





## POLICY PAPER


### Enhancement of the EU enlargement process: challenges ahead for the European Union

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EUROPE

\*This Policy Paper was written by **Emina Bekto** | 28 February 2020

 Rue de la Science 14, 1040 Brussels

 [office@vocaleurope.eu](mailto:office@vocaleurope.eu)

 + 32 02 588 00 14

**VOCAL EUROPE**

RUE DE LA SCIENCE 14B, 1040 BRUSSELS

TEL: +32 02 588 00 14

VOCALEUROPE.EU



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## 1. Introduction

It has been four months now that the focus has been put on Western Balkans countries and the coming weeks will be of crucial importance for their future relation with the European Union. It all started with the now famous Macron's "non", paving the way for a revision of the accession process.

Since then, the EU Member States agreed upon the fact that a modernised and more efficient methodology needs to be set up. President Macron was the frontrunner in submitting a non-paper<sup>1</sup> where he presented his proposal for an enhanced and faster enlargement process. However, many Western Balkans experts outlined that Macron's document might induce a counter-effect<sup>2</sup>.

As a response to President Macron, 9 EU countries, among which two from the Visegrad group, released a counterproposal<sup>3</sup>, stressing on the need for an accelerated integration of the Western Balkan countries. The issue is now in the hands of the European Commission, which just delivered a draft proposal for a new enlargement methodology<sup>4</sup>.

What will be decided is still pending but the European Union has continuously reminded that the

WB6 can be nothing but a part of the Union. Moreover, the Croatian Presidency of the Council is likely to have a positive impact on the issue, since it is a neighbour and a strategic partner of the region.

## 2. Background

The idea that the enlargement process should be enhanced was very first expressed by Hungarian Prime Minister Viktor Orban, who was clearly supportive for fast accession of Western Balkans countries. Even in 2014, he suggested that the Hungarian nominated commissioner should get the enlargement portfolio.<sup>5</sup> Last September, his wishes have been taken into consideration when Ursula Von der Leyen nominated Laszlo Trocsanyi for this position.<sup>6</sup>

However, he was replaced by Oliver Varhely, former ambassador of Hungary to the EU<sup>7</sup>, after rejection of the first candidate, by the Legal Affairs Committee of the European Parliament, the reason being possible conflict of interest with Mr Trocsanyi.<sup>8</sup>

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<sup>1</sup> <https://www.politico.eu/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf>

<sup>2</sup> <https://www.vocaleurope.eu/wp-content/uploads/Towards-a-new-approach-in-the-Western-Balkans-a-potential-reform-of-EU's-enlargement-policy.pdf> p 8-12.

<sup>3</sup> "Elements for an enhanced enlargement process and sustained and accelerated integration of the Western Balkans"

<sup>4</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology_en.pdf)

<sup>5</sup> [https://www.esiweb.org/index.php?lang=en&id=67&newsletter\\_ID=137](https://www.esiweb.org/index.php?lang=en&id=67&newsletter_ID=137)

<sup>6</sup> [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_5542](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_5542)

<sup>7</sup> <https://www.dw.com/en/von-der-leyens-european-commission-complete-after-final-nominee-accepted/a-51305296>

<sup>8</sup> <https://www.euractiv.com/section/future-eu/news/legal-affairs-committee-confirms-trocsanyi-and-plumb-rejection-hearings-suspended/>

He was indeed suspected of being enrolled in corruption cases related to his former lawyer office and accused of undermining rule of law during his mandate as Hungary's Minister of Justice. Promoting rule of law and transparency in the Western Balkans would thus not be credible given these allegations.

Hungary's position regarding Western Balkans was shared by a certain number of Member States and advocated by the German Chancellor Angela Merkel who pointed out the necessity of enlargement as a matter of stability for the EU itself.<sup>9</sup> On the contrary, a few other EU countries, namely France, back for firmly established social, economic and political stability of the candidate countries as an ultimate condition for accession. According to the French President Emmanuel Macron, the EU is not functioning well with 27 member States<sup>10</sup>, nor will it with more States that would be not aligning enough with the Union.<sup>11</sup>

France first expressed its position when it decided to postpone the opening of accession talks with North Macedonia and Albania.<sup>12</sup> It was followed by a short document containing proposals for a renewed approach towards Western Balkans, submitted by the French President.<sup>13</sup> Emmanuel Macron's methodology was highly criticized by the advocates of faster membership for the WB6, who highlighted many shortcomings.<sup>14</sup>

### 3. State of play

#### 3.1. From Brexit to the Conference on the Future of Europe

31 January 2019<sup>15</sup> marked a historic event for the European Union. The United Kingdom officially left the Union. It was the first time that a Member State was taking such a decision, since the creation of the European project. The reasons that led UK to exit are various but could be summed up as such: the EU was no longer seen as attractive enough by the UK and was rather a dysfunctional organisation.<sup>16</sup>

After the announcement of Brexit, the EU committed itself to make the European project more efficient<sup>17</sup>, in order to regenerate enthusiasm among member states and citizens. It is a way of preventing growing Euroscepticism in the EU to develop further, proving that it is still a functioning "elite" organisation.<sup>18</sup> Besides Brexit, with the rise of right-wing parties across Europe, that presented migration as a threat to their national security and European values, two debates strongly related to the EU enlargement emerged: European identity<sup>19</sup> and the future of Europe.<sup>20</sup>

In September 2016, the Council of the European Union gathered for the first time without the UK Prime Minister and released the Bratislava declaration.<sup>21</sup> After Brexit was announced, the Bratislava

<sup>9</sup> <https://www.politico.eu/article/german-chancellor-angela-merkel-truly-united-europe-includes-western-balkans/>

<sup>10</sup> Without taking the UK into account, which is about to leave.

