Alliance”⁴⁷. Nevertheless, to end on a positive note „joint purchases of munitions (could) lead to a new dynamic to make the European defense industry self-sufficient”. The existence of a sustainable and strong industrial base in terms of armaments is, however, far from being a given.

In terms of strategic independence, we must not forget that, in his propaganda logic, Vladimir Putin is at war with the “collective West”, this statement making Europe “disappear”. This geopolitical concept inherited from the Cold War constitutes a handicap for Europe in the broad sense and for the EU. Indeed, “leaving behind the term West as an element of geopolitical language has become one of the conditions for the EU’s assertion on the international scene”. Furthermore, “Europe’s strategic independence is not neutrality or naivety in the face of the authoritarian project of China and Russia”⁴⁸.

The war that is raging and causing major geopolitical changes on the European continent led the EU Council to urgently adopt the “Strategic Compass for Security and Defence” on 21 March 2022.⁴⁹ It should strengthen the EU’s strategic independence, contribute to global transatlantic security, while being complementary to NATO⁵⁰. The Strategic Compass provides a comprehensive and relevant analysis of the military and non-military risks and threats that the EU will have to face. Without constituting a strategy on the military level, it is structured around four pillars: acting when a crisis arises; protecting against current threats and challenges; investing at the state level by significantly increasing defence spending (as Poland and Germany have done, for example); and cooperating to address common threats and challenges. The European Council noted progress in implementing the Strategic Compass on cybersecurity, cyber defence, hybrid threats, military mobility, space and maritime security and the strengthening of the civilian CSDP⁵¹. Despite the challenges, it seems that “the European Union remains an indispensable and unique partner for NATO”, since NATO “recognizes the value of a stronger and more efficient European defense, which truly contributes to transatlantic and global security, complements NATO’s action and is interoperable with it”⁵².

2. The necessary reorganization of the European continent

The European Union can no longer continue to live with war on its borders. It must imperatively consider its adaptation to the new geopolitical context resulting from the Russian war of aggression. It must certainly move forward and complete the reforms, because this challenge remains unresolved if we want to have a real chance to survive the

⁴⁷ M. Lefebvre, *The European Union and the war in Ukraine...*, supra, p. 8.

⁴⁸ C. Ridet, *For the affirmation of Europe, putting an end to the notion of the West*, *Rev. Intern. et stratég.* 2023/2, p.104.

⁴⁹ pdf (europa.eu)

⁵⁰ V. Cons. EU, press release 301/22, 21 March 2022.

⁵¹ EUCO 7/23, prev., pt 28.

⁵² Vilnius Summit Communiqué, 11 July 2023, para. 73.

consequence of the war on the European continent. The European Union must definitely continue the enlargement (A), and the pan-European organization needs to undergo a massive reform with the focus on the support of European political community (B).

A. The continuation of the enlargement of the European Union

Five days after the start of Russia's unjustified and unprovoked aggression, Ukraine submitted the application for EU membership. At the request of the EU Council on 7 March 2022, the European Commission issued the statement with the recommendation that the Council "should give Ukraine the prospect of EU membership"⁵³. Then a few days later, the European Council recognized "the European perspective of Ukraine, Moldova and Georgia" and decided "to grant candidate country status (only) to Ukraine and the Republic of Moldova"⁵⁴. The recognition of this perspective of membership raised a lot of questions. The first and most important one can be stated as follows: "Can Ukraine join the EU quickly?"⁵⁵ The answer is clear: the procedure as described in Article 49 TEU and "there is no accelerated procedure or *fast track* to join the European Union"⁵⁶. This is why the understanding of EU enlargement requires a change of perspective and requires a (serious) adaptation of the existing procedure.

Concerning the change of perspective, because the Russian war of aggression gives a geopolitical dimension to enlargement, the technical aspect which is based in particular on the examination of the "Acquis Communautaire" is pushed into the background. Enlargement is therefore "now a geopolitical necessity", which "is today linked (...) to the imperative of European sovereignty as explained by the words of the father of the concept of sovereignty: "*there is no wealth or strength except in men*" (Jean Bodin) ". The geopolitical necessity of enlargement is due to the fact that there is no longer, in the face of the territorial revisionism stance assumed by the Russian authorities, any possible grey area between the European Union and Russia"⁵⁷. The destiny of Ukraine seems heavily dependent on the membership of the EU because granting the status of candidate for the EU means nothing other than a political message, membership then can be used as a weapon at the disposal of the Ukrainian president⁵⁸. The President of the European Commission also stated that "if we look to the long term, it is impossible for Ukraine, as well as the Balkans, not to be members of the EU"⁵⁹.

