



Florida High Schools Model United Nations

FHSMUN FLAGSHIP 47

COUNCIL OF THE EUROPEAN UNION (EUCO)

**LEGISLATIVE RESPONSIBILITIES AND CONDITIONAL
MEMBER STATE ACCEPTANCE**

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Introduction: The Council of the European Union's Legislative Framework

The Council of the European Union (EUCO) consists of twenty-seven member states and is responsible for the voicing of EU governments, amending and adopting new laws, and collaborating on policies.¹ Composed of national ministers who meet in thematic configurations, EUCO works alongside the European Parliament to shape legislation. The legislation passed is subsequently communicated to state officials by the minister for the implementation of these laws. In order for the council to make a decision, they must reach a simple majority, qualified majority, or unanimous vote. This is dependent on the decision that is being made. Simple majorities require 50% of member states' votes and are made on ordinary decisions (procedural matters and undertaking studies)²; qualified majorities require 55% of member states' votes and are made on proposals by the Commission or the High Representative of the Union for Foreign Affairs and Security Policy (legislative acts)³; and unanimous votes require 100% of member states' votes and are made on matters which the member states consider to be sensitive Common Foreign and Security Policy (CFSP) decisions.⁴ If four member states vote no on a qualified majority vote, the decision is automatically rejected. In these decisions, abstentions are also considered to be a vote against. About 80% of decisions made in EUCO are through a qualified majority.

This being noted, the Council's decision-making structure can generate several challenges which complicate legislative efficiency and political activity within the European Union. Because a blocking minority can be formed by as few as four states, small coalitions may result in disproportionate influence, using their position to secure concessions in unrelated policy areas (such as Finland, Sweden, the Netherlands, and Denmark preventing the expansion of Multiannual Financial Framework budget expansion⁵). Simultaneously, the idealistic prospect of unanimous voting on sensitive issues has caused paralysis with the passing of legislation. For instance, Hungary has repeatedly rejected votes on CFSP decisions regarding EU sanctions against Russia after the invasion of Ukraine.⁶ The state utilizes EUCO's unanimous voting system to stagnate actions limiting Russia's capacities, maintaining its political ties with the country. Intergovernmental actions like these gridlock override the ideals of the EU's supranational powers. This calls into question the stability of a system which relies on member states to accept supranational authority only conditionally. Revisions to the unanimous or "blocking minority" system would require the Council to amend the existing

¹ Council of the European Union. "Council of the European Union."

European Union. Accessed January 21, 2026.

https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/search-all-eu-institutions-and-bodies/council-european-union_en

² Council of the European Union. "Simple Majority."

Accessed January 21, 2026. <https://www.consilium.europa.eu/en/council-eu/voting-system/simple-majority/>

³ Council of the European Union. "Qualified Majority."

Accessed January 21, 2026. <https://www.consilium.europa.eu/en/council-eu/voting-system/qualified-majority/>

⁴ Council of the European Union. "Unanimity."

Accessed January 21, 2026. <https://www.consilium.europa.eu/en/council-eu/voting-system/unanimity/>

⁵ Noutcheva, Gergana. "Fake, Partial and Imposed Compliance: The Limits of the EU's Normative Power in the Western Balkans." *Journal of European Integration* 31, no. 2 (2009): 229–251.

<https://www.tandfonline.com/doi/full/10.1080/07036330903375149?scroll=top&needAccess=true#abstract>

⁶ Schäffer, Johannes. "EU Sanctions and the Mirage of Unanimity: Overcoming the Hungarian Veto One Step After Another Under the Letter of EU Law." *Verfassungsblog*, October 8, 2025.

