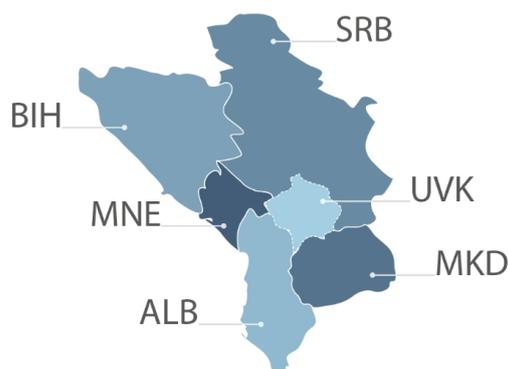


The Western Balkans and the EU Enlargement and challenges

SUMMARY

The challenges ahead of the EU and the current candidate, and potential candidate, countries – Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Serbia – are multiple and, to some extent, different compared to the past. First, the EU itself is in a different situation. In 2014, the European Commission's newly elected president announced a five-year halt to enlargement. In June 2016, the UK voted to leave the EU, an event unprecedented in Union history. Second, the Western Balkan countries present a case more complex than previous EU candidates, because apart from making a difficult transition to democracy while struggling economically, they face the legacy of relatively recent armed conflict and have bilateral disputes to resolve. And yet, despite the seemingly more distant prospect of further enlargement, the EU has recently confirmed that the integration of the Western Balkans remains on the agenda and is a matter of mutual interest.

For the aspirant countries, however, 'the bar for accession has been set higher' because of the evolving enlargement policy, with its increased focus on conditionality and reshuffled priorities. One novelty is a new EU approach, which brings rule of law to the fore. As this is a major area of concern, in which reforms take longer, the EU has decided to open rule of law Chapters 23 and 24 in the negotiation process first. An argument in favour of this approach is that post-accession monitoring has not proven efficient, as in the case of Bulgaria and Romania. Another highlight is an increased focus on regional cooperation. While enlargement is on hold, cooperation could give fresh impetus to the region's economic performance, reconcile societies and prepare them for eventual EU entry.



Source: EPRS.

In this briefing:

- Enlargement process: what novelties for the Western Balkans?
- The Western Balkans: progress and obstacles on the path to EU accession
- Rule of law and the Western Balkans
- Regional cooperation: moving things forward
- Future challenges
- Main references

Enlargement process: what novelties for the Western Balkans?

The EU and its enlargement policy have been evolving for over 40 years and have changed significantly, particularly after the most recent enlargement rounds in 2004, 2007 and 2013. For the current candidate and potential candidate countries in the Balkans – Albania, FYR Macedonia, Montenegro, Serbia, Bosnia and Herzegovina and Kosovo – the result is accession standards [set higher](#) than ever. At the same time, these countries present a more complex case compared to previous rounds. They have the legacy of armed conflict, [bilateral disputes](#) to resolve and to make a transition to democracy in a dire economic context. To address these, the EU has had to reshuffle priorities, consider new approaches and remain open to a further fine-tuning of its policy.

The legal base for EU enlargement is [Article 49](#) of the Treaty on European Union (TEU) 'Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union'. In 1997, the Amsterdam Treaty introduced the requirement for applicant countries to respect EU values, outlined in [Article 2 TEU](#) (respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities), as a condition for membership.

'Renewed consensus' on enlargement, and a New Approach

Examples such as the [cooperation and verification mechanism](#) for Bulgaria and Romania, set up in December 2006 to monitor their compliance regarding the rule of law after joining the EU, attest to the stronger leverage of EU conditionality before accession. To ensure better compliance and implementation of EU standards, the EU gradually built on the initial criteria, set after the fall of the communist regimes in 1989. The recent changes focus particularly on the rule of law and on overcoming political hindrances to accession (bilateral disputes), so that they are not imported in the EU.

In 1993, the EU adopted the [Copenhagen criteria](#) to address the former Soviet bloc countries' needs for democratic transition. Their aim was to prepare the EU's prospective members for its political and economic standards, and to help them harmonise their legislation with its existing *acquis* (policies and laws). In 1997, compliance with these criteria was further reinforced. The 'own merits' principle was also established, so that each aspirant country would make progress according to its individual efforts and pace, rather than en bloc.