If we refer to the deepening/widening dilemma, the wisest thing is obviously to deepen before widening, which seems impossible if we have to welcome Ukraine, Moldova, Georgia and the Western Balkan States, which brings the number of member States to 36.

⁵³ COM (2022) 407 final, 17 June 2022, 24 p.

⁵⁴ Conclusions – 23-24 June 2022, EUCO 24/22, pts 10 and 11.

⁵⁵ Mr Telo, Can Ukraine join the EU quickly?, The Conversation, March 10, 2022.

⁵⁶ A. Adam, The European Union at 36: clearing the horizon, Schuman Report on Europe, prec., p. 57.

⁵⁷ A. Adam, The European Union at 36: clearing the horizon, prev., pp. 58-59.

⁵⁸ Ph. Ricard, Joining the EU: a weapon for Zelensky, Le Monde, February 10, 2023.

⁵⁹ Quoted by E. Albert and V. Malingre, "Impossible for kyiv not to be a member of the EU", Le Monde, June 23, 2023.

It is easy to understand the many warnings, such as that of A. Lamassoure for example: “the enlargement of the club to a country in consubstantial opposition with Russia, and accompanied by a procession of small still fragile States, will result in a heterogeneous group of three dozen member countries, ten of which will have a population smaller than that of our Brittany: it is the very heart of the institutions and the decision-making system that will have to be rethought”⁶⁰.

Without mentioning all the issues that have to be solved, so that future enlargement is not a disaster scenario resembling a new “*big bang*” like in of 2004, several course corrections are necessary. Undoubtedly, the States concerned have low and very variable levels of economic and political development. It is enough to remember that the GDP per capita of Ukraine was 20% of that of Poland before the start of the war, such a delay in economic development cannot be without repercussions on the Union’s cohesion policy and be denounced as being a vector of social dumping. In addition, the delays in terms of the rule of law and values are very significant.

On the institutional level, there are many fears and they are certainly well-founded. Several general observations are necessary. On the one hand, “the increase in the number of Member States weakens the legitimacy of supranational institutions to impose choices on Member States and risks causing the Commission to drift towards a secretariat of an intergovernmental organisation”⁶¹. On the other hand, the question of the size of the Commission is crucial for its daily operation⁶². An evolution of the institutional system is essential because, “in the absence of changes to its institutions and decision-making procedures, the European Union runs a double risk: that of importing additional problems that it could not resolve alone and that of paralyzing the EU decision making capabilities”⁶³. This observation is based on the entry of Cyprus into the EU, which did not resolve the issue of the division of the island, and on the attitude of the “illiberal” Member States⁶⁴. Ultimately, “the risk is that European integration will end up breaking down under the effect of internal imbalances and centrifugal forces, that instead of continuing the deepening, the new enlargements will lead to a deconstruction of the European project, (...)”⁶⁵.

Budgetary difficulties cannot be ruled out either. The President of the European Council, Charles Michel, is perfectly aware of this when he states that “the GDP of the future Member States represents around 50 to 70% of the EU’s smallest economy. This means that they will be net beneficiaries, while several current net beneficiaries will

⁶⁰ A. Lamassoure, *Europe challenged by war*, supra, p. 43.

⁶¹ M. Lefebvre, *The European Union and the war in Ukraine...*, prev., p. 6.

⁶² On this point, see for example R. Denuit, *Reducing the size of the European Commission? It is possible*, Bull. Agence Europe 29 August and 30 August 2023.

⁶³ J.-D. Giuliani, *The New Life of the European Union*, supra, p. 7.

⁶⁴ Delaneuville, Frédéric- Giba, Marián, Zummerová, Linda- Pyka, Robert, *On the enthusiasm aroused by the return to Europe? the sovereignist temptation: understanding the states of the Višegrad group* preface by Frans Timmermans, In: *Eastern Europe and the European Union: what perspectives?*. - Brussels: Bruylant, 2022. - S. 93-116. - ISBN 978-2-8027-6946-0 (European Union Law Collection: Conférences, ISSN 1782-7841; 56;)

⁶⁵ M. Lefebvre, *The European Union and the war in Ukraine...*, supra, p. 7.

become net contributors”⁶⁶. However, the current net beneficiaries are the Member States that joined in 2004 and 2007⁶⁷! On this point, it is also worth pointing out that the European Council of June 2022 mentioned in its conclusions that “each country’s progress on the path to the European Union will depend on its own merits in complying with the Copenhagen criteria, taking into account the EU’s capacity to integrate new members”⁶⁸. The President of the European Council reiterates this by stating that “we must now seriously examine the EU’s capacity to absorb new members”⁶⁹. It should also be remembered that Ukraine is a major agricultural power, and the CAP will have to be reformed again and given a budget accordingly.

