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Politicizing Europe: Normative Conditionality in the EU Institutions' Interpretations of Europe(-anness)

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Abstract

“Europe” and “Europeanness” have always been key notions in the construction process of the European Union (EU). Indeed, Article 49 of the Treaty on the European Union enshrines as primary condition that a State must be “European” to be eligible for EU membership. However, there is neither a consensual nor an official definition of this term which can take on various meanings, broadly ranging from geographical to cultural ones. This polysemy has driven the EU institutions to provide their own interpretations, especially within the framework of enlargements and membership applications. Building on an analysis of institutional documents, the paper investigates how the notions of “Europe” and “Europeanness” have been interpreted since the inception of the EU and, *in fine*, politicized through the implementation of normative conditions. This analysis eventually led to a new, up-to-date model of the conditions that a State has to meet to be considered “European”, which further highlights the institutional conceptualization of Europe(-anness).

Keywords: Europeanness - Interpretations – Conditionality – Eligibility – Norms

1. Introduction

Undeniably, “Europe” and “Europeanness” have been key notions in the construction process of the European Union (EU)ⁱ. On 30 June 1970, Jean Rey, the then President of the European Commission, declared in his opening speech to the negotiations session with candidate countries: « Car c’est bien la construction d’un continent qu’ont entrepris les européens, il y a vingt ans, à l’appel de Robert Schuman »ⁱⁱ. Equally, the preamble of the Treaty of Lisbon underlines the aim of creating an « ever closer union among the peoples of Europe ».

Such references to Europe and the European peoples may sound perfectly appropriate within the context of the European integration. Just like the use of the term “European” as an eligibility condition for membership of the EU may seem obvious considering the deep-rootedness of the project in the part of the world commonly referred to as “Europe”. Indeed, Article 49 of the Treaty on the European Union (TEU) enshrines, as primary eligibility condition, that a State must be “European” – a requirement that already existed in Article 237 of the Treaty of Rome. Yet, it is far from being an insignificant choice, for it puts a legal limit to the possible extension of the EU by excluding non-European States, or States beyond Europe, from being eligible for membership.

However, there is neither a consensual nor an official definition of this term which can take on various meanings depending on the approach or the period of history. This polysemy has driven the EU institutions to provide their own interpretations, especially within the framework of enlargements and membership applications. Building on institutional documents, the paper investigates how the notions of Europe and Europeanness have been interpreted and highlights the eligibility conditions by focusing on a few cases where Europeanness and the belonging to Europe were especially questioned. It then provides a new, up-to-date model of these conditions. Finally, it analyses how the notions of Europe(-anness) have been politicized through the implementation of normative eligibility conditions.

2. The eligibility conditions: interpretations of Europe(-anness) by the EU institutions

With Article 49 TEU, the EU enshrined its openness to the enlargement to other “European States”. When applications for membership came up, the EU institutions had to provide their interpretation of this legal requirement and assess the Europeanness of the candidate countries. When the European Economic Community (EEC) was about to welcome new members following the fall of the Berlin wall, the Commission gave an opinion on this requirement:

The term ‘European’ has not been officially defined. It combines geographical, historical and cultural elements which all contribute to the European identity. The shared experience of proximity, ideas, values, and historical interaction cannot be condensed into a simple formula, and is subject to review each succeeding generation. (Commission of the European Communities 1992, 11)

This explanation, which is quite recent on the scale of the European integration, gives an indication of the difficulty of providing one unique interpretation of Europe(-anness) and of the diversity of meanings that it can encompass. The Commission refers here to a bunch of conditions ranging from geography to common ideas, including history and shared values. Are these features really used by the EU institutions to define Europe(-anness) in practice? This first section identifies three eligibility conditions by focusing on some borderline cases through the analysis of the interpretations that were provided by the EU institutions.

2.1. The geographical condition and its exceptions

Without going into details, which is not the aim of this discussion, the geography of Europe is far from a well-defined, widely accepted fact. As O. Descamps put rightly, the geography of Europe is both “une réalité et une représentation”ⁱⁱⁱ (2013, 199) which lies “à la croisée d’une matérialité, de l’imaginaire et de l’apport des idéologies”^{iv} (2013, 199). The geography of Europe more a construct than an objective reality because of the changing nature of its borders in the course of history.

