



Key Recommendations of the

Thematic Working Group on Politics of Enlargement

#CSFTirana2023

UNLOCKING PROGRESS

The European Future of the
Western Balkans



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**The Hellenic Foundation for
European and Foreign Policy
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About the process

This paper is prepared in the framework of the run-up activities for the Berlin Process Civil Society Forum 2023. It aims to take stock of the current ideas and initiatives to re-incentivize the EU enlargement policy towards the Western Balkans, in particular by considering avenues for addressing the key political issues that stand in the way. To that effect, it includes and builds on the consultations with a broad group of experts from the Western Balkans and EU Member States, which took place between June and September 2023. The process involved three consultation meetings with 42 stakeholders, as well as an in-person public conference with 144 attendees. The Hellenic Foundation for European and Foreign Policy (ELIAMEP) facilitated the consultation process, alongside a core group of experts.

A NEW MOMENTUM FOR ENLARGEMENT

Russia's aggression towards Ukraine in February 2022 served as “an awakening moment for Europe, a moment to reinvigorate the enlargement process in order to anchor the Western Balkans firmly to the EU”.¹ The new reality of a war on the European continent imposed a new logic that EU enlargement would serve well the geopolitical and security interests of the EU. The resulting new momentum, primarily driven by Ukraine's accession and the EU's desire to respond to Russia's ambitions, has led to re-open the issues that have inhibited the enlargement process in the past decade.

Experts agree that enlargement has been one of the most successful policies shaping the EU in the course of its creation. Nevertheless, **so-called enlargement fatigue and national politics on both the side of the EU and Western Balkan countries have led the region's EU integration into a vicious circle:** lack of reforms, lack of progress in the negotiations and in turn lack of incentive for further reforms. The duration of the accession process for the Western Balkans has overstretched to a point where the link between the political effort at the national level and the reward of membership is broken.² The new momentum created by the Russian aggression, if well understood and managed, could lead to fixing the link in order to make the region's accession perspective more tangible.

The open-ended horizon for further enlargement, conveniently set by the EU due to its internal struggle to reach a consensus among Member States, has proven to be the perfect excuse for political elites in the Western Balkan countries not to implement the reform agenda. Instead, they have engaged mostly in “façade” reforming. Hence, the key challenge in de-blocking EU enlargement policy consists in finding ways of incentivising candidate countries, while at the same time addressing the concerns of (reluctant) Member States.³ **Finding the right balance between the technical processes, the strategic approach and political commitment, between what needs to be done at the EU level and at the level of the candidate countries could lead to a virtuous instead of a current vicious cycle in EU enlargement policy.**

The key precondition for advancing the Western Balkans' EU integration is political commitment. On the side of the EU, the commitment implies implementing internal adjustments (institutional, budgetary, policy and decision-making) to accept new members and reforming enlargement policy. On the side of the Western Balkans, the commitment should translate into incentivizing domestic reforms, taking “ownership” of the accession process and a proactive attitude to seize the current momentum. While the reality is challenging on both sides, enlargement policy should be shaped in a way to support those acceding countries that actually deliver.

¹ [https://www.eeas.europa.eu/delegations/north-macedonia/hr-
vp-borrell-skopje-north-macedonia-and-western-balkans-are-strategic_en?s=229](https://www.eeas.europa.eu/delegations/north-macedonia/hr-vp-borrell-skopje-north-macedonia-and-western-balkans-are-strategic_en?s=229)

² Mirel.

³ <https://www.ceps.eu/ceps-publications/a-template-for-staged-accession-to-the-eu/> - revised version

EU's internal adjustments (institutional, policy, budgetary and decision-making), implementing reforms in and by the Western Balkan countries and the resolution of bilateral disputes are the key aspects where strong political will is needed to advance enlargement. They are all lengthy and complex processes, thus the recommendations below propose to work on all the tracks in parallel.

REVAMP ENLARGEMENT POLICY: EXTRAORDINARY TIMES CALL FOR EXTRAORDINARY MEASURES

We urge the Council to explore the possibility for qualified majority voting on decisions regarding intermediary steps in the EU enlargement process. The EU's internal reform aims to ensure that the EU is functional with more members. In that context, we see decision-making in the Council bodies as one of the main aspects in the reform that could also reinvigorate the accession process. Amidst the ongoing discussion on introducing qualified majority voting (QMV) in foreign policy, there have already been studies regarding the 'passerelle clauses', subject to political will of Member States to vote unanimously on adopting this option, including by the European Parliament. Nevertheless, given current divisions among Member States on QMV in foreign policy and the risk for a stalemate it could entail, it is important to consider increased flexibility in decision-making in enlargement policy separately.