<sup>11</sup> <https://www.politico.eu/article/macron-urges-reform-of-bizarre-system-for-eu-hopefuls/>

<sup>12</sup> <https://www.europarl.europa.eu/news/en/press-room/20191021IPR64717/failure-to-open-accession-talks-with-albania-and-north-macedonia-is-a-mistake>

<sup>13</sup> <https://www.politico.eu/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf>

<sup>14</sup> For more information, please read: <https://www.vocaleurope.eu/wp-content/uploads/Towards-a-new-approach-in-the-Western-Balkans-a-potential-reform-of-EU%E2%80%99s-enlargement-policy.pdf>

<sup>15</sup> <https://www.bloomberg.com/news/articles/2020-01-22/brexit-deal-clears-u-k-parliament-ending-years-of-deadlock>

<sup>16</sup> <https://www.forbes.com/sites/johnmauldin/2016/07/05/3-reasons-brits-voted-for-brexit/#53790d541f9d> for more details

<sup>17</sup> <https://www.consilium.europa.eu/media/21250/160916-bratislava-declaration-and-roadmapen16.pdf>

<sup>18</sup> <https://www.politico.eu/article/after-brexit-the-eu-promised-to-reform-how-did-it-do-bratislava-declaration/>

<sup>19</sup> <https://www.vocaleurope.eu/wp-content/uploads/The-‘European-way-of-life’-stuck-between-values-and-reality-.pdf>

<sup>20</sup> <https://www.politico.eu/article/after-brexit-the-eu-promised-to-reform-how-did-it-do-bratislava-declaration/>

<sup>21</sup> <https://www.consilium.europa.eu/media/21250/160916-bratislava-declaration-and-roadmapen16.pdf>

Summit, where the Member States presented the state of affairs in the EU, planted the early stages of the Conference on the Future of Europe.<sup>22</sup> During an informal summit in May 2019, in the Romanian city of Sibiu, the 27 EU Heads of States signed a first draft stating the strategy for the future of the Union, in an even more challenging environment.<sup>23</sup> In this document<sup>24</sup>, the concept of “protecting the European way of life” appeared, paving the way for debates that were about to follow, after the nomination of the new European Commission.

### *3.2. The European way of life, can the Western Balkans fit in?*

Ursula Von der Leyen’s decision to appoint Margaritis Schinas as the Commissioner for the protection of European way of life, provoked intense reactions from Members of the European Parliament, NGOs and members of civil society, who consider this as a right-wing project, rather considering it as an insult to European values than a way to protect them.<sup>25</sup> However, Von der Leyen’s Commission has been validated and took office last November.<sup>26</sup>

It is precisely in this context that the discussion on how to tackle the issue of enlargement was launched. Recent events with North Macedonia and Albania proved, once again, the ideological character of the debate. Right after, President Macron declared "We do things that are bizarre ... We give visa liberalization, the right to move freely between our countries, before we even open the negotiations."<sup>27</sup> He used the term “our countries”, clearly marking the difference between member States and “the others”.

Consequently, a few questions arise: If it exists, what is this so praised European identity and where are its limits? Do the Western Balkans States fit in, with their mostly multi-ethnic and non-consensual composition? Considering that the European way of life is made up with a set of non-negotiable values, which are they? Will those States be able to durably comply with these values?

### *3.3. Elements for an enhanced enlargement process*

Nevertheless, other EU countries are declaratively supportive of a faster accession for the WB6, despite recognizing the lack of efficiency of the enlargement policy. In this respect, 9 EU Member States<sup>28</sup> signed an alternative proposal to the French “non paper”.<sup>29</sup> Yet those countries remind that the reform of the enlargement policy should not harm the opening of the negotiations with North Macedonia and Albania, and that an internal reform to the European Union which will be discussed at the Conference on the Future of Europe, should not undermine enlargement to the Western Balkans.

<sup>22</sup> <https://www.consilium.europa.eu/media/21250/160916-bratislava-declaration-and-roadmapen16.pdf> p. 6

<sup>23</sup> <https://www.euractiv.com/section/euroad2sibiu/news/eu-heads-adopt-vague-declaration-in-transylvania/>

<sup>24</sup> [https://www.consilium.europa.eu/en/press/press-releases/2019/05/09/the-sibiu-declaration/?utm\\_source=dsms-auto&utm\\_medium=email&utm\\_campaign=The+Sibiu+Declaration](https://www.consilium.europa.eu/en/press/press-releases/2019/05/09/the-sibiu-declaration/?utm_source=dsms-auto&utm_medium=email&utm_campaign=The+Sibiu+Declaration)

<sup>25</sup> <https://www.politico.eu/article/outrage-over-protecting-our-european-way-of-life-job-title/>

<sup>26</sup> <https://www.politico.eu/article/college-vote-live-blog-ursula-von-der-leyen-new-european-commission-parliament/>

<sup>27</sup> <https://www.politico.eu/article/macron-urges-reform-of-bizarre-system-for-eu-hopefuls/>

<sup>28</sup> Austria, the Czech Republic, Estonia, Italy, Latvia, Lithuania, Malta, Poland and Slovenia.

