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STABILISATION AND ASSOCIATION AGREEMENT BETWEEN THE WESTERN BALKAN COUNTRIES AND THE EUROPEAN UNION

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Abstract

The European Union (EU) represents a certain partnership and alliance between states and countries. It is not governed as the United States of America, nor intergoverned as the United Nations. Member States of the EU are sovereign countries united to become privileged and globally successful. Every enlargement of the Union is significant, but the fifth enlargement has been recognised, so far, as the most significant, showing the unification of Eastern and Western Europe. However, the most significant enlargement is yet to come with the Western Balkan countries becoming Member States of the EU (Serbia, Bosnia and Herzegovina, Montenegro, Albania, Kosovo and North Macedonia), considering the political and economic situation of the region. The European Commission has proposed the Stabilization and Association Process (SAP) for South East Europe, as the most significant frame for the EU to ensure relations with the Western Balkan countries and to direct its overall enlargement policy to this part of Europe. Associations of the Western Balkans are usually negative, referring to weak economic development, wars and political instability, which have led to the pre-accession strategy for the EU membership known as the Stabilisation and Association Agreement (SAA). The aim of this paper is to present the progress of the Western Balkan countries towards the EU membership, their current state, and the problems they face on that path and to explain the SAP and the SAA.

Key words

European Union, Western Balkan, stabilisation and association agreement, candidate country, potential candidate.

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1. Introduction

The Western Balkans are part of Europe comprising Bosnia and Herzegovina (hereinafter: BiH), Serbia, Montenegro, Kosovo, Albania and North Macedonia (Fig. 1). On 26 May 1999, the European Commission proposed initiation of the Stabilisation and Association Process (hereinafter: SAP) for the Western Balkans.

Regional approach mechanisms have not initiated some relevant changes and modifications in the Western Balkan countries. The same goal was set by the Union as part of the SAP. It was a modification of the last regional approach, which appeared to be insufficiently flexible and dynamic to articulate the EU policy efficiently and to ensure long-term relations with the countries of the Region. The new policy in the form of the SAP has offered a higher degree of the relation institutionalisation between the EU and potential new member states, and a few financial support instruments. The new approach has offered the opportunity for development of existing economic and trade relations with the Union, and within the region over new assistance instruments for democracy, civil society development, institution building and reinforcing collaboration in different areas, such as justice and internal affairs, regional dialogue development and further closing the Stabilisation and Association Agreement (Bazina Crnokić, 2018, pp. 81–82).

The SAP has three aims: stabilisation of the countries and encouraging their transitions into market economy, regional collaboration promotion, and preparing the country for the EU membership. Close collaboration and cooperation between the region countries is highly encouraged, particularly through

closing agreements on free trade and intensive collaboration on the Stabilisation and Association Agreement issues (hereinafter: SAA), pointing out common interest issues. The SAP is a progressive partnership through which the EU offers each country mixed trade concessions, economic and finance aids and contractual relationships (Proces stabilizacije i pridruživanja, no data). The SAA represents the third generation of the European Agreements within the SAP. The Agreement is concluded for an indefinite period, and the main goal is economic and political contribution to the EU Member States.

2. Stabilisation and association agreement between the Western Balkan countries and the European Union

All accession agreements signed by the EU with the third-party countries generally aim to gradually develop the free trade zone, to improve economic relations, to develop political dialogues between the EU and signatory countries, as well as to initiate the gradual approximation of the laws and regulations of the Member States and signatory countries. Considering that the economic power of the EU is always dominant in relation to the one of a signatory country, this approach of gradually involving in the EU economic flows and trends, i.e. current liberalisation of the EU export with the phase of the EU import liberalisation, is beneficial for the economy of a certain country, enabling it to adjust to the new economic flows and trends in phases. Beside pointing out aims characteristic of all the accession agreements, the SAA has another political dimension, i.e. stabilisation of the Western Balkan Region

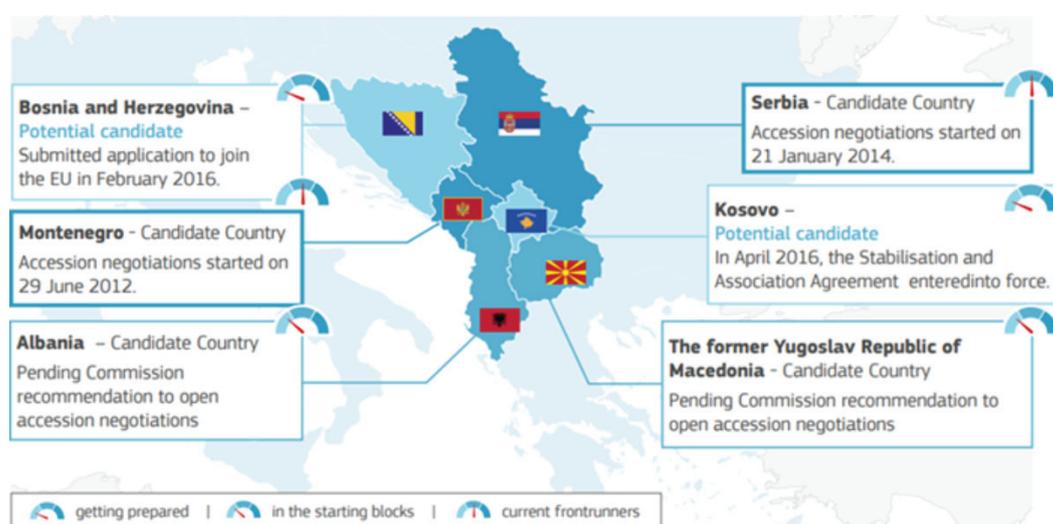


Fig. 1. Prospective European Union members in the Western Balkans.