In light of these issues that could cause enlargement to stumble, a change of method is necessary. In this regard, the speech by the President of the European Council in Bled (Slovenia) is instructive in more than one way. The credibility of the enlargement process requires that a timetable be set and he mentions “enlargement by 2030”⁷⁰. And, mentioning his agreement with President Macron, he puts forward the principle of “gradual and progressive integration into the policies of the Union, so that the benefits can be felt more quickly - even before accession”⁷¹. He does not fail to mention the difficulties and painful challenges that the Member States and future Member States will have to resolve: respect for values and the rule of law; the principle of enlargement based on merit⁷²; pluralism, independence of the judiciary and protection of minorities; alignment with European positions on foreign policy. This transition will certainly involve constitutional revisions as was the case for the Central European states before their accession in 2004 in order to provide Ukraine with a legal base compatible with European standards⁷³ allowing respect for the rule of law and principles such as non-discrimination⁷⁴ or other principles guaranteeing good public affairs⁷⁵. It should be noted that a process of fighting

⁶⁶ Speech by President Charles Michel at the Bled Strategic Forum, Speech 631/23, August 28, 2023.

⁶⁷ Petit, Yves (aut) (25%) - Drotár, Matúš (aut) (25%) - Delaneville, Frédéric (aut) [UKOMAKMM] (25%) - Zummerová, Linda (aut) [UKOMAKMM] (25%): Cohesion policy in the service of European integration [electronic document]: The example of Slovakia. URL: https://link.springer.com/chapter/10.1007/978-3-030-95813-8_14. Registered in: SCO SCOPUS

⁶⁸ Conclusions of 24 June 2022, EUCO 24/22, § 14.

⁶⁹ Speech 631/23, August 28, 2023, prev.

⁷⁰ In the Skopje Declaration of 11 September 2023, the six leaders of the Western Balkan countries affirm that they are also aiming for the 2030 horizon, see Bull. Agence Europe, 13 Sept. 2023.

⁷¹ Speech 631/23, August 28, 2023, prev.

⁷² La Présidente de la Commission vient de le rappeler dans son discours sur l’état de l’Union 2023, Speech/23/4426, 13 Sept. 2023.

⁷³ Delaneville, Frédéric, L’eupéanisation des normes constitutionnelles des pays du groupe de Visegrad durant leur processus d’adhésion. In: Challenges and perspectives of the development of the constitutional law of the Slovak Republic in the process of European integration and globalization. - Bratislava: Comenius University, Faculty of Law, 2017. - P. 95-105. - ISBN 978-80-7160-453-2.

⁷⁴ Mitková, Ľudmila, Delaneville, Frédéric: La discrimination des femmes sur le marché du travail Slovaque: analyse juridique et sociologique. ISBN 978-0-9998551-1-9, Conference 2018. 32, Seville, 15.11.2018 - 16.11.2018]

⁷⁵ Giba, Marián- Bujňák, Vincent - Delaneville, Frédéric: Characteristics and consequences of constitutional provisions on budgetary responsibility in Slovakia In: International and Comparative Law Review. - Roč. 21, č. 1 (2021), s. 227-241. - ISSN (print) 1213-8770.

corruption and “de-oligarchization” is underway in Ukraine, and that the government “has adopted a law which provides for the participation of international experts in the selection of new judges of the Constitutional Court”⁷⁶.

The idea of “a hard core structured around a variable geometry” proposed in 1994 by Karl Lamers and Wolfgang Schäuble could prove to be the right solution. It is proposed by MEP Bernard Guetta, who “considers the creation of a three-tier organisation essential, according to the degree of cooperation desired by each”⁷⁷. As 36 very different Member States cannot integrate at the same pace and in all areas of European construction, “the Union should take the form of a three-tier rocket, between tiers with all the bridges allowing one to move from the first to the second and from the second to the third, from the loosest union to the closest”. The first stage “should be that of the “European partnership” (...), then would come the stage of the “economic union” and “finally, on the third stage, what should be called the “European community” where some - the six founding States and others - would pool foreign policy, the development of a common defense and investments in the industries of the future”⁷⁸. In order to build a European Union enlarged to 36 Member States, it is essential for Europeans to consider “together a union with a continental vocation, but whose degrees of political integration will be different for a long time”⁷⁹.