<sup>29</sup> <https://www.politico.eu/article/eu-enlargement-reform-pushback/>

## ENHANCEMENT OF THE EU ENLARGEMENT PROCESS: CHALLENGES AHEAD FOR THE EUROPEAN UNION

The first and most appealing difference lays in the titles of the two documents, marking the polarization of the issue. While Emmanuel Macron<sup>30</sup> talks about “reforming” the process, the counter-proposal advocates for enhancement and acceleration.<sup>31</sup>

The countries suggest a more comprehensive approach than the last one, and rather than fragmenting the process, they recommend a simplified way of achieving the main goal. As a matter of fact, the proposal argues that the 35 chapters that until now need to be opened and closed one by one, should be grouped by areas, in line with the 8 different sub-committees<sup>32</sup> of the Stabilisation and Association Agreement (SAA). This would probably shorten the pre-accession negotiation period. Besides, assistance for the implementation of chapters 23 and 24 should be extended. These chapters, concerning rule of law, justice and law enforcement are indeed the central pillar of the EU acquis, but are also the most difficult to execute.

This assistance should be realised by two means, the first one being the use of coercion instruments<sup>33</sup> already available such as imbalance clause<sup>34</sup>, while the second would focus on stronger incentives. Incentives should take the form of financial support that would help the enlargement countries align with EU economic standards, permitting them to progressively take part to EU economic programs, and finally, to the EU single market.

In addition to financial support, the EU should also provide political impetus, while organising annual meetings between the WB6 leaders and the European Council. This would also mean including Western Balkans representatives in targeted informal meetings, such as for instance “Europe conferences”, discussions between civil society groups and members of Parliaments from the Western Balkans, with the EU Parliament and Parliaments of the Member States.

When it comes to evaluation of the EU acquis implementation, it should be more visible in order to be more effective. This should facilitate consensus in the Council, that has the final say on whether an enlargement country is ready to open the next chapter or not. Visibility should serve for a better perception of the process by both Western Balkans and EU countries citizens. In these tasks, the European Commission should be helped by civil society organisations that should both assess and disseminate the level of implementation of reforms.

Finally, the paper recommends including Western Balkan countries in debates related to the European Union itself, namely the Conference on the Future of Europe and in a dialogue regarding the Common Foreign and Security Policy (CFSP), to encourage alignment on those matters, prior to their membership.

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<sup>30</sup> <https://www.politico.eu/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf>

<sup>31</sup> Official document, joint non-paper

<sup>32</sup> [http://www.dei.gov.ba/dei/bih\\_eu/sporazum/default.aspx?id=9812&langTag=en-US](http://www.dei.gov.ba/dei/bih_eu/sporazum/default.aspx?id=9812&langTag=en-US)

<sup>33</sup> Strict but fair conditionality related to progress towards membership and to financial assistance, focus on chapters 23 and 24 and interim benchmarking for those chapters, as part of the “New Approach to EU Negotiations” applied since 2013

[https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2013/package/strategy\\_paper\\_2013\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2013/package/strategy_paper_2013_en.pdf)

<sup>34</sup> Would the implementation of obligations related to chapters 23 and 24 delayed, further negotiations related to other chapters would be halted.

### 3.4. *What is next?*

During the presentation of the programme of the Croatian Presidency in Strasbourg, President elected of the European Commission Ursula Von der Leyen reminded the strategic importance of having the Western Balkans as close as possible to the EU, given the presence of other powers in the region, that should not be underestimated. She stressed the necessity of remaining faithful to the Western Balkans and especially to North Macedonia and Albania. She believes that a modernisation of the process is compatible with the start of the negotiations with the two States mentioned previously. According to President Von der Leyen, the relationship of the EU with the countries of the enlargement is even more important than the one with the USA.<sup>35</sup>

Croatia's Prime Minister, Andrej Plenkovic, announced that he is committed to provide full support to the countries in the region and has put the issue on his EU presidency agenda, despite bilateral issues with some of the candidate countries. Being a direct neighbour of the enlargement countries, Croatia might probably benefit the most, diplomatically and economically speaking, from further enlargement in South Eastern Europe. Its Presidency should thus deliver positive outputs. Had another EU State presided the Council at this crucial time for the future of the Western Balkans, its agenda would certainly have focused on other foreign policy matters.<sup>36</sup>

The future of the EU enlargement is to be decided in the next months. Ursula Von der Leyen's Commission presented a first draft proposal in the first days of February, in line with the 2018 enlargement strategy<sup>37</sup>. However, the Council of the European Union will have the final say on the issue. Since Croatia will be holding the presidency of the Council during the next 6 months, its role might be crucial for the direction that the debate is likely to take among Member States representatives.<sup>38</sup>