Yet, it is interesting to notice that the term “European” is only and strictly interpreted in geographical terms in the summary of the membership process provided on EUR-Lex: “The applicant country must: be a state within geographical Europe [...]” (Publications Office 2016). A “European State” would thus be a State which is simply situated in Europe. However, there are no further details in this publication about what is exactly intended by “geographical Europe”. For instance, the southern limit of Europe is often defined in continental terms as stopping at the Strait of Gibraltar. Is it also the institutions’ stance regarding the maximal expansion of the EU towards the south? To get an insight into the EU institutions’ interpretation of the southern limits of Europe, the case of Morocco turns out to be very interesting.

Morocco’s first request for membership of the EEC remains little known owing to its informal character. M. Flory already mentioned this request in 1984 in his *Note sur la demande d’adhésion du Maroc à la Communauté économique européenne*. The initiative for membership was revealed following an interview of Hassan II, the then King of Morocco, in the French newspaper *Le Monde* in which he stated having asked for his country’s membership during the European Council on 25 and 26 June 1984 in Fontainebleau (Flory 1984, 706). In fact, the first talks about a potential Moroccan EEC membership date back to October 1983 if we are to believe the letters from Hassan II to François Mitterrand, the then French President. In a letter dated the 15th of June 1984 (a few days before the European Council in Fontainebleau), Hassan II wrote:

Lors de notre dernière visite à Paris, au mois d’octobre 1983, Nous vous avons entretenu de Notre intention de demander l’adhésion du Maroc au Traité de Rome organisant la Communauté Economique Européenne. Nous avons depuis engagé diverses conversations exploratoires sur le même sujet, notamment avec les hauts responsables de la C.E.E. au cours de notre voyage à Bruxelles.^v (1984, 1)

The content of these conversations, probably held in secret, was never divulged. Equally, we do not know what was the reaction to the King’s request during the Fontainebleau meeting. In the following months, the question whether Morocco did ask for membership was regularly asked to the Commission and the Council by some members of the European Parliament^{vi}. It was always answered that Morocco had not officially asked for membership. Since it did not respect the procedure stated in Article 237 of the Treaty of Rome, i.e. that the application must be first addressed to the Council, the request could indeed not be officially taken into account.

On 8 July 1987 an official request for membership was introduced to the Council. In the application letter to the President of the Council, Hassan II stated that

[p]roches géographiquement, l’Europe et le Maroc ont été si intimement unis par l’Histoire au cours des siècles que nos civilisations se sont fortement interpénétrées et que notre communauté de destin a été maintes fois mise en évidence.^{vii} (1987, 1)

This geographical proximity, this civilizational similarity and this common destiny were not sufficient to convince the European leaders. On 1 October 1987, the Council refused the membership request on grounds that Morocco was not “European” (1987). The request was never transmitted to the Commission for opinion and the story did not go further.

The Moroccan application was a major issue for the EU institutions. If Morocco was recognized as eligible for membership, it would have created a precedent which would have opened the way to countries situated beyond the Mediterranean Sea, on the African continent. It can be deduced from that rejection that the EU institutions considered the European southern border to end at the Strait of Gibraltar, which is consistent with the traditional, continental conception of Europe. It can also be inferred that the geographical condition for “Europeanness” consists in being situated on the continent commonly referred to as Europe, without necessarily defining the precise borders of this continent in advance. The approximation and the vagueness surrounding the notion of continental Europe leaves some flexibility for the geographical interpretations of Europe, which enabled the institutions to make exceptions to this condition.

2.1.1. Exception n° 1: the partial position in continental Europe

The first exception appeared with the confirmation of Turkey's eligibility to the EEC. Indeed, the Turkish territory is generally considered to be lying both in Europe and in Asia: a small, European part situated at the west of the Bosphorus and a larger, Asian part at the east of the Bosphorus. In terms of geography, the Europeanness of Turkey was thus questionable.

Yet, Turkey has shown its interest in the European integration since the early 1960s and its eligibility was quickly recognized. After World War II, Turkey chose to stay close to the Western side by getting involved in the Council of Europe and in western economic and military organizations such as the OECD and NATO. On 12 September 1963, Turkey signed the Ankara agreement with the EEC, which defined the steps to follow within the framework of a future Turkish membership. In his address on the occasion of the signature of the Agreement, Walter Hallstein, the then President of the European Commission, declared that