More flexibility in decision-making in the Council bodies will provide an impetus for candidate countries to implement the necessary reforms. It will decrease the bureaucracy, as Member States will no longer need to approve every single technical step (opening/closing of chapters and clusters, verification of benchmarks) and eliminate the possibility for veto on these steps. However, Member States will maintain their prerogative to suspend the process under justified conditions (e.g., weak delivery or backsliding in the reforms), and will have the final say through the final approval and ratification of the accession treaty.

The Council should announce the start of an accelerated accession process for all (potential) candidate countries. The accelerated process would only guarantee membership to those countries who fulfil the necessary criteria and would not be a side door for those countries that are not ready. Instead, it would constitute a concrete push to the countries that are committed to implement the reforms and deserve to join in the nearest possible future. It will incentivize the reform agenda across all the clusters, under the European Commission services' close guidance and monitoring. A faster accession process, following years of being stuck on the backburner or being blocked by specific Member States, would restore trust in EU's credibility in the Western Balkan countries.

Set a target date for both the EU and candidate countries to finish their internal reforms. The year 2030 mentioned as a target for the EU to be ready to admit new members, both by the President of the European Council Charles Michel and the European Parliament, has great potential to incentivize the Western Balkan countries to deliver and advance in fulfilling the membership criteria. The 2030 Agenda is to be understood as the "best case scenario" when the most advanced and reformist countries could finish their accession process and should

provide common understanding of the shortest possible horizon to consider next enlargement rounds.

The European Commission should prepare individual accession action plans (AAPs) in coordination with the candidate countries. Such a practice was already introduced in Croatia's and North Macedonia's accession in 2000s in the form of Accession Partnerships adopted by the Council. The AAPs should include individual country priorities under a specific timeframe (ex. 3–5 years). In more sensitive areas, such as rule of law, stricter conditionality and an additional verification period could be envisaged to ensure that implementation is satisfactory. The reporting process and mechanisms should be adjusted accordingly, to allow for more flexible and real-time monitoring of specific policy areas. That way advancements (or backsliding) will be noted in a more timely manner, in order for the process to move to the next level or alternatively undertake remedial measures.

The European Commission should introduce intermediary milestones related to the individual AAPs to put forward concrete incentives. Such milestones should be based on the progress that candidate countries make in related policies and provide an incentive to implement the needed reforms by re-establishing the link between the reforms (effort) and membership (reward). They could come in the form of increased market access, funding, participation in various policy and decision-making processes.

ENCOURAGE DELIVERY ON THE KEY ASPECTS IN THE ACCESSION PROCESS

The (potential) candidate countries should revamp their own attitude towards domestic reforms and changes in enlargement policy. They should demonstrate political commitment and proactive attitude, build domestic consensus and resilience against domestic and foreign influences that may undermine their EU integration process.

Dispute resolution efforts should run in parallel to the implementation of the AAPs. The use of veto for issues unrelated to the enlargement criteria (such as in the case of North Macedonia) has caused serious damage to the prospects for the EU to become a genuinely geopolitical player. It has created frustration in the Western Balkans at government and grassroots levels and has paved the way for increased influence of EU's competitors, including but not limited to Russia and China.

The EU's position has been that bilateral disputes must be resolved prior to accession. This approach completely neglects the asymmetric position of countries in the negotiation process in disputes between candidates and Member States. It also disregards the already tangible evidence that interaction within the EU context leads to building mutual confidence and ties, fostering more favourable conditions for dispute resolution.⁴

⁴ <https://www.ald-europe.eu/library/news128/>

Finally, if the resolution of – or progress in bilateral disputes were tied to tangible advancements in the EU accession, it would increase the incentive of countries to compromise.

With the exception of border disputes, the EU lacks a strategy or institutional mechanism to address bilateral issues.⁵ It should re-think its role in the mediation processes on the basis of lessons learnt in both resolved and pending disputes (North Macedonia's disputes with Greece and Bulgaria, as well as the Serbia-Kosovo issue).⁶ Member States should refrain from using the veto on enlargement policy over bilateral issues and should seek for other ways to resolve their disputes with candidate countries, outside the enlargement process. A specific blueprint should be developed for each candidate country, where this is necessary, which would include the involvement of competent international organisations and independent mediation/arbitration as needed. This would build on the work done in the framework of the Berlin Process under the Austrian Presidency in 2015.