## 4. Future prospects

### 4.1. *Croatia's presidency of the Council, a key factor*

Croatia will be playing a double key role in the future of the enlargement process. It has indeed just taken the lead of the European Council and will be hosting the EU-Western Balkans summit that will take place in Zagreb next May. The main goal of this summit will be to work on the intensification of the relations between Western Balkans countries and Member States, and to ensure global meetings between those actors at least every two years.<sup>39</sup> There is hope that an agreement will be reached regarding the enlargement policy prior to it and that the EU accession process will gain momentum

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<sup>35</sup> Strasbourg plenary of the European Parliament, 14/01/2020

<https://www.europarl.europa.eu/plenary/en/vod.html?mode=unit&vodLanguage=EN&startTime=20200114-11:31:01-549&date=20200114#>

<sup>36</sup> <https://europeanwesternbalkans.com/2020/01/06/2020-a-year-of-decisions/>

<sup>37</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>38</sup> <https://balkaninsight.com/2019/11/05/enlargement-hot-potato-awaits-croatia-during-its-eu-presidency/?fbclid=IwAR0g-JZqcUuSsvlfBnnMZDi176h7-i18W66yMT-hcX37Rlfn8WP7xDyPmfQ>

<sup>39</sup> <https://europeanwesternbalkans.com/2020/01/09/plenkovic-france-may-change-its-stance-on-eu-enlargement-before-zagreb-summit/>



after the Summit. It is expected that the Western Balkans countries might benefit from their direct neighbour's experience, the latest State that has joined the EU so far.<sup>40</sup>

### *4.2. Can Hungary's controversial position on enlargement influence further developments?*

The strongest advocates for faster accession of the WB6, are the Visegrad four,<sup>41</sup> and especially Hungary. However, the V4 influence on the process is questionable, given the democratic backsliding they are accused of, by the EU. As stated before, Viktor Orbán fought tooth and nail for his appointed Commissioner to get the enlargement portfolio. Hungary shares a common history with former members of Austro-Hungarian Empire, and a common border with some of them.<sup>42</sup> The reason for Hungarian support lies however in its self-interest. Viktor Orbán, whose position on migration policy has been condemned, believes that a faster accession could, among other things, help those countries content migratory waves out of the EU borders.<sup>43</sup>

Prime Minister Orbán developed friendly relations with countries of the Western Balkans and has been openly supportive of their EU accession, but his position regarding the issue has been highly criticized by other Member States. Economically speaking, Hungary's enlargement rhetoric is represented by increased investments in the region. On the political level, Hungary has strong ties with Western Balkans leaders, namely Serbia's President Aleksandar Vučić, whose government is accused of alienating from democracy.<sup>44</sup>

During an official visit to Belgrade in April 2019, the Hungarian foreign Minister announced that if it was up to his country, Serbia would be member of the EU by tomorrow.<sup>45</sup> More recently, in an interview for Vocal Europe, when talking about the enlargement perspective for Western Balkans, Peter Szijjarto stated: "the more we are, the stronger we are".<sup>46</sup> Last year, Hungary even welcomed North Macedonia's Prime Minister Nikola Gruevski, who was fleeing a jail sentence in his country after being charged with corruption.<sup>47</sup>

Nonetheless, after his nomination, the Hungarian Commissioner for neighbourhood and enlargement Oliver Varhelyi addressed the European Parliament as such: "I will neither be bound nor influenced by any statement or position of any Prime Minister of any country or any other representatives of any government."<sup>48</sup> Despite these guarantees, the incoming enlargement commissioner might be biased by Viktor Orbán's positions. Indeed, the Prime Minister declared that he would never nominate someone who would distance himself from national politics, and that he believes that Varhelyi is a good patriot that would not do such a thing.<sup>49</sup>

<sup>40</sup> <https://euobserver.com/political/147078>

<sup>41</sup> Czech Republic, Hungary, Poland and Slovakia

<sup>42</sup> <https://balkaninsight.com/2019/08/29/v4-to-carry-flame-for-balkan-hopes-of-eu-membership/>

<sup>43</sup> <https://balkaninsight.com/2017/09/29/orban-jansa-praise-macedonia-s-gruevski-during-polls-09-29-2017/>

<sup>44</sup> <https://balkaninsight.com/2019/08/29/v4-to-carry-flame-for-balkan-hopes-of-eu-membership/>

<sup>45</sup> [https://www.youtube.com/watch?v=e\\_baQgCdIWc](https://www.youtube.com/watch?v=e_baQgCdIWc)

<sup>46</sup> <https://www.vocaleurope.eu/monday-talk-with-he-peter-szijjarto-minister-for-foreign-affairs-hungary/>

<sup>47</sup> <https://www.politico.eu/article/hungarian-intelligence-facilitated-escape-of-former-macedonian-leader-nikola-gruevski/>

<sup>48</sup> <https://www.politico.eu/article/hungary-european-commission-candidate-oliver-varhelyi-insists-he-wont-do-viktor-orbans-bidding/>