In 2006, the European Council approved a [renewed consensus](#) on enlargement, placing stronger emphasis on conditionality and the EU's capacity to integrate new members. In its 2011 [enlargement strategy](#), the Commission suggested a new approach, according to which the negotiation process would start by addressing rule of law issues and place a stronger focus on tackling organised crime and corruption. This entailed opening [Chapters](#) 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) in the negotiation process first, and [strengthening the use of benchmarks](#) through the introduction of interim benchmarks. The Commission's aim was to give candidates more time for making difficult, time-consuming reforms, adopting legislation and displaying a strong track record of implementation before their negotiations closed. Furthermore, an 'equilibrium clause' would permit negotiations to come to a complete halt if progress in Chapters 23 and 24 fell significantly behind.

'Fundamentals First', or key topics on the enlargement agenda

The Commission's 2013 [enlargement strategy](#) introduced a 'fundamentals first' approach. The five fundamentals to serve as the [new strategy's backbone](#) outlined the key topics on the enlargement agenda: rule of law, economic governance, strengthening of democratic

institutions, and fundamental rights. Given the ongoing difficulties caused by disputes between [Cyprus and Turkey](#), and [Greece and FYR Macedonia](#), another emphasis, relevant for the region, is an increased focus on good neighbourly relations, resolution of bilateral disputes and improving regional cooperation as essential areas for aspirant countries to work on before joining the EU.

In 2015, the Commission [re-iterated](#) that, as the challenges faced by the applicant countries would not allow them to join the EU during its current mandate, the focus on the principle of 'fundamentals first' in the accession process remained.

The Western Balkans: progress and obstacles on the path to EU accession

When it comes to progress towards integration with the EU, a look at the region as a whole would show positive results but also stagnation and backsliding. Despite the common key priorities and reforms needed, each Western Balkan country is at a different stage in its relations with the EU, has its own pace (Figure 1) and specific sensitive issues to address. To move forward, the region needs more political responsibility and willingness to rebuild trust, enhance cooperation and deliver results on a national and regional level.

Figure 1 – Enlargement: [state of play](#)



Source: EPRS, 2016.

Montenegro is usually referred to as the frontrunner of the accession process. It has indeed advanced most and got ahead of Turkey, with [24 negotiation chapters](#) opened (as of June 2016) and two provisionally closed. It was the first to start accession talks (in 2012) and to apply the new approach to rule of law Chapters 23 and 24. Moreover, Montenegro has no bilateral disputes with an EU Member State or a neighbouring country and no particular issues block its EU path. An overall positive 2015 Commission report commended the country for its leading role in the accession process and improved preparedness to assume membership obligations. In 2016, Montenegro also received a formal [invitation to join NATO](#). Nevertheless, its progress is not devoid of controversies and it is submerged in a political crisis ahead of [parliamentary elections](#) in October 2016. As the [Balkans in Europe Policy Advisory Group](#) stated [recently](#), there are 'numerous problems in reporting and transparency of the process', and above all, in applying the adopted key norms in practice. Critiques also address the 'negligible progress' as regards the rule of law and the fight on corruption and organised crime.

Serbia officially started its EU accession talks in 2014, while in December 2015 it [opened](#) its first negotiation chapters: on financial control (Chapter 32) and on 'Other issues'

([Chapter 35](#)). The latter refers to the normalisation of relations with Kosovo, a [long-term issue constraining](#) EU integration. Serbia has not recognised Kosovo's independence; besides, the Serbian constitution claims Kosovo to be a part of its territory. Both sides are involved in a high-level [dialogue](#) aiming to normalise relations between the two. The [EU negotiation position](#) aims to reach a legally binding agreement that would allow both Serbia and Kosovo to fully exercise their rights and fulfil their obligations vis-à-vis the EU. Thus, Chapter 35 has great weight in the accession talks, and absence of progress on it could block other chapters through the application of [an imbalance clause](#). In Serbia's case, it was the first to be opened and will be the last to be closed.