Source: European Commission, 2017.

as a post-conflict area and strengthening regional collaboration and cooperation. The greatest benefit of signing the Agreement is that signatory countries get the status known as “the EU associated states”. Primarily, the Agreement aims to associate the state formally to the EU over the certain interim (transitional) period (6 to 10 years). Political advantage can be noticed as strong political relations between the signatory countries and the EU, due to bigger obligations they both have, and including political dialogue and regional collaboration. The SAP stimulates economic development and collaboration. Besides, approximation to the EU quality standards improves the product competition, increasing and adopting higher standards, and consumer protection leads to an improvement in consumer security. Investments are another benefit that countries gain signing the Agreement. During legitimate employment of the Western Balkan residents in certain member states, their spouses and children, legally staying on their territory, have access to the labour market of the country where the worker has been granted residence. Signing the Agreement enables access to the IPA funds and the EU funds. Signing the Agreement is expected to bring the progress in different areas, such as democracy, human rights, freedom of the media, higher education, or transportation infrastructure (Budimir, Međak, 2017).

Some European thinkers predicted in 2010 that Croatia, Serbia, BiH, Montenegro and Albania would join the EU between 2011 and 2020. Others believed that non-member states would join the EU by 2030. Former German Foreign Minister Joschka Fischer has diagnosed a deep European disease: “Franco-German engine ... appears blocked, at least for the moment”. National positions across the EU are “simply too different”. Fischer predicted that the membership of the Balkan countries in the EU before 2030 should be excluded. The EU has a powerful tool at its disposal for transforming societies, but it will not be able to use it due to disagreements. Joschka Fischer was right. The enlargement of the Balkans was in crisis even before EU leaders failed to agree on opening accession negotiations for North Macedonia and Albania in October 2019. Unless there is a serious change of pace, none of the Western Balkan countries will be a member state of the EU until 2030 (ESI, 2020). The integration process of the Western Balkan countries in early 2020 was marked by the European Commission’s enhancing the accession process – a credible EU perspective for the Western Balkans. A new methodology of grouping the existing negotiating chapters into a smaller number of clusters has been introduced. Relevant chapters for the social dimension, Chapter 19 – Social policy and

employment, and Chapter 26 – Education and Culture, have been part of Cluster 3 – Competitiveness and inclusive growth, while Chapter 28 – Consumer and health protection has found its place in Cluster 2 – Internal market (Vučković, 2020).

2.1. Montenegro

Since declaring independence in 2006, Montenegro has made progress towards EU integration. Montenegro signed the SAA with the EU in 2007, which entered into force in 2010 (European Court of Auditors, 2016). It applied for membership on 15 December 2008 in Paris after a year of successful SAA implementation. It has achieved the status of a candidate country on 17 December 2010, after the complex process of negotiations with the European Commission (Đurović, 2017). The Council adopted a negotiation framework in June 2012, and accession negotiations began. In the same year, the first negotiating chapter was opened (European Court of Auditors, 2016). Negotiations with Montenegro started with the so-called new approach of the EU, i.e. binding to Chapters 23 (Judiciary and fundamental rights) and 24 (Justice, freedom and security), as the initial and final points. Thus, the progress with these chapters has become crucial for the overall dynamics and the quality of Montenegrin negotiations with the EU (Vučković et al., 2020).

2.2. Serbia

When Milošević lost power in 2000, Serbia’s alienation from the West eased. However, relations between Serbia and the EU have sometimes been strained (CRS, 2021). The Zagreb Summit, held in November 2000, marked the beginning of the relation normalization between the Federal Republic of Yugoslavia (FRY) and the EU. It was pointed out that the progress of each country on the road to the EU will exclusively depend on individual progress in meeting the Copenhagen Criteria and implementing the SAA, with a special focus on regional cooperation. The decision was made to create a joint Consultative Working Group of the Federal Republic of Yugoslavia – the EU, which opened the perspective of concluding the SAA with the EU. In 2005, the European Commission decided that the country was ready to start negotiations on concluding the SAA. Due to the lack of an agreement between Serbia and Montenegro, there was serious stagnation in relations between the EU and the state of Serbia and Montenegro, which led to the new approach of double or parallel track presented by the European Commission in 2004. That approach enabled Serbia and Montenegro, as one entity, to conclude a single SAA, which should contain separate annexes for

each member state of Serbia and Montenegro Union, following protocols, joint and unilateral declarations. The opening ceremony of the negotiations was held on 10 October 2005, and the first official round of negotiations on 7 November in the same year. Although it was expected that the SAA could be signed in the second half of 2006, it did not happen due to “incomplete cooperation” with the International Criminal Tribunal in the Hague. Shortly afterward, Montenegro declared independence. Serbia inherited the right to international legal personality and became the successor to the state union of Serbia and Montenegro. Henceforth, on the proposal of the European Commission, the Council of the EU, on 24 July 2006, accepted the amended mandate of negotiations for the SAA conclusion with Serbia. Following its progress of cooperation with the International Criminal Tribunal in the Hague, negotiations resumed in June 2007. The last round of negotiations was held on 10 September 2007. The Agreement was initialled on 2 November 2007, and signed on 29 April 2008, in Luxembourg (Budimir, Međak, 2017). In March 2012, the country was granted the EU candidate status. The SAA entered into force in 2013 (CRS, 2021).

2.3. North Macedonia

North Macedonia (then the Former Yugoslav Republic of Macedonia) embarked on its journey to the EU and NATO in the mid-1990s. It became the first post-Yugoslav republic to sign an action plan for membership with the Alliance (1999) and the SAA with the EU (2001) (Bechev, Marusic, 2020). It was a regional leader for the EU membership at the beginning of 2000, partly because it avoided violence that largely devastated other parts of the former Yugoslavia during the 1990s (CRS, 2021). In April 2000, the first round of SAA negotiations began. The negotiations were completed in a short period (April to November 2000) through three rounds of major negotiations and five expert-level meetings. The SAA was initialled at the Zagreb Summit and signed in Luxembourg in 2001. In March 2004, the country applied for membership; in April of the same year, the SAA officially entered into force, and in September, the Government of the Republic of Macedonia adopted the National Strategy for the European Integrations. After the adoption of the Strategy, the European Commission submitted a Questionnaire to the Government of North Macedonia. After the Government submitted answers to the Questionnaire, the Presidency of the European Council granted North Macedonia the status of a candidate state for the EU membership. In December 2005, it received

the status of a candidate state (Chronology – Timeline of the relationships with the EU, no data).