The Council should enable the Commission to make use of the existing mechanisms for immediate reporting and triggering of sanctions for violations or backsliding in the area of rule of law. More effective and sustainable measures should be undertaken to ensure that the fundamental values enshrined in Article 2 of the TEU are upheld and to prevent, to the extent possible, backsliding after membership. The accession process, including of the most formally advanced candidate countries, has had only minor effects to improve rule of law. As the January 2022 European Court of Auditors report found, “while EU action has contributed to reforms in technical and operational areas, such as improving the efficiency of the judiciary and the development of relevant legislation, it has had little overall impact on fundamental rule of law reforms in the region”.⁷ At the same time, rule of law has become a thorny issue inside the EU itself, as backsliding in some EU Members States has fuelled suspicion towards the potential of candidate countries to reach the necessary standards.

The mechanism should be direct and automatic to avoid political calculations and the trap of stabilitocracy. The financial cuts in the EU assistance should not be deducted from the balance of the specific country in question, but from the balance sheet of the specific government. These funds should instead be allocated to CSOs and other actors who have the capacity to contribute to redress the situation, support structural reforms and enhance the pro-democratic transformative capacity of Western Balkan societies.

The role of civil society in the accession process should be strengthened. The consultation frameworks adopted by national governments throughout the region in practice are a “ticking the box” exercise and need to be thoroughly reformed to ensure meaningful civil society involvement throughout the policy cycle.

⁵ <https://www.ceps.eu/ceps-publications/eu-enlargement-and-the-resolution-of-bilateral-disputes-in-the-western-balkans/>

⁶ Armakolas, forthcoming.

⁷ <https://www.eca.europa.eu/en/publications?did=60343#:~:text=Report-,Special%20Report%2001%2F2022%3A%20EU%20support%20for%20the%20rule%20of,despite%20efforts%2C%20fundamental%20problems%20persist&text=Rule%20of%20law%20is%20one,necessary%20condition%20for%20EU%20membership.>

CSOs should be involved in the dialogue between the government and the EU services on regular basis or invited to back-to-back consultation meetings (ex. SAA bodies, screening and negotiation meetings, WBIF and National Investment Committees). Their efforts in producing shadow reports of the AAPs should be recognized and taken into account by the governments. They should be fed into the Commission's reporting and also be disseminated and explained at the national level. Governments in the EU and the Western Balkans and EU institutions should also support building the capacity of grassroots initiatives to strengthen and add new channels in the bilateral (EU-Western Balkans) communication and cooperation.

ENSURE ALL THE PRECONDITIONS ARE IN PLACE TO SUPPORT ENLARGEMENT

Both the European Commission and Western Balkan national governments should increase the resources devoted to enlargement and the implementation of the AAPs. Capacity to transpose and implement the acquis is crucial for all the Western Balkan countries to be able to fulfil membership requirements, especially if they would all be able to start the accession process and work across all areas. The European Commission must also be able to respond to the challenges outlined in the previous sections and of providing more intensive country-specific guidance, support and continuous monitoring of the individual AAPs. Given the strategic importance of the enlargement policy and the increasingly different situation in separate regions in the EU neighbourhood (Western Balkans, Eastern and Southern Partnership), there should be a separate DG to deal with enlargement policy. The involvement of line DGs in the process should also be strengthened, to provide continuous support to counterparts in line ministries in the Western Balkans.

National governments in the Western Balkans should develop and implement specific plans for public administration reform (PAR), depolitization, professionalization and fight against corruption. Given the importance of PAR for the overall negotiation process and its high dependence on the political will of Western Balkan governments, such plans should be adopted and implemented in the course of 2024, as a precondition for the start of the implementation of the AAPs.

The European Commission, through its representations in individual Member States, should engage in tailored campaign to address the specific concerns of citizens in relation to EU enlargement, be it in the EU or the Western Balkan region. Such campaigns should serve to debunk the "myths", counter populism and build support for EU enlargement. Member States' governments and parliaments are also encouraged to communicate more with their citizens on enlargement issues.

The EU Delegations in the candidate countries should inform citizens about the novelties in the accession process, the direct link between the EU's support for the reforms and the reforms positive socio-economic impact in acceding countries, as well as the actual progress in the accession. Cases of lack of political will to implement the reforms and/or backsliding

should also be explained and clearly put forward to encourage national actors (civil society, citizens, opposition parties etc.) to seek for accountability. National governments and parliaments of (potential) candidate states should provide objective arguments about the accession process, its benefits and costs, and work on building national consensus in their countries on the need to implement the accession reforms.