

## Accession Log

### ENTRY #2

# CREDIBLE STRATEGY ON ENLARGEMENT WITH THE WESTERN BALKANS

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#### ABOUT ACCESSION LOG

ACCESSION Log is the new tool, designed and applied by EUROTHINK - Centre for European Strategies, to oversee and assess track record of the Government of the Republic of Macedonia, EU-related policy making, implementation of the urgent reform priorities, and regular political dialogue between Macedonia and the European Union. In other words - Macedonia's accession in the EU. ACCESSION Log will also attempt to analyse key events, such as: meetings of the EU Council, meetings of the European Council and other high level meetings; various documents published by the EU in relation to its enlargement policy, as well as global developments that affect EU policies and, consequently, policies in the Republic of Macedonia. Finally, ACCESSION Log will closely follow other processes, policies, documents and events related to Macedonia's paramount priority on joining the EU and NATO.

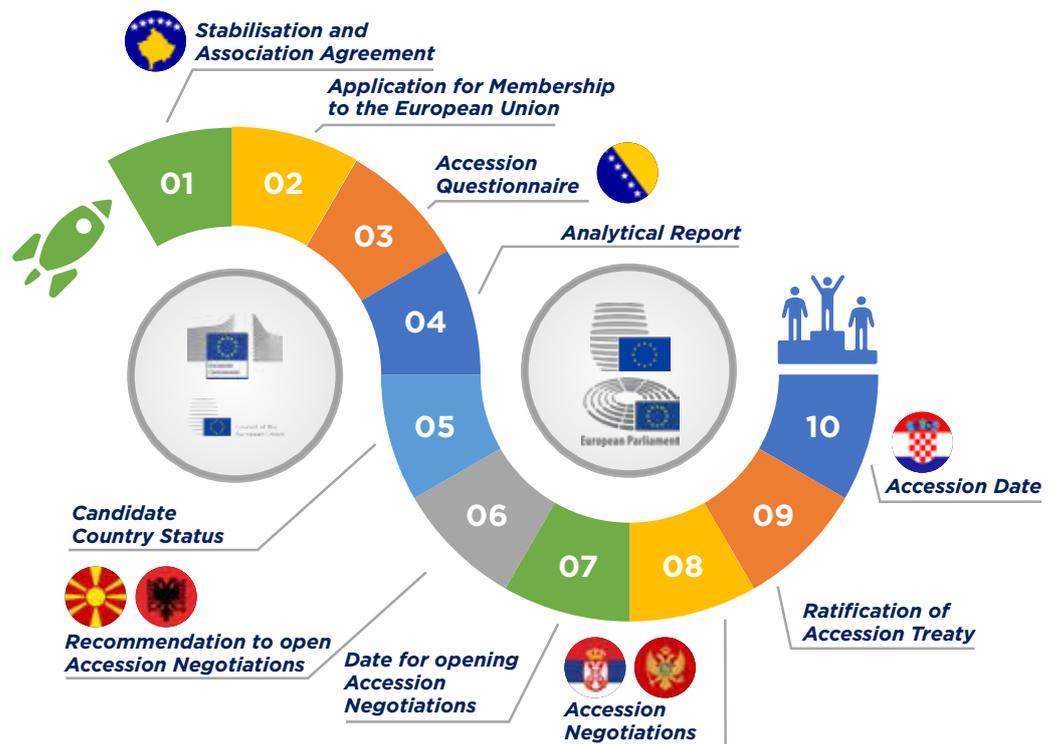
Under individual entries, ACCESSION Log will analyse, determine benchmarks, propose policy options and advocate for particular solutions. Log entries are envisaged as brief reviews on relevant topics, based on analysis of:

- data obtained from EUROMETER or field surveys conducted by other organizations;
- data obtained from other research and analyses conducted by EUROTHINK or other organizations;
- statements obtained as part of structured interviews with relevant interlocutors, focus group discussions, and EUROTALK sessions;
- documents of the European Union, the European Commission and/or governments of EU member-states, NATO and its members, and documents of the Government of the Republic of Macedonia;
- media news and reports in the Republic of Macedonia and EU member-states.