2.4. Albania

Although Albania’s diplomatic relationships with the EU were established in 1991, it was the Thessaloniki Summit in June 2003 that officially reaffirmed the EU perspective for all the SAP countries (Beshku, Mullisi, 2018). In June 2001, the European Commission adopted the Report Feasibility Study for Albania. The SAA negotiations between Albania and the EU lasted three times longer than negotiations between the EU and Croatia and North Macedonia, due to the slow reform process in Albania, especially fighting corruption and organised crime. Albania needed three years of negotiations before the SAA was agreed upon in February 2006, in Tirana, and on 16 June 2006 in Luxembourg at the General and Foreign Affairs Council, the SAA and Temporary Agreement on Trade and Commercial Cooperation were signed (Nexhipi, Nexhipi, 2019). In 2009, Albania submitted its official application for membership. In its Opinion on Albania’s Request, the Commission assessed that before the formal opening of accession negotiations, Albania had to meet the necessary degree of compliance with the membership criteria. In October 2012, the Commission recommended that Albania be granted the status of a candidate state for the EU, under the condition of implementing the key measures in the areas of judicial and public administration reform, and parliamentary rules of procedures revision. It received the candidate status in 2014 (Albania – European Neighbourhood Policy and Enlargement Negotiations, no data).

2.5. Bosnia and Herzegovina

After the Dayton Peace Agreement in 1995, Bosnia and Herzegovina entered the socio-historical process of peace building. Peace building takes place through the activities of democratic forces in Bosnia and Herzegovina and the institutions of the international community and the European Union, all under the Dayton Peace Agreement’s authority. In the historical context of peace building in Bosnia and Herzegovina during the post-war and post-Dayton period, the integration of Bosnia and Herzegovina into the European Union is a strategic and historical project in the first decades of the 21st century. With the signing of the Stabilisation and Association Agreement between Bosnia and Herzegovina and the European Commission, the process of Bosnia and Herzegovina’s integration into the European Union started in 2008 as a contractual relationship (Pejanović, 2021, p. 70).

In March 2000, BiH received the Roadmap with 18 key conditions that needed to be met to develop the feasibility study necessary for the beginning of

the SAA in December 2002. In 2005, the European Commission proclaimed that all the Roadmap conditions were met. The Commission recommended the opening of SAA negotiations after BiH met 16 conditions. Formal negotiations started on 25 November 2005, and the SAA was finally signed on 16 June 2008 in Luxembourg (Turčilo, 2013). The application for the EU membership was submitted by BiH on 15 February 2016. Following this application, the Council of the EU invited the European Commission to prepare a Questionnaire, which was submitted to BiH in December 2016. The Questionnaire consisted of 3,897 questions covering all EU policies. It took the state 14 months to answer the initial 3,242 questions and 8 months to reply to 655 questions. Despite establishing a coordination mechanism for EU-related questions, the authorities could not agree to provide answers to 22 questions: one on the political criteria, four on the regional policy, and 17 on the education policy (European Commission, 2019). BiH submitted answers on 28 February 2018. 1083 civil servants, organised in 35 working groups for the European Integrations were involved in preparation of the answers. In addition, 15 members of the Commission for the European Integrations and 20 members of the Collegium for the European Integrations were involved in the work (BiH and the EU – Accession Process, no data). The process of answering the Questionnaire, besides the Institutions of Government, involved civil society organizations and citizens, aiming to raise public awareness of the significance of the European Integration. After receiving answers, the Commission sent additional questions, and answers to them were provided on 4 March 2019. The European Commission adopted the Opinion (Avis) on the application of BiH for membership on 29 May 2019. For the Commission to recommend the opening of negotiations, certain priorities need to be met (Table 1).

2.6. Kosovo

(. . .), its shortcomings notwithstanding, the EU has been an integral part of the state building process in Kosovo. It has provided support and expertise for the development and restoration of Kosovo institutions as an exporter of norms and democratization, and has played a more involved role on the ground since 2008, with the establishment of the EU Rule of Law Mission in Kosovo. In addition, the EU remains the largest single donor offering assistance to Kosovo and is at the forefront of rebuilding efforts. Since 1999, Kosovo has received more than EUR 2.3 billion in EU funding (Sonnback, Zogjani, 2021, p. 7).

The Republic of Kosovo is a potential candidate state for the EU accession, which unilaterally

declared independence on 17 February 2008. Until March 2020, Kosovo gained recognition from 115 countries, whereas 15 of them withdrew their recognition. Kosovo has received recognition from 97 out of 193 UN members, 22 out of 27 EU members, 26 out of 30 NATO members and 34 out of 57 Organisation of Islamic Cooperation member states (World Population Review, no data). According to other sources, Israel recognised Kosovo as an independent state on 1 February 2021, as the 117th country (Grzegorzcyk, 2021). Five EU Member States do not recognise Kosovo as an independent state (Cyprus, Greece, Romania, Slovakia and Spain), as well as Serbia. Kosovo is the only state that is excluded from the Visa liberalisation regime. For approximation of the policy to the EU standards, the Union organised the Monitoring and Supervision Stabilisation and Association Mechanism for Kosovo in November 2002. The process of signing the Agreement started when the EU General Affairs Council approved the Proposal of the Commission for opening negotiations on 12 December 2012. The negotiations were open on 28 October 2013. After the opening, with Chapters 4, 5 and 6 as focal points, the second round of negotiations was held on 27 November 2013, focusing on closing the aforementioned Chapters, whereas new Chapters 1, 3, 7, 8, 9 and 10 for negotiating were open. The third and fourth rounds were held in December 2013 and February 2014, while the fifth round (24th March 2014) was focusing on the last Chapter 2, on political dialogue. The final meeting of the main negotiators was held on 2 May 2014 in Pristina, when the SAA was adopted, being initialled in July 2014. Kosovo and the EU signed the SAA on 27 October 2015 in Strasbourg (Stabilization and association process, no data), and the enforcement began on 1 April 2016. The EU operates a rule of law mission in Kosovo (the European Union Rule of Law Mission in Kosovo, or EULEX), its largest such a civilian mission (CRS, 2021).

