

EUROPEAN INTEGRATION OF THE WESTERN BALKANS: MAKING A REALISTIC PERSPECTIVE OUT OF A SHIFTING TARGET

The process of European integration has encountered several difficulties for the Western Balkan region and the signs of fatigue are everywhere. The European Union internal political dynamic is not helping. With the Brexit deadline fast approaching and the European elections that took place in May 2019, it is time for the Western Balkan countries to 'weather this storm' together.

Powered by the Western Balkans Fund, the Albanian Institute for International Studies, the European Policy Institute - Skopje and the European Movement in Serbia have produced three policy briefs, summarizing the current situation in Albania, North Macedonia and Serbia, highlighting the challenges posed by 2019 events in the EU and analysing the way the narrative is being reflected in their respective societies, as well as in the EU. The briefs also contain the relevant policy recommendations to mitigate the risks to the integration process of the countries, as well as the entire Western Balkans.

European Integration of the Western Balkans: Making a Realistic Perspective out of a Shifting Target

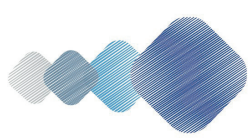
Working group



**ALBANIAN INSTITUTE FOR
INTERNATIONAL STUDIES**

Alba Çela, Albanian Institute for International Studies

Sara Kelmendi, Albanian Institute for International Studies



**European
Policy
Institute.
Skopje**

Ardita Abazi Imeri, PhD, European Policy Institute - Skopje

Simonida Kacarska, PhD, European Policy Institute – Skopje

Ardita Vejseli, European Policy Institute - Skopje



**European
Movement
Serbia**

Vladimir Međak, PhD, European Movement in Serbia

Daniel Prifti, Design & Layout

Tirana, January 2020

Table of Contents

Introduction	4-5
New composition of the European Commission and the effects of Brexit on the Western Balkans.....	7
Recommendations to the Western Balkan region.....	13
ALBANIA'S DIFFICULT PATH TOWARDS THE EU	14-15
EU stance to enlargement in general.....	17
State of affairs – Albania	18
Impact of EU Council decision: the October crucible.....	23
<i>The waiting room</i>	23
<i>D-day</i>	24
FROM THE PRESPA AGREEMENT TO THE RULE OF LAW REFORM: THE CASE OF NORTH MACEDONIA.....	29
Impact of EP elections – diluting the expectations	31
Delayed decision making.....	31
Indirect effects of the EP elections: change of government in Greece	33
EU stance to enlargement: Diverging views of the member states	34
Recommendations to the Republic of North Macedonia	41
EUROPEAN INTEGRATION OF SERBIA: THE PROSPECT OF ENLARGEMENT	43
Nationalisation of the enlargement policy.....	43
Brexit	50
Republic of Serbia – open issues.....	51
Recommendations to the Republic of Serbia.....	55

Introduction

The European parliamentary elections held in May 2019 brought several results that have changed the scenery of EU politics, established for several decades now.

The rise of the anti-EU and right wing parties and movements, and rise of populists across Europe had a steady trend for many years. The decline of well-established old parties anchored in central-left (gathered in Party of European Socialists – PES) and central-right (gathered in European Peoples Party - EPP) of the political spectrum was evident. Decline was particularly evident for PES. These two party groups were the anchor of European Parliament since 1979.

Before the elections populist and far right parties predicted they will gain approximately 30% of the EP seats and will be a huge blocking minority threatening to rearrange EU according to their views from within or even taking over the European Parliament. The European Parliament has always been one of the engines of EU integration of the continent and major supporter of enlargement.

Elections have brought important changes in the established order in the EP but not in the directions of these predicaments. First, the EP elections were for a long time perceived as being of secondary importance for state parties, and as midterm elections to determine ratings of parties on the home front. This was the first time that turnout on EP elections has risen to 51%, an increase of 9 p.p. compared to 2014 elections. In certain countries like Germany and Spain it went above 60%. This shows that EP elections became important on their own.

Far right and populist parties (European Conservatives and Reformists - ECR, Identity and Democracy - ID and Nonaligned) have gained significant strength reaching 192 MEP seats (25% of EP) and mainstream parties (EPP, PES, Renew Europe and Greens/EFA) winning 518 MEP seats (68,9%). Left wing and far left wing Confederal Group of the European United Left/Nordic Green Left (GUE/NGL) won 41 MEP seats.

These results ended the long established two-party systems in the European Parliament where EPP and PES controlled the EP and the Commission. EPP won 182 and PES 154 seats, 36 seats short of necessary majority to elect the Commission. Both major parties have suffered considerable losses in these elections: EPP fell from 216 (2014) to 182 and PES from 185 (2014) to 154 and for the first time could not secure the majority in the EP between them and form the grand coalition. For this they needed the third partner. In this case that is "Renew Europe" under effective leadership of French president Emmanuel Macron and his party *La République En Marche!* (LaREM), that joined the Liberal group of parties (former Alliance of Liberals and Democrats for Europe - ALDE). ALDE/Renew Europe won 108 seats (compared to 69 in 2014) and was in the position to secure the majority necessary to form the Commission and Greens/EFA won 74 seats (compared to 54 in 2014) securing that the Green agenda will be built into EU policies across the board. This development gave Renew Europe and through it the LaREM and France a very strong position in running EU affairs, thus changing established order of business.

New composition of the European Commission and the effects of Brexit on the Western Balkans

The European Parliament elections also brought with them a new composition of the European Commission. The biggest concern for the Western Balkan region in view of its EU aspirations was the overall pro-enlargement stance of the new President, but in the early days of summer eyes debates were mostly centred as to whether there would be a separate Commissioner for enlargement and who would this be. On 16th of July, the European Parliament elected Ursula von der Leyen, former German Minister of Defence to be the President - elect of the European Commission, thus making her the first ever female President.¹ In her political guidelines, in the part for the active role of the Commission, she states that she wants to reaffirm the European perspective of the Western Balkans and sees the important role in the continued reform process across the region, adding that she fully supports and stands behind the proposal to open negotiations with North Macedonia.² Also, in a letter to S&D Group she stated that North Macedonia is a bright example of positive achievements and pledged her support despite the reservations of EU leaders such as President Macron and Dutch Prime Minister Rutte.³

In the period since her appointment until the presentation of the team of Commissioners, it was unclear which institutional form would the en-

¹ European Commission, 'President - Elect Ursula von Der Leyen', n.d., https://ec.europa.eu/commission/interim_en.

² Von der Leyen, U., 'Political Guidelines for the next European Commission 2019-2024', 16 July 2019, https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf.

³ European Western Balkans, 'Von Der Leyen: I Will Support Opening of Negotiations with North Macedonia and Albania', 15 July 2019, <https://europeanwesternbalkans.com/2019/07/15/von-der-leyen-i-will-support-opening-of-negotiations-with-north-macedonia-and-albania/>.

largement portfolio have and which country would be responsible for it. As to the institutional structure, the Directorate General for Neighborhood and Enlargement of the outgoing Commission has often been argued to have a rather broad portfolio which does not correspond in capacity to the needs of the negotiating countries. Such an approach to have a common Directorate for the relations with the Western Balkans and Eastern Partnership countries weakens the attention and the specific needs of the region. A recent brief of the Open Society Foundation also illustrates these arguments by the disproportionate time and priorities of the Commissioner for Neighborhood and Enlargement. If the commissioner divides his time, disproportionately between the two regions, then both regions will lack the in-depth attention needed for the demanding political and reform agenda.⁴ As a result, the brief recommends the creation of a new DG Europe, with a narrower geographic mandate for accession and association countries only, which will have a positive effect for the enlargement of the Western Balkans countries.⁵ Still, as mentioned below, the proposed Commission structure still combines the portfolios of the two regions.

As to the latter aspect, country allocation of portfolios, Both Hungary and Slovenia had their own nominees for the position. Slovenian Prime Minister Marjan Šarec nominated Janez Lenarčič, Head of the Mission of Slovenia to the European Union, and Hungary nominated László Trócsányi, former Minister of Justice and current member of the European Parliament.⁶ Opinions were divided on both nominees, with the latter nominee being the most controversial one for some experts, starting from the politically controversial background of Hungary.

On 10th of September, the European Commissioner President – elect, Ursula von der Leyen, presented her team and the new structure of the European Commission. It was then made public that László Trócsányi was the proposed Commissioner – designate for the Neighbourhood and Enlargement portfolio.⁷ The European Parliament will have to hear and decide for the proposed team before 1st of November, when the mandate of the Commission will officially begin. Scepticism prevailed for László Trócsány and his correlation to the Hungarian government. In her letter, the President – elect invited László Trócsány to focus on the issues of the

4 Cvijic, S. et al., 'From Enlargement to the Unification of Europe: Why the European Union Needs a Directorate General Europe for Future Members and Association Countries' (Open Society Foundation, June 2019).

5 Ibid.

6 Muminović, E., 'Hungary or Slovenia - Who Will Give the next Enlargement Commissioner?', European Western Balkans, 2 August 2019, <https://europeanwesternbalkans.com/2019/08/02/hungary-or-slovenia-who-will-give-the-next-enlargement-commissioner/>.

7 'The von Der Leyen Commission: For a Union That Strives for More', European Commission, 10 September 2019.

rule of law, fight against corruption and the role of independent media and civil society, which were the points that prompted the European Parliament to trigger the Article 7 Procedure against Orbán's Hungary.⁸ Having in mind that the Western Balkans countries are struggling to reform exactly those points that the new Commissioner is supposed to enhance and incite more rigorous reforms, there is clearly a vivid lack of mistrust from the European Parliament on letting a Commissioner coming from a government with such background take over such an important portfolio.