B. The creation of the European political community

The social, climatic and, more broadly, geopolitical challenges facing the EU require vision of the future and creativity. With this in mind, highlighting the length of the EU accession process and the need not to lower its standards, President Emmanuel Macron proposed the creation of a European Political Community (EPC) in his speech of 9 May 2022 to the European Parliament. It can be presented as follows: “neither an alternative to enlargement nor an antechamber to the Union, but an attempt at political structuring of the European continent, beyond the circle of candidate states and on a principle of equality of its members, where the enlargement policy is based on a relationship that is by nature asymmetrical”⁸⁰.

The EPC brings together 44 States: the 27 Member States of the Union, the Western Balkan States, Turkey, Ukraine, the three Member States of the European Economic Area (Iceland, Liechtenstein and Norway), four third States (Azerbaijan, Armenia, Switzerland and the United Kingdom). The President of the European Commission and the President of the European Council participate in the meetings. The Councils’ website states that its aims “- to foster political dialogue and cooperation in order to address

⁷⁶ G. Ptak, Ukraine moves towards membership in the European Union, *Les Echos*, September 6, 2023.

⁷⁷ B. Guetta, The EU needs a multi-speed model to integrate Ukraine and other countries, *Le Monde* 22 Apr. 2023; *The European Nation*, pp. 147 et seq.

⁷⁸ B. Guetta, *The European Nation*, prev. pp. 151-152.

⁷⁹ B. Guetta, The campaign for the European elections could trace the first contours of the new European chessboard, prev.

⁸⁰ A. Adam, *The European Union at 36: clearing the horizon*, prev., pp. 57.

issues of common interest, (and) - to strengthen the security, stability and prosperity of the European continent". Its status as a "political coordination platform does not replace any existing organisation, structure or process and does not aim to create new ones at this stage"⁸¹. It has no secretariat or budget, does not set an agenda for its meetings and does not adopt conclusions. As Luuk van Middelaar states, the EPC formula allows Europeans to "reconnect with the spirit of Westphalian diplomacy" and to revive the "European Concert". Sébastien Maillard, Director of the Jacques Delors Institute, states that the EPC is a kind of "European Security Council that does not say its name"⁸².

Reading these remarks, it is necessarily difficult to be able to pinpoint the EPC exactly, because its legal basis remains to be defined and it is possible to envisage that this intergovernmental format will simply remain a succession of informal summits or a temporary forum of leaders. On this point, we come up against "once again the attraction effect, but also the effect of the increasing complexity of the game of concentric circles"⁸³. The positive point is that "common projects can take shape, obviously articulated with those of the Union and gradually cementing a continental unity around a European Union gradually expanding at the same pace as it deepens"⁸⁴. These common projects could concern, for example, energy security and climate action, the fight against cybercrime, the organisation of transport or the coordination of migration policies⁸⁵.

Moving from 27 to 36 members is certainly a shock for the EU. Nevertheless, in the name of the unity and solidarity of the European continent in the face of the imperial war led by Russia, the Union must think big and assume its own destiny. From this point of view, the EPC "has a specific role to play, which corresponds to its geographical format: it must ensure that our interdependencies - economic, human, energy, digital, etc. - are a factor of affirmation, of resilience of Europe, and not a weakness that can be exploited by Russia and others. It must consolidate Europe's geopolitical influence and strengthen, on both sides of the European continent, a feeling of trust and belonging". With this approach, if a link exists between the EPC and the procedure for accession to the Union, "it can only be indirect, and positive, by promoting the development of cooperation that will concretize the membership of the European family of the candidate countries"⁸⁶.

Despite criticisms – notably from Ukraine⁸⁷ – of the EPC, it represents a "framework for discussion and broader European cooperation, without calling into question the

⁸¹ Meeting of the European Political Community - Consilium (europa.eu)

⁸² VV Malingre, A by-product of the war in Ukraine, the CPE is looking for its way, *Le Monde* May 27, 2023.

⁸³ D. Simon, The European Political Community: New Example of the Complexity of "Concentric Circles", *Repère*, Europe, Nov. 2022, p. 2.

⁸⁴ B. Guetta, The European Nation, *supra*, p. 158.

⁸⁵ Delaneville, Frédéric, The challenge of European migration policy by states of the Visegrad group In: Education excellence and innovation management through Vision 2020: From regional development sustainability and competitive economic growth, Conference Vienna 2017- ISBN 978-0-9860419-7-6

⁸⁶ L. Boone, The European Political Community: what objectives, what horizon?, *Schuman Report on Europe*, *prec.*, pp. 126-127.