[...] la Turquie fait partie de l'Europe. C'est là le sens le plus profond de cette opération : elle apporte, dans la forme la plus appropriée à notre époque qui soit concevable, la confirmation d'une vérité, qui est plus que l'expression abrégée d'une réalité géographique ou d'une constatation historique qui vaut pour quelques siècles. La Turquie fait partie de l'Europe : c'est plutôt avant tout le souvenir de la puissante personnalité d'Ataturk, dont l'action nous est remémorée à chaque pas dans ce pays et le souvenir de la rénovation radicalement européenne qu'il a imprimé à l'Etat turc dans toutes ses manifestations. L'événement n'a pas son pareil dans l'histoire des irradiations de la culture et de la politique européennes, et même nous sentons ici une parenté de nature avec la réalisation européenne la plus moderne, l'unification européenne. [...] Et un jour le dernier pas sera franchi : la Turquie sera membre de plein exercice de la Communauté.^{viii} (Hallstein 1963, 1-3)

Three elements are here adduced to validate Turkey's "Europeanness": the geographical position understood as a fact, a "reality"; the historical and cultural influences between Turkey and Europe; and Atatürk's "Europeanization" of his country through European politics and culture. It is unclear whether the fast acceptance of Turkey's European identity is due to geographical generosity, historical and cultural considerations or geopolitical interests. The fact is that its geographical position was never an obstacle to its Europeanness.

In the 1970s the relationship deteriorated due to political (e.g.: the coup in 1971, the Turkish invasion of Cyprus in 1974 and the numerous attacks on human rights) and economic (e.g.: the 1979 economic and financial crisis) difficulties. After a military coup in 1980 and the newly established Constitution with democratic institutions, Turkey officially applied for membership of the EEC in 1987. In the Commission's opinion on Turkey's application, Turkey's Europeanness was anew openly recognized by suggesting several economic and political measures to be adopted by Turkey "without casting doubt on its eligibility for membership of the Community" (Commission of the European Economic Community 1989).

Given the imprecision of the eastern borders of Europe, the confirmation of Turkey's eligibility due to its partial position in Europe has created a precedent which could be used by countries on the edge of Europe and Asia. Russia is often said to be a transcontinental country which has a European and an Asian part. The Ural Mountains are besides often considered to be the border between Europe and Asia. The eligibility of Russia in terms of geography could be put forward on the basis of this precedent.

2.1.2. Exception n° 2: the constitutional ties with a European State

The second exception to the geographical condition can be observed in the handling of the outermost regions (ORs). These regions, although distant from continental Europe, have indeed been fully integrated into the EU since the Treaty of Rome. Their particularity is that they have kept strong ties with one of the Member States for historical (colonial) reasons.

When the negotiations for the Treaty of Rome started, the question regarding the status of the Member States' overseas territories was quickly risen. Indeed, four of the six founding Member States, i.e. France, Italy, Belgium and the Netherlands, had retained strong ties with former colonies or protectorates situated closer to other continents. At the Venice Conference in May 1956, the French delegation asked for the inclusion of the States' overseas territories to be discussed, considering that "il est impossible de ne pas prévoir l'inclusion dans le marché commun des territoires d'outre-mer à l'égard desquels les pays participants assument des responsabilités."^{ix} (Secretariat of the Foreign Ministers Conference 1956b, 5). In January 1957, it was concluded that all the Member States agreed with the idea of associating the overseas territories to the Community (Secretariat of the Intergovernmental Conference for the Common Market and the Euratom 1957).

However, these overseas territories acquired different legal statuses due to historical reasons, some having stronger bonds with their mother country and others having more independence (Murray 2012, 25). Coping with these discrepancies required the setting up of different statuses also at EEC level. Algeria and the French overseas departments had strong constitutional ties with France, of which they were an integral part (Murray 2012, 25). At France's request, it was decided that the general provisions of the treaty would apply, subject to some adaptations, to Algeria and to the French overseas departments (Article 227 §2 of the Treaty of Rome). This decision made these territories fully part of the EEC but without the status of Member States. As Algeria took its independence in 1962, it

was not mentioned in the Treaty of Maastricht, leaving the French overseas as the sole outermost regions until the Treaty of Amsterdam in which the Canary Islands, the Azores and Madeira were added following Spain's and Portugal's membership. For the other countries and territories which had retained some ties with the founding Member States – most of which were on the path to independence – the status of Overseas Countries and Territories (OCTs) was created and enshrined in Article 227 §3 of the Treaty of Rome. To illustrate the difference between both status, G. C. Azzi uses the meaningful phrases “Europe d’ailleurs” (2002, 560) for the ORs and “association *sui generis*”^x (2002, 560) for the OCTs, which rightly emphasizes the belonging of the ORs to Europe.