As mentioned earlier, citing concerns about conflict of interest, on 23rd of September, Parliament's Legal Affairs Committee blocked Hungary's László Trócsányi, nominee for Commissioner European Neighbourhood Policy and Enlargement Negotiations. This blockage meant that László Trócsányi could not proceed to confirmation hearing. The Committee voted against Trócsányi 11 against and 9 in favour.⁹ The Committee's concerns centred on his relationship with a law firm he co-founded and on various decision connected to Russia,¹⁰ but as well as from the countries government's tense relations with EU institutions. At this point, it was left to Von der Leyen to decide whether she would try to address the committee's concerns and ask MEP's to reconsider the nominees or she withdraw them and simply ask the governments to propose new candidates.¹¹ Though at first it was announced that the course of actions will be thought through, citing later tight schedule and short time¹² it was decided that the country had to nominate a new candidate.¹³ On the 30th of September, on behalf of the Hungarian government, it was announced that the new Hungarian nominee was career diplomat Olivér Várhelyi.¹⁴

Even after nominating EU diplomat, Olivér Várhelyi as Commissioner for European Neighbourhood Policy and Enlargement Negotiations, the criticism continued to be present mainly because the chosen nominee was still being seen as affiliated to Orbán's government. The hearing on the 14th of November was rather intense and mainly focused on the independence of the nominee from its nominating country. During his hearing,

8 Ivković, A., 'László Trócsányi: Good News Only for the Leaders of the Candidate Countries', European Western Balkans, 17 September 2019, <https://europeanwesternbalkans.com/2019/09/17/laszlo-trocsanyi-good-news-only-for-the-leaders-of-the-candidate-countries/>.

9 Gurzu, A., De la Baume, M., Bayer, L., Paun, C., 'Ursula von Der Leyen's Rejection Headache', POLITICO, 27 September 2019, <https://www.politico.eu/article/rovana-plumb-laszlo-trocsanyi-meps-reject-romania-hungary-nominees-for-european-commission/>.

10 Eder, F., Bayer, L., 'Russia Concerns Fueled Rejection of Hungary's Commission Nominee', POLITICO, 28 September 2019, <https://www.politico.eu/article/laszlo-trocsanyi-russia-concerns-fueled-rejection-of-hungary-commission-nominee-romania-rovana-plumb/>.

11 Gurzu, A., De la Baume, M., Bayer, L., Paun, C., 'Ursula von Der Leyen's Rejection Headache'.

12 The new Commissioners were foreseen to start their mandate by the 1st of November

13 De la Baume, M., Gurzu, A., Bayer, L., 'Von Der Leyen Seeks New Recruiters after Parliament Torpedoes Two', POLITICO, 1 October 2019, <https://www.politico.eu/article/romania-and-hungary-european-commission-picks-rovana-plumb-laszlo-trocsanyi-reject-ed-for-second-time/>.

14 Bayer, L., 'Hungary Names EU Ambassador as New Commission Nominee', POLITICO, 1 October 2019, <https://www.politico.eu/article/hungary-names-eu-ambassador-as-new-commission-nominee-oliver-varhelyi-viktor-orban-laszlo-trocsanyi/>.

Várhelyi explained that he will act independently of the Hungarian government and that he will be working for the EU and EU alone. Yet, he was blocked by 48 votes and additional written answers were requested from him for the following Monday by representatives of the Green, Socialists and Democrats, Renew Europe and the European United Left/Nordic Green Left, to further assure his independence from Orbán.¹⁵ After the accepted written responses, it was at last noted that the Hungarian nominee to be Commissioner of Neighbourhood and Enlargement Policy, Olivér Várhelyi, was accepted, opening path for the final step on the process of voting the new composition of the European Commission as a whole,¹⁶ on which the final decision was brought on the 27th of November.¹⁷

The Hungarian appointment of an enlargement Commissioner while contested by the expert community and liberal forces, has been partly welcomed by some of the leadership in the region based on expectations they [Hungary] have better sensibility when it comes to the Balkans than other countries, and have helped the region in the process.¹⁸ Beyond broader concerns related to the rule of law, granting the enlargement portfolio to Hungary with the current situation and governing elites carries specific importance for the case of North Macedonia due to the decision of the former to grant political asylum to the former Macedonian Prime Minister Nikola Gruevski. Beyond the expectation that the Commissioners would act in view of the interest of the Union, not the member states they're representing it would be hard to foresee a situation in which this would not cause deeper concerns. In the end a Hungarian commissioner was finally appointed, but despite the pledge of working towards opening accession negotiations as soon as possible with North Macedonia, it would remain to be seen how this rather idiosyncratic case would be reflected in the position of the staff of the Neighbourhood and Enlargement Directorate.

More than three years have passed since the public vote in the United Kingdom and almost two and a half years since the triggering of article 50 at the end of March 2017 when the UK notified the European Council of its intention to exit the European Union.¹⁹ The discussions surrounding the exit of the UK have consumed significant energy on both sides of the channel and

15 Bayer, L.; De La Baume, M.; Kayali, L., 'Hungarian Commission Candidate Blocked by Parliament Committee', POLITICO, 14 November 2019, <https://www.politico.eu/article/oliver-varhelyi-hungarian-commission-candidate-blocked-by-parliament-committee/>.

16 Herszenhorn, D.; De La Baume, M.; Bayer, L., 'Parliament Poised to Confirm New Commission', POLITICO, 22 November 2019, <https://www.politico.eu/article/hungarian-candidate-gets-approval-from-parliament-committee-oliver-varhelyi/>.

17 Herszenhorn, D.; De La Baume, M.; 'European Parliament Confirms von Der Leyen Commission', POLITICO, 27 November 2019, <https://www.politico.eu/article/european-parliament-confirms-von-der-leyen-commission/>.

18 Ibid.

19 Poptcheva, E-M., "Article 50 TEU: Withdrawal of a Member State from the EU" (European Parliamentary Research Service, February 2016), [https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577971/EPRS_BRI\(2016\)577971_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577971/EPRS_BRI(2016)577971_EN.pdf).

are still not near the end as to the final outcome at the time of writing of this analysis. In the UK, the period since the vote has been accompanied by one general election, stepping down of two Prime Ministers – David Cameron and Theresa May and many unsuccessful votes in Parliament to reach consensus as to the modalities of the country's departure from the EU. On the EU side, the terms of a potential regulated exit have been determined with the Withdrawal Agreement²⁰ backed by the EU27.

From the perspective of the Western Balkans, Brexit is relevant both in view of the overall impact on the Union, but also the specific issues that the exit of the UK will have on the countries in the region. In relation to the former, there are several aspects which are relevant for the Western Balkans, including the discussions as to the future of the Union, the increased support for EU after Brexit, as well as the specific role that the UK played as a supporter of enlargement in the Union. First, although in the immediate aftermath of the referendum there were sceptical voices in the region as to the overall future of the Union, the exit of the UK does not seem to have affected in essence the drive for European accession, as can be seen through the numerous polls²¹. Second, the increased unity between the rest of the EU member states as to their position on the UK exit and the increased support overall for the European project among the EU public²² have also sent a rather positive signal to the region.

Third, from the perspective of candidates and future candidates, the UK exit is significant both politically and financially. First, the missing voice of the UK at the EU negotiating table has redrawn alliances in the Union on various issues.²³ Specifically in view of enlargement, the UK has traditionally been a supporter of widening of the Union, often perceived also at the expense of the deepening. Its absence from the EU decision making process has increased the space for voices within the Union that are more sceptical of its enlargement, as elaborated in other sections of this analysis. This argument has often been made by German stakeholders, which have underlined that in view of enlargement Germany has lost a

20 European Commission, "Draft Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, as Agreed at Negotiators' Level on 14 November 2018," November 14, 2018, https://ec.europa.eu/commission/sites/beta-political/files/draft_withdrawal_agreement_0.pdf.

21 In the latest 2019 Balkan Barometer report, backing for EU membership continues to grow at an accelerated pace where more than half of all respondents' view EU accession favorably (56%). More on the 2019 Balkan Barometer Report on: <https://www.rcc.int/pubs/89/balkan-barometer-2019-public-opinion-survey>

22 According to the results from the European Parliament post-electoral survey, 61% of respondents in the EU27 agree that their country's EU membership is a good thing, and 7 out of 10 citizens believe that their country has benefited from being in the EU, and the sense of togetherness therefore has not weakened. More on the spring 2019 Eurobarometer reports and European post-electoral reports on: <https://www.europarl.europa.eu/at-your-service/en/be-heard/eurobarometer/>

23 Taylor, P., "Brexit Redraws EU Alliances," POLITICO, April 20, 2018, <https://www.politico.eu/article/brexit-redraws-eu-alliances-coalitions-stop-france-and-germany-deeper-integration/>.

significant ally. In addition, the exit of the UK from the Union will result in a significant gap in the EU budget, thus having strong implications for countries which are likely to be net recipients in the long term.²⁴

As for the latter aspect - specific issues with relevance to the Western Balkans, the United Kingdom in recent years has been present both politically as well as financially in this region. The United Kingdom has been a significant donor and supporter in public administration reform, rule of law and fundamental rights, as well as projects implementing measures to combat organized crime and corruption. On these issues the UK has expressed several times its intention to keep its presence in the region, including through holding the 2018 Berlin Process Summit in London.²⁵ The House of Lords has also paid specific interest to the region and urged the UK Government to set out in detail, a contribution that Britain is prepared to make, in partnership with the EU, for the stability, democracy, the rule of law and prosperity in the Western Balkans in a recent report.²⁶ The question, nevertheless remains as to the long term alignment of the UK interventions with the regional goals of EU accession and integration.