## SKOPJE - THESSALONIKI - ...

In June 2003, the last time when a member-state from the Balkan, both in terms of geography and in terms of general convictions, held the EU Presidency, the European perspective of the Western Balkans was established for the first time. The final document from the Thessaloniki Summit stated as follows:

*"[...] EU reiterates its unequivocal support to the European perspective of the Western Balkan countries. The future of the Balkans is within the European Union", and "[...] the Stabilisation and Association Process will remain the framework for the European course of the Western Balkan countries, all the way to their future accession".<sup>1</sup>* In the period from that summit to present date:



- Croatia started and completed its accession negotiations, becoming EU member-state on January 1st, 2013;
- Montenegro formally opened its accession negotiations on December 18th, 2012;
- Serbia formally opened its accession negotiations on January 21st, 2014;
- Macedonia was granted the first recommendation to open accession negotiations on October 14th, 2009;
- Albania was granted the recommendation to open accession negotiations on November 9th, 2016;
- Bosnia and Herzegovina was presented with the questionnaire for development of screening report on December 9th, 2016;
- Kosovo signed the Stabilisation and Association Agreement with the European Union, which entered into effect on January 21st, 2016.

<sup>1</sup> Press release, Thessaloniki Summit, June 21st, 2003. Available at: [http://europa.eu/rapid/press-release\\_PRES-03-163\\_en.htm](http://europa.eu/rapid/press-release_PRES-03-163_en.htm)

The fact that only one country in the region was successful in joining the EU, length of the EU accession process, the impasse faced by all other countries on their road to EU, the enlargement fatigue and the exhausting economic downturn have all rendered the EU perspective lukewarm, as the EU and its member-states grossly neglected and underdelivered on their enlargement promises. To make matters worse, none of the Western Balkans helped to push this process forward with their behaviour and practices, although - truth to be told - much of that behaviour was a result of lost EU perspectives and the statement of Jean Claude Juncker, President of the European Commission, indicating that during the term of office of the incumbent Commission College there will be no new enlargements.<sup>2</sup> Hence, Thessaloniki Summit was reduced to empty promise, leaving Macedonia's next destination on its path to EU unknown.

## NEW PERSPECTIVES

Fourteen years after the Thessaloniki Summit and four years after the statement which, most probably, has caused the biggest damage to EU enlargement with the rise of authoritarian leaders in the Western Balkans, in his annual State of the Union address at the European Parliament, the European Commission President made an attempt to set the record straight.<sup>3</sup> This time, albeit reiterating that none of the enlargement countries is ready to join the European Union, he conceded there is still space for new enlargements in the foreseeable future. Alignment of fortunate circumstances has probably led to the Republic of Bulgaria assuming the EU Presidency in the period after this address and its straightforward commitment to EU enlargement as the highest priority under its presidency agenda which, quite understandably, arises from its own interests in EU enlargement. Another favourable circumstance for EU enlargement and the Western Balkans is the fact that Austria will take over the EU Presidency in June, as member-state that shares Bulgaria's views about this region and its relations with the EU.

### Credible Strategy in Its Own Interest

At the plenary session of the European Parliament held on February 6<sup>th</sup> 2018, the European Commission presented the new Credible Strategy on Enlargement with the Western Balkans.<sup>4</sup> In particular, the Strategy reiterated and reaffirmed the European perspective of the Western Balkans, laying down the next steps in EU accession. It should be noted that this strategy is the first document featuring an honest overview of state-of-affairs in terms of EU enlargement and the future of the enlargement policy and countries in the region. This honest approach goes as far as indicating that enlargement with the Western Balkans is in the best interest of the European Union: "*This firm, merit-based prospect of EU membership for the Western Balkans is **in the Union's very own political, security and economic interest***".<sup>5</sup> Hence, it appears that the Union will be able to protect its interests, while also ensuring delivery of what has been laid down, having in mind this very interest. Describing the future of the European Union by 2025, the Strategy indicates that: "[...] **the Union must be stronger and more solid**"<sup>6</sup> by deploying a number of initiatives aimed to improve "[...] *the democratic, institutional and policy framework*",<sup>7</sup> and to ensure credibility thereof, the Union must first enlarge, meaning that "[...] *EU's enlargement policy is part and parcel of a larger strategy to strengthen the Union by 2025*".<sup>8</sup>