When Denmark became a Member State, Greenland was also fully integrated into the Community. However, it was not under the special status defined in Article 227 §2 but under Article 299 §1 (now Article 349 §1 TFEU) which defined the territorial scope of the Treaty. Despite its geographical position closer to the American continent than to the European one, the constitutional bonds that Greenland had with Denmark were sufficient to make an exception to the geographical condition. When Greenland was granted more independence thanks to the principle of “home rule” created in 1979, a referendum on the remaining in the EEC was held and the population voted to leave the EEC. On 1st February 1985, Greenland withdrew from the EEC and was simply associated to the EEC through the OCT-status. Currently, only Ceuta and Melilla, two Spanish enclaves within Morocco, fall under Article 349 §1 TFEU and are consequently integrated into the EU while geographically being part of the African continent.

The decisive factor that pushed the EU institutions to integrate, rather than associate, some territories which are not geographically situated in Europe, was the constitutional ties that these retained with a Member State. Indeed, Ceuta and Melilla, the Canary Islands, Madeira and the Azores, and the French “DOMs” are part of their respective Member State in the same capacity as other Spanish *comunidades o ciudades autónomas*, Portuguese *regiões autónomas* or French *départements*. The rationale behind their integration is the idea of keeping a parallel between the national and the European statuses of these regions and territories, which made them belong to Europe *de facto*. Their Europeanness is not a matter of geography but of constitutional ties with a Member State. The possibility for some regions and territories to become associated rather than integrated and vice-versa illustrates perfectly this detachment from the geographical condition. Indeed, Article 355 §6 TFEU makes it possible for France, Denmark and the Netherlands to ask for the conversion of an OR into an OCT and the other way round. For instance, Saint Barthélemy became an OCT in 2012 and Mayotte was converted into an OR in 2014. This clause of interchangeability proves that the Europeanness of these regions and territories is not a matter of geography but of constitutional belonging to a European State.

2.1.3. Exception n° 3: the European culture and civilization

A third exception to the geographical condition is the alleged belonging of the State to a shared “European” culture and civilization. This exception was made when Cyprus, which position as to the continent is geographically questionable, applied for membership of the EEC. Indeed, geographically, Cyprus lies south to Turkey, lower than the Strait of Gibraltar and closer to the Middle East than of the rest of the Member States.

When Cyprus applied for membership in 1990, it was unclear whether it would meet the condition of Europeanness considering its distant and southern position in the Mediterranean Sea. Upon acceptance, Cyprus was going to become the most eastern Member State of the EEC. In 1993, the Commission handed in an opinion in which it concluded that

Cyprus's geographical position, the deep-lying bonds which, for two thousand years, have located the island at the very fount of European culture and civilization, the intensity of the European influence apparent in the values shared by the people of Cyprus and in the conduct of the cultural, political, economic and social life of its citizens, the wealth of its contacts of every kind with the Community, all these confer on Cyprus, beyond all doubt, its European identity and character and confirm its vocation to belong to the Community. (Commission of the European Communities 1993, 16–17)

The reference to Cyprus' geographical position must here be understood in geopolitical terms more than in terms of geographical proximity. As Mavroyiannis stated, “[the] accession of Cyprus brought the EU closer to the Middle East and laid the groundwork for the creation of a new southern corridor.” (2014, 56). In geopolitical terms, the Cypriot membership was thus interesting for the EEC's influence on the Mediterranean zone and relationships with the Middle East. Yet this geopolitical factor was not as determining as the “European culture and civilization”. Indeed, the fact that a cultural and civilizational heritage was shared with the other Member States and that Cyprus “form[ed] part of the cradle of European civilization” (Mavroyiannis 2014, 55) was adduced to reinforce and confirm Cyprus' eligibility. This reference to a “European culture and civilization” formally added an exception to the geographical interpretation of Europeanness, without being legally enshrined in the treaties, and created a precedent in enlargement practice.

Such a precedent could be used, for instance, by Israel which could be considered “European” in terms of similar cultural and civilization. Israel has never officially asked for membership. As Heimann put it, “[b]ecause Israel was outside the borders of Europe geopolitically and was not a former colony of any of the six states, there was ostensibly no justification for granting it special consideration.” (2015, 91) However, the historical ties between Israel and Europe made it possible for Israel to consider a potential membership of the EEC in the 1950s. In 2013, S. Pardo discovered a memo that, according to his inquiry, was written by the then Israeli Minister of Defence, Shimon Peres, and proves the existence of at least one informal meeting with Jean Monnet about Israel's membership. This memo

reveals Israel's interest in the European integration through the presentation of five reasons why Israel should be an EEC member. Apart from economic and geostrategic reasons, Peres also tackled the "cultural affinity, values and geography" (Pardo 2013, 904) that made Europe a "natural partner" (2013, 904) for Israel. Europe's history with the Jewish community and the cultural proximity were thus already in 1957 adduced in favor of a State's Europeanness.