Last, the Brexit discussions have significance in view of the contractual relations which will replace the Stabilisation and Association Agreements of the countries of the region with the EU, once the UK exits the EU. All of the countries in the region have been negotiating agreements which to a large extent are expected to mirror the SAA arrangements in bilateral relations to ensure the smooth operation of the economic relations. If a similar trade regime remains in force under the new SAA-like agreements, this positive impact of trade for both is likely to be sustained, as was also shown in analysis on this matter.²⁷

New convocation of the European Parliament elected Ursula von der Leyen as the new European Commission president on 16 July. She won 383 of the 733 votes cast, with only eight votes above required margin. In the designation of portfolios a separate directorate for EU **Enlargement remains**, which was not certain from the very beginning. The name of the portfolio is named Neighbourhood and Enlargement, responsible

24 Eder, F., "Commission Gets Glimpse of Post-Brexit EU Budget Horrors," POLITICO, April 20, 2018, <https://www.politico.eu/article/commission-gets-glimpse-of-post-brexit-eu-budget-horrors/>.

25 This Summit was presented as a chance to show the UK's interest in the region, mainly to strengthen the security in the region, and also to fight off the potential risk of interference from external actors, mainly Russia, China and Turkey. See: <https://www.gov.uk/government/topical-events/western-balkans-summit-london-2018/about>

26 House of Lords - Select Committee on International Relations, "1st Report of Session 2017-19. The UK and the Future of the Western Balkans," January 10, 2018, <https://publications.parliament.uk/pa/ld201719/ldselect/ldintrel/53/53.pdf>.

27 Subotić, S., "The Western Balkans through the Brexit Lenses. Same Old, Same Old?," European Policy Centre, January 12, 2018, <https://cep.org.rs/en/publications/the-western-balkans-through-the-brexit-lenses/>.

for DG Neighbourhood and Enlargement Negotiations (DG NEAR). The portfolio is given to Hungary to nominate the Commissioner. However, the first nominee of Hungary, Mr. László Trócsányi was rejected by the European Parliament along with another two nominees: Romanian Ms. Rovana Plumb and French Ms. Sylvie Goulard. This shows that the new Commission will have to work hard in order to get its proposals through parliament. After Mr. Trócsányi was rejected by the European Parliament, Hungary nominated Mr. Oliver Varhelyi, who was elected as the new Commissioner for Enlargement. However, due to need to elect three new commissioners the new Commission stepped into office on 1 December 2019 instead on 1 November, as was the practice before.

Recommendations to the Western Balkan region

1. **Start joint pro-enlargement advocacy activities** focusing on EU capitals particularly those that oppose enlargement. **Good news from the WB is needed.**
2. Further creative and well-planned actions of lobbying should be undertaken with public opinion-making actors such as media, think tanks and cultural establishments in sceptical member states.
3. **After receiving the proposal of the new methodology** of running accession negotiations, **take a joint position regarding it, and jointly step forward advocating against** the elements of the new methodology that **could lead to stalling** the negotiations and **introducing new obstacles** to already difficult methodology of accession negotiations.
4. Regional cooperation cannot replace EU integration. Despite this, initiatives strengthening shared advocacy deserve much more support than in the past since the challenge has become much more demanding. **Joint WB initiatives for regional integration should be intensified** while understanding each other's interests.
5. Start positive competition as to who will be better in enlargement related reforms rather than covering own mistakes by emphasizing mistakes made by others.
6. Jointly advocate opening accession negotiations for North Macedonia and Albania and visa liberalization for Kosovo*.



ALBANIA'S DIFFICULT PATH TOWARDS THE EU

EU STANCE TO ENLARGEMENT IN GENERAL

Enlargement has become a difficult word to utter let alone a position to defend among several European stakeholders amidst the multiple past and present crisis that the Union has undergone in the last decade. The reasons behind the negative stance vary alongside a wide spectrum, from those who believe that the focus should be on deepening and strengthening the Union (France) to those who blame new member states for problems and regress and therefore want to steer away from repeating an alleged mistake.

One might argue that the Western Balkans Six could adhere to the EU through a differentiated integration approach, suggesting that sector specific differentiation on an inter-governmental level would be feasible. Similarly, a multi-speed Europe would signify that countries like Albania may join the EU, despite their readiness, and get gradually integrated in several steps, by joining the other cooperating states in a later stage. But would Albania be capable to keep up the pace?

In practice, these complex theories have displayed some flaws, the greatest one being the lack of adaptability. While integration on an institutional level may work at a two-speed or multi-speed pace, on a sectorial level even EU Member States sometimes struggle to maintain the standards. Consider for example the euro-crisis: the German and Romanian or Greek economies may disagree on a common framework of economic policies, as long as their economies are not moving at the same speed. As previously stated by

French President Emmanuel Macron, the EU needs to “speed up the stalled reform process” which would further consolidate and improve the Union, prior to welcoming new member states. Following the EC recommendation of the opening of accession negotiations for Albania and North Macedonia, Macron claimed he would not support the next wave of enlargement until that goal is attained and the European project is revived²⁸. Hence, it came as no surprise to Prime Minister Rama when the EU government leaders failed to open membership talks on October 2019 with Albania.

State of affairs – Albania

On its 2018 progress report, the European Commission finally recommended the opening of accession negotiations for Albania. Firmly set on its integration path towards a European future, Albania is among the most enthusiastic countries, remaining untouched by the Eurosceptic wave that has taken over most European Union (EU) member states in the post-Brexit era.

A 2014 AIIS study on the Albanian citizens’ support towards the EU indicates that 77.1% of the representative sample surveyed would vote for EU accession in case of a national referendum, as opposed to 9.1% of the respondents²⁹. Despite the fact that there have been no further assessments of the citizens’ perceptions towards Albania’s EU perspective after the country was granted the candidate status in 2014, previous studies indicate that the highest level of support coincides with major milestones on Albania’s rocky road towards the EU. The highest level of support through the years was marked just one year before the Stabilization and Association Agreement (SAA) came into effect, with 95% of the citizens being pro-EU. Two years later, when Albania was granted free movement in the Schengen zone, an overwhelming 93.4% of the citizens were supporters of the country’s European integration process. Such important breakthroughs concur with expansive national media coverage – the citizens are bombarded on a daily basis with information on the progress of the reforms implemented in the framework of EU integration. In accordance with the citizens’ positive attitude towards integration, the national media habitually portrays developments in the process in a positive light, often-times even prioritizing them over internal affairs.

²⁸ Huffington Post, L’Albanie et la Macédoine bientôt dans l’Union européenne? Bruxelles veut ouvrir les négociations, 17 April 2018. https://www.huffingtonpost.fr/2018/04/17/lalbanie-et-la-macedoine-bientot-dans-lunion-europeenne-bruxelles-veut-ouvrir-les-negociations_a_23413281/

²⁹ The European Perspective of Albania: Perceptions and Realities 2014, AIIS, 2014. <http://www.aiis-albania.org/?q=node/242>

Similarly, there has been a high media and popular interest in Albania about the potential impact of the European parliament elections and Brexit ongoing debacle on the country's perspective of making progress towards accession.

As far as Brexit is concerned, ironically first Albania was involved by both camps inside the UK to make their case even prior to the referendum. "It all began with the Justice Secretary, Michael Gove, who pointed to Albania's relations with the EU as an example of the possible agreement that the UK might have in the event of leaving the EU. Later, it was used by British MP Umunna and other leaders of the *Remain* campaign to attack *Leave*, by claiming that the latter are aiming to turn the UK into a second Albania."³⁰ This forced Prime Minister Rama³¹ and others to write publicly that they wanted out of this wrongful inclusion in the debate.

The departure of the UK from the Union not only means attention and resources diverted away from the enlargement but also the loss of a powerful member state that has consistently been in favor of the region joining in. True, the UK has supported enlargement based mostly on security concerns, however, its overall positive stance towards enlargement was a good counterbalance to the traditionally sceptical stance of other member states.

That said, in the case of Albania the story is a bit more nuanced. The UK is one of the countries in which the negative media stereotypes about topics such as "Albanian crime drugs and mafia", "Albanian asylum seekers and human trafficking", are very energetically pronounced.³² This kind of image has already proven to be decisively negative in the case of other countries such as the Netherlands. One can only wonder if the combined view of these two countries would have not been even more problematic about the country.

The first impact of the Brexit has been felt in the Berlin process Summit in July 2018 which was held in London. The resignation and then eventual absence of then Foreign Secretary Johnson in that meeting, alongside the general pessimistic mood, made for a very ironic event altogether.³³ It also showed how complex it would be for the UK to maintain an active involvement in the region outside of the Union's architecture.

Following Brexit, in Albania, the UK's political influence on European in-

30 E. Shabani "Britain's Brexit Debate: Leave Albania Out Of This, Please!" 19 May ,2016.

<https://blog.politics.ox.ac.uk/britains-brexite-debate-leave-albania-please/> Accessed on October 1, 2019.

31 "Pm Of Albania: It's Absurd To Drag Albania Into The Battle For Brexit", APRIL 26, 2016 https://www.strongerin.co.uk/pm_of_albania_it_s_absurd_to_drag_albania_into_the_battle_for_brexit

32 <http://theconversation.com/albanian-mafia-the-dangerous-myth-that-distorts-our-view-of-the-global-drugs-trade-110043>

33 Marcus Tanner, "UK's Shrinking Role in Balkans Will Vanish Under Johnson", <https://balkaninsight.com/2019/07/26/uks-shrinking->

tegration was almost immediately counterbalanced by an increasing role for the EU Enlargement and Neighbourhood Policy. In this context, the EU launched the first ever joint operation within the territory of a non-member state, having deployed the European Border and Coast Guard in the border between Albania and Greece, which provides Albania with expert technical and operational support and assistance at its crossing points³⁴.

