THE WESTERN BALKANS

The EU has developed a policy to support the gradual integration of the Western Balkan countries with the Union. On 1 July 2013, Croatia became the first of the seven countries to join, and Montenegro, Serbia, the Former Yugoslav Republic of Macedonia and Albania are official candidates. Accession negotiations and chapters have been opened with Montenegro and Serbia, and Bosnia and Herzegovina and Kosovo are potential candidate countries.

LEGAL BASIS

— Title V of the Treaty on European Union (TEU): EU external action;
— Article 207 of the Treaty on the Functioning of the European Union (TFEU): international trade agreements;
— Article 49 TEU: criteria for application and membership.

OBJECTIVES

The EU aims to promote peace, stability and economic development in the Western Balkans and open up the prospect of EU integration.

BACKGROUND

In 1999, the EU launched the Stabilisation and Association Process (SAP), a framework for relations between the EU and countries in the region, and the Stability Pact, a broader initiative involving all key international players. The Stability Pact was replaced by the Regional Cooperation Council in 2008. The 2003 European Council in Thessaloniki reaffirmed that all SAP countries were potential candidates for EU membership. This ‘European perspective’ was reaffirmed in the Commission’s February 2018 Western Balkans Strategy and in the Sofia Declaration following the EU-Western Balkans Summit of 17 May 2018 in the Bulgarian capital.

INSTRUMENTS

A. The Stabilisation and Association Process (SAP)

Launched in 1999, the SAP is the strategic framework supporting the gradual rapprochement of the Western Balkan countries with the EU. It is based on bilateral contractual relations, financial assistance, political dialogue, trade relations and regional cooperation.
Contractual relations take the form of stabilisation and association agreements (SAAs). These provide for political and economic cooperation and for the establishment of free trade areas with the countries concerned. Based on common democratic principles, human rights and the rule of law, each SAA establishes permanent cooperation structures. The Stabilisation and Association Council, which meets annually at ministerial level, oversees the application and implementation of the agreement concerned. It is assisted by the Stabilisation and Association Committee. Finally, a Stabilisation and Association Parliamentary Committee (SAPC) ensures cooperation between the Western Balkan countries’ parliaments and the European Parliament.

Since the entry into force of the SAA with Kosovo in April 2016, SAAs are now in force with all Western Balkan candidate and potential candidate countries. In the case of Kosovo, the SAA is an EU-only agreement, which Member States do not need to ratify (five Member States do not recognise Kosovo as an independent state). Trade and trade-related aspects of SAAs are included in interim agreements: these generally enter into force quickly after signature, as trade is an ‘exclusive’ EU competence.

B. The accession process

Applicants for EU membership must fulfil the Copenhagen political criteria (see fact sheet on ‘Enlargement of the Union’). Once a country is recognised as a candidate, it moves through the various stages of the process at a rate largely dependent on its own progress.

A candidate country must adopt and implement all EU legislation (the acquis communautaire). The Commission reports on progress in its annual country reports. Every important decision is taken by the Council, acting by unanimity, from the opening of negotiations to their closure. Eventually, the accession treaty has to be endorsed by Parliament and the Council before being ratified by all contracting states.

Candidate and potential candidate countries receive financial assistance to carry out the necessary reforms. Since 2007, EU pre-accession assistance has been channelled through a single, unified instrument: the Instrument for Pre-accession Assistance (IPA).

Most candidate and potential candidate countries may also participate in EU programmes.

C. Regional cooperation

European integration and regional cooperation are closely intertwined. One of the key aims of the SAP is to encourage countries of the region to cooperate among themselves across a wide range of areas, including the prosecution of war crimes, border issues, refugees and the fight against organised crime. A specific component of the IPA is dedicated to regional cooperation and cross-border programmes.

The Sarajevo-based Regional Cooperation Council (RCC) operates under the guidance of the South-East European Cooperation Process (SEECP). The RCC aims to support the European and Euro-Atlantic aspirations of its non-EU members, and to develop cooperation in such fields as economic and social development, energy and infrastructure, justice and home affairs, security cooperation, building human capital,
and parliamentary relations. The EU and many individual Member States support and participate in the RCC.

Another important regional initiative is the Central European Free Trade Agreement (CEFTA). In addition, countries of the Western Balkans participate in a number of regional frameworks.

D. Visa-free travel

Visa-free travel to the Schengen area was granted to citizens of the Former Yugoslav Republic of Macedonia, Montenegro and Serbia as of December 2009, and to citizens of Albania and Bosnia and Herzegovina as of November 2010. In January 2012, a visa liberalisation dialogue was launched with Kosovo. In its fourth report on Kosovo’s progress in this area in May 2016, the Commission concluded that Kosovo had met all but two of the requirements, one of those being the ratification of the border agreement with Montenegro. The border agreement was ratified in March 2018, meaning that only one more criterion, namely a demonstrable track record in the fight against corruption and organised crime, remains to be met.

CURRENT STATUS

A. Albania

Albania applied for EU membership on 28 April 2009, a few days after the entry into force of the EU-Albania SAA. In 2012, the Commission noted good progress and recommended that the country be granted candidate status, subject to the adoption of pending reforms. This condition was largely met prior to the country’s June 2013 parliamentary elections, which were positively assessed by international observers. In October 2013, the Commission unequivocally recommended granting Albania the status of candidate for EU membership, which it obtained in June 2014. In light of the country’s progress, the Commission recommended opening accession negotiations with Albania in its 2016 and 2018 reports.