3. Results and discussion

Montenegro and Serbia are closest to the formal accession process. In 2018, the European Commission stated that the two countries could potentially be ready for membership by 2025, warning that this perspective is “extremely ambitious”. At this moment, the two countries are not expected to join in the near future. Observers expressed concern for democracy and the rule of law in both countries (CRS, 2021). Montenegro has adopted a revised methodology for enlargement and broadly continued to implement the SAP. To date, all 33 screened negotiating chapters have been opened, of which three have

Tab. 1. Key priorities

Democracy / Functionality	1. Ensure that elections are conducted in line with European standards by implementing OSCE/ODIHR and relevant Venice Commission recommendations, ensuring transparency of political party financing, and holding municipal elections in Mostar.
	2. Ensure a track record in the functioning at all levels of the coordination mechanism on EU matters including by developing and adopting a national programme for the adoption of the EU acquis
	3. Ensure the proper functioning of the Stabilisation and Association Parliamentary Committee.
	4. Fundamentally improve the institutional framework, including at the constitutional level: <ul style="list-style-type: none"> a) Ensure legal certainty on the distribution of competences across levels of government; b) Introduce a substitution clause to allow the State upon accession to temporarily exercise competences of other levels of government to prevent and remedy breaches of the EU law; c) Guarantee the independence of the judiciary, including its self-governance institution (HJPC); d) Reform the Constitutional Court, including addressing the issue of international judges, and ensure enforcement of its decisions; e) Guarantee legal certainty, including by establishing a judicial body entrusted with ensuring the consistent interpretation of the law throughout Bosnia and Herzegovina; f) Ensure equality and non-discrimination of citizens, notably by addressing the Sejdić-Finci ECtHR case law; g) Ensure that all administrative bodies entrusted with implementing the acquis are based only upon professionalism and eliminate veto rights in their decision-making, in compliance with the acquis
	5. Take concrete steps to promote an environment conducive to reconciliation in order to overcome the legacies of the war.
Rule of Law	6. Improve the functioning of the judiciary by adopting new legislation on the High Judicial and Prosecutorial Council and of the Courts of Bosnia and Herzegovina in line with European standards.
	7. Strengthen the prevention and fight against corruption and organised crime, including money laundering and terrorism, notably by: <ul style="list-style-type: none"> a) adopting and implementing legislation on conflict of interest and whistle-blowers' protection; b) ensuring the effective functioning and coordination of anti-corruption bodies; c) aligning the legislation and strengthening capacities on public procurement; d) ensuring effective cooperation among law enforcement bodies and with prosecutors' offices; e) demonstrating progress towards establishing a track record of proactive investigations, confirmed indictments, prosecutions and final convictions against organised crime and corruption, including at high-level; f) de-politicising and restructuring public enterprises and ensuring transparency of privatisation processes.
	8. Ensuring effective coordination, at all levels, of border management and migration management capacity, as well as ensuring the functioning of the asylum system.
Fundamental Rights	9. Strengthen the protection of the rights of all citizens, notably by ensuring the implementation of the legislation on non-discrimination and on gender equality
	10. Ensure the right to life and prohibition of torture, notably by (a) abolishing the reference to death penalty in the Constitution of the Republika Srpska entity and (b) designating a national preventive mechanism against torture and ill-treatment.
	11. Ensure an enabling environment for civil society, notably by upholding European standards on freedom of association and freedom of assembly.
	12. Guarantee freedom of expression and of the media and the protection of journalists, notably by (a) ensuring the appropriate judicial follow-up to cases of threats and violence against journalists and media workers, and (b) ensuring the financial sustainability of the public broadcasting system.
	13. Improve the protection and inclusion of vulnerable groups, in particular persons with disabilities, children, LGBTI persons, members of the Roma community, detainees, migrants and asylum seekers, as well as displaced persons and refugees in line with the objective of closure of Annex VII of the Dayton Peace Agreement.
Public Administration Reform	14. Complete essential steps in public administration reform towards improving the overall functioning of the public administration by ensuring a professional and depoliticised civil service and a coordinated country-wide approach to policy making

Source: European Commission, 2019.

been provisionally closed (European Commission, 2021a): 25 – Science and research, 26 – Education and culture, and 30 – External relations (Đurović, 2017). Montenegro opened the last Chapter 8 – Competition policy on 30 June 2020, which includes the protection of competition and state aid control policy (Crna Gora otvorila posljednje poglavlje pregovora s EU, 2020).