Although the geographical condition seems to be at first sight a description matching the traditional or continental conception of Europe, some of its borders remain undefined and subject to interpretation. This first condition is not as descriptive as it may seem since the EU institutions can still decide if the country may be considered in Europe and apply some exceptions as was the case with the partial geographical position, the constitutional ties with a Member States, and the European culture and civilization.

2.2. The political condition: the European values

Beyond geographical considerations, another condition was taken into account when discussing the potential enlargement of the EU: the respect of values considered to be inherited from the past of Europe. The two wars that devastated the continent were still very vivid in the memories and the maintaining of peace was one of the major concerns that pushed the six founding Member States to cooperation. Moreover, the cultural, religious and philosophical heritage of the Enlightenment participated to the spread of ideas on the continent, which led to the recognition of the importance of values such as democracy, the rule of law and human rights. Such values were soon considered as a common heritage for the founding Member States and were eventually indicated in the preamble of the Treaty of Lisbon:

DRAWING INSPIRATION from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law.

These European values turned out to be very conditioning in terms of eligibility. In 1952, Robert Schuman already stated that the ECSC would be open to the European States that are "libres de faire leurs propres choix"^{xi} (Kochenov 2008, 30). During the negotiations for the Treaty of Rome, the question of which countries should be invited to take part to the negotiations was risen and the following answer was given:

La réponse à la première question est assez difficile à donner : d'une part, tous les Etats libres d'Europe pourraient s'attendre à recevoir une invitation; on sait, d'autre part, que probablement aucun d'entre eux n'est disposé à souscrire des engagements comme ceux qui sont envisagés par les Six.^{xii} (Secretariat of the Foreign Ministers Conference 1956a, 9)

What is especially interesting is that the political regime of the State ("Etats libres") was already mentioned in the discussions next to the belonging to Europe ("d'Europe") while there was no direct reference to the political regime in Article 237 of the Treaty of Rome. Even though this condition was not enshrined in EEC law, it was taken into account when considering the possibilities of enlargement.

Besides, this condition came into the picture for the eligibility assessment of southern and eastern countries. Indeed, Greece, Spain and Portugal were commonly identified as part of geographical Europe, just like Italy, one of the founding Member States. However, they were considered truly eligible only when their dictatorial regimes collapsed. The Commission's opinion on the Spanish membership application started as follows:

The Preamble to the Treaty establishing the European Economic Community provides that other European States who share the ideal of strengthening peace and liberty may join in the efforts of the Member States. [...] It was to respect that ideal that the Community did not respond to the Spanish approach of 1962 [...]. (1978, 2)

The Commission did not hesitate to use the values quoted in the preamble of the Treaty of Rome and add these values to the list of what makes up a State's Europeanness. A potential Spanish membership was only considered when Spain reestablished a "pluralist democracy" (Commission of the European Economic Community 1978, 2) and delivered "guarantees for individual liberties" (1978, 2). Regarding the eastern countries, the Commission noted in 1992 that

[t]he division which resulted from the cold war has come to an end, and the countries concerned have embarked on the path of democratic and economic reform. The integration of these new democracies into the European family presents a historic opportunity. (Commission of the European Communities 1992, 9–10)

The fact that countries which are geographically situated on the European continent became independent countries with stable and democratic institutions enable them to embrace the condition of European values set by the institutions.

In 1997 the condition of European values was separated from the qualifier "European" with the Treaty of Amsterdam and enshrined in Article 49 TEU, beside the requirement of "European State", with a direct reference to the respect "of the principles set out in Article 6, §1", i.e. "the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law". These principles were then enshrined in the Treaty of Lisbon in Article 2 TEU under the appellation of value: "The Union is founded on the values of respect for human dignity,

freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities”.

The political condition started as an implicit, non-legally binding membership condition – although taken into account by the institutions – and grew into the most important membership condition which prevents a State geographically situated in Europe from becoming a member if it does not respect what is considered to be inherited European values. The political condition has evolved in a condition of primary importance which can be found back in various legal texts governing the functioning of the EU, such as Article 2 TEU, the preamble, the Copenhagen criteria, etc. An exception to this condition has never been made and the whole process is blocked if the European values are not respected.

