



Informal General Affairs Council

Dublin, 3-4 September 2026

Enlargement: Safeguards in future Accession Treaties *Presidency Steering Note*

The European Commission's 2025 Enlargement Report confirmed that the enlargement process is now moving faster than at any stage in the previous 15 years. Montenegro has provisionally closed 18 negotiating chapters. Albania has opened all negotiating clusters and, as of July 2026, started closing chapters. On 14 July 2026, Ukraine and Moldova each opened their second negotiating cluster. The Irish Presidency will continue to prioritise this work.

In parallel, the Ad Hoc Working Party (AHWP) on Drafting the Accession Treaty with Montenegro has also been established and is taking forward its work. The establishment of the AHWP sent a positive and clear signal to all candidate countries – and their citizens - that the EU is serious about enlargement.

At the same time, noting the length of time since Croatia's Accession Treaty was drafted, there have been renewed discussions among Member States on how the EU should approach the issue of safeguards. Several Member States have circulated, or supported, non-papers on the issue and the European Commission is expected to publish a paper outlining its proposals at the end of September. A strategic discussion on enlargement is envisioned for the October European Council.

Safeguard clauses can be broadly described as legal provisions that would allow the EU to take corrective measures if a new Member State fails to uphold its commitments over a pre-determined period of time following accession. Such safeguards and other transitional measures could therefore help protect the values of our Union and its ability to function effectively.

Safeguard clauses for acceding Member States are not new. They can be found in earlier Accession Treaties. These safeguard clauses have varied in nature and duration and have encompassed economic safeguard clauses; internal market safeguard clauses; justice and home affairs safeguard clauses; and monitoring mechanisms and broader transitional measures. At the same time, since Croatia's Accession Treaty was drafted, the Union has also developed a suite of measures and tools to respond to Rule of Law backsliding within EU Member States.

Member States are also acutely aware of the importance of maintaining popular support among citizens for enlargement policy. The September 2025 Eurobarometer survey on attitudes towards EU enlargement highlighted some common concerns that citizens have towards enlargement. These included concerns over corruption, values and the "weakening of EU influence". In addition to being an effective tool in responding to Rule of Law backsliding, the adoption of effective safeguards (and the effective communication of these) could also be a crucial tool for building and maintaining support for enlargement among EU citizens.

This meeting will invite participants to outline their core positions based on the guiding questions below - with a view to establishing areas of broad agreement to facilitate future work ahead. It will take into account lessons learnt from previous experiences, Coreper's discussion of 13 March



2026, and the discussion at the Informal Meeting of EU Directors-General for European Affairs in July, which explored this issue in detail.

Guiding Questions for Discussion

1. Which Rule of Law safeguards should be considered / developed for inclusion in Montenegro's Accession Treaty? What principles should guide the design of such measures – i.e. should a suite of safeguards be developed which include specific procedures, triggering mechanisms, and corrective measures/consequences?
2. Building on the recent COREPER and EU Directors-General discussions, to what extent should the (Rule of Law) safeguards to be adopted for Montenegro's EU Accession Treaty serve as a model for other candidate countries' Accession Treaties; while allowing sufficient flexibility to reflect the specific circumstances and risks associated with individual candidate countries?
3. Beyond Rule of Law safeguards, are there other safeguards or transitional measures, such as a non-regression clause, which could be considered to protect the Union's values, mitigate negative impacts, and ensure the Union's ability to develop and function?
4. Given the principle of equality of Member States in the Treaties (Article 4(2) TEU), how can we ensure that such measures remain both proportionate and effective, for example, through the inclusion of temporal limitations?