Figure 2 – EU chapters: state of play, 2016

Montenegro



Serbia



provisionally closed

open

not opened yet

The next two important Chapters – 23 and 24 – were [opened](#) on 18 July 2016, at the third EU-Serbia Intergovernmental Conference. That was possible only after overcoming [Croatia's veto](#) on opening Chapter 23. Croatia addressed [several requirements](#) to Serbia, asking it to remove the universal jurisdiction from its legislation (allowing it to prosecute for war crimes outside its territory), to respect minority rights and to fully cooperate with the [International Criminal Tribunal for the former Yugoslavia in the Hague](#). Bulgaria and Slovenia also raised some minority rights issues, but did not veto the opening of Chapter 23. Serbia has been [invited to prepare negotiation positions](#) for two more chapters: 14 (Transport Policy) and 21 (Trans-European Networks).

Albania and FYR Macedonia also have candidate status, but neither has started negotiations yet. **FYR Macedonia** first signed a stabilisation and association agreement (SAA) with the EU in 2001 and received candidate status in 2005. However, it has not moved since, due to its name dispute with Greece, in spite of several consecutive Commission recommendations to open negotiations. In order not to stall the pace of reforms in FYR Macedonia, in 2012 the EU launched a [high-level accession dialogue](#). However, the country is currently in a deep political crisis. Amidst a deteriorating political situation and mass anti-government protests, dubbed the '[colourful revolution](#)', preliminary elections were postponed twice, in April and in June 2016. Through EU mediation, the political parties reached the so-called '[Pržino Agreement](#)', which outlined a number of [urgent reform priorities](#) in the areas of rule of law and judiciary, depoliticisation of public administration, electoral reform, improving the functioning of the parliament and media freedom. Work on them would allow elections to [take place in December 2016](#), as recently agreed. The Commission made its 2015 recommendation for opening negotiations '[conditional](#)' on the implementation of the Pržino agreement and the urgent reform priorities, to be assessed after the elections.

Albania received candidate status in June 2014 and needs to deliver on five key priorities: the judiciary, the public administration, corruption, organised crime and human rights. Although the EU notes Albania's commitment and steady progress on them, it has made it clear that the next step – opening negotiations – [will depend](#) primarily on completing the ongoing judicial reform and ensuring constructive cross-party political dialogue. Political polarisation, the judiciary and corruption issues provoke concern. The EU calls for political will and targeted actions to pursue enlargement-related reforms with an emphasis on public administration reform. Following the [passing in parliament](#) of the long-disputed judicial reform, Albania now hopes to open EU accession talks shortly.

Bosnia and Herzegovina and Kosovo remain potential candidates. In the case of **Bosnia and Herzegovina (BiH)**, where progress had stalled for a number of years, in 2014 the EU designed a [renewed approach](#) with a focus on economic governance. It entailed reshuffling EU priorities and putting concrete socioeconomic issues ahead of the constitutional reforms. The BiH government in turn endorsed a written commitment to EU-related reforms and adopted a Reform Agenda (2015-2018). All these moves allowed the SAA, signed in 2008 but blocked by previous EU reform priorities, to finally enter into force in 2015. In January 2016, BiH fulfilled another EU requirement: it adopted a coordination mechanism to ensure that the different levels of government work jointly on EU matters. The next step was submitting a formal application for EU membership on 15 February 2016. The coordination mechanism body caused internal contradictions (one of the autonomous entities, Republika Srpska, criticised the move), but was finally approved in August 2016 after accommodating the positions of all entities. The mechanism is to create a single, [unified point of contact](#) between all levels of government and the EU. BiH and the EU also signed an [agreement](#) on adapting the trade part of the SAA to take into account Croatia's joining the EU in 2013 and thus to avoid impairing bilateral trade. Both of these steps were crucial for considering Bosnia's membership application. On 20 September 2016, the Council [asked](#) the Commission to give its opinion on BiH's application. Despite these positive moves, BiH faces a host of deeply rooted domestic issues and reforms. Future pending tasks include advancing the reform agenda, adopted in 2015, and undertaking constitutional reform to create a functional state.