<https://verfassungsblog.de/eu-sanctions-and-the-mirage-of-unanimity/>

Treaties of the European Union, involving a unanimous vote in itself.⁷

Criteria for Membership

The foundation of European Union membership requirements are built upon the Copenhagen Criteria, which articulates three sectors: political criteria, economic criteria, and institutional capacity (acquis). In terms of the political criteria, an applying member state must ensure stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; in terms of economic criteria, an applying member state must form a functioning market economy and the capacity to cope with competition and market forces; and in terms of institutional capacity, an applying member state must effectively implement the EU acquis (body of common rights) and have the ability to take on the obligations of EU membership. After a state has applied for membership and its request has been unanimously agreed upon, the accession process can begin. This process consists of negotiations to help prepare the candidate for eventual membership, implementing the necessary judicial, administrative, and economic reforms. Once negotiations are complete, then the terms and conditions for accession are incorporated into an accession treaty. This treaty requires the European Parliament's consent and the EU Council's unanimous approval before complete internalization.⁸

Case Study: North Macedonia's Accession Blocking

North Macedonia's application was submitted in March 2004, becoming an official candidate in December 2005. Only until April 2018, did the European Commission issue a recommendation to open accession negotiations with the state. However, due to deteriorating relations with Bulgaria, actions ceased as a result of Bulgaria veto in the Council. Nevertheless, in 2022, a French initiative took place, signing a bilateral agreement between the two member states, and on July 19, 2022, the first intergovernmental conference on North Macedonia took place in Brussels. Despite this effort, North Macedonia remains in limbo, with Bulgaria's negotiating framework stipulating that the opening of Cluster 1, 'Fundamentals,' is conditional upon constitutional amendments guaranteeing the protection of minorities in North Macedonia, particularly the Bulgarian one.⁹ The issues Bulgaria has spotlighted with North Macedonia's membership, specifically the inclusion of Bulgarians as a minority group, are not part of the Copenhagen Criteria. Yet, Bulgaria used its unanimity veto in the Council to block North Macedonia's progress, demonstrating how the accession framework is vulnerable to bilateral hostage-taking.¹⁰

⁷ "EU Unanimity Rules Are Here for Now — Despite Chatter." Politico Europe, December 12, 2022. <https://www.politico.eu/article/eu-unanimity-rules-are-here-for-now-despite-chatter/>

⁸ Council of the European Union. "How Enlargement Works." Accessed January 21, 2026.

<https://www.consilium.europa.eu/en/policies/how-enlargement-works/#:~:text=The%20accession%20criteria%2C%20or%20Copenhagen,the%20obligations%20of%20EU%20membership>

⁹ New Union Post. "North Macedonia's EU Accession Stalemate." November 18, 2025.

<https://newunionpost.eu/2025/11/18/north-macedonia-eu-accession-stalemate/#:~:text=The%20state%20of%20EU%20North,broken%2C%20leaving%20North%20Macedonia%20behind>

¹⁰ Euronews. "Neighbourly Conflicts Hinder North Macedonia at the Gates of the EU." October 31, 2025. <https://www.euronews.com/2025/10/31/neighbourly-conflicts-hinder-north-macedonia-at-the-gates-of-the-eu>

Conditions for Member State Acceptance

The Council of the European Union recalls that the admission of new Member States to the European Union is governed by a comprehensive framework of political, economic, and legal conditions established to safeguard the Union's values, stability, and institutional integrity. In accordance with Article 49 of the Treaty on European Union, any European State may apply for membership provided it respects the Union's democratic values and is committed to promoting them.¹¹ These foundational requirements were further elaborated by the European Council in Copenhagen in 1993 through the Copenhagen Criteria. These criteria comprise three essential pillars. Candidate countries must demonstrate stable institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities. Second, they must possess a functioning market economy and the capacity to cope with competitive pressures and market forces within the Union. Third, they must show the ability to assume the obligations of membership, including full adoption and effective implementation of the EU acquis and adherence to the Union's political, economic, and monetary objectives. Accession is contingent not only on the preparedness of the applicant State but also on the consent of existing Member States and EU institutions, as well as the approval of the applicant's own citizens, typically through parliamentary ratification or referendum.¹² Decisions on enlargement require unanimity among Member States, granting each government a decisive role in determining the pace and direction of the accession process.¹³ This unanimity requirement ensures that enlargement proceeds only when it strengthens the Union's cohesion, stability, and strategic interests.