Montenegro has been assessed with 3.03, which means that the average assessment of progress this year is the lowest in the last six years (Fig. 2). Preparedness assessment, or normative compliance with the EU standards, is the best so far with 3 Nov. In 30, out of 33 chapters, only “limited progress” has been identified, but no regression in any area has been identified this year either, although the functioning of the judiciary has been assessed lower than last year. Freedom of expression has been assessed higher than before (Izveštaj Evropske komisije: Još jedna godina tapkanja u mjestu, 2021). Montenegro should endeavour to find a broad interparty and societal consensus on the EU reform agenda. Concerning the political criteria, the reporting period was marked by tensions and mistrust between political actors. The deep polarization between the new ruling majority and the opposition persisted throughout 2020 and intensified in the post-election period. Heated relations and mistrust fed frequent escalations and further exacerbated political divisions, including within the ruling majority. Friction between the executive and legislative branches has slowed down reform work. Corruption remains prevalent and it is a matter of serious concern. Montenegro still needs to address some systemic deficiencies in its criminal justice system, including the way organized crime cases are handled in the courts, and more efforts are required to limit the effects of disinformation and online harassment and hate speech (European Commission, 2021a). The general overview of preparedness for the EU membership according to the cluster initiative looks as follows:

- Cluster 1: Montenegro is moderately prepared for all five chapters within this cluster (23, 24, 5, 18, and 32), as well as within economic criteria and reform of public administration.
- Cluster 2: Montenegro is moderately prepared for six chapters (1, 3, 4, 8, 9, and 28), while a certain level of preparation has been achieved within Chapter 2. Montenegro has achieved a good level of preparation for two chapters (6 and 7).
- Cluster 3: Montenegro has achieved moderate preparation for four chapters (10, 16, 17, and 29), a certain level of preparation for one chapter (19), and a good level of preparation for two chapters (25 and 26). Moderate preparation towards

a good level of preparation has been achieved in Chapter 20.

- Cluster 4: A certain level of preparation has been achieved in Chapter 27, whereas moderate preparation has been achieved for two chapters (14, and 21). A good level of preparation has been achieved for Chapter 15.
- Cluster 5: A certain level of preparation has been achieved for two chapters (13, and 33) while moderate preparation has been achieved for three chapters (11, 12, and 22).
- Cluster 6: For both chapters (30 and 31), a good level of preparation has been achieved (Ključni nalazi – godišnji izvještaj Evropske komisije za Crnu Goru, 2021).

Montenegrin citizens continue to support the country's EU membership in large numbers, as many as 76.6%, which is one of the highest support rates for the EU in the region (Izveštaj EP-a: Crna Gora napreduje prema EU, 2021). Montenegro has been the most successful so far on its road towards the EU. Furthermore, this country has become a member of NATO. However, Montenegro has recently been shaken by the political crisis, and it has been facing serious problems of bad governance, corruption spread broadly and deeply in the system institutions and judiciary which is under inappropriate political influence.

P. Popović and N. Todorović (2021) consider that the current crisis in the Western Balkans has not happened by chance in Montenegro. The tacit approval of the West has enabled tensions to arise. The reasons for the Western indifference are the historically conditioned perception of how Montenegro naturally belongs to the Serbian interest group and the fact that, in the construction of the post-Yugoslav order, the West did not envisage or plan an independent country. The corruption and longevity of the Đukanović regime, in the eyes of Brussels, France and especially Germany were sufficient proof for Montenegro to be declared as angelically incompatible with the EU standards and values. A certain role in shaping this opinion was played by the Russian and Serbian media, which coined the phrase of the “last European dictator”. Such a title was later awarded to Đukanović by the OCCRP as a politician who contributed the most to crime and corruption in 2015. Montenegro has become a weak link and relatively easy prey to Vučić's great power ambitions. After parliamentary elections held in August 2020, a part of the new parliamentary majority systematically conducts of “cultural war” of Montenegrin nation, history and language denial. The EU greeted election results, albeit there is clear evidence that Serbia has interfered with the elections. The enthronement

of the Metropolitan of Montenegro and Littoral of Serbian Orthodox Church in Cetinje in September was also a source of tensions.

Serbia has opened 18 chapters out of 35, including all chapters in Cluster 1 on the fundamentals. Two chapters have been provisionally closed (European Commission, 2021b). After reaching the First Agreement on Principles, which regulates the normalization of the relationships between Belgrade and Pristina, and its implementation plan agreed on in 2013, Serbia has found itself in the accession (negotiation) process. Negotiations were opened in January 2014, but the frigid attitude of some EU members that chapters 23, 24 and 35 must be opened first, and only then other chapters, has led to stagnation. This attitude was not in line with the Negotiating framework for negotiations with Serbia. Only at the Second Inter-government Conference, held on 14 December 2015, two chapters were opened as follows: 32 – Financial control and 35 – Other Issues (Budimir, Međak, 2017). Serbia has opened the following chapters so far: 4 – Free movement of capital (9 Dec. 2019), 5 – Public procurement (13 Dec. 2016.), 6 – Company Law (11 Dec. 2017), 7 – Intellectual property law (20 June 2017), 9 – Financial services (27 June 2019), 13 – Fisheries (25 June 2018), 17 – Economic and monetary policy (10 Dec. 2018), 18 – Statistics (10 Dec. 2018), 20 – Enterprise and industrial policy (27 Feb. 2017), 23 – Judiciary and fundamental rights (18 July 2016), 24 – Justice, freedom and security (18 July 2016), 25 – Science and Research (13 Dec. 2016) – provisionally closed, 26 – Education and culture (27 Feb. 2017) – provisionally closed, 29 – Customs union (20 June 2017), 30 – External relations (11 Dec. 2017), 32 – Financial control (14 Dec. 2015), 33 – Financial and budgetary provisions (25 June 2018), 35 – Other Issues (14 Dec. 2015) (Serbia and EU – history, no data).

Serbia has accepted the new methodology, meaning that it has practically opened the first cluster in the accession negotiations. It is a cluster of fundamental values, which includes chapters on the rule of law, economic criteria, the functioning of democratic institutions, public administration reform, public procurement, statistics and financial control (Tuhina, 2021). The 2020 White Paper states that Serbia has achieved very good results in addressing long-term systematic weaknesses (macroeconomic stability, stable inflation, increasing employment levels). Yet COVID-19 forced some of the progress to take a few steps back. It was accentuated that the reform process must continue. More needs to be invested in the fight against corruption, in greater transparency, in an independent and efficient judicial system, and in the enforcement of

contracts. Increased transparency in the field of state aid policy is urgently needed, including public procurement and bilateral international agreements. The role of public consultations in the law-making process is crucial. The remaining weaknesses need to be addressed within fiscal management, public administration as well as the role of the state in the economy. Further improvements in the field of digitalization are also needed. (FIC, 2020). Due to its low level of democracy and lack of reforms, Serbia ended 2020 without an opened chapter in negotiations with the EU.