As for the EU Parliament elections, they were followed closely by Albanian media and politicians who breathed an (early) sigh of relief as the extreme right wing parties failed to secure clear victories. The Albanian media and experts narrated this development mostly in positive tones without trying to make a deeper analysis of the new groups' significance and positions. Media coverage focused also on individual figures that were well-known in Albania as supporters of integration and that didn't make it, such as former EU MP Fleckenstein or figures of prominent Albanian origin such as Arba Kokalari which in addition to being elected later on became deputy president for the EPP in the EU Parliament.

Meanwhile, within Albania, the political scene was developing against an increasingly tattered backdrop of pluralistic democracy. A political standoff between the ruling Socialist Party (PS) and the opposition, led by the Democratic Party (PD) and the Socialist Movement for Integration (LSI) reached an apex on February, when the opposition relinquished its parliamentary mandates. The local elections, held in 30 June 2019, were boycotted by the opposition over allegations of government manipulation, following a wiretapping scandal that linked Socialist Party members and government leaders with a criminal organization. The leaked wiretaps revealed cases of violence, threatening and vote-buying that had taken place during the 2017 parliamentary election campaign. Amidst the stagnation, in fear of violent escalations, President Ilir Meta issued a decree on June 10 to postpone the elections for October 2019, which prompted Prime Minister Rama to commence impeachment procedures for the President. In absence of the Constitutional Court, the presidential decree could not be reviewed at the time and thus, it was rejected by the Central Electoral Commission. The failure of the opposition to participate in the 2019 local elections, led to a severe limitation of choices for the voters and as a consequence, a low turnout of 21.6%³⁵.

role-in-balkans-will-vanish-under-johnson/

34 European Commission, European Border and Coast Guard: Launch of first ever joint operation outside the EU, Press release, 21 May 2019 https://ec.europa.eu/commission/presscorner/detail/en/IP_19_2591

35 KQZ jep shifrën zyrtare: Pjesëmarrja në votime 21.6%, Top Channel, 30 June 2019 <http://top-channel.tv/2019/06/30/kqz-jep-shifren-zyrtare-pjesemarrja-ne-votime-21-6/>

Another factor that may have contributed in the citizens' decision to refrain from voting is the media's bias and self-censorship, due to a lack of regulating mechanisms and ownership of media outlets by people with a pronounced political affiliation. In addition, the approach followed by PS that prevents journalists from attending official events and then provides them with pre-shot footage "was found to limit voters' ability to obtain objective information" which poses a challenge to the fundamental right of the media to have access to information³⁶. Legally, Albania has launched the new Code of Ethics for Journalists in March 2018 and the overall legislative foundation is set in place - however, the implementation remains a challenge.

Furthermore, the government approved in December 2019 a highly controversial anti-defamation package that grants Albania's Audio-visual Media Authority (AMA) the right to create an administrative body, the Complaints Council that will be able to demand retractions, impose fines and suspend the activity of audio-visual media outlets. Referring to the laws as a "censorship package", human rights and media organizations strongly opposed to the adoption, claiming that "they seek to impose a regime of administrative control on the online media."³⁷

These setbacks directly influence on the EU's perception of Albania's preparedness to join the EU. But how does the EU Commission assess Albania's readiness to open accession talks? Despite the strong political polarization that characterized 2019, Albania was noted to have made progress on its EU reform agenda, although there is still a lot of work left to do as regards the public administration reform, where Albania appears to be only moderately prepared³⁸. However, the Commission has positively evaluated the government's efforts for increased transparency and efficiency.

Most importantly, the Albanian justice system is undergoing a thorough reform, under the supervision of the International Monitoring Operation. Since the beginning of its implementation, more than 88 judges and prosecutors have been filtered out by the vetting process for unjustified assets or affiliation with criminals, which proves that the judicial reform is delivering results. According to the Commission's 2019 Communication

36 Albania local elections 2019: ODIHR observation mission final report, OSCE, 6 September 2019 <https://www.osce.org/odihr/elections/albania/429257>

37 Albania Anti-Defamation Laws Condemned as 'Censorship Package', Balkan Insight, 19 July 2019. <https://balkaninsight.com/2019/07/19/censorship-bill-albania-rights-organizations-slams-anti-defamation-package/>

38 Albania 2019 Report, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2019 Communication on EU Enlargement Policy. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf>

on EU Enlargement Policy, the establishment of the High Judicial Council, the High Prosecutorial Council and the Justice Appointment Council are considered as “a crucial step in strengthening the independence and accountability of the judiciary.” Overall, EU experts consider the judicial system to have some improvement, with the justice reform steadily advancing and resulting in good progress.

Having adopted the new Action Plan 2018-2020 for the implementation of the Inter-sectoral Strategy against Corruption, the Code of Conduct for members of Parliament and having amended the Law on the Declaration and Audit of Assets as well as the Law on Public Procurement, the country has taken important steps in the fight against corruption. However, the 2019 Corruption Perception Index of Transparency International revealed that despite an improvement over the last five years, Albania has dropped two points compared to the previous year, positioning Albania as the 106th most corrupt country in the world, alongside North Macedonia, Algeria, Brazil, Cote d’Ivoire, Egypt and Mongolia³⁹.

Albania was applauded by the international community for the establishment of the High Prosecutorial Council (HPC) which, in turn, paved the way for the establishment of specialised anti-corruption bodies (Special Anti-Corruption and Organised Crime Structure – SPAK, National Bureau of Investigation – NBI) which will be instrumental in the fight against organized crime. Recent developments in the fight against organized crime have shown a major shortcoming, resulting from the vetting process. The justice reform failed to foresee the collective madness that would captivate Albanian judges and prosecutors who are yet to be vetted, and are now availing their last opportunities to secure their financial future by setting free high profile criminals with lifelong sentences. A series of media investigations have identified erratic behaviours and sentences that sometimes go as far as to reduce the criminal sentences or giving minimum constrictions (probation) for gang leaders⁴⁰. A thorough investigation on the legitimacy of these controversial sentences is urgently needed, to restore the public’s trust in the judicial system and penalize the people behind these crime-judicial deals.

39 Corruption Perceptions Index 2019, Transparency International <https://www.transparency.org/cpi2019>

40 Fluks uljesh dhe amnisti: Skema e lirimit nga burgu të Endrit Dokle, Vladimir Karaj, Reporter.al, Janar 2019 <https://www.reporter.al/fluks-uljesh-dhe-amnisti-skema-e-lirimit-nga-burgu-te-endrit-dokle/>

Impact of EU Council decision: the October crucible

All the previous dynamics paved the way however were not enough to really prepare the countries waiting for the opening of accession negotiations, in this case Albania, for what was coming in October.

The waiting room

The positions and actions of key member states about the EU Council decision on Albania and North Macedonia prior to the Council's meeting were as revealing as the final outcome itself. The key development prior to October was the decision of the German Bundestag to treat countries differently by pushing forward North Macedonia swiftly while imposing on Albania a long list of conditions neatly separated into phases and milestones.⁴¹ Experts differed on the meaning of this decision, with some applauding its general positive recommendation as the important outcome and others stressing that conditions were meant essentially to façade a rejection.

Two countries stood out with their discussions in respective assemblies: the Netherlands and France, which, following Brexit, have entered a new era in bilateral relations. In the case of Albania both countries expressed repeated and vocal opposition and deep reservations about the opening of negotiations.

In 2013, the Netherlands was among the countries that vetoed granting the candidate status to Albania, maintaining that although the country had delivered results, its efforts in tackling corruption and the reinforcement of rule of law were not sufficient⁴². At the time, the Dutch veto was wrongly interpreted as a discouraging and, to a certain extent, unfair decision because it was regarded as a lack of acknowledgement of the Albanians' efforts. In fact, it could have served as an early warning of the internal issues the EU was encountering, as well as an obvious indication that Albania, along with the other Western Balkan countries, were still lagging behind in terms of readiness.

Despite the fact that the Netherlands finally said it would not stand in the

⁴¹ "German ruling parties support Albania, set conditions for starting EU negotiations", European Western Balkans -25.09.2019

⁴² VVD: Albanië geen kandidaat-lid EU, de Volkskrant, November 2013. <https://www.volkskrant.nl/nieuws-achtergrond/vvd-albanie-geen-kandidaat-lid-eu~b3ed4927/>

way of other member states should a consensus prevail, they had to strike down no less than three motions in the assembly put forward against Albania by right wing parties.⁴³ Furthermore, prior to that there had been also a Dutch position to assess Albania and North Macedonia separately which experts agree would have brought a further negative dynamics in the regional relations.