The enlargement process is designed to promote peace, stability, and prosperity across the continent, while ensuring that new members are fully equipped to participate in and contribute to the Union's political and economic systems.¹⁴ The conditions for acceptance thus serve not as barriers, but as safeguards, ensuring that the Union's foundational values are upheld and that both existing and future Member States benefit from a stable, rules-based, and mutually reinforcing partnership.

Enforcement Mechanisms and Capacities

The Council European Union stresses that the credibility and effectiveness of the enlargement process depend fundamentally on the Union's capacity to ensure full compliance with EU law by both existing and prospective Member States. The EU is founded on the rule of law, and its institutions rely on a structured system of monitoring, supervision, and enforcement to guarantee that legislation is correctly implemented and that the Union's values are upheld. According to the European Commission's mandate, it is responsible for overseeing the application of EU law. It may initiate legal action against governments or private actors that fail to meet their obligations.¹⁵ Enforcement capacities have evolved significantly in recent years. While Member States traditionally held primary responsibility for implementing and enforcing

¹¹European Commission. "Conditions for Membership." Enlargement and Eastern Neighbourhood, June 6, 2012. https://enlargement.ec.europa.eu/enlargement-policy/conditions-membership_en.

¹²Ibid.

¹³M. Schmitz. "Charting Ukraine's EU Path: Engaging with Member States." BSt Europe, January 14, 2026. <https://bst-europe.eu/europe-in-the-world/charting-ukraines-eu-path-engaging-with-member-states/>.

¹⁴European Union. "EU Enlargement - European Union." [european-union.europa.eu](https://european-union.europa.eu/principles-countries-history/eu-enlargement_en), n.d. https://european-union.europa.eu/principles-countries-history/eu-enlargement_en.

¹⁵Europa.eu. "Enforcement of EU Law | EUR-Lex," 2016. <https://eur-lex.europa.eu/EN/legal-content/summary/enforcement-of-eu-law.html>.

EU rules, new models of transnational cooperation, specialized agencies, and enforcement networks have emerged to address increasingly complex cross-border challenges. Research highlights that the EU has expanded its administrative and regulatory tools, creating new mechanisms to strengthen oversight, enhance coordination, and address threats such as corruption, organized crime, and regulatory fragmentation.¹⁶ These developments reflect a broader shift toward shared enforcement responsibilities across national and EU-level authorities.

Effective enforcement requires not only legal mechanisms but also robust institutional capacities. Initiatives aimed at strengthening the enforcement capabilities of public authorities, particularly in areas vulnerable to corruption, financial crime, and illicit networks, have been introduced to reinforce the Union's resilience. Such efforts include improving transparency, enhancing investigative tools, and supporting cross-border cooperation to disrupt criminal activities that exploit regulatory gaps.¹⁷ These measures are essential to ensuring that both current and future Member States can uphold the obligations of membership and contribute to the Union's collective security and integrity.

Case Study: Western Balkans vs. Eastern Partnership states

The Council of the European Union applies the same core framework of legislative responsibilities and conditionality across all enlargement processes, but the political dynamics differ sharply between regions. In both the Western Balkans and Ukraine, candidate states must fully align with the *acquis communautaire* and demonstrate credible rule-of-law reforms before advancing toward membership.¹⁸ These legislative responsibilities form the backbone of the EU's merit-based accession model, ensuring that new members strengthen rather than strain the Union's legal and institutional order.

In the Western Balkans, conditionality has been long-standing, detailed, and often slow. The region faces persistent challenges such as corruption, state capture, and unresolved bilateral disputes, which have led the European Council to tighten rule-of-law benchmarks and link progress more explicitly to reforms. Despite new incentives, such as the EU Growth Plan and gradual access to the single market, political blockages and enlargement fatigue within the Union have slowed momentum. As a result, conditional acceptance in the Western Balkans tends to be cautious, incremental, and heavily dependent on unanimous approval from Member States. Ukraine's trajectory reflects a different balance of forces.¹⁹ Following Russia's full-scale invasion, enlargement became a strategic security priority for the EU, prompting the European Council to accelerate Ukraine's candidacy while still insisting on ambitious judicial and anti-corruption reforms. Conditionality remains strict, but the tempo is faster, and the political

¹⁶Utrecht University. "Towards Successful Enforcement of EU Laws and Policies: Trends, Threats and Opportunities," August 21, 2024.