Kosovo has been a potential candidate since 2008. The Commission's 2015 [report](#) assessed that it is still at an 'early stage' of preparedness for EU membership. However, in 2015 Kosovo signed an [SAA](#), its 'first contractual relationship' with the EU, which entered into force in April 2016 and reaffirmed its EU perspective. It incentivises reforms and puts Kosovo '[on equal footing](#)' with its neighbours. On the other hand, Kosovo does not yet benefit from a visa-free regime like the rest of its neighbours. In May 2016, the Commission [proposed](#) visa-free travel to the EU for Kosovars holding biometric passports, but made it conditional on the ratification of the [border demarcation agreement](#) with Montenegro and on an improved track record in the fight against organised crime and corruption. This border deal, however, along with recent deals reached in the framework of the normalisation dialogue with Serbia (such as the one regarding the association/community of Serb-majority municipalities), as well as corruption, have caused the [harshest political and parliamentary crisis](#) in Kosovo since its independence declared in 2008, and have sparked violent opposition protests. Last but not least, the fact that Kosovo is still not recognised by five EU Member States remains a serious hurdle on its EU path.

Rule of law and the Western Balkans

Rule of law is an area of particular concern for the Western Balkans, in which long-lasting ethnic disputes, widespread corruption, slow transition to democracy and weak civil societies have prevented substantial progress.

Rule of law takes centre stage in the aspirants' efforts

The new EU approach puts rule of law [at the heart](#) of the accession process for several reasons. First, as a fundamental EU value, it is intrinsically [linked](#) to respect for democracy and fundamental rights. Second, for the EU to function well, its Member States need to have trust in each other's legal system; this makes it crucial for the EU to use its strong leverage on rule of law reforms before a country's accession. As within the EU, adherence

to rule of law [is not taken for granted](#), in 2016 the EP issued a legislative own-initiative [report](#) on setting up an EU mechanism on democracy, rule of law and fundamental rights, and proposed developing a scoreboard with indicators to measure compliance. Rule of law is also key in economic terms. Legal certainty and universal application of laws and procedures usually means an improved investment climate and business environment.

There is no uniform definition for the rule of law. For the World Bank, 'the rule of law prevails where i) the government itself is bound by the law, ii) every person in society is treated equally under the law, iii) the human dignity of each individual is recognized and protected by law, and (iv) justice is accessible to all'. For the EU, rule of law is the [backbone](#) of any modern constitutional democracy and one of the main values on which it is based. In terms of EU rule of law requirements, despite the broadness of the concept, judiciary reform is considered the most important [prerequisite](#) for reform. The EU has been providing financial assistance through its [IPA instrument](#), with the aim of providing an independent, impartial and efficient judiciary. Despite some progress recorded, the process has widely been considered 'complicated, politicised and context specific'.

The 2016 Paris [final declaration](#) from the Western Balkans' latest [Berlin process](#) summit highlights that 'more than ever, the rule of law lies at the heart of the enlargement process, including through judicial reforms, and by tackling organized crime and corruption, as well as ensuring full respect of fundamental rights.' This is the latest proof of the increasing [relevance](#) of the rule of law in the accession process. A decade of

Chapter 23: Judiciary and Fundamental Rights

[Chapter 23](#) covers the following areas: the judiciary, anti-corruption, fundamental rights and the rights of EU citizens. Once they have fully aligned their legislation the EU *acquis*, candidate countries need to show visible and measurable results, as well as a track record, in applying it.

Chapter 24: Justice, Freedom and Security

The main objective of all activities in [Chapter 24](#) is to ensure free and safe movement of people. It covers migration, visas, borders and Schengen, police cooperation, cooperation in criminal and civil matters, but also as regards drugs, customs, and the fight on organised crime and terrorism.

applying the Stabilisation and Association Process ([SAP](#)) to the aspirant countries has not been sufficient to get their judicial systems, corruption and organised crime off the list of top problematic issues. The European Commission has [placed](#) an independent and efficient judiciary, free from external influences and observing the principles of impartiality, integrity and a high standard of adjudication by the courts, among the conditions for membership. The Commission's annual country reports state (with some exceptions) that the legal and

institutional framework for the judiciary is mainly in place. In its enlargement strategy, the Commission notes that the accession process now depends on demonstrating results in the application of the rule of law and efficient and effective implementation of the existing legal framework.