⁸⁷ Ph. Ricard, *kyiv is wary of the "European political community"*, *Le Monde*, May 14, 2022.

prospects of accession to the European Union of candidate countries”⁸⁸. It is not a palliative or a substitute for accession to the EU. In the perspective of the post-war period, the EPC “would serve precisely (...) to allow gradual entry into the Union. It would make it possible to show populations the colour of accession through concrete sectoral projects (security, energy, education and research) (...)”. It will also have to “put all its weight to protect the applications on their way to the Union”⁸⁹. With the Russian war of aggression, according to President Macron, it is essential to think of Europe, “not only from a security point of view, within the framework of NATO and not simply within the framework of the EU”. It is therefore “neither a competitor to NATO nor a substitute for enlargement, but it is a framework for strategic discussion that all countries need to build, I hope, an innovative and new institutional architecture”⁹⁰. Accession by successive stages or gradual integration into the EU is therefore not incompatible with the creation of the EPC, quite the contrary!

A few months after the start of Russian aggression, the European Council had specified in this point I “Europe in the big picture” of its consolidating the role of the EPC, by declaring that its aim was “1. (...) to offer a platform for political coordination for European countries across the continent. This platform could include all European countries encouraging to maintain close relations. The objective would be to promote political dialogue and cooperation in order to respond to issues of common interest, so as to strengthen the security, stability and prosperity of the European continent. 2. This framework will not replace existing EU policies and instruments, in particular enlargement, and it will fully respect the decision-making autonomy of the European Union”⁹¹. However, one question remains: Is there a place in this European architecture for the two other existing pan-European organisations: the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE). In the final remarks on the EU’s priorities at the OSCE, the EU Council repeated that “it continues to provide an unparalleled platform for in-depth discussions on security in its three dimensions and that it continues to have a rich and irreplaceable toolbox for conflict prevention and resolution”⁹². While the Council of Europe is somewhat anxious because it is being sidelined, the OSCE is nevertheless undergoing “an existential challenge as a result of the war in Ukraine and the creation of the EPC”⁹³. Thinking about Europe is therefore not easy, especially since it “has no unity except in and through its multiplicity”⁹⁴.

⁸⁸ O. Renaud-Basso, *The European economic model put to the test by the Russian invasion of Ukraine*, Schuman Report on Europe, above, p. 72.

⁸⁹ T. Chopin and S. Maillard, *The “European political community” must make it possible to protect applications to the EU*, *Le Monde*, June 23, 2022.

⁹⁰ Speech available on: *Globsec Summit in Bratislava*. | *Élysée* (elysee.fr)

⁹¹ Meeting of 23-24 June 2022, EUCO 24/22.

⁹² Council Conclusions, 7587/23, 20 March 2023.

⁹³ J.-D. Mouton, *European reactions (EU, Council of Europe, OSCE) to the war in Ukraine*, above, p. 298.

⁹⁴ Edgar Morin, *Thinking about Europe*, *Folio actuel*, 1987, p. 23.

Conclusion

The Russian invasion and the stalemate in the war of aggression are disrupting the global geopolitical and economic balances. Despite everything, “never has the situation been so favorable for deepening of European unity⁹⁵. After the Common Market and the single currency, the Union is truly entering the third phase of its history, characterized by the construction of a political union that is now emerging in the common front of Europeans facing Vladimir Putin by the arms deliveries to Ukraine”⁹⁶. We must hope that the European Union will become one of the big three powers along with the United States and China as some economists claim⁹⁷. However, it is safe to say that the Euro-American relationship is not balanced, the “*level playing field*” conditions are not being favorable to Europe, especially since it is struggling to equip itself with a real industrial policy. In any case, the European Union, a great democratic power, will have to find its rightful place in a world that has become tripolar⁹⁸. Will the hoped-for new globalization, also called “re-globalization”, be another significant moment for Europe?

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⁹⁵ M. Suplata, M. Giba, F. Delaneuville, D. Demjanovič, *The European Union on cross-roads: an overview of post-Lisbon crises and a way forward*, European studies, Bratislava 2022, ISSN (print) 1805-8809

⁹⁶ B. Guetta, *The European Nation*, supra, p. 105.

⁹⁷ See also J.-P. Betbèze, *United States, China, Europe: what re-globalization?*, Ginkgo publisher, 2020, 204 p.

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