<sup>2</sup> <https://www.eubusiness.com/news-eu/politics-juncker.x29>

<sup>3</sup> [http://europa.eu/rapid/press-release\\_SPEECH-17-3165\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-17-3165_en.htm)

<sup>4</sup> [https://ec.europa.eu/commission/publications/eu-western-balkans-strategy-credible-enlargement-perspective\\_en](https://ec.europa.eu/commission/publications/eu-western-balkans-strategy-credible-enlargement-perspective_en)

<sup>5</sup> [https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf)

<sup>6</sup> Ibid, pg. 18

<sup>7</sup> Ibid, pg. 18

<sup>8</sup> Ibid, pg. 18

EC's Enlargement Strategy is based on the Copenhagen Criteria,<sup>9</sup> although this document engages in some form of amendments to the membership criteria by including a set of rules which in the future, and in the case of countries in the region, could be referred to as the *Strasbourg Criteria*. Namely, the Strategy enlists that with **1) strong political will**, the delivery of **2) real and sustained reforms**, and **3) definite solutions to disputes with neighbours**, these countries could be potentially ready for EU membership in 2025. “[...] *This perspective is extremely ambitious and its achievement will depend fully on the objective merits and results of each country.*”<sup>10</sup> while depending on progress made, “[they] may catch up or overtake each other”.<sup>11</sup>

### Three Lessons Learned

European Union is undergoing continuous development on the basis of lessons learned from mistakes made in the past. Hence, the Strategy includes three lessons learned that are easily identifiable by connoisseurs of this matter. First lesson learned comes from the enlargement with Bulgaria and Romania. Namely, although enlargement is defined as open process and is based on individual merits of acceding countries, the European Commission speaks of membership possibilities only in 2025. On the occasion of strategy presentation, neither Commission President Juncker, nor Enlargement Commissioner Hahn and High Representative Morgherini, forgot to underline that 2025 “[...] *is not a target date, not a deadline*”<sup>12</sup>, but rather a possibility, a form of horizon we aspire towards.

Second lesson learned comes from the enlargement with Slovenia and Croatia, more specifically their dispute about maritime and land borders in the Piran Bay. Namely, according to the First Vice President of the European Commission, Frans Timmermans, the dispute between Slovenia and Croatia is not resolved to satisfactory extent. Nowadays, after Croatia joined the EU, this dispute is no longer an issue between EU member-state and enlargement country, but an internal dispute within the Union.<sup>13</sup> Hence, the Strategy clearly indicates the need for existing disputes between countries in the region to be resolved prior to their EU accession, thereby avoiding such issues to be imported in the Union. “[...] *Therefore, the EU cannot and will not import **bilateral disputes**. [...] Achieving this goal will be facilitated by an atmosphere of good neighbourly relations, but will also be a litmus test for how sound these relations really are*”.<sup>14</sup>

Third and last lesson anticipated under the new strategy comes from the name dispute between Macedonia and Greece. In particular, the EU does not want to be accused any more of advocating to the benefit of any party in potential future disputes between EU member-state and enlargement country, in particular when membership status and the dispute are abused to block EU accession. Hence, the Strategy establishes that special provisions will be added to treaties of accession stipulating that “[...] **irrevocable commitments** must be put into place to ensure that new Member States are not in a position to block the accession of other Western Balkan candidates”.<sup>15</sup>

<sup>9</sup> [http://eur-lex.europa.eu/summary/glossary/accession\\_criteria\\_copenhagen.html](http://eur-lex.europa.eu/summary/glossary/accession_criteria_copenhagen.html)

<sup>10</sup> Ibid, pg. 18

<sup>11</sup> Ibid, pg. 18

<sup>12</sup> <https://www.theguardian.com/world/2018/feb/06/serbia-and-montenegro-could-join-eu-in-2025-says-brussels>

<sup>13</sup> <http://www.sloveniatimes.com/timmermans-to-help-implement-border-arbitration-ruling>