In France, the Minister of European Affairs Amélie de Montchalin was reported to have said that France was in favor of letting no less than 2 years go by to assess the real progress that Albania had to make in terms of reforms and track record of implementation.⁴⁴ An additional concern of France from the past as well had been the high number of Albanian asylum seekers. Other countries also emerged as potential sceptics such as Denmark, or as using this confusing moment to conveniently launch odd requests such as Bulgaria.⁴⁵

These day to day changing dynamics have been met with responses by domestic politicians who have presented to the Albanian audience their won interpretations and explanations of them. Though the impact of this specific narrative of discussion on the Albanian public remains to be assessed, one can make an educated guess that confusion and a sense of negativity prevails. Moreover, the interpretation of these stances as serving the “*domestic politics of member states*” strengthens the perception of citizens that Albania is not assessed based on real progress but rather based on pre-existing stereotypes.⁴⁶

D-day

By October 18 it was clear that both countries would be rejected the chance to open accession negotiations. Ironically, the prevailing explanation given by the main veto power, France, was that the process itself had

43 “Three motions at Dutch Parliament against Albania’s EU accession negotiations”, Top Channel 10/10/2019

<http://top-channel.tv/english/three-motions-at-dutch-parliament-against-albanias-eu-accession-negotiations/>

44 “Why France votes against” <https://www.faktor.al/2019/10/11/pse-franca-voton-kunder-?fbclid=IwAR0zemWCvtkowxKrsAtbxp-23MJ08rmFHK-XWqSgfwkMG33yhKgSDdFpeUbU>

45 Although it is likely to be a symbolic declaration, the Bulgarian assembly in their declaration in favor of opening accession negotiations asked form Albania more rigorous implementation of rights for the Bulgarian minority in terms of education, official registration etc. Bulgaria also puts conditions for negotiations: language and registration for its minority (translated from Albanian) <https://www.gazetatema.net/2019/10/09/edhe-bullgaria-kushte-per-negociatat-kerkon-gjuhe-dhe-regjistrim-per-minoritetin/>

46 Most of the reactions have come from PM Rama who has been persistent in saying that all the skepticism towards Albania is indeed a byproduct of internal political rhetoric and calculations of member states. Another reaction of the majority has been to play up different details such as the gender composition of the executive. In this context, the 8 women ministers of the cabinet published an open letter to the Netherlands to advocate for accession negotiations. See “Albanian female ministers ask for green light from the Netherlands”, Tirana Times, 8/10/2019, <http://www.tiranatimes.com/?p=143240>

to be re-evaluated and changed and that the whole enlargement idea was up for reconsideration. The French non-paper, comprising the official concerns of Paris, The Hague, Berlin and Copenhagen, introduces for the first time the 'reversibility' component, allowing the EU to end the negotiation talks if a candidate country experiences a setback. This development had ripple effects in the politics, society and foreign policy of both Albania and North Macedonia, as well as in the entire region.

In Albania, the majority heavily invested itself in the public debate and opinion with a single explanation that focused solely on externalizing responsibility citing President Macron almost exclusively as the reason behind this decision. PM Rama which had begun to warm up the public with pessimistic warning even prior to the date was very critical of EU, saying it is losing legitimacy and authority in the region. Rama went beyond in posting in his social media about Europe's historical placidity when faced with destiny, a quote from Octavio Paz.

The opposition, despite blaming the ruling majority did not put up a long or aggressive campaign to use this development for political credit letting down expectations that this would be a major political battle horse. Some of the debate in the public opinion turned conspiratorial or even very negative, which is remarkable for a country such as Albania where pro-membership support is very high.

Paradoxically, this bump in the road seems to have reinvigorated at least some initiatives of regional cooperation such as the so called Western Balkans Schengen (or mini-Schengen) platform launched by Serbia, Albania and North Macedonia⁴⁷. Recently Montenegro and Bosnia have shown interest after an initial refusal. The only country that openly has refused so far is Kosovo, however there a new parliament and government are expected to take place within the end of this year. Therefore the position can change.

Despite the country's slow progress towards the EU, the enlargement process is afflicted by a lack of credibility – the EU's most important currency. According to the 'external incentives model' (EIM), the process of EU integration and Europeanization cannot be effective unless the credibility of the conditionality is guaranteed. Researchers Frank Schimmelfennig and Ulrich Sedelmeier argue that the EIM functions similarly to the *carrot and*

47 Western Balkans Schengen or a regional free economic area between these there states had been for the first time announced in a joint meeting in Novi Sad between Rama, Zaev and Vucic and then expanded in Ohrid in November 11. See <https://europeanwestern-balkans.com/2019/11/10/leaders-agree-on-further-steps-towards-mini-schengen-in-ohrid/>

stick approach, with the membership being the ultimate reward (carrot) for the candidate countries. For an effective process, the candidate must perceive the rewards as ‘tangible and sizeable’. Hence, the clearer the conditions, the more likely it is that the government will be motivated to work on attaining the goal and maintaining the current reform momentum, not only in order to meet the key priorities determined in the country’s progress report, but also to keep the pro-European feeling alive. Likewise, the timing of the reward is also crucial to the success rate of the process: “the closer the date on which the reward will be paid, the stronger the compliance pull is,” according to Schimmelfennig and Sedelmeier⁴⁸.

By temporarily shutting the door on Albania and North Macedonia, the EU has dealt a severe blow to the credibility of Albanian citizens in the EU’s rewarding system. In order for this credibility to be restored, the EU must take into account that imposing sanctions after the accession of a country that may not be entirely ready, has nevertheless proven to be less costly than the pre-accession threat of withholding membership. Hence, by choosing to dismiss the pre-accession political conditionality, from which 10 countries benefitted during the 2004 enlargement wave, EU is making a conscious choice of further alienating the Western Balkans from the European family and pushing them towards an uncertain political future.

Emerging authoritarianism in some EU member states may have played a role in this decision. Safeguarding European core values and ensuring the future members will not backslide is of utmost importance for the founding members. However, this does not mean that the EU must prevent this by sacrificing the EU perspective of the Western Balkans, at the expense of their citizens. Instead, the EU must take precautions right after the accession stage is complete: by strengthening their supranational sanctioning mechanisms and promoting equality by imposing sanctions on countries like Hungary and Poland⁴⁹ who display signs of undermining democracy, i.e. applying the *carrot and stick approach*, regardless of a country’s status of EU membership.

48 Schimmelfennig, F.; Sedelmeier, U., ‘The Europeanization of Eastern Europe: the External Incentives Model Revisited’, Paper for the JMF@25 conference, EUJ, 22/23 June 2017 <https://www.eui.eu/Documents/RSCAS/JMF-25-Presentation/Schimmelfennig-Sedelmeier-External-Incentives-Revisited-JMF.pdf>

49 Croatian EU presidency: ‘we don’t believe in sanctions on Hungary and Poland’, Euronews, 20 January 2020. <https://www.euronews.com/2020/01/20/croatian-eu-presidency-we-don-t-believe-in-sanctions-on-hungary-and-poland>

In lieu of a conclusion

For the moment the process of EU integration is unfortunately, borrowing from this project's title, more of a shifting target than a real perspective.

Whereas it seemed that after the EU parliament elections the European integration process of Albania had dodged a bullet, the real story that unfolded in October revealed the real difficult context that the enlargement is now facing. Brexit as a complex and novel process of a member state leaving the Union has influenced this dynamic and will continue to do even if just by virtue of pulling away resources and attention on the side of the EU.

Right now the decision of October 18 has repercussion not only on these two countries which are its direct subjects but on the entire region's perspective. The western Balkans countries need to rethink and adjust their strategies and strengthen their shared advocacy platforms in order to protect their EU perspective.

Recommendations to the Republic of Albania

- The justice reform in Albania needs to proceed in a faster pace, with more concrete results in the aspect of the establishment and functioning of the new institutions particularly those on the top of the system: the Constitutional Court and the High Court. The functioning of these two bodies has been included also in the list of conditions that the German Bundestag adopted, prior to the decision of October 18. Failure to establish these two bodies risks to turn into an argument for scepticism on the side of the most powerful supporter of the Albanian perspective in the EU, Germany.
- Albanian politicians should take good stock of the recommendations and requests put forward by the German Bundestag which reflect wider concerns from other member states as well. These include also refraining from declarations and actions embedded in opportunistic nationalism, such as those about unification with Kosovo or similar. Despite that these declarations are used purely for domestic consumption and do not have any 'teeth', they still jeopardize the consistent constructive regional foreign policy for which Albania has been praised in the past.

- Most importantly, Albanian political class is in serious need of introspection in order to solve the political crisis exemplified in the boycott of the parliament by the opposition, in the conduct of local elections only with one majority party (which now rules 60 out of 61 municipalities), in the raging rivalry with the President of the Republic which is under impeachment procedures by the majority, as well as a series of measures to put limits on media freedoms. Ignoring this crisis and prolonging it is the strongest signal of democratic irresponsibility that the country is sending to external audiences.
- Finally, Albania is aware that its image in the foreign press, particularly in countries such as the Netherlands, is very negative. Smart and creative public diplomacy is needed to counteract the fact that this kind of media coverage creates on the electorate of member states. Joint advocacy with the region can also assist this attempt and should be used effectively.

FROM THE PRESPA AGREEMENT TO THE RULE OF LAW REFORM: THE CASE OF NORTH MACEDONIA

2019 has been the year in which the Republic of North Macedonia expected the much awaited positive decision as to the start of its accession negotiations. This expectation was built on two key pillars: the breakthrough with the Prespa Agreement highly praised by the EU member states and institutions, and the assessment of the European Commission that the country had made good progress in relation to the rule of law reforms for the last two years.

First, the country made breakthroughs in its bilateral relations which were a stumbling block of its integration process for the last decade. The 27-year-old name dispute with Greece finally came to an end with the Prespa Agreement⁵⁰, where both governments of (formerly) Macedonia and Greece came to a mutual understanding and agreement on the new name - Republic of North Macedonia. Even though the road to this agreement was not an easy one, having been met with criticism and negativity from both sides, with nationwide protests in both countries, yet, mutual understanding prevailed and the agreement had positive feedback from the international community.