<sup>49</sup> <https://www.politico.eu/article/incoming-eu-commissioner-an-excellent-hungarian-patriot-viktor-orban-oliver-varhelyi/>

Would Commissioner Varhelyi be forced to comply with Orban's requirements, this would cause severe troubles regarding the opening of negotiations with North Macedonia and Albania but also on a larger scale, concerning the prospects for all the enlargement countries. Since Hungary's backing for WB6 integration is motivated by completely different reasons than incentives of other Member States standing for the cause, any attempt of interference by Hungary's government in the work of the Commissioner might weaken support of EU members favourable to enlargement and enshrine the French stance.<sup>50</sup> This growth of "illiberal" backing by the V4 might thus induce clear opposition on the issue, that would be a way to protest against those non-democratic attempts.<sup>51</sup>

### 4.3. Will France revise its position?

Furthermore, Emmanuel Macron believes that his opinion is not isolated and that many other EU States are hiding their views on the matter behind the French opposition, especially regarding Albania.<sup>52</sup> Thomas Gomart, director of the IFRI, a French think tank, believes that chances are small for an eventual shift in Emmanuel Macron's positioning towards the enlargement perspective. Brexit coupled with growing populist threats across Europe has without a doubt undermined the idea of an even more extended European Union in the French minds, and it is unlikely to change.<sup>53</sup> In addition, Angela Merkel's recent pushes to urge the opening of the negotiations with North Macedonia and Albania, might refrain the French President even more.<sup>54</sup>

It also must be reminded that an overhaul of the enlargement methodology was a precondition posed by Emmanuel Macron for the opening of negotiations.<sup>55</sup> However, as the European Union appears to be divided on the way things should evolve in the Western Balkans, a modernized enlargement policy will be hard to establish. Additionally, another dilemma appears: if Member States succeed in amending the current accession process, what scheme should be used for already negotiating States, namely Montenegro and Serbia? While Emmanuel Macron thinks that the new methodology should be applied indiscriminately to all the enlargement countries, Oliver Varhelyi stated that negotiating countries would not be affected by these new measures.<sup>56</sup>

The foreign Minister of Serbia for European integration outlined that "it would be really strange and not completely fair to change the rules during the negotiations", even though she is not totally against about a proposal that would speed up the process.<sup>57</sup>

On the other hand, an uneven treatment of the potential EU members would probably not be welcomed by the other four accession countries. It will thus be challenging for the EU to deliver a new "enlargement package" that would reconcile the conflicting positions inside the EU and that

<sup>50</sup> <https://www.dw.com/en/eus-broken-promises-in-the-balkans-lead-to-rocky-road-in-2020/a-51802421>

<sup>51</sup> <http://library.fes.de/pdf-files/bueros/sarajevo/12902/2019-02.pdf> p 7

<sup>52</sup> <https://www.euractiv.com/section/enlargement/news/eu-faces-rift-over-enlargement-policy-after-french-non/>

<sup>53</sup> <https://visegradinsight.eu/distant-liaisons-france-central-europe/>

<sup>54</sup> <https://www.politico.eu/article/merkel-albania-north-macedonia-should-get-eu-talks-new-member-state/>

<sup>55</sup> <https://www.politico.eu/article/macron-urges-reform-of-bizarre-system-for-eu-hopefuls/>

<sup>56</sup> <https://www.euractiv.com/section/enlargement/news/serbia-expects-little-from-enlargement-reform-but-hopes-for-more-quality-speed/>

<sup>57</sup> <https://europeanwesternbalkans.com/2019/12/26/how-will-enlargement-reform-affect-serbia-and-montenegro/>

would not be against the interests of the Western Balkans countries. There is little doubt that such a document could be validated by March 2020-, when an agreement is supposed to be reached about the opening of negotiations with North Macedonia and Albania.

#### *4.4. Elections in the Western Balkans, which consequences for the accession process?*

Apart from the enlargement issue, but intensely related to it, another major event will shape the future of the Western Balkan States in 2020: elections. The latter will undoubtedly have an impact on the region's path to the EU, either positive or negative. In North Macedonia, the failure of negotiations opening, faced by the outgoing Prime Minister Zoran Zaev, led to his resignation in January 2020, after he called for snap elections next April.<sup>58</sup>

Having in mind the prospect that the March deadline suggested by some of the EU Member States for the start of accession talks, might not be respected, such an outcome would probably lead to a major political change in North Macedonia. The nationalist pro-russian opposition VMRO-DPMNE did not approve the name deal and the leader of the party announced that he would cancel the agreement if his party won the elections. Even if this is unlikely to happen, it would be a non-sense to encourage further negotiations after the win of a party using that kind of arguments.<sup>59</sup>

Political crisis is deepening in both Montenegro and Serbia where elections should be held as well. In Serbia, opposition parties announced that they would boycott the future parliamentary elections in April 2020<sup>60</sup>. After a year of protests against President Vucic's government, demonstrations escalated after the Serbian President decided to lower the electoral threshold from 5 to 3%, a decision that might enable smaller allies to Vucic's party SNS, to win seats. The opposition is accusing Vucic of undemocratic ruling and is demanding free and fair elections.<sup>61</sup> During his last visit to Serbia, Commissioner Varhelyi called on the opposition to take part to the elections, considering them essential for the functioning of democracy.<sup>62</sup>