B. Bosnia and Herzegovina

Bosnia and Herzegovina is a potential candidate country. An SAA was negotiated and signed in June 2008, but its entry into force had been frozen, mainly owing to the country’s failure to implement a key ruling of the European Court of Human Rights. The EU’s ‘renewed approach’ to the country, which puts more focus on economic governance, allowed the long overdue entry into force of the SAA on 1 June 2015. On 15 February 2016, the country submitted its membership application and on 20 September 2016, the Council asked the Commission to submit its opinion on the application, on the basis of replies to a comprehensive questionnaire, which the Commission handed over to the authorities on 9 December 2016. The Commission received the completed questionnaire on 28 February 2018, and is now drafting its opinion. The EU also provides support for the implementation of the 1995 Dayton peace agreement, notably through the EUFOR ALTHEA mission.

C. Former Yugoslav Republic of Macedonia

The Former Yugoslav Republic of Macedonia applied for EU membership in March 2004 and was granted EU candidate status in December 2005, but has been
unable to open accession negotiations, mainly owing to the dispute with Greece over the country's use of the name 'Macedonia'. Since 2009, the Commission has consistently recommended that negotiations be opened, a recommendation that has always been supported by Parliament. On 12 June 2018, following months of renewed and very intense negotiations, it was announced that agreement had been reached on ‘Republic of North Macedonia’ as the new name for the country.

D. Kosovo

Like Bosnia and Herzegovina, Kosovo is a potential candidate for EU accession. After its unilateral declaration of independence in February 2008, the EU stated that Kosovo had a clear ‘European perspective’. All but five Member States (Cyprus, Greece, Romania, Slovakia and Spain) have recognised its independence. In the region, Serbia and Bosnia and Herzegovina have not recognised Kosovo. The EU has appointed a Special Representative in Kosovo, who is also the Head of the EU Office, and has established the EULEX Rule of Law mission, which is now gradually being phased out. A Visa Liberalisation Roadmap was issued in June 2012. In its fourth report on Kosovo’s progress in this area in May 2016, the Commission concluded that Kosovo had met all but two of the requirements, one of those being the ratification of the border agreement with Montenegro. The border agreement was ratified in March 2018, meaning that only one more criterion, namely a demonstrable track record in the fight against corruption and organised crime, remains to be met. After a landmark agreement on normalising relations (the so-called ‘Brussels Agreement’) was reached in April 2013 by Belgrade and Pristina, the European Council decided to open negotiations on an SAA with Kosovo in June 2013. The agreement was signed on 27 October 2015 and entered into force on 1 April 2016 following its ratification by the Kosovo Assembly and the European Parliament (consent). Kosovo’s future EU integration — like Serbia’s — remains closely linked to the implementation of the EU-facilitated high-level dialogue between Kosovo and Serbia, which should lead to a legally binding comprehensive normalisation agreement.

E. Montenegro

Montenegro applied for EU membership in December 2008, more than two years after declaring its independence (which was recognised by all Member States). The country was given candidate status in December 2010, and accession negotiations were opened in June 2012. In line with the EU’s ‘new approach’ to the accession process, the crucial rule of law chapters — Chapter 23 on judicial reform and fundamental rights and Chapter 24 on freedom, security and justice — were opened at an early stage in the negotiations, in December 2013. Out of a total of 35 negotiating chapters, 30 had been opened with Montenegro by the end of 2017. In February 2018, the Commission published a new Western Balkans Strategy which states that Montenegro (and Serbia) could join the EU by 2025.

F. Serbia

Serbia submitted its application for EU membership in December 2009 and was granted candidate status in March 2012 after Belgrade and Pristina reached an agreement on Kosovo’s regional representation. In June 2013, the European Council endorsed the Commission’s recommendation to open accession negotiations with
Serbia, acknowledging Serbia’s progress towards normalising its relations with Kosovo, in particular through the EU-facilitated Belgrade-Pristina dialogue. The EU-Serbia SAA entered into force in September 2013, and accession negotiations with Serbia were formally opened on 21 January 2014. The first two chapters, including the one on normalisation of relations with Kosovo, were opened in December 2015. The key rule of law Chapters 23 and 24 were opened on 18 July 2016. A total of 12 chapters had been opened by the end of 2017. In February 2018 the Commission published a new Western Balkans Strategy which states that Serbia (and Montenegro) could join the EU by 2025. Serbia’s future EU integration — like Kosovo’s — remains closely linked to the implementation of the EU-facilitated high-level dialogue between Serbia and Kosovo, which should lead to a legally binding comprehensive normalisation agreement.

ROLE OF THE EUROPEAN PARLIAMENT

Parliament is fully involved in the Stabilisation and Association Process, and its consent has been required for the conclusion of all SAAs (Article 218(6) TFEU). Parliament must also consent to any new accession to the EU (Article 49 TEU). In addition, through its budgetary powers it has a direct influence on the amounts allocated to the Instrument for Pre-accession Assistance. Parliament’s Committee on Foreign Affairs appoints standing rapporteurs for all candidate and potential candidate countries. Parliament expresses its positions on enlargement in the form of annual resolutions responding to the Commission’s latest annual country reports. Last but not least, Parliament maintains regular bilateral relations with the parliaments of the Western Balkan countries through its delegations, which discuss with their counterparts issues relevant to the SAP and the EU accession process.

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