The EU has responded positively to this development, praising it as a positive example for resolving disputes in the region and thus acclaiming to be a lead example for other countries in the region, and setting an example of

⁵⁰ Government of the Republic of North Macedonia, 'Final Agreement for the Settlement on the Name Issue' (2018), <https://vlada.mk/node/15057?ln=en-gb>.

reconciliation for the region and beyond.⁵¹ The step undertaken, especially from North Macedonia, should be rewarded since the EU itself highlights the importance of stability and importing stability, and that the EU cannot and will not import bilateral disputes.⁵² The rhetoric of not importing instability and bilateral disputes has been mentioned back in 2017 as well, when Johannes Hahn himself said that they have learned their lesson from previous enlargement procedures, such as with the border dispute with Slovenia and Croatia, that rumbles on even though both countries are now EU members.⁵³ Nonetheless, on the one hand this is a recognition of the difficult political decision and the clear commitment of the country on its EU integration, and on the other hand, the Agreement ensures the possibility to revive the already fragile policy of conditionality.⁵⁴

In addition, the country signed the Treaty on good-neighbourly relations with Bulgaria, negotiated over the course of five years, recognizing the “common history” between the two countries. The agreement was also praised for ending the fragile relations and set a basis of Bulgaria’s pledge to support EU and NATO accession bid of North Macedonia.⁵⁵ While Bulgaria made it clear that it will support the opening of accession talks with North Macedonia, the differences over the key historical personalities will have to be settled during the negotiations. One thing is sure that historical disputes will require real leadership, which often will require political sacrifices.⁵⁶

Second, the European Commission report of May 2019 has assessed that the country has made significant progress and shows determination to advance the EU reform agenda. Compared to all countries in the Region, the progress of North Macedonia in the rule of law area was assessed best. Efforts to deliver tangible results have been acknowledged for the areas such as judiciary, fight against corruption and organised crime, including the steps to restore proper checks and balances and overall democracy and rule of law.⁵⁷ As a result the Commission recommends that the Coun-

51 European Commission, ‘2019 Communication on EU Enlargement Policy’ (European Commission, 29 May 2019), https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-communication-on-eu-enlargement-policy_en.pdf.

52 Ibid.

53 Cooper, H., ‘Brussels Is Back into the Balkans, If Selectively’, POLITICO, 11 December 2017, <https://www.politico.eu/article/eu-balkan-love-letter-leaves-some-feeling-jilted/>.

54 European Policy Institute - Skopje, ‘Clear Recommendation - Uncertain Date. Commentary on the European Commission Report on the Republic of North Macedonia’, 30 May 2019, https://epi.org.mk/wp-content/uploads/2019/06/clear_recommendation-uncertain_date.pdf.

55 Jakov Maursic, S.; Cheresheva, M., ‘Macedonia Approves Landmark Friendship Treaty with Bulgaria’, BalkanInsight, 15 January 2018, <https://balkaninsight.com/2018/01/15/macedonia-approves-landmark-friendship-treaty-with-bulgaria-01-15-2018/>.

56 Stojkovski, B., ‘Refighting the Balkan Wars Won’t Lead to a Seat at the Table in Brussels’, Foreign Policy, 20 September 2019, <https://foreignpolicy.com/2019/09/20/refighting-the-balkan-wars-wont-lead-to-a-seat-at-the-table-in-brussels-goce-delcev-bulgaria-macedonia-serbia-croatia/>.

57 European Policy Institute - Skopje, ‘Clear Recommendation - Uncertain Date. Commentary on the European Commission Report on the Republic of North Macedonia’.

cil now open accession negotiations with North Macedonia.⁵⁸ The recommendation to the Council was clear, meaning that although the country would still need reinforced approach on Chapter 23 and 24 of the EU acquis, it had met the criteria to start the first phase of EU integration, which *only* entails the start of negotiations. A comparison of the progress in all countries of the region in terms of judiciary and fundamental rights also shows this clearly.⁵⁹

Yet, both of these pillars proved insufficient to enable for the much needed and delayed positive breakthrough in relation to starting the accession negotiations, foremost due to the hesitation of key member states such as France and the developments of 2019, examined in this brief below.

Impact of EP elections – diluting the expectations

Although 2019 has been a relatively positive year for the development of the national political scene and bilateral disputes in Republic of North Macedonia events at the European level have taken their toll on the already slow accession process of the country to the European Union. 2019 has been the year of European elections, including the European Parliament elections, the European Commission appointment and restructuring and the overly dragged Brexit issue, which seems to have no end in sight. These developments have had a specific impact on the case of North Macedonia in terms of delaying the Council decision as to the start of the accession negotiations, the change of the government in Greece, and in view of the proposals for the new composition of the European Commission.

Delayed decision making

Due to the European Parliament elections, the European Commission Country Reports⁶⁰ were published at the end of May, after the elections foremost at the insistence of France, with the aim of avoiding enlargement getting caught up in the European election campaign.⁶¹ The effect of this decision was in practice less time for national parliaments usually

58 European Commission, '2019 Communication on EU Enlargement Policy'.

59 European Policy Institute - Skopje, 'Comparative Overview of 2018 and 2019 EC Assessments in Chapter 23', n.d., https://epi.org.mk/wp-content/uploads/2019/07/Infographic_chapter23.pdf.

60 European Commission, 'North Macedonia 2019 Report' (Brussels, 29 May 2019), <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-north-macedonia-report.pdf>.

61 Gray, A. and Barigazzi, J., 'The EU's Big Balkan Botch -Up', POLITICO, 18 June 2019, <https://www.politico.eu/article/north-macedonia-albania-european-union-enlargement-member-state-tusk-juncker/>.

with lengthy procedures to deliberate on the findings and recommendations of the Commission before the European Council meeting, which was scheduled to be held on the 18th of June.⁶² This foremost includes Bundestag⁶³ which is obliged to give its opinion so as the German government could act, as one of the key actors in the process. The result was a delay of the much awaited decision. In its conclusions, the Council strongly welcomed the historic and unprecedented Prespa Agreement and the Treaty on Good Neighbourly Relations with Bulgaria and takes good note of the Commission's recommendation. Yet, because of the limited time available to process the Commission's recommendation, because of the opposing bloc for EU enlargement and because of the importance of the matter, the Council did not take a final decision on the matter in June but decided to revert to the issue with a view on reaching a clear and substantive decision as soon as possible and no later than October 2019.⁶⁴

This decision ended up as a big disappointment for the country, which had nurtured hopes that the historic agreement would be rewarded with an EU accession ticket.⁶⁵ The implications of the delay go beyond the political level, as the public legitimacy of the Prespa Agreement was primarily built in view of making difficult concessions for the purposes of EU integration.⁶⁶ The “blow” and failing to reach agreements could potentially harm EU's credibility in the country and question the government's attempt towards EU integration, and risk boosting strategic rivals in the region such as Russia, China and Turkey.⁶⁷

From what was expected to what was delivered, the European Council meeting on the 17th and 18th of October shut down the last “EU hope” for North Macedonia. On the Council's meeting, EU leaders struggled in a tense debate over Albania and North Macedonia, whether the countries should or should not get a date for starting the negotiation process. EU leaders ultimately were unable to reach an agreement, ultimately resulting on the issue of enlargement to be discussed before the summit in

62 'Politico: If the Enlargement Talks Get the Green Light, It May Not Be for Both Countries', European Western Balkans, 30 May 2019, <https://europeanwesternbalkans.com/2019/05/30/politico-enlargement-talks-get-green-light-may-not-countries/>.

63 The Bundestag however on the 26th of September adopted two proposals, allowing the German Government to support opening of EU negotiations with North Macedonia and Albania, where a set of conditions were stipulated for Tirana, but none for Skopje, meaning Skopje got unconditional “green light” for opening accession negotiations by the German Bundestag.

64 European Council, 'Council Conclusions on Enlargement and Stabilization and Association Process', 18 June 2019, <https://www.consilium.europa.eu/en/press/press-releases/2019/06/18/council-conclusions-on-enlargement-and-stabilisation-and-association-process/>.

65 Palickova, A., 'Divided Europe Deals Major Blow to North Macedonia's EU Accession Hopes', EURACTIV, 19 June 2019, <https://www.euractiv.com/section/enlargement/news/divided-europe-deals-major-blow-to-north-macedonias-eu-accession-hopes/?fbclid=IwAR-0z1wVEjzJ4W7s0kIA8hyp8AibsHwsuTs7Ywk5FDteBCIC3VqnLJHGpu4>.

66 BBC News, 'Macedonia Parliament Votes to Start Name Change Process', 20 October 2018, <https://www.bbc.com/news/world-europe-45922955>.

67 Gray, A. and Barigazzi, J., 'The EU's Big Balkan Botch -Up'.

Zagreb in May 2020.⁶⁸ French president Emmanuel Macron strongly opposed moving forward with membership talks, while European Council President Donald Tusk and German Chancellor Angela Merkel were in favour. After France denied a start date for EU accession to North Macedonia and the decision is still left to “float on air” until May 2020, Prime Minister of North Macedonia Zoran Zaev called for snap elections to be held in 2020, insisting that now is the time for the key decision about the future course of the country to be delegated to voters.⁶⁹ If we look back at the Prespa Agreement, as an incentive for EU accession, and the very mixed opinions of the citizens regarding the name change and national identity, the effect of the recent European Council decision might be quite negative, having in mind that EU might just start losing leverage among the citizens of North Macedonia. In the snap elections citizens will decide which path they will take in the future, but as concerns go, the whole “EU debacle” might lead North Macedonia backwards against the EU path.

Indirect effects of the EP elections: change of government in Greece

The results of the European Parliament elections had a clear impact on the decision of the then Prime Minister Alexis Tsipras to call for immediate early parliamentary elections in early July, leading ultimately to the change of government in Greece. The new Prime Minister, Kyriakos Mitsotakis, warned that his government may block North Macedonia’s negotiating chapters as meaningful leverage for the implementation of Prespa Agreement, and that Athens would be ready to express objections and veto progress in accession talks with Skopje, although the Agreement stipulates that “The First Party agrees not to object to the application by or the membership of the Second Party”. Yet, if there is any attempt by Greece to annul it would benefit Skopje instead of Athens,⁷⁰ because at this point annulling such a historic agreement would put Athens in the black list and would further damage its reputation. However, he did claim that if there is unanimity for giving a date to start negotiations, Greece will likely not stand in North Macedonia’s way.⁷¹ In the most recent meeting in New

68 European Council, ‘European Council Meeting (17 and 18 October 2019) - Conclusions’, 18 October 2019, <https://www.consilium.europa.eu/media/41123/17-18-euco-final-conclusions-en.pdf>.