In Montenegro, division in an already polarized society has been exacerbated by a law on religious freedom<sup>63</sup>, initiated by the President, Milo Dukanovic. According to this amendment<sup>64</sup>, the Serbian orthodox church must prove ownership of its belongings, that should date before 1918. In the case it cannot, the religious property becomes Montenegro's state ownership. It is believed that this new law is a method used by the ruling party, DPS, to draw attention from issues that are not going well. Both situations, in Serbia and Montenegro might have serious impact on cooperation with the European Union.<sup>65</sup>

<sup>58</sup> <https://www.euronews.com/2020/01/03/north-macedonia-pm-zoran-zaev-resigns-over-stalled-eu-talks>

<sup>59</sup> <https://www.dw.com/en/north-macedonias-pm-if-the-nationalism-returns-well-lose-decades/a-51834352>

<sup>60</sup> <http://rs.n1info.com/English/NEWS/a551948/Serbia-s-largest-opposition-group-say-no-dilema-about-election-boycott.html>

<sup>61</sup> <https://www.bloomberg.com/news/articles/2020-01-13/serbia-to-lower-election-threshold-for-parties-in-spring-vote>

<sup>62</sup> <http://rs.n1info.com/English/NEWS/a567226/Europeans-call-Serbia-s-party-to-take-part-in-elections.html>

<sup>63</sup> <http://www.mmp.gov.me/ResourceManager/FileDownload.aspx?rid=236350&rType=2&file=Draft%20Law%20on%20freedom%20of%20religion%20.pdf>

<sup>64</sup> <http://www.mmp.gov.me/ResourceManager/FileDownload.aspx?rid=236350&rType=2&file=Draft%20Law%20on%20freedom%20of%20religion%20.pdf> p 17

<sup>65</sup> <https://europeanwesternbalkans.com/2020/01/13/montenegrin-law-on-religious-freedom-polarization-that-benefits-the-governments/>

## 5. Recommendations

### 5.1. *Defining a common ground for the Western Balkans and the European Union.*

At the January 2020 EP plenary in Strasbourg, two MEPs, Tonino Picula and Ilhan Kyuchyuk backed the idea that Western Balkans countries should be included in the discussions about a new methodology, otherwise the process will be doomed from the outset.<sup>66</sup> From Mr Kyuchyuk's point of view, Western Balkan countries are underrepresented in debates about the accession process, and this is one of the reasons of the failure of the current methodology.<sup>67</sup> Strahinja Subotic, researcher at the European Policy Centre, believes that an invitation of the WB6 to the Conference on the Future of Europe would represent a proof of commitment from EU's part. Rather than seeming to be imposed by the EU, the enlargement process could by these means, finally be turned into a joint project between Member States and Western Balkans.<sup>68</sup>

### 5.2. *Better guidelines for the reforming process*

European Stability Initiative keeps repeating that the opening of chapters is everything but a way of encouraging reforms, and is rather a political theatre even more damaging the credibility of the process.<sup>69</sup> This affirmation can easily be verified, considering the state of affairs in Montenegro and Serbia, the only two negotiating countries from the region, respectively since 2012 and 2014. Out of 18 opened, Serbia closed only 2 chapters, while Montenegro managed to close 3 out of 32.<sup>70</sup>

In comparison to North Macedonia, that has not started accession talks yet, Montenegro has the same level of preparedness regarding the chapters. The opening of chapters is thus by no means indicator of progress. It is also important to note that between the moment a chapter is opened and the one it is closed, the EU sets the conditions to be met to close the chapter, the so called "closing benchmarks", but the negotiating State is then left alone until the accomplishment of EU's demands. Visible effects induced by the opening of those chapters as well as clear incentives to reach the goal are missing.<sup>71</sup> In the respect of a coherent and strategical methodology, European Stability initiative suggests<sup>72</sup> the Commission to set a roadmap with guidelines for further implementation of each chapter.

This would include checklists with points system, that would help evaluate advancement of each candidate country in a more transparent way than progress reports used previously. These lists should be accompanied by detailed laws and rules that the countries need to enforce or to adapt to match EU's expectations, and provide them with a list of institutions to help them reach their objectives.

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<sup>66</sup> <https://www.europarl.europa.eu/plenary/en/vod.html?mode=unit&vodLanguage=EN&startTime=20200114-11:31:01-549&date=20200114#>

<sup>67</sup> <https://europeanwesternbalkans.com/2020/01/29/ewb-interview-kyuchyuk-the-upcoming-elections-will-frame-the-eu-perspective-of-north-macedonia/>

<sup>68</sup> <https://www.euractiv.com/section/enlargement/news/serbia-expects-little-from-enlargement-reform-but-hopes-for-more-quality-speed/>

<sup>69</sup> <https://www.esiweb.org/pdf/ESI%20-%20Coup%20de%20grace%20-%2025%20October%202019.pdf> p 3-6

<sup>70</sup> <https://www.esiweb.org/pdf/ESI%20-%20Hamster%20in%20the%20Wheel%20-%2015%20January%202020.pdf> p 3