<https://www.uu.nl/en/research/utrecht-centre-for-regulation-and-enforcement-in-europe/building-blocks/towards-successful-enforcement-of-eu-laws-and-policies>.

¹⁷LatteCreative. "Strengthened Enforcement Capacities of Public Authorities (STEP EU) - Transparency International EU." Transparency International EU, October 20, 2025. <https://transparency.eu/project/step-eu/>.

¹⁸European Commission. "Rule of Law Conditionality Regulation." [commission.europa.eu](https://commission.europa.eu/strategy-and-policy/eu-budget/protection-eu-budget/rule-law-conditionality-regulation_en), 2022. https://commission.europa.eu/strategy-and-policy/eu-budget/protection-eu-budget/rule-law-conditionality-regulation_en.

¹⁹Fasone, Cristina, and Marta Simoncini. "Next Generation EU and Governance by Conditionality: A Transformation of the European Economic Constitution?" *European Papers - a Journal on Law and Integration* 2024 9, no. 3 (January 27, 2025): 1148–79. <https://doi.org/10.15166/2499-8249/803>.

framing emphasizes sovereignty, resilience, and democratic survival.²⁰ This has created a unique model in which geopolitical urgency and rule-of-law conditionality reinforce one another rather than compete.

Comparing the two cases reveals that while the tools of conditionality are consistent, legislative alignment, monitoring, and rule-of-law benchmarks, the political calculus behind conditional acceptance differs. In the Western Balkans, the Council prioritizes stability and credibility of the enlargement process, often resulting in slow progress. In Ukraine, the Council balances legal requirements with the strategic imperative of supporting a country under attack, leading to a more flexible but still demanding approach.²¹ Together, these cases illustrate how the European Council adapts its conditionality framework to regional contexts while maintaining the Union's foundational commitment to a rules-based accession process.

From the European Union's inception, it has balanced and walked the line between national sovereignty and unity between the union. Debates around the unity of member states have not only continued, but has also expanded with the new age of information in recent years, with debates over digital sovereignty becoming a major point of contention.

How the European Union Promotes Unity

One of the core aspects of the EU's foundation is the concept of "pooling sovereignty", or giving up a degree of legislative power, on certain aspects of the political machine, which takes the form of individual nations giving the European Union exclusive power to legislate on certain policies. Member states give up a certain amount of legislative power to the EU, the level's being defined as competencies. Exclusive competencies are areas where only the EU can legislate, shared competencies are places where EU nations can legislate if EU policy is not already in place, and supporting competencies where the EU can only support policy already in place²². An important part of the exclusive competencies is the EU customs union, which eliminates tariffs between member states, and applies the same tariffs from foreign nations into the EU, these outward tariffs constituting 14% of the EU budget²³. The customs union plays into the European Union working as a single market, meaning each member state operates on the same regulations and, in addition to the aforementioned lack of internal tariffs, have no internal trade barriers. Another key aspect of the EU that promotes unity is free travel throughout the EU, with citizens not required a passport or needed to exchange currency.²⁴

This allows for a variety of market outcomes, such as goods, services, and capital being sold/invested across the EU. The economic benefits of this for EU nations vary greatly (ie. poorer countries receiving more positive economic outcomes, \$65 billion in agricultural subsidies across Europe, varying levels of single market GDP gains, etc.) but across the board

²⁰Grabbe, Heather. "European Union Conditionality and the 'Acquis Communautaire.'" *International Political Science Review / Revue Internationale de Science Politique* 23, no. 3 (2002): 249–68. <https://www.jstor.org/stable/1601310>.