69 Jakov Maursic, S., ‘North Macedonia Prime Minister Calls for Snap Elections’, BalkanInsight, 19 October 2019, <https://balkaninsight.com/2019/10/19/north-macedonia-prime-minister-calls-for-snap-elections/>.

70 Voudouri, A. and Armakolas, I., ‘Will New Democracy Undermine the Positive Momentum in the Western Balkans’, EURACTIV, 7 October 2019, <https://www.euractiv.com/section/enlargement/opinion/will-new-democracy-undermine-the-positive-momentum-in-the-western-balkans/>.

71 Ibid.

York, at the side lines of the UN General Assembly, Mitsotakis expressed support for the opening of negotiations with the EU and emphasized that the consistent and timely implementation of the Prespa Agreement is crucial for enhancing relations.⁷² In this light, although Greece still has its reservations, it did not pose a threat to the start of the accession negotiations. The Mitsotakis government however, if negotiations are opened, will be strict as to the implementation of the Prespa Agreement.

EU stance to enlargement: Diverging views of the member states

The delayed decision opened up the space and time to further carve the existing division between the member states as to the enlargement policy. It has been clear during the mandate of the last Commission that there is increasing hesitation among the EU member states as to the future of enlargement policy and overall effectiveness of the tools for transformation. This hesitation originates in several reasons, but most notable are the rule of law issues that arose with the recent entrants as well as the slow progress of the transformation in countries currently negotiating, such as Montenegro and Serbia.

During 2019, the positions of the member states on the further enlargement and thus the position as to supporting the accession negotiations with North Macedonia and Albania have further crystallised in three groups. First, France and to a certain extent the Netherlands, with pronounced scepticism, second, Germany where support for the start of the accession negotiations is present coupled with strict conditionality and the last, third group consisting of the post-2004 entrants which clearly support the further enlargement of the Union.

As to the first group, **French president Macron** has expressed significant concerns as to supporting future enlargements of the Union prior to reforming the internal workings of the Union. These positions were already clear at the 2018 Sofia Summit, where he held the position that enlargement has weakened Europe.⁷³ While being on the one hand supportive of the Western Balkans and not wanting the region to turn to Turkey or Russia, the French President has also claimed he does not want a dysfunctional Europe with 30 or 32 states, i.e. strongly supporting institutional reforms in

⁷² European Western Balkans, 'Zaev and Mitsotakis Discuss the Implementation of Prespa Agreement in New York', 25 September 2019, <https://europeanwesternbalkans.com/2019/09/25/zaev-and-mitsotakis-discuss-the-implementation-of-prespa-agreement-in-new-york/>.

⁷³ Gray, A., 'Macron Pours Cold Water on Balkan EU Membership Hopes', POLITICO, 17 May 2019, <https://www.politico.eu/article/emanuel-macron-pours-cold-water-balkans-eu-membership-enlargement/>.

the EU as a precondition for further enlargement.⁷⁴ This position has often been underscored by the explanation that the French president is not opposing *per se* accession of the Western Balkan, but rather has been trying to attract sympathy from the citizens and because he feared the issue would help his nationalist rival Marie Le Pen in the European elections.⁷⁵

Despite the reluctance of France on further enlargement, the novelty this year is the new strategy that Macron prepared for the Western Balkans.⁷⁶ The new strategy was published right after the Berlin Summit in April 2019, and according to the French President himself the strategy is created to achieve greater commitment in stabilizing the six countries of the region, in terms of their economic and social development and the strengthening of the rule of law, and that it complements the activities undertaken within the scope of the Berlin Process.⁷⁷ .Meanwhile in France, the stakeholders perceive it as a strategy on top of Commission's Communication on a Credible Enlargement Perspective for an Enhanced EU Engagement with the Western Balkans. However, on the other hand, a separate Strategy that fails to mention at all enlargement has also been interpreted in the Western Balkans as a document which does not respond, or recognise the strategic goal of EU accession of the region.⁷⁸

The **French** position in view of the opening up of accession negotiations further evolved and gained clarity just several days before the October 2019 Council along the same division outlined above. The announcement that opening accession negotiation with both, North Macedonia and Albania will be opposed and that the situation will be reassessed in somewhere in 2020, indicated that France will maintain its staller role to enlargement.⁷⁹ This decision has been perceived as decisive to the credibility of the EU on one side and the political situation in North Macedonia on the other side. Although expected, this position came roughly at the same time when the European Parliament Committee rejected the French Commissioner designate for internal market Silvie Goullard and was in parallel with the internal battles in the European Parliament between various political groups.

74 Radosavljevic, Z. and Morgan, S., 'The Brief - Macron Pulls the Balkan Rug', EURACTIV, 25 April 2019, <https://www.euractiv.com/section/enlargement/news/the-brief-macron-pulls-the-balkan-rug/>.

75 The Economist, 'The EU Must Keep Its Promise to North Macedonia', 13 June 2019, <https://www.economist.com/leaders/2019/06/13/the-eu-must-keep-its-promise-to-north-macedonia>.

76 European Western Balkans, 'Macron Published a New Strategy for the Western Balkans', 5 January 2019, <https://europeanwesternbalkans.com/2019/05/01/macron-published-new-strategy-western-balkans/>.

77 Ibid.

78 Ivković, A., 'Macron's Strategy for Western Balkans: A Welcome Move, but Not a Boost to Enlargement', European Western Balkans, 5 March 2019, <https://europeanwesternbalkans.com/2019/05/03/macrons-strategy-western-balkans-welcome-move-not-boost-enlargement/>.

79 Baczynska, G., 'France Opposes EU Membership Talks with North Macedonia, Albania: Diplomats', Reuter, 10 October 2019, <https://www.reuters.com/article/us-eu-balkans/france-opposes-eu-membership-talks-with-north-macedonia-albania-diplomats-idUSKBN1WP1Z0>.

The **Netherlands'** position traditionally in between the French and the Germans has been also evolving during the summer. First, already in June 2019 the Netherlands blocked opening accession talks with North Macedonia seeking more reforms. The Dutch Parliament then asked the Dutch Government to make opening accession negotiation with North Macedonia conditional upon adoption of law on independent special prosecution. However this was not made a formal condition for proceeding towards talks.⁸⁰ The next debate in the Dutch Committee of European Affairs in early October 2019 noted the importance of Prespa Agreement and recommended that cases opened by SPO should be transferred to PPO for further processing. This signalled potential flexibility on saying “yes” to opening accession negotiations later on in October to North Macedonia. As was the case, in the Council of the European Union meeting on the 18th of October, the Netherlands gave a pass to North Macedonia, supporting the opening of negotiations, thus leaving France on its own in the decision to block the opening of accession negotiations.

In the between the two groups, **Germany**, largely perceived as the key decision maker and supporter of enlargement with strengthened conditionality defined its approach over the summer ending with the Bundestag decision on the 26th of September to support the accession negotiations with North Macedonia and Albania. While the support for the former has come without major strings attached, in the latter case conditions were added, while still trying to maintain the momentum towards enlargement. Germany carried the heavy burden of reaching compromise between the vast supporters vs. France and the Netherlands in order to deliver on its promises. The October Council Conclusion was “a test for the EU’s ability to deliver on its promises and look to the future”⁸¹ which the EU failed.

On the different side of the spectre, in light of the European Council meeting, 13 **EU member states**⁸² supported a plea or so called “non-paper”, authored by the Republic of Poland, as the host of the Berlin Process Summit for 2019.⁸³ The “non –paper” which is a joint statement⁸⁴ supported by

80 Jakov Maursic, S., ‘Netherlands Welcomes EU Talks With North Macedonia, Not Albania’, BalkanInsight, 10 September 2019, <https://balkaninsight.com/2019/10/09/netherlands-welcomes-eu-talks-with-north-macedonia-not-albania/>.

81 Council of the European Union, ‘Joint Letter by President Tusk, Sassoli, Juncker and President-Elect Von Der Leyen on the Opening of Accession Talks with North Macedonia and Albania’, 3 October 2019, <https://www.consilium.europa.eu/en/press/press-releases/2019/10/03/joint-letter-by-presidents-tusk-juncker-sassoli-and-president-elect-von-der-leyen-to-the-eu-heads-of-state-or-government-on-the-accession-talks-with-north-macedonia-and-albania/>.

82 Foreign ministers of the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, Hungary, the Republic of Bulgaria, the Italian Republic, the Republic of Malta, the Republic of Austria, the Republic of Croatia, the Republic of Slovenia, the Republic of Poland and the Slovak Republic

83 European Western Balkans, ‘Poland Initiates a Non-Paper on Credible Enlargement to WB among EU Members’, European Western Balkans, 6 July 2019, <https://europeanwesternbalkans.com/2019/06/07/poland-initiates-a-non-paper-on-credible-enlargement-to-wb-among-eu-members/>.