Serbia received an average mark of 2.8 in 2021, which has been the lowest average mark for Serbia since 2015. In the previous year it was 3.02, in 2019 it was 2.95 and in 2018 it was the closest to the current average of 2.82 (Fig. 2) (EWB, 2021). The annual report on the progress of the Western Balkan countries in negotiations with the EU in 2021 states that Serbia has not made progress in judicial reform, and the media situation, and that the political situation in the country is characterised by a lack of sustainable opposition in parliament, which is not convenient for political pluralism. The incendiary language continued to be used during parliamentary debates against political opponents and representatives of other institutions expressing different political views. Limited progress has been made in the fight against corruption and organised crime, in terms of freedom of expression and public administration reform (European Commission, 2021b). Although the assessment on the progress of Serbia has been mostly positive, there has not been official support for opening a new cluster. At the meeting of the EU foreign ministers, it was assessed that there is progress but that the authorities still have work to do. In October, the Commission suggested opening Cluster 3 (Competitiveness and inclusive growth) and Cluster 4 (Green agenda and sustainable connectivity), but that process is still ongoing and is currently being addressed by the Council Working Group (Radišić, 2021).

The biggest stumbling block on Serbia's path to the EU is the non-recognition of Kosovo. Tensions between Serbia and Kosovo have recently increased. For the President of Serbia, Aleksandar Vučić, there is no doubt that the biggest problem is the European integration of Kosovo, and not the rule of law, while for the European Commissioner for Enlargement, Johannes Hahn, the solution of the Kosovo issue is not the only precondition. Hahn has explained that the President of the European Commission clearly pointed out on several occasions that no new member of the EU can join it unless it resolves open bilateral issues, which means essentially solving the Kosovo

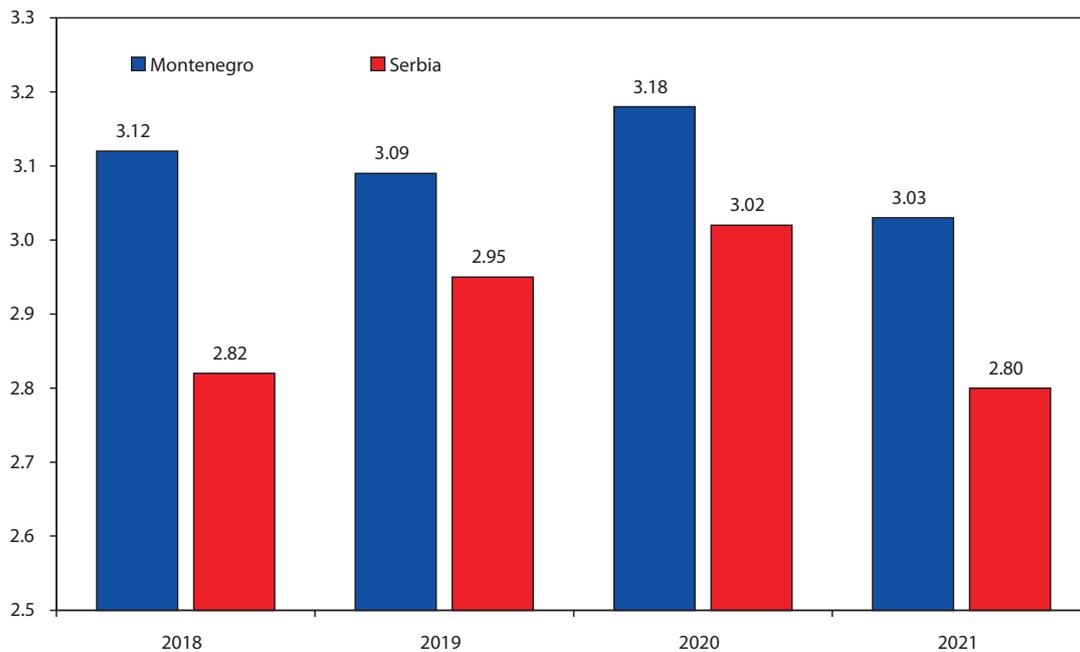


Fig. 2. Average marks for Montenegro and Serbia (2018–2021).

Source: Izvještaj Evropske komisije: Još jedna godina tapkanja u mjestu, 2021.

issue (Jelesijević, 2019). Furthermore, foreign policy, such as friendly relationships between Serbia and Russia, is also a big obstacle. A great number of actions done by Serbia was contrary to the EU views and would still depend on the pace of the rule of law reforms and the normalization of relationships between Serbia and Kosovo.

Albania and North Macedonia have not started accession negotiations yet. On several occasions during 2018 and 2019, Member States of the EU did not approve the beginning of accession negotiations despite the European Commission's support. By adopting a revised enlargement methodology, the EU Member States approved the opening of negotiations with Albania (providing that the country meets several conditions) and North Macedonia (no preconditions) (CRS, 2021). North Macedonia received a relatively positive assessment of the situation in key fields. It continues to strengthen democracy and the rule of law, including activation of existing control and balance systems and providing information on key political and legislative issues. The country has shown commitment to achieving results in key areas of fundamentals. Opposition parties remained actively involved in parliament and on some occasions supported key EU-related laws, but parliamentary work was hampered by political polarization, exacerbated by COVID-19. The need for strengthening Parliament's role as a forum for constructive political action dialogue stands out, especially on the EU reform agenda. North Macedonia is moderately prepared to reform its public

administration. Some progress has been made in implementing the judicial reform strategy and in the fight against corruption and organised crime. Some progress has been made at the operational level, but more needs to be done to improve the effectiveness of law enforcement in the fight against certain forms of crime, such as money laundering and financial crime. The general context is auspicious to media freedom, allowing critical media coverage, although there have been increased tensions during the COVID-19 crisis. In the field of regional cooperation, North Macedonia maintained good relationships with other enlargement countries and continued to engage in regional initiatives. North Macedonia has achieved some progress and it is at a good level of preparation for developing a functioning market economy (European Commission, 2021c).