By making these values an inherent feature of the European identity, the EU institutions have established a normative condition for Europeanness. In order to be eligible, the States must encompass these European values and make them their own, which clearly makes this condition fall into a process of Europeanization.

2.3. The economic condition: the European (market) economy

The third condition for Europeanness according to the EU institutions is related to the type of economy applied in the State. Article 3 §3 TEU makes a direct reference to the economic goal to be pursued by the Member States, i.e. “a social market economy highly competitive”. The condition for Europeanness is not situated in the fact of having a functioning and competitive economy, which is one of the three accession criteria that intervene after the assessment of Europeanness. It is rather the idea that the State must have a European economy^{xiii}, or as P. Soldatos wrote (cf. point 3. below), a western economy (2006, 75), which made the market economy a feature of Europeanness.

This difference between the condition for belonging to Europe and the accession criterion – which is thus a step further in the application process – is especially perceptible in enlargement practice. When the former countries of the Eastern Bloc were under the control of the former USSR, their planned economies prevented them from meeting the condition of the European market economy. The assumption of an existing tradition of liberal economies in Europe was partly accurate when the European integration started and it is understandable that it became an implicit feature of Europeanness. However, this economic condition was not part of the tradition of the former communist countries. Yet, all discussions regarding a potential membership of these countries remained inexistent until the end of the communist era. As seen above with the Commission’s opinion on the enlargement to the eastern countries (cf. point 2.2.), the change that was operated in the economies of these States after the fall of the Berlin wall was taken into account to assess their belonging to Europe.

The requirement of a European economy was often adduced in combination with the condition of European values, especially regarding the eastern and southern countries. Unlike the condition of European values, it was however not prohibitive. When the eastern countries became Member States, transitional measures were applied to enable their economic systems to take the form of liberal, market economies and to catch up with those of the Member States. Despite its lesser degree of importance in the assessment of Europeanness, this condition is clearly part of a process of Europeanization. By recognizing an economic system that is characteristic of some of the States as being European – as numerous as they may be to apply this system – the EU institutions have established a normative condition for Europeanness. In order to be eligible, the States have to change, adapt and Europeanize their economic systems.

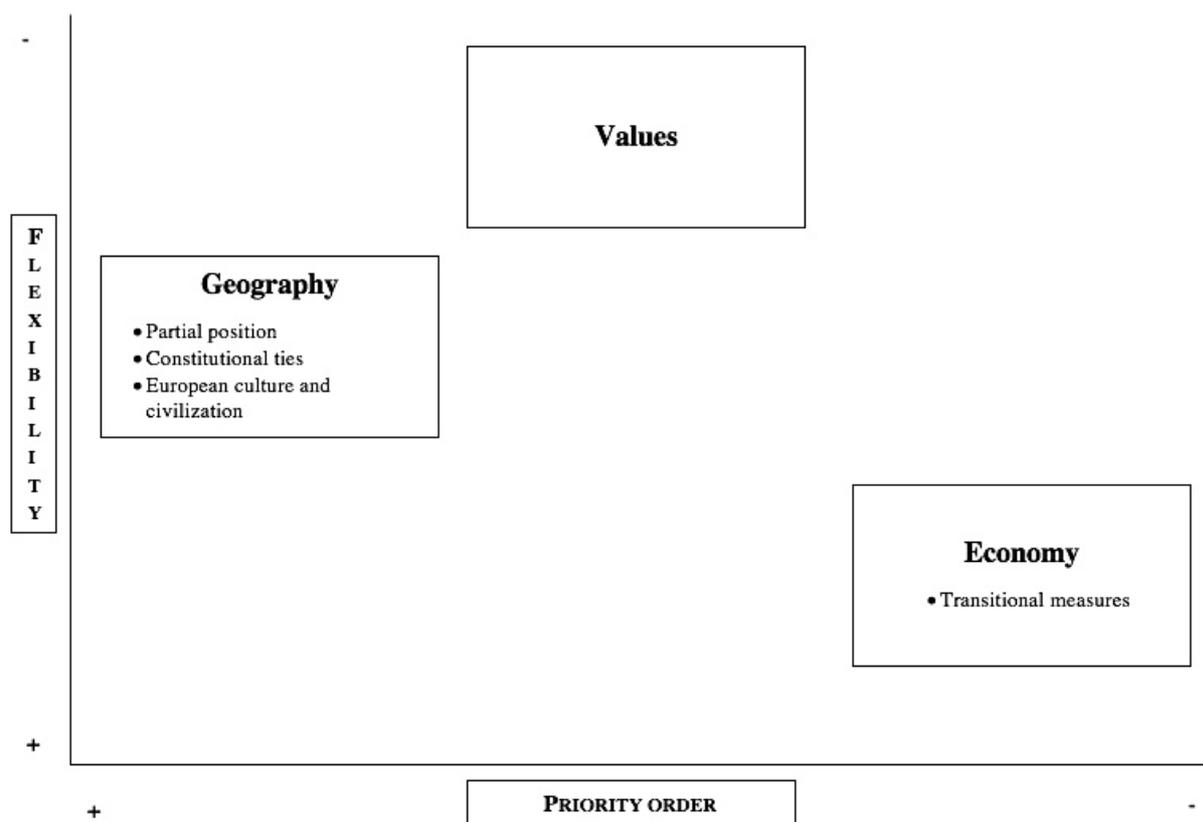
2.4. Up-to-date model of Europe(-anness)