Shared challenges to the rule of law

Broadly speaking, all candidate and potential candidate countries share common challenges to the rule of law. A major challenge, pointed out by some researchers, is the [lack of clarity and credibility](#) as regards the rule of law requirements. Aspirant countries are expected to build an EU model of rule of law and be compliant as regards the judiciary, yet there are no clear guidelines what exactly is to be done. There is no single EU rule of law model or comprehensive approach towards judiciary reforms. An independent judiciary may be structured differently and rules that are suitable for democratic

countries may not produce the same effect in a transition country. Therefore, the 'lack of clear unambiguous rules' and the [difficulty](#) in measuring progress in this area is an overarching challenge.

A [research paper](#) by the Skopje Institute of Democracy sums up the common challenges to an independent and efficient judiciary in the Western Balkans. The list includes inadequate constitutional and legal frameworks, overly complex systems of courts, unclear standards for selection, dismissal and promotion of judges, low planning budgeting and performance measurement capacities, outdated administrative practices, lack of adequate training, poor use of information technology and automated systems, among others. All these deficiencies lead in turn to a host of issues such as long delays in court proceedings, difficult enforcement of court judgements, lack of accountability, corruption, high operating costs, inefficient administrative practices, lower level of professionalism, and low public trust in the judicial institutions, to name a few.

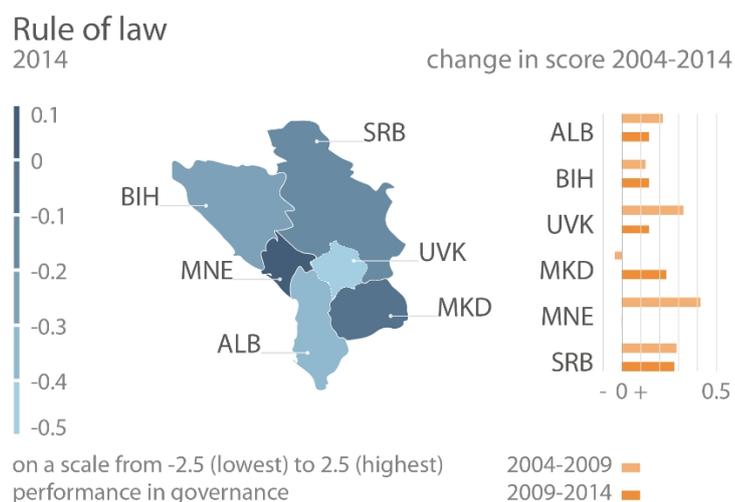
Addressing the above challenges by passing adequate legislation is insufficient. Economic growth and stronger civil society involvement to help trigger changes in mindset and attitudes, are also required to tackle rule of law deficiencies.

Progress regarding the rule of law; ongoing judiciary reforms

Despite continuing problems, progress in establishing the rule of law over the last decade has been slow but undeniable. The [Worldwide Governance Indicators \(WGI\) project](#) presents an attempt to measure this progress. It captures the views of multiple stakeholders and combines a variety of sources in order to get a picture of how the rule of law is perceived in individual countries, or the extent to which agents have confidence in and abide by the rules of society. It shows that, between 2004 and 2014, all states have improved their scores.

To address their shared challenges and set up a common framework of pending issues regarding democracy and rule of law in the region by engaging national authorities, in 2016 FYR Macedonia, Serbia and Montenegro undertook a [common project](#), called Monitoring and evaluating the rule of law in the Western Balkans. With the aim of establishing a judicial system that is independent, transparent, accountable, accessible and efficient, all Western Balkan countries have in place judicial reform strategies, the most recent of which Kosovo's [Rule of Law Assistance Strategy 2016-2019](#). They also have High Judicial Councils with certain control functions, although their immunity from political interference still raises concerns. All candidate countries need to have their legislation screened and prepare action plans for the rule of law chapters prior to starting negotiations. Montenegro and Serbia have made the greatest progress, having already opened the rule of law chapters. Albania has recently made a break-through by adopting a judicial reform package that is crucial for its EU path.