Accession negotiations for North Macedonia could not be opened for many years primarily due to a dispute with Greece over the use of the name Macedonia to recognise the Bulgarian roots of Macedonian language and history. For some time, the possibility of asking Skopje not to label the language in that country as Macedonian but as a Bulgarian dialect was also mentioned (Riegert, 2020). Other EU Members, primarily France, present obstacles to membership. President E. Macron, in an interview for *The Economist*, said that he opposed the enlargement of the Union according to the current rules, i.e. he called for reforms related to the membership procedures. He also points out that enlargement is not essential within the EU and that there

are already some disagreements among members and fears that these problems will be deepened by the accession of the Western Balkan countries (Emmanuel Macron in his own words, 2019). According to the current situation when North Macedonia is making a lot of effort, it seems that the country itself is not the problem, but the EU, which directly reflects on the progress of North Macedonia, and all other countries within the Western Balkans towards the EU integrations.

According to the latest Western Balkans public opinion poll conducted by the Regional Cooperation Council, 87% of Albania's population considers the EU membership as positive. In late 2020, the European Commission asserted that Albania had made "decisive progress" and was close to meeting these conditions; however, EU Member States did not approve a negotiating framework for Albania, partially out of doubts about Albania's progress (CRS, 2021). Albania has continued to show commitment to the EU-oriented reforms despite the challenges posed by the COVID-19 pandemic. Regarding political criteria, general elections were held on 25 April 2021. The OSCE/ODIHR final assessment found that elections were generally well organised, but concerns related to the misuse of public resources or official functions, allegations of vote-buying, and the leaking of sensitive personal data covering political preferences of citizens, remained. It is emphasised that the improvement of political dialogue between parliamentary majority and opposition is inevitable. Albania has received a positive assessment of the implementation of comprehensive justice reform, primarily resulting in the appointment of three new judges to the Constitutional Court. The temporary re-evaluation of all judges and prosecutors has advanced, which is a condition for the first IGC. Albania has also made some progress in strengthening the fight against corruption. Tangible results have also been identified in the fight against organised crime, including enhanced cooperation with the EU Member States and Europol. Limited progress has been made on the implementation of the Roadmap on an enabling environment for civil society. Albania complies with international human rights instruments, and it has ratified most international conventions related to the protection of fundamental rights. Lack of progress has been identified in freedom of expression. The need to improve coordination within the administration is also emphasised especially regarding the EU integration (European Commission, 2021d).

The Netherlands, France and Denmark have prevented the start of accession negotiations with Albania and North Macedonia. French President,

Emmanuel Macron, has blocked the start of negotiations demanding that the pre-accession process must be reformed and tightened before new enlargement rounds. He believes that negotiations should be conducted together for both Albania and North Macedonia. Due to that, the administration disagreed with the EU Members where on the one hand the Members believe that Albania and North Macedonia should start negotiations together, and on the other hand certain Members disagree and think that these countries should be separated. At the end of 2020, new delays in the EU enlargement process emerged – namely, Bulgaria and the Netherlands "were blocking" the start of accession negotiations. The Hague demands that Albania ensures the functioning of its Constitutional Court and implements the media law before the start of the negotiation process. Italy insists that talks must begin with both countries. If France, the Netherlands and Italy reach a common solution, which will assemble other EU Members, a final opening of negotiations for the two countries can be expected (ESI, 2020).

Even in 2021, BiH and Kosovo still remained without the status of candidate countries for EU membership. BiH was rated the worst, which means that it had very small or no progress in meeting its 14 key priorities. At the end of April 2021, the House of Representatives of the Parliamentary Assembly of BiH adopted a conclusion on forming an interdepartmental working group for preparing proposals for amendments to electoral legislation of BiH. In Mostar, local elections were held on 20 December 2020 (Sverige, Transparency International Bosnia and Herzegovina, 2021). Due to political polarization and disruptions caused by the pandemic, legislative and executive branches have had poor results. The state still has the Constitution, which conflicts with the European Convention on Human Rights and Fundamental Freedoms. There is no progress in fighting against corruption and organised crime, in the election process reform, in freedom of speech, in the judiciary and in foreign relations. Evidently, there is a lack of active involvement of the Parliamentary Assembly in the adoption of reform acts and laws. There has been a setback in the area of public procurement. Within the economic criterion, the authorities of the Republic of Srpska entity provide unnecessary resistance to the improvement of the economic system and the fragmented Bosnian market. A special part of the Report is dedicated to migration (European Commission, 2021e). The migrant crisis showed many weaknesses in the state functioning, which have always existed, but in that period, they surfaced. Weak institutions and insufficient accommodation capacities came to the fore

(Nezirović et al, 2021). The failure of the authorities to establish a sustainable system for migrations and asylum led to a humanitarian crisis in December 2020.

Although some reforms have been made, BiH still has a lot of work to do. The biggest obstacle is the ethnic divisions that permeate almost every society segment in BiH. Nationalist rhetoric is getting sharper every day. Besides, the state is shaken by various scandals, prices are getting higher, wages are staying the same, strikes are being organised more frequently, and queues in front of foreign embassies are longer and longer. Although the end of 2021 was set as the deadline for the Election Act Amendments, nothing has changed (Fig. 3). The Federal Government of BiH has failed to be formed since the elections in 2018 and the Institutions have been blocked. Besides, the representatives of the Republic of Srpska have started blocking the institutions of BiH as an answer to the HR Valentin Inzko's Decision on Enacting the Law on Amendment to the Criminal Code of BiH, which implies that genocide denial will be treated as a felony with imprisonment. At their session in Banja Luka, it has been decided that they will no longer participate in the activities and decision-making process within the institutions of BiH, adding that it does not mean that anyone withdraws from the Presidency, the Council of Ministers, or Parliamentary Assembly of BiH (Maglajlija, 2021).