In a 1968 study, P. Soldatos and J. Vandersanden identified four “admissibility criteria” inherent to the qualifier “European”:

- the geographical criterion: the State must lie on the European continent, keeping in mind the States which are not entirely in Europe;
- the legal-political criterion, or even constitutional, of democratic regime: the respect of democratic values, the existence of democratic institutions, the respect of fundamental rights, ...;
- the economic criterion: the presence of a western economy, liberal (market economy) and an economic development similar to the one of the first Member States; and
- the cultural criterion: presence and sharing of a common cultural, or even European, heritage, i.e. democracy, Greco-Latin culture and Judeo-Christian values. (Soldatos and Vandersanden 1968)

Following the analysis of the interpretations of Europe(-anness) provided by the EU institutions on a longer time lapse, it is possible to suggest a new, up-to-date model in order to get an overview of these notions and catch the complexity of their institutionalized conceptions. The analysis provided in this paper differs somewhat from the analysis in the 1968 study. First, the cultural criterion is understood as an exception to the geographical condition rather than an apart condition. This choice results from the fact that the cultural criterion has never been adduced on its own to justify the belonging to Europe; it has only been used in the context of the enlargement of Cyprus to derogate from the geographical condition that was not fully respected. Secondly, the analysis takes into account the case of the regions and territories situated outside of geographical Europe which were fully integrated into the EU. The

integration of these regions and territories despite their remoted position from the European continent also constitutes an exception to the geographical condition.



New model of the EU institutions' conditions for Europe(-anness)

The model must be read as follows: from left to right to read the priority order and from bottom to top to read the flexible character of the conditions. Regarding the priority order, the geographical condition is situated on the left because it is the first condition that is taken into account by the EU institutions, as illustrated with the case of Morocco. The political condition of European values comes in second place and the economic one in third place. In terms of importance and flexibility, the political condition is clearly of the utmost importance and does not accept any exception. The geographical condition is quite flexible due to its three possible exceptions, which is why it comes in second place. The most flexible condition is the economic one. Indeed, a State may be eligible to membership even though its economy is not yet fully European or modelled on the western economies, providing that the State undertakes reforms to match this requirement. This model illustrates the multifaceted institutional definition of Europe(-anness) and highlights its complexity.

3. Normative conditionality and politicization

Because the EU finds its roots in the continent commonly referred to as Europe and in the allegedly shared civilization among the peoples of that Europe, it is quite obvious to affirm the pre-existence of Europe over the European integration and that the notions of Europe and Europeanness influenced the realization of the European integration. However, the importance that the European Union has achieved since its inception has had as a consequence the influence of these pre-existing notions. Due to their interpretations of Europe(-anness), which resulted in normative conditionality for eligibility, the EU institutions have actually added a politico-institutional dimension to these notions and thus politicized these notions. Because the interpretations provided by the main and most integrated *sui generis* association of States ever built on the continent necessarily has an impact on the perception of what is commonly referred to as “Europe”. The very essence of these notions has been deeply impacted by the institutional norms to the extent that there is now an overlapping between these notions and their interpretations by the EU. The numerous synecdoches that can be found in the discourse on the European Union give evidence of the semantic overlap of these two concepts. Using the term “Europe” as a macrocosm to refer to a smaller, politico-economic part of it is indeed a recurring phenomenon in all types of literature.

Yet, it can be argued that this politicization was largely inevitable because of the difficulty of providing a descriptive, objective definition of these notions. The absence of an official or consensual definition of the term “European” may even have influenced this choice in the treaties. Indeed, the relative flexibility that such a lack of clarity implies, may have been seen during the treaty-making processes as a way of putting maximum borders to the European integration without precisely determining these borders. This choice is in itself already politicizing the notion of geographical Europe since the EU institutions reserve the right to interpret it progressively, in the course of membership applications and enlargements.