Figure 3 – Rule of law indicators, 2004-2014



Source: [WGI](#), 2016.

Under the new EU approach, **Montenegro** had to open the rule of law chapters first, and to start implementing the respective [action plans](#). The Commission's [2015 progress report](#) defines its judicial system as moderately prepared. Montenegro has so far achieved significant results in the legislative field, such as changing the Criminal Procedure Code, and revising and adopting a number of sectoral laws. The country's overall anti-corruption framework has been strengthened through the establishment of a Special Prosecutor's Office (2015) and an Anti-Corruption Agency (2016), as well as through the adoption of a new Parliamentary Code of Ethics and a new Law on Prevention of Corruption, in force since January 2016. Yet, like other countries in the region, besides strengthening the legislative framework, Montenegro needs to fully apply it in practice and set a track record in the fight against corruption and organised crime. Overall, courts are managing to cope with the influx of cases, but measures to reduce the number of cases pending and the total length of proceedings need to continue.

The [2015 report](#) on **Serbia** notes that its judicial system has 'some level of preparation' and commends the [finalisation](#) of the action plans for chapters [23](#) and [24](#), which foresee a comprehensive reform agenda in the rule of law area. Despite Croatia's initial objections, on 18 July 2016 Serbia opened the rule of law chapters, which [signalled](#) the beginning of a more intensive process of alignment of its legislation in the areas concerned. In August 2016, the panellists at a conference entitled [What awaits us in Chapters 23 and 24](#), underlined that meeting criteria under these chapters would allow the opening of others. The Serbian government [hopes](#) this can happen by the end of 2016. Serbia's new government agenda recognises the rule of law as a [key aspect](#) of attention, but progress so far has been mainly in the development of [new laws and strategies](#), such as the [national judicial reform strategy](#), the national anti-corruption strategy (2013-2018) and accompanying action plans. Some progress has been noted as regards judicial independence, as illustrated by the promotion of merit-based requirements for career progression through the adoption of rules for evaluating judges and prosecutors. However, in practice, political interference in the recruitment and appointment of judges and prosecutors is still not excluded. Administration of justice is slow, with a significant backlog of cases. As regards fighting corruption, despite the passing of new laws or revising old ones, the lack of a public debate or a consistent analysis of corruption risks has generated contradictory results. Large loopholes are evident in the implementation of a series of formally adopted rules. As regards Chapter 24 and mostly in connection with the refugee crisis, some progress has been noted in the management of the migration and asylum system in Serbia, as well as in the fight against organised crime and terrorism.

Albania has seen important developments as regards its judicial reform. The EU has repeatedly highlighted that adopting a series of judicial reforms is key to opening [EU accession talks](#), and has been [insisting](#) on the adoption of the reform package which contains changes in some 40 laws, aimed also at curbing the high level of corruption and organised crime. Albania has set up a special parliamentary committee to prepare the [reform package](#), as well as any necessary constitutional changes. The committee is supported by multiple experts, including those involved in an [EU-funded project](#) for technical expertise. The package has been [assessed](#) by the Council of Europe's Venice Commission, whose recommendations the EU had called to be [taken into account](#). Despite initial resistance, both the ruling party and the opposition committed to accepting them. The constitutional amendments on judicial reform were [finally passed](#) by a unanimous vote in Parliament in July 2016. This is considered '[an important](#)

[milestone](#)' which paves the way for a meaningful justice reform. Albania is thus trying to prepare for the standards of the European justice system and for what it considers the next logical step in the process: [opening Chapters 23 and 24](#). After adopting the package, Albania [hopes](#) to be able to open EU accession talks by the end of 2016.