<sup>71</sup> <https://www.esiweb.org/pdf/ESI%20-%20Hamster%20in%20the%20Wheel%20-%2015%20January%202020.pdf> p 6-10

<sup>72</sup> <https://www.esiweb.org/pdf/ESI%20-%20Hamster%20in%20the%20Wheel%20-%2015%20January%202020.pdf>  
[p 33](#)

Regular assessments and feedbacks from the Commission might diminish global distrust regarding enlargement, of both EU and Western Balkan citizens but also of the sceptic governments in the EU.<sup>73</sup>

### *5.3. Qualitative communication on the negotiations towards Member States*

Yet the unanimity required in the decision-making process at the General Affairs Council appears to be a problem by itself. Decisions related to advancement towards EU integration should be based on the Commission's strategy and on annual progress reports for each country, but often fail to follow recommendations of the EC, and rather reflect national political positions. In practice, each EU Member State can halt further negotiations at least 70 times.<sup>74</sup> This causes never ending debates inside the Council and lengthens the accession period. As a result, momentum for reforms and pro-European feeling in enlargement countries decrease, which leads to a political stalemate.<sup>75</sup>

The strengthening of EC's role via an enhanced and objective assessment method might play a key role in discouraging Member States of using political vetoes.<sup>76</sup> Focus should be put on qualitative communication based on facts, in order to prevent false interpretation, by EU citizens and governments. Therein the European Commission should take part to Member State's national parliamentary sessions when enlargement is discussed, and MPs would be provided with unbiased information about the real pace of the process in order to take as objective decisions as possible.<sup>77</sup>

### *5.4. Greater involvement of the local civil society sector*

While political actors from the Western Balkans declare being committed to the enlargement policy, in fact, rather than moving ahead, States from the region turned into stabilitocracies. The reforming process became a technocratic initiative where Western Balkans governments are buying progress towards accession, with approximative and slow compliance to rules set by the EU. The risk is that this bilateral conditionality-driven relation leads to serious backslidings after the final green light for membership will be given, as it is the case in Hungary and Poland nowadays.<sup>78</sup>

To avoid such a scenario, the Balkans in Europe Policy Advisory Group (BiEPAG) recommends including other local actors in the accession dialogue, such as civil society groups. Apart from its greater role, the European Commission should seek to build a link with Western Balkans citizens, through assistance from the civil society for implementation of sustainable democratic principles, instead of exclusively relying upon WB governments. Local civil society might moreover closely cooperate with the European Commission for monitoring and evaluation of pace in the Western Balkans. Such an involvement of civil society should enhance local commitment from both

<sup>73</sup> <https://www.esiweb.org/pdf/ESI%20-%20Hamster%20in%20the%20Wheel%20-%202015%20January%202020.pdf>

<sup>74</sup> <https://www.consilium.europa.eu/en/policies/enlargement/>

<sup>75</sup> <https://wb-csf.eu/docs/CSF-PB-02-19-full-4.pdf.pdf> p 5

<sup>76</sup> <https://biepag.eu/flatter-faster-fairer-how-to-revive-the-political-will-necessary-to-make-enlargement-a-success-for-the-wb-and-the-eu/?fbclid=IwAR1PzFwDV0GOFQDNaIcEU8WtCr2DwdMyBix5qAbYrkoXis2R96AJcVACOQ>

<sup>77</sup> <https://www.euractiv.com/section/enlargement/opinion/lets-set-things-straight-accession-talks-do-not-equate-eu-membership-promise/>

<sup>78</sup> <https://biepag.eu/wp-content/uploads/2019/11/Policybrief.pdf> p 11

politician's and citizen's side, consolidate reforms adopted, and avoid an eventual increased involvement of the European Commission to become too invasive or technical.<sup>79</sup>

## *5.5. Improved support for local CSOs*

However, civil society actors in line with European principles are often under attack by local politicians, when these organisations are playing against the own interests of their governments and, consequently do not benefit from public funding. The European Union should empower civil society organisations both politically and financially, to further encourage their actions. While financing mechanisms for free media and NGOs exist, through the European Endowment for Democracy namely, they should substantially be increased.<sup>80</sup>

Indeed, EU funding is limited to CSOs developing initiatives following European annual programmes. The European Union should diversify its projects and support organisations working on the promotion of rule of law and democracy, regardless if their proposals focus on EU annual priorities or not.<sup>81</sup>

Moreover, as part of an enhanced campaign for enlargement, the European Commission should not hesitate to clearly point out stakeholders responsible for backsliding and consequently redirect financial aid they initially benefited, to civil society organisations working in line with EU principles, or to European projects of deep importance for integration. The European Union would as such remain true to its merit-based principle without harming actors committed to EU accession, but sanctioning the ones sabotaging democratic efforts.<sup>82</sup>