According to the Statistics Agency of BiH, the average salary in September 2021 was 1.006 KM (about €514), which represents an increase of 165 KM (about €84) for ten years' period. This is far from the real situation. Citizens humorously make comments on how they eat cabbage, politicians eat meat, and statistics show that on average we all eat sarma (a dish made of cabbage and meat). The researches have shown that citizens can live on their wages for only half a month. The union consumer basket in October 2021, calculated by the Confederation of Independent Trade Unions of BiH, was 2.101,71 KM (€1.073) (Sindikalna potrošačka korpa u oktobru koštala 2.101,71 KM, 2021). Aside from nationalism and ethnic divisions, corruption is deeply rooted in society. Following the Corruption Perception Index measured by Transparency International for 2020, BiH ranks 111th out of 180 countries in the world. Along with North Macedonia, it is the worst-ranked country in the Western Balkans (Transparency International, 2021). All this led to the biggest problem of today in BiH – demographic depopulation. BiH is the first country in Europe in terms of population emigration – from 2013 to 2019, 530,000 people left BiH (Boračić-Mršo, 2019). BiH ranks third in the world in terms of emigration and "brain drain", according to the infographics data published by *The Economist* (E. Sk., 2020).

The problem of political dialogue led Kosovo to enter negotiations significantly later. After the



Fig. 3. Arrival of the EU delegation for Election Act Amendments.

Source: Memčić, 2021.

issue of independence was partially resolved, the EU accession process for Kosovo has been accelerated. The EU leads a special dialogue with Pristina. The status of Kosovo remains highly questionable, primarily as Russia and China oppose its independence, and being Serbia's allies, their veto right can prevent Kosovo from joining the UN. Serbia's accession to the EU before Kosovo could be a big problem, as Serbia henceforth could veto Kosovo's membership. The future integration of Kosovo and Serbia remains closely related to the EU-backed dialogue, which should result in a legally binding comprehensive agreement on the normalization of relations. Early parliamentary elections in Kosovo, in February 2021, resulted in forming the new government supported by the clear parliamentary majority. The Commission maintains its 2018 assessment that Kosovo has met all the criteria for visa liberalization regime, but this proposal is still pending in the Council and should be considered as a matter of urgency (2021 Enlargement package: European Commission assesses and sets out reform priorities for the Western Balkans and Turkey, 2021). The latest report highlights the political instability due to which executive activities were limited. The situation in the north of Kosovo was assessed as "challenging", especially as regards corruption, organised crime, and freedom of expression. Kosovo maintained generally good relationships with Albania, Montenegro and North Macedonia. Formal relationships with Bosnia and Herzegovina remained unchanged. Overall administration of justice remains slow in pace, inefficient and subject to unjustified political influence. Corruption is widely spread and it remains a matter of serious concern. Limited progress has been achieved with the fight against organised crime. Public defamation campaigns, threats, and physical assault on journalists remain a matter of concern. The lack of progress is identified within the public procurement reform (The European Commission, 2021f). Tensions existing in Kosovo over the years have been recorded over the last year as well. One of those situations happened in September when Serbian people in the north of Kosovo were blocking traffic for two weeks on two border crossings. The blocking started after Kosovo authorities had decided to issue temporary license plates on the borders for vehicles coming from Serbia and after special police unit, ROSU had arrived at border crossings (Maglajlija, 2021).

4. Conclusion

The Western Balkans continues to be a challenge for the European Union. Joining the EU by the Western

Balkan countries will probably be the biggest enlargement due to political and economic situation of the region, being always characterised as a problematic area with a complex situation. Even nowadays, this area is mainly associated with wars, political and economic instability, corruption, underdeveloped democracy. The Agreement itself, signed by the countries and ratified by all EU Member States, was a big step forward considering that this Agreement grants the signatory states the status of potential candidates for the EU membership. Predictions that the countries of the Western Balkan will have joined the EU by 2025 are too optimistic and unrealistic. Furthermore, the pandemic brought additional complications and aggravated the existing situation. Serbia and Montenegro have achieved major progress in the process of integrations, having already started the accession negotiations, which implies that they will be the next members. Although, Montenegro has positioned itself as a leader among the Western Balkan countries in the European integrations processes, existing internal political tensions will certainly hamper its progress. As mentioned above, the major stumbling block for Serbia is their relationship with Kosovo. Recognising Kosovo as an independent state restrains Serbia in the process of integration, as the Union is lobbying and advocating for the independence of Kosovo. Serbia continues to interfere with the internal affairs of the neighbouring countries, which primarily refers to Bosnia and Herzegovina and Montenegro. In addition, the hypocrisy comes forward, because Serbia aspires to the EU membership, and therewith it considers Russia and China the biggest friends. The EU Member States cannot agree on whether the accession negotiations for North Macedonia and Albania should be opened concurrently or separately; therefore, the two countries are still waiting for the negotiations to begin. The worst positioned countries are Bosnia and Herzegovina and Kosovo, not having been UN members yet. For Bosnia and Herzegovina, the EU and NATO integrations are the key to preserving the existing peace. Inflammatory ethnic rhetoric is getting more intense day by day. The negotiations on the Election Act Amendments continue in 2022, without any progress. The end of state institutions blockade is not in sight; hence, it increasingly resembles anarchy with disrespecting its own country. The authors consider that becoming an EU member state requires extensive work to do for the Western Balkan countries, notwithstanding that even the EU itself has not been clear about its goals yet. Although the countries work hard to meet the EU conditions, apparently, the EU has been indecisive if further enlargement is welcomed, considering the

big disagreements within the Union itself. If new enlargement is welcomed to be processed, it must be defined under which conditions.

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