The [2015 report](#) on **FYR Macedonia** notes backsliding in the areas of democracy, and rule of law, among others, and further erosion of trust in the institutions. What the last decade's reforms accomplished is being undermined by real and potential political interference in the work of the judiciary. The contents of the wiretapped conversations which provoked the [current political crisis](#) reveal that fundamental rights are not respected and that there is political interference with judicial independence, media freedom and elections, as well as corruption. This shows that outstanding issues already identified in previous reports remain to be addressed. The first of the [urgent reform priorities](#)', agreed for FYR Macedonia in the context of its political crisis, relates namely to the rule of law and judiciary. The country is prompted to depoliticise the appointment and promotion of judges and prosecutors in practice, to remove obstacles to judicial independence, to ensure the professionalism of the Judicial Council and the timely publication of all court rulings, and to develop a track record on the overall length of proceedings. FYR Macedonia is also expected to provide full support and resources to the [Special Prosecutor](#) and to adopt a new judicial reform strategy and action plan addressing remaining shortcomings in a sustainable manner. The fight against corruption, including amending the necessary legislation and establishing a comprehensive whistleblowing protection mechanism, as well as revising the Law on Lustration, are also on FYR Macedonia's to-do list.

In its 2015 communication on the [enlargement strategy](#), the Commission points that the [rule of law](#), corruption and organised crime are core topics for **Kosovo**. Since 2008, the country's authorities have had the support of the EU rule of law mission ([EULEX](#)), whose central aim is to assist them, specifically in the police, judiciary and customs areas. In 2014, [corruption allegations](#) triggered an independent investigation of the mission's work. The resulting final 2015 [report questioned](#) its effectiveness, but the Council has recently [extended](#) its mandate until 14 June 2018.

The Commission's [2015 report](#) on Kosovo assesses its judicial system as being at an early stage of preparation. Kosovo has been working on 12 rule-of-law objectives, agreed in a [2012 Compact](#) and reconfirmed in a [2015 Compact 2](#), concluded with EULEX. Four core laws (on the Judicial Council, on the Prosecutorial Council, on Courts, and on the State Prosecutor) have been amended, but results are mixed and the judiciary is still prone to political interference. There are concerns that disputed appointments and unclear mandates have undermined the activities of institutions such as the Judicial Council, the Kosovo prosecution offices, and the Office of the Chief State Prosecutor. Rule of law institutions also suffer from a consistent lack of funding. Regarding the fight against corruption, improved cooperation between the Anti-corruption Agency and the prosecution, and requirements for declaring property and gifts by officials are cited as having booked progress, although a limited one.

In **Bosnia and Herzegovina**, progress on judiciary reform is limited. In particular, the non-implementation of a judgment by the European Court of Human Rights ([the Sejdić-Finci case](#)) is noted as (one of) the primary reasons why the country is at a standstill with regard to EU accession. The Commission's [2015 report](#) does note some level of preparation

within the justice system and some progress, notably through the adoption in September 2015 of a [justice sector reform strategy](#) for the 2014-2018 period.

European Parliament 2016 resolutions

In its annual country resolutions, the EP highlights its views on the rule of law. It voices concern about [Albania](#)'s persistent shortcomings in the respect for the rule of law and about increased political pressure on the judiciary in [Bosnia and Herzegovina](#). Moreover, it deplores the latter country's continued fragmentation into four different legal systems and its lack of an effective and objective system for assessing the professional qualities of judges. The EP insists that the urgent reform priorities regarding the systemic reforms of the rule of law and fundamental rights be implemented without delay in [FYR Macedonia](#). The EP stresses the need to proceed promptly with the concrete and effective implementation of the core laws adopted in [Kosovo](#). Regarding [Montenegro](#), it reiterates that overall progress in the negotiations depends on progress in the implementation of the rule of law and the visible track record thereof. The EP acknowledges [Serbia](#)'s progress in the area of judiciary, but points out that political interference in the country remains high and urges it to take steps to increase confidence in the judiciary.

Regional cooperation: moving things forward

One of the EU's strategies for tackling challenges related to EU membership, and per se a pre-condition for accession, is regional cooperation and good neighbourly relations. Interdependence and de facto cooperation between neighbouring countries in one area (such as infrastructure, transport, energy, free trade) is expected to lead to further cooperation in a broader range of areas, but also to regional stability, reconciliation and ultimately to European integration. Lessons can be drawn from examples of cooperation between the [Visegrad](#) and the [Baltic countries](#), but for the Western Balkans, in view of their ethnic disputes and past armed conflicts, building close regional ties and trust is even more crucial. Although not all countries from the region have opened accession negotiations, they are all involved in the Stabilisation and Association Process (SAP), the framework aiming to prepare them for eventual membership. The SAP places particular emphasis on regional cooperation and good neighbourly relations.