<sup>14</sup> Ibid, pg. 18

<sup>15</sup> Ibid, pg. 18

## Macedonia Serves as Example

EC's Strategy starts with the concept of accession based on the rule of law and therefore key section under this document concerns identification of problems in that regard. In that, elaborating state-of-affairs in terms of democracy, institutions' performance and the rule of law, the Strategy points out that the entire region is facing the problem of "state capture",<sup>16</sup> torn between state and private interests, individual interests of political elites or particular members thereof. Aware that the Strategy is a general document and concerns all countries in the region, it should be noted that the term capture state was first used by the European Commission in its 2015 Progress Report for Macedonia.<sup>17</sup>

Evidence in support of the statement that the European Commission is using "state capture" primarily having in mind state-of-affairs in Macedonia back in 2015 can be found in the strategy section on the rule of law. It is obvious that the European Commission is pleased with the role it played in resolution of the political crisis in Macedonia and brokering the Przino Agreement, in particular because the Enlargement Strategy now includes the two key elements that emerged from that political accord. First element concerns the Priebe Report, i.e. **special expert missions** for in-debt screening and establishment of state-of-affairs in the area of the rule of law which, according to the Strategy, will be applied for all countries in the region. In that, the risk identified in this regard concerns composition of these expert missions, i.e. whether they will include relevant experts of indisputable professionalism and integrity. In other words, how broad mandate will these missions be given by the European Commission to assess state-of-affairs by using the right words for the general public to be able to understand them, instead of resorting to diplomatic flosculus mainly used by the European Commission in its progress reports. Second element concerns the special prosecution against organized crime and corruption, where the main risk is identified in terms of independence and integrity of the judiciary, and especially of judges. Having in mind the aforementioned about "state capture", it should be clear that it also covers the third branch of government which should be part and parcel of the anti-corruption fight to be pursued by these special prosecutors.

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<sup>16</sup> Ibid, pg. 18

<sup>17</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/nea/files/pdf/key\\_documents/2015/20151110\\_report\\_the\\_former\\_yugoslav\\_republic\\_of\\_macedonia.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/nea/files/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf), pg. 8

## Membership Before the Accession

In the case of Macedonia, it was often said that it aspires to join the European Union to relieve itself of the burden to make decisions on its own or, in other words, to replace Belgrade with Brussels. On the other hand, reading EC's annual reports the crucial remark underlined in all chapters implies lack of administrative capacity. This goes to show that accession negotiations will be strenuous and that, after accession, our country will inevitably face problems in terms of functioning within the EU institutions. Aware of this problem and having in mind the institutional crisis related to functioning of the Union, in its Enlargement Strategy, the European Commission envisages continuous engagement with the Western Balkans, as well as their involvement in operation of EU institutions.

This type of engagement and involvement on the part of the Western Balkans in operation of EU institutions account for a certain form of membership prior to formal accession. According to the Strategy, this will be pursued in three ways. The first implies **informal cooperation** at the level of the EU Council and ministerial contacts. The second concerns cooperation in terms of the **comitology** or in other words “[...] *involvement of the Western Balkans in technical committees and Commission working groups*”.<sup>18</sup> And the third includes cooperation at the highest level that should continue as part of annual EU-Western Balkans Summits, after “[...] *the Western Balkans Summit in Sofia, in May 2018*”.<sup>1920</sup>

## Extensive List of Tasks

Finally, aside from being timely and time-limited, the Strategy is bounding for both parties thereto as it lays down activities and deadlines for the European Union and reform priorities for the Western Balkans. Reading the strategy text one could identify an array of reform priorities for each country in the Western Balkans and an equally extensive list of tasks to be taken by the European Union.

A number of tasks are not explicitly enlisted in the Strategy, but are equally binding for the European Union. First and foremost, the Strategy was discussed at the informal meeting of the EU Council on General Affairs which took place on 15<sup>th</sup> and 16<sup>th</sup> February 2018, and the European Council in late March 2018. Publication of the regular enlargement package in second half of April 2018 will open the second round of discussions about the strategy, in particular after publication of the screening report for Bosnia and Herzegovina and the recommendations to open accession negotiations with Albania and Macedonia. These comprehensive discussions are expected to be concluded at the EU Council, i.e. the European Council in June 2018, when it could be expected Macedonia and Albania to be granted date to open accession negotiations.

<sup>18</sup> Ibid, pg. 18

<sup>19</sup> Ibid, pg. 18

<sup>20</sup> Ibid, pg. 18