²¹Reconnect-europe.eu. "The 'Regulation on a General Regime of Conditionality for the Protection of the Union Budget' and Its Contested Implementation – RECONNECT," January 19, 2021. <https://reconnect-europe.eu/blog/the-regulation-on-a-general-regime-of-conditionality-for-the-protection-of-the-union-budget-and-its-contested-implementation/>.

²²"EU Customs Union in Action," European Union, accessed January 21, 2026, https://european-union.europa.eu/priorities-and-actions/actions-topic/customs_en.

²³"EU Customs Union in Action." European Union. Accessed January 21, 2026. https://european-union.europa.eu/priorities-and-actions/actions-topic/customs_en.

²⁴"The European Union: The World's Biggest Sovereignty Experiment." Council on Foreign Relations. Accessed January 21, 2026. <https://education.cfr.org/learn/reading/european-union-worlds-biggest-sovereignty-experiment>.

there are political and security benefits derived from the EU. For example the EU as a political entity is intended to promote certain economic and policy regulations as standard through unity, attempting to make sure other nations adhere to said standard. Furthermore the EU's security alliance allows for a positive alternative to NATO for European nations to ensure security in the ever-changing political landscape of the 21st century.²⁵

Critics of the European Union have levied a variety of different reasons as to why such unity is detrimental to sovereignty, further claiming that the "pooling of sovereignty" is hurting the member states. For example many critics claim that as a nation, Germany exerts power through the European Union, valuing its own national interests above the interests of the Union and infringe upon the sovereignty of member states.

Case Study: The 2015 Refugee Crisis and Brexit

During the 2015 refugee crisis, one million refugees from war-torn nations such as Syria and other nations like Iraq and Pakistan moved into Germany, making it one of the largest refugee nations in the world at the time. During the crisis, Germany as well as France used their influence to call upon the EU to create a "permanent and obligatory mechanism" as said by the French president Francois Hollande at the time²⁶. Many nations, specifically Hungary and its Prime Minister at the time, Viktor Orban took an anti-immigration stance and criticized Germany and the European Union, saying "We must acknowledge that the European Union's misguided immigration policy is responsible for this situation," referring to tensions between EU member states as a result of German and French overextending influence infringing on sovereignty and the ongoing crisis²⁷. Despite Orban's views being born out of religious ideas, his sentiment rang true for many EU member state citizens.

The ever-present criticisms of the EU come from 2020's Brexit and the hot debate around it. In 2016 the British people voted 52% in favor of leaving the EU²⁸, with one of the main reasons being the national sovereignty of Britain. Many critics sighted the aforementioned facets of unity such as economic interdependence, free travel/immigration between member states, and most pressingly the EU having exclusive legislative power in some areas, as an infringement on national sovereignty, convincing the EU electorate to vote in favor of "national sovereignty" and to leave the EU. This has many effects on many levels, the most apparent being Britain leaving the single market economy and customs union. Economic impacts include a predicted export reduction anywhere between 6% and 30%²⁹, even despite the no-tariff policy Britain negotiated with the EU. Additionally it is predicted there was a 8% decrease in GDP for Britain, as well as estimates saying that "investment was reduced by between 12% and 18%, employment by 3% to

²⁵"The European Union: The World's Biggest Sovereignty Experiment." Council on Foreign Relations. Accessed January 21, 2026. <https://education.cfr.org/learn/reading/european-union-worlds-biggest-sovereignty-experiment>.

²⁶Willsher, Kim, and Stephanie Kirchgaessner. "Germany and France Demand Binding Refugee Quotas for EU Members." The Guardian, September 3, 2015.

<https://www.theguardian.com/world/2015/sep/03/germany-france-eu-refugee-quotas-migration-crisis>.

²⁷Traynor, Ian, Kim Willsher, and Sabrina Siddiqui. "Migration Crisis: Germany Presses Europe into Sharing Refugees." The Guardian, September 3, 2015.

<https://www.theguardian.com/world/2015/sep/03/migration-crisis-germany-presses-europe-into-sharing-refugees>.

