
FOREWORD

In the history of the European integration process, each enlargement since 1973 has emphasized the dilemma of the strain that widening puts on the deepening of the European Communities/Union. The need to reform the institutional architecture of the European Union has become even more pressing with the recent accession of twelve new Member States. This ‘big bang’ enlargement has stretched the operational capacity of the EU institutions to the maximum – and maybe even beyond that – in terms of their decision-making and the continued evolution, implementation, and enforcement of the Union’s *acquis*. Moreover, the current legal framework, as provided for by the Treaty of Nice, does not cater for the absorption of any other states. The institutional arrangements to take in today’s candidate countries – Croatia, Macedonia and Turkey – are still to be made.

An attempt at making the European Union more democratic, transparent and efficient, by way of the Treaty establishing a Constitution for Europe, was rejected in the French and Dutch referenda. It is striking to note that the ‘no’ votes in France and the Netherlands have been said to reflect, *inter alia*, the opposition to the ongoing enlargement of the Union, in particular the possible future EU membership of Turkey. Nevertheless, the European Council has reaffirmed that it will honour the existing commitments in the sphere of enlargement. Of course, it has also emphasized that the cohesion and the effectiveness of the Union should be protected. In view of the EU’s unresolved ‘constitutional’ issues and the enlargement fatigue of a number of Member States, reconciling the deepening and widening agendas of the Union proves to be a bigger challenge than ever before.

At this important juncture, the T.M.C. Asser Instituut held its 36th Colloquium on European Law to debate aspects of further enlargements, including the absorption capacity and the final borders of the European Union, and methods for improving the quality of the institutional and substantive reform processes. The aim of the 2006 Colloquium was to identify ways and means to ensure that the enlarging European Union is able to function politically, financially and institutionally, thereby deepening Europe’s integration project. Ideas were exchanged about the potential and limits of enhanced cooperation, future accession treaties and several forms concerning partnership.

The deepening and widening of the European Union is a topic which has been at the heart of the Asser Institute’s activities for the last 25 years or more. The Institute was one of the first academic institutions in Western Europe to establish close contacts with universities in Central and Eastern Europe, in particular, starting with the University of Zagreb in the 1970s. Since 1989, the Asser Institute has successfully cooperated with Dutch universities and those from Central and Eastern European candidate countries, such as the Central European University, as well as universities from Croatia, Russia, Belarus and Ukraine, through its post-graduate training

and research Programme ‘Asser College Europe’. This Programme, which has been financed for many years by the Dutch Ministry of Foreign Affairs under its MATRA programme, is specifically designed to educate lawyers from Central and Eastern Europe in areas such as European law and WTO law. Additionally, since 1997 the Asser Institute has been active in technical assistance projects for candidate, potential candidate and ENP countries, often under the auspices of the European Commission. The Institute’s experts have been advising governments on the adoption of the *acquis* and have been training judges, diplomats and others in applying EU law in practice.

Such practical work related to widening is combined with the deepening of academic knowledge of both the Institute’s own researchers and those with whom it cooperates. As an interuniversity research institute with a strong focus on EU law the Asser Institute is proud that the Colloquium on European law sets an example for the unique tradition of cooperation with the Dutch law faculties and their specialists in EU law. In the 36th edition of the Colloquium, this was clearly visible in the cooperation with the University of Utrecht and more specifically Prof. Sacha Prechal as the co-organiser of the conference and the co-editor of its proceedings. Prominent professors and senior researchers from other Dutch universities, Prof. Christophe Hillion (Leiden); Dr. Andrea Ott (Maastricht); Prof. Fabian Amtenbrink (Rotterdam); and Prof. Monica den Boer (VU Amsterdam), as well as Prof. Norbert Reich (University of Bremen); Dr. Adam Łazowski (University of Westminster) and Dr. Steven Blockmans (T.M.C. Asser Institute), also contributed to the success of both the conference and this volume. Members of the Asser College Europe Steering Committee, Prof. Tibor Varady, Prof. Kresimir Sajko, Prof. Bernadette Bordas, Prof. Vladzimir Astapenka and Prof. Alexandru Farcas, and Prof. Jaap de Zwaan (Director of the Clingendael Institute) as discussants, and the participants of the Colloquium made sure that the debate was fruitful and of a high quality. Dr. Wybe Douma (Head of the EU law department of the T.M.C. Asser Institute) played an important role in finding the right speakers and commenting on some of the contributions in these proceedings.

I would like to express my gratitude to the Editors, Prof. Sacha Prechal (University of Utrecht) and Dr. Steven Blockmans (T.M.C. Asser Institute), who have editorially developed and produced this excellent volume in the Asser Institute Colloquium on European Law Series. I also would like to thank Mieke Eijdenberg for her sub-editing and Peter Morris for his language-editing of the book.

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