## *5.6. Development of the capacity of absorption of Western Balkans economies*

Many researchers agree upon the need for a greater allocation of funds, that would serve as an incentive for further reforming and that would enable Western Balkan States to catch up with economies of Member States.<sup>83</sup> While some suggest an increase in pre-accession funds, other support gradual access to structural funds, before membership.<sup>84</sup> Despite representing a good initiative, it is important to mention that the Commission stated in its 2018 annual report that Western Balkans countries present elements of state capture. Links with corruption at all levels of government compromise the capacity of absorption of these States.<sup>85</sup>

<sup>79</sup> <https://biepag.eu/wp-content/uploads/2019/11/Policybrief.pdf> p 12

<sup>80</sup> <https://static1.squarespace.com/static/58a2c691b3db2b3c6990193a/t/5dfb888194039d2f6dab78a8/1576765573110/2019-12+CONCRETE+PROPOSALS+Young+Generations+for+the+New+Balkans+2030.pdf> p 9

<sup>81</sup> <https://biepag.eu/wp-content/uploads/2019/11/Policybrief.pdf> p 6

<sup>82</sup> <http://www.balkancsd.net/novo/wp-content/uploads/2019/09/BCSDN-Position-on-the-future-of-EU-support-to-CS.docx.pdf>

<sup>83</sup> <https://www.vocaleurope.eu/wp-content/uploads/Towards-a-new-approach-in-the-Western-Balkans-a-potential-reform-of-EU%E2%80%99s-enlargement-policy.pdf> p 11

<sup>84</sup> <https://wb-csf.eu/docs/CSF-PB-02-19-full-4.pdf.pdf> p 6

<sup>85</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) p 3

In order to boost economic development in the region, attention should be drawn on improvement of absorption capacity. To that end, increased funding should be closely connected to implementation of fundamental reforms that would help building operational institutions independent of EU administration and technical assistance.

In addition, mechanisms of state aid control should be initiated, such as the Western Balkan Guaranteeing Fund<sup>86</sup> established last year. These would be used as tools to provide guidelines for efficient implementation of projects, through a redirection of investments, that should match with demands of the internal market. They would also serve establishing a legal framework to protect grantors and beneficiaries, in order to encourage further investments.<sup>87</sup>

### 6. Conclusion

Since October, Western Balkan's enlargement destiny has been in troubled waters. The French position casted doubt about a faster EU membership prospect for the enlargement countries. Other issues, such as Brexit, or the creation of the brand-new Commissioner's title named "protection of European way of life" lead us to wonder whether Western Balkans States could, one day belong to the European Union's landscape.

Moreover, Western Balkan's future in the EU has for a long time, been a divisive issue. Shortly after the release of the non-paper by French President Macron, 9 EU member States co-signed a counterproposal for the enlargement approach, supporting an enhanced process, supposed to boost WB6's path to integration. This position has strongly been backed by the European Commission, as well as Croatia, currently holding the presidency of the Council of the EU.

It is expected that the direct neighbour of the WB6 which is also the last State that has joined the EU, might undertake positive initiatives during its presidency. However, the Commissioner for Neighbourhood and Enlargement, Oliver Varhelyi, who has been suggested by Victor Orban, might be responsible for even more polarization among EU members, if he chooses to follow his Prime Minister's positions. If this happens, enlargement sceptics such as France, might stick to their initial opinions and further refuse to open negotiations with North Macedonia and Albania. This, of course, would deepen distrust among the WB6, already suffering of internal political crises.

In this paper, we suggest that the European Commission's role should be strengthened, through improved monitoring and evaluation of reform implementation. This would enable better communication towards Member States that would be less prone to veto the process at any stage. Furthermore, Western Balkans civil society should play a key role in the Commission's assessments as well as in bridging the EU with local citizens.

The EU should in this respect increase financial support to CSOs. Particular attention should be given to the development of the absorption capacity of the States, essential for efficient funding allocation.

<sup>86</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/guarantee\\_factsheet.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/guarantee_factsheet.pdf)

<sup>87</sup> <http://www.emins.org/wp-content/uploads/2018/06/Twelve-Proposals-web.pdf> p 17-19  
<https://wb-csf.eu/docs/CSF-PB-02-19-full-4.pdf> p 8

# ENHANCEMENT OF THE EU ENLARGEMENT PROCESS: CHALLENGES AHEAD FOR THE EUROPEAN UNION

The Commission should also clearly identify political actors accountable for backslidings, who would be the only ones concerned by any reversibility measure. While the European Commission has just released a first draft of an enhanced enlargement approach, it is unlikely to immediately win the hearts, especially in the Western Balkans...<sup>88</sup>

## VOCAL EUROPE

RUE DE LA SCIENCE 14B, 1040 BRUSSELS

TEL: +32 02 588 00 14

VOCALEUROPE.EU



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<sup>88</sup> [https://balkaninsight.com/2020/02/10/new-eu-enlargement-strategy-leaves-balkans-unimpressed/?fbclid=IwAR1Ma\\_TsV-Fe0sH5ewzUHktveQVhSpzQhXnlyKqnmCmLHKz8KZWhz4W8mUE](https://balkaninsight.com/2020/02/10/new-eu-enlargement-strategy-leaves-balkans-unimpressed/?fbclid=IwAR1Ma_TsV-Fe0sH5ewzUHktveQVhSpzQhXnlyKqnmCmLHKz8KZWhz4W8mUE)