²⁸Pruitt, Sarah. "The History behind Brexit." History.com, May 28, 2025.

<https://www.history.com/articles/the-history-behind-brex-it>.

²⁹Chu, Ben, and Tamara Kovacevic. "Breaking News, Video and the Latest Top Stories from the U.S. and around the World." BBC News, January 30, 2025. <https://www.bbc.com/news>.

4% and productivity by 3% to 4%.” as compared to if Britain had stayed in the EU³⁰. Another effect of Brexit was on immigration to the United Kingdom, which shot up almost as soon as the EU immigration policy was abandoned, despite the fact that immigration and anti-immigration sentiment was a large part of Brexit politics. In short, in terms of legislative sovereignty Brexit was a success, giving back Britain exclusive control over policy in areas where the EU pooled sovereignty. However the actual effects of Brexit have been largely negative, especially considering the UK’s slight economic downturn that manifested after the fiasco.

Conclusion

EUCO stands at the center of a delicate balance between supranational governance and national sovereignty, a balance between supranational governance and national sovereignty, a balance that becomes increasingly complex as the Union expands, adapts, and confronts new geopolitical realities. The legislative responsibilities entrusted to the Council, combined with the unanimity requirements that shape both decision-making, and enlargement, underscore how deeply intergovernmental dynamics continue to influence the EU’s capacity to act.³¹ Case studies such as North Macedonia’s stalled accession and the divergent trajectories of the Western Balkans and Ukraine reveal that while the Copenhagen Criteria provide a formal, merit-based framework, political considerations and bilateral disputes can still shape outcomes in ways that challenge the Union’s credibility and cohesion. At the same time, the EU’s enforcement mechanisms and evolving administrative capacities demonstrate a clear commitment to safeguarding the rule of law and ensuring that both current future Member States uphold shared obligations. Strengthened oversight networks, anti-corruption tools, and cross-border cooperation reflect a Union increasingly aware that legislative alignment must be matched by institutional resilience. These developments reinforce the idea that enlargement is not merely a political choice but a long-term investment in stability, democratic governance, and the integrity of the single market.

Debates over sovereignty, whether in the context of digital governance, migration, or aftermath of Brexit, highlight the persistent tension between national autonomy and collective action. Yet they also illustrate the enduring rationale behind “pooling sovereignty”: that shared challenges require shared solutions, and that unity can amplify rather than diminish the agency of individual states. The EU’s experience shows that while integration may generate friction, it also provides tools for managing crises, promoting prosperity and projecting stability beyond its borders.

Ultimately, the future of EU legislative governance and enlargement will depend on the Union’s ability to reconcile these competing pressures. Whether through reforms to voting rules, adjustments to accession criteria, or renewed political commitment to the rule of law, the Council must navigate a landscape where strategic urgency, democratic legitimacy, and institutional coherence intersect.

Guiding Questions for Research

1. How do debates over digital sovereignty reflect broader tensions between national and supranational authority?
2. How does geopolitical urgency influence the pace and strictness of accession

³⁰Bloom, Nicholas, Philip Bunn, Paul Mizen, Pawel Smietanka, and Gregory Thwaites. “The Economic Impact of Brexit.” NBER, November 10, 2025. <https://www.nber.org/papers/w34459>.

³¹ Ibid.

requirements?

3. What role do EU agencies and transnational networks play in monitoring rule-of-law standards?
4. To what extent do member states use accession conditionality to advance national interests? In that same vein, should the Copenhagen Criteria be revised?

Guiding Questions for Debate

1. Should reforms to the Council's voting rules (such as expanding Qualified Majority voting) be considered to strengthen EU legislative swiftness?
2. Should historical or cultural disputes be considered valid grounds for delaying or blocking membership in the Council?
3. Does "pooling sovereignty" strengthen or weaken the democratic legitimacy of EU governance?
4. Would reform to the Treaties of the European Union to change voting rules strengthen the Council's legitimacy or undermine national sovereignty?
5. If the criteria of accession should be changed, what should be amended for candidate member states?