Regional cooperation has advanced and 'taken root' in the Balkans for multiple reasons and has been 'a transformative experience'. Apart from economic arguments (faster economic growth in general and smoother integration in the EU), there have been political reasons for strengthening regional cooperation. The need to establish permanent conditions for security, stability, peace and development has been a major driver. Since the 1990s, multiple formats and initiatives for regional cooperation covering a wide range of areas have been established in the Western Balkans. Starting with the 1999 [Stability Pact for south-eastern Europe](#), the Western Balkan states have come together in a variety of formats and initiatives with a wide scope, including economic, functional, political and security cooperation (Figure 4).

The Berlin Process: 2014 – ongoing

Regional cooperation was initially influenced from the outside (by the EU, but also by NATO, the USA and International Financial Institutions (IFIs), for the purpose of conflict management and reconstruction. [The Berlin process](#) – the latest regional cooperation initiative – is an attempt of the Western Balkan countries to take ownership and bring new impulse for growth in the region.

The Berlin process brings together the leaders of the Western Balkans Six (WB6) and several EU Member States in yearly summits. It is an opportunity for a '[double and parallel](#)' restart of the integration process, both within the WB6 and from the part of the EU, at a time when this process is facing difficulties. The fact that it is a 'limited and focused' process which envisages cooperation on practical projects and joint investments within a timeframe of several years (2014-2018) is seen as added value that has the potential to bring tangible mutual benefits and a faster EU track for the region. The major themes featuring in the three summits that have taken place so far are the economy, youth cooperation and connectivity. Within the framework of the process, special attention is drawn to the resolution of [bilateral conflicts](#) and to civil society's increased role in the process but also in the transformation of the region in general.

As in previous summits, the emphasis of the Paris summit in July 2016 was on promoting economic development and supporting connectivity in the energy and transport sectors between countries in the region. At the summit, the regional leaders reviewed the 10 agreed infrastructure projects, launched new ones and addressed funding issues. Fostering regional trade and market integration, especially through the Central European Free Trade Area, was also highlighted, in particular the signing of an Additional Protocol on Trade Facilitation and plans to conclude another Protocol on Trade in Services before the end of the year. As part of efforts to promote reconciliation in the region, an important emphasis was also placed on the role of youth, with the establishment of a [Regional Youth Cooperation Council](#).

The Paris summit [final declaration](#) once again stated that the future of the Western Balkans lies in the European integration and in regional cooperation.

Future challenges

The EU's latest confirmation that enlargement remains on the agenda, may, according to the European Policy Centre, be '[only partially reassuring](#)'. The EU perspective is there, but keeping in mind the current challenges that the aspirant countries and the EU itself are facing, future enlargement can be expected to be a lengthy process. The road ahead is strewn with difficulties, which the candidate and potential candidate countries have not been able to overcome despite stricter conditionality and their already long involvement

Figure 4 – Regional initiatives



Source: [RCC, 2016](#).

in the SAP process. At the same time, caught between the EU's 'enlargement fatigue' and their own 'accession fatigue', the Western Balkans countries still regard the EU as their only feasible future, as they are economically and politically closely tied to Europe. Moreover, '[without a plausible route](#)' to the EU, the region is at risk of destabilisation and a slowing of its political progress. Therefore, cooperation with the Western Balkan countries and their integration in the EU remains a strategic asset for both the region and the EU.

There are, however, voices that call into question the current EU approach and strategy, which, despite stricter conditionality, have not helped to remedy democratic backsliding and non-functioning market economies in the region. This has led experts to suggest that EU enlargement policy might need '[a revival and even a restart](#)', or, according to a CEPS commentary, '[a more "hands-on" approach](#)', in view of the more complex situation on the Western Balkans.

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