4. Conclusion

The importance of the notions of “Europe” and “Europeanness” in the European integration cannot be ignored since being “European” is the very first condition for a State to be eligible for membership. Without Europe, there is no European construction. The notion of Europe has deep roots in a definite place of the world, in a continent, but it is first and foremost a social and political construct subject to various interpretations. Since there is neither a consensual nor an official definition of this term which can take on various meanings depending on the approach or the period of history, the EU institutions were driven to provide their own interpretations, especially within the framework of enlargements and membership applications.

Building on institutional documents, this paper investigated how the notions of “Europe” and “Europeanness” have been interpreted and highlighted the three eligibility conditions by focusing on a few borderline cases. The rejected Moroccan membership application brought to light the EU institutions’ conception of the southern limit of geographical Europe. The three exceptions that were applied to the geographical condition illustrated the difficulty of only providing a geography-based definition of Europe(-anness). The political condition – embodied by the respect of European values such as democracy, the rule of law and human rights – was used by the EU institutions to assess a State’s belonging to Europe, which prevented the southern and eastern countries from being eligible when they had undemocratic political regimes. The third eligibility condition that was adduced by the EU institutions is the requirement of a European economy, i.e. a market (liberal) economy, similar to the other Member States’ economies. This analysis led to a new, up-to-date model of the conditions that are taken into account by the EU institutions when assessing whether a State is “European”. This model further highlighted the multifaceted institutional conceptualization of Europe(-anness) and its complexity.

This analysis brought to light the normative aspect that the three eligibility conditions take on. Indeed, a State’s Europeanness is not assessed on a factual basis but on the respect of norms established by the EU institutions. The conditions for being “European” are presented as resulting from a process of identity forged throughout time but they actually give rise to a process of Europeanization since the potentially eligible States must adapt and change some aspects at national level in order to be considered eligible. These normative conditions led to the politicization of Europe(-anness) because of the overlap between the political and economic association of States and the notion of Europe.

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ⁱ With a view to readability, the expression "European Union" and its abbreviation "EU" are used throughout the paper to refer to the present form of the European Union but also to its previous forms, the European Economic Community and the European Communities.

ⁱⁱ Free translation from French: "For it is the construction of a continent that the Europeans undertook twenty years ago following Robert Schuman's call."

ⁱⁱⁱ Free translation from French: "a reality and a representation"

^{iv} Free translation from French: "at the crossroads between reality, fiction and ideologies"

^v Free translation from French: "During our last visit in Paris in October 1983, We discussed Our intention to ask for Morocco's membership of the Treaty of Rome organizing the European Economic Community. Since then, we have engaged in various exploratory conversations on this topic, among others with the high representatives of the E.E.C. during our trip to Brussels."

^{vi} See « questions écrites » n° 1404/84, 1974/84 and 1237/85, available on EUR-Lex.

^{vii} Free translation from French: "Geographically close, Europe and Morocco have been so intimately united by History throughout the centuries that our civilizations deeply interpenetrated and that our common destiny was emphasized many times."

^{viii} Free translation from French: "Turkey is part of Europe. That is the most inner sense of this operation: it brings, in the most appropriate and conceivable way in our days, the confirmation of a truth which is more than the abbreviated expression of a geographical reality or a historical observation spreading on a few centuries. Turkey is part of Europe: above all, it is rather the memory of Atatürk's powerful personality, whose action is reminded to us at every step done in this country and the memory of the radically European renewal that he imposed on the Turkish State in all its manifestations. The event is second to none in the history of the radiance of the European culture and policy, and we even feel here a natural connection with the most modern European achievement, the European unification. [...] And one day the last plunge will be taken: Turkey will be a full member of the Community."

^{ix} Free translation from French: "it is impossible not to foresee the inclusion of the overseas territories in the common market towards which the participating countries take responsibilities."

^x Respectively "Europe of elsewhere" and "*sui generis* association" in English.

^{xi} "free to make their own choices" in English.

^{xii} Free translation from French: "The answer to the first question is quite difficult to give: on the one hand, all the free States of Europe could expect to receive an invitation; on the other hand, we know that none of them is probably ready to subscribe to commitments like those considered by the Six."

^{xiii} The CM3-ADH fund in the Historical Archives of the European Union in Florence illustrates this phenomenon quite well in that it encompasses some references to a "European economy" in the minutes and transcripts relative to the negotiations for membership.

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