84 Ministry of Foreign Affairs, Republic of Poland, ‘Joint Statement of the Foreign Ministers on the EU Commitment to the Western

13 foreign affairs ministries, appeals to all EU stakeholders to “*maintain and consolidate the positive momentum by opening the accession negotiations with the Republic of Albania and Republic of North Macedonia in June 2019*” and that “*the EU needs to fulfil its unambiguous commitment to the Western Balkans European integration, because there is no plan B*”.⁸⁵ This statement while on the one hand shows support for enlargement among almost a half of the EU member states, it also illustrates the difficulty in reconciling their different positions. This letter was followed up by an additional public response by the foreign affairs ministers of the four Visegrad countries in the decisive week between 14th and 18th of October. In the letter the four ministers argue for opening up of accession negotiations with North Macedonia and Albania both as a sign of EU credibility, but also as a way to provide “the region with a fresh impetus for further reforms and transformation”.⁸⁶

The aftermath of the summit has been mostly defined by the publication of French “non-paper”⁸⁷ on reforming methodology of the accession process of the European Union, as an answer to the statement first reforms, then enlargement in mid-November. The “non-paper” proposal seeks to change the accession methodology, dividing the *acquis* chapters into 7 stages, based on 4 principles: gradual association, stringent conditions, tangible benefits and reversibility. The principle of reversibility was the principle that got most of the criticism, since it indicates that countries could get general suspension if they backslide away from the European standards. It also asks from the Council proposals on defining the new methodology by January 2020.⁸⁸ The document is still at an early stage, with unclear language on the usage of funds, and it does not give any novelty in comparison to the “old” methodology, aside from the reversibility principle, which is unclear how it would be implemented. Dividing chapters into thematic groups might not be such a challenge, but the real challenge of the “non-paper” is the deadline that the French positions has given to the Commission to renew the methodology. Having in mind that the new Commission structure started its mandate on the 1st December, at the last month of the year; the promising agenda of the new Commissioner which was postponed because of the late voting, would

Balkans’ European Integration’, 11 June 2019.

⁸⁵ Ibid.

⁸⁶ ‘Let’s Move Foreword in the Western Balkans’, POLITICO, 14 October 2019, <https://www.politico.eu/article/european-commission-western-balkans-north-macedonia-albania-accession-talks-eu/>.

⁸⁷ ‘Non-Paper: Reforming the European Union Accession Process’, November 2019, <https://www.politico.eu/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf>.

⁸⁸ Ibid.

mean that the Commission would have a rather short deadline for the new proposals, and it is unclear if the proposals will be accepted by the new Commission.⁸⁹ In response, six EU member states⁹⁰, while open to the idea and proposal of reforming the current accession methodology and for the January 2020 timeline, further underlined that this particular process should not slow down or block the opening of accession negotiations with these countries. They expect that these discussions will enable to reach a consensus on opening negotiations on March 2020 with both North Macedonia and Albania, seeing both reform of the Union and enlargement parallel to each other.⁹¹

The unfortunate turn of events, already took its toll on the Macedonian political scene in various ways, including through early elections, exacerbating existing internal cleavages and divisions in the country as well as giving wind in the sails to forces that question the reform efforts of the region overall in view of EU accession. Even with the efforts of some member state countries to open the accession negotiations with North Macedonia, the final outcome of the decision, or more so the inability to reach a proper decision, further proved the gap in the relations between the member states, and the need of reforming the voting rules. The clash between countries and the inability to reach a proper decision and consensus on how and when to reform the methodology may in a way prolong the whole procedure even further and any prolongation be that of the methodology or opening of accession negotiations will have internal consequences, and will slow down the reform process, as a direct effect on North Macedonia.⁹²

Brexit

In comparison to the debates above, the negotiations as to the exit of the United Kingdom from the European Union while of high significance, have been in the background of the other developments discussed ear-

89 Dzundeva, L., 'Is There Time to Implement the French "Non-Paper"? (Има Ли Време Да Се Спроведе „Нон-Пејпер“ На Франција?)', *Tv 24*, 17 November 2019, <https://www.24.mk/details/ima-li-vreme-da-se-sprovede-non-pejper-na-francija?fbclid=IwAR-2TAakFHJAURt3fJ4OowpZZi0SKPUD3BEzKRjU4kESZQIP12ASKVMR096w>.

90 Austria, the Czech Republic, Poland, Slovak Republic, Italy and Slovenia.

91 Momtaz, R.; Barigazzi, J.; Bayer, L., '6 Countries Write to Juncker to Support EU Enlargement Reform', *POLITICO*, 20 November 2019, https://www.politico.eu/article/6-countries-write-to-juncker-to-support-eu-enlargement-reform/?fbclid=IwAR1hXJ3GayUIJbkwvoEs-jMSg3vMla_xz57mUgxjGSYupVo54MqIRBZbjhUQ.

92 'EU Clash Will Negatively Impact Skorje (Судирот Во ЕУ, Негативно Ќе Влијание Во Скопје)', *Alsats M*, 20 November 2019, https://www.alsat-m.tv/mk/%D1%81%D1%83%D0%B4%D0%B8%D1%80%D0%BE%D1%82-%D0%B2%D0%BE-%D0%B5%D1%83-%D0%BD%D0%B5%D0%B3%D0%B0%D1%82%D0%B8%D0%B2%D0%BD%D0%BE-%D1%9C%D0%B5-%D0%B2%D0%BB%D0%B8%D1%98%D0%B0%D0%BD%D0%B8%D0%B5/?fbclid=IwAR3pJgRUKXaCMbUpT8q4ht7cGx0TdVvoHsiiWdV46_JHbmGaWNvZpEEa0fU.

lier. Yet, the impact of Brexit on the acceding countries including North Macedonia can be analysed in view of the overall impact on the Union, as well as the specific issues that the exit of the UK will have on the countries in the region.

While the general impact has been discussed in the introduction, in view of the pending decision to reach a consensus on the start of the accession negotiations with North Macedonia, it is of primary importance to note the missing voice of the UK at the EU decision making table in relation to enlargement in the course of 2019. During the discussions on the start of the accession negotiations with North Macedonia, the UK due to its exit from the EU has largely distanced itself from these decision making processes. With this position, North Macedonia and the acceding countries have lost a big EU member state that has traditionally been a supporter of further enlargement, although often perceived also at the expense of the deepening European integration. Its absence from the EU decision making process has increased the space for voices within the Union that are more sceptical of its enlargement, as elaborated above.

As for the latter aspect - specific issues, the United Kingdom in recent years has been present both politically as well as financially in the case of North Macedonia and is among the most important trading partners of the country. At a political level, strengthened support for the Republic of Northern Macedonia, both at bilateral and multilateral level, and in particular within the EU. The United Kingdom has been a significant donor and supporter in public administration reform, rule of law and fundamental rights, as well as projects implementing measures to combat organized crime and corruption. On these issues the UK has expressed several times its intention to keep its presence in the region, however, the question remains as to the long term alignment of its interventions with the goals of EU accession and integration.

On the level of contractual relations and primarily trade, in 2019 negotiations have been ongoing between the UK and the Republic of North Macedonia on regulating the bilateral contractual relations which until the exit of the former from the Union will continue to be governed by the 2001 Stabilisation and Association Agreement. The signing of an agreement which as far as possible mirror the current SAA arrangements in the bilateral relations between the two countries is therefore necessary to ensure the smooth operation of the economic relations. Although signalled

at several occasions, the negotiations on such an agreement are still underway at the time of writing.⁹³

Conclusion

The delay in the EU accession process without clear steps forward agreed at the October summit has raised legitimate concerns both North Macedonia and overall the Western Balkans the region. First, at the national level, the immediate response of the national political elite has been scheduling early parliamentary elections in the spring 2019 contributing to a lack of political predictability in the aftermath of one of the most difficult transfers of power in the region that occurred in 2017. Second, this uncertainty also puts into question the implementation of the Prespa Agreement mentioned above, since part of its key provisions have been linked to the actual opening of the chapters of the accession negotiations process, a concern recently raised also from the Greek side.⁹⁴ Third, the stripping away the membership perspective and the decrease of trust in the EU creates a significant vacuum at the political level in a country in which the Union has successfully acted as mechanism of conflict resolution in view of the goal of European accession. At several instances, the perspective of EU membership has been used to bridge difficult political situations, including a short lived inter-ethnic armed conflict in 2001. Fourth, the questioning of the membership paradigm has important implications for the overall logic of governance and policy making in the country, especially due to the rather idiosyncratic nature of the Macedonian case explained above. The alignment with EU legislation has been one of the core principles of the operation of the national institutions and international organizations over the last two decades.

93 Ministry of Finance of North Macedonia, 'Angelova - Galloway: Signing the Bilateral Partnership Agreement for Positive Trend in Trade between the Two Countries to Continue after Brexit (Ангелова - Галовеј: Случување На Билатерален Договор За Партнерство За Позитивен Тренд Во Трговската Размена Меѓу Двете Земји Да Продолжи и По Брежит)', 10 December 2019, <https://finance.gov.mk/mk/node/8249>.

94 Nedos, V. Erga omnes aspect of Prespes accord put at risk by delay, Kathimerini English Edition, 22 October 2019, available at: <http://www.ekathimerini.com/245722/article/ekathimerini/news/erga-omnes-aspect-of-prespes-accord-put-at-risk-by-delay>

Recommendations to the Republic of North Macedonia

Policy recommendations for national stakeholders:

- The Macedonian government and other local stakeholders need to engage with the European institutions and member states to provide input in the revisions of the enlargement methodology in view of lessons learnt in the process so far.
- The Macedonian government needs to continue with the rule of law reforms responding to the demand of its citizens, as well as in view of removing the possible objections of the member states at upcoming Council meetings.
- The Macedonian government should work towards building a strategic consensus with all stakeholders as to the key national priorities in view of EU integration.

Policy recommendation for EU institutions:

- The revision of the accession methodology has to be coupled with a clear political confirmation of the perspective of full membership for the region, in order to provide incentives for further reforms.
- The European Commission and member states should revise the methodology of the accession process, further specifying benchmarks and including outcome related indicators aimed at establishing and proving an implementation track record. Benchmarks requiring the adoption of new strategies and plans should be avoided and replaced by benchmarks which clearly define the key objectives of required actions.
- The revisions to the methodology need to be made in view of the logic of the accession process thus far, following the policy agenda set up by the Stabilisation and Association Agreements which has determined the relationship between the Western Balkans and the EU for the last two decades.

EUROPEAN INTEGRATION OF SERBIA: THE PROSPECT OF ENLARGEMENT

Republic of Serbia has opened accession negotiations on 21 January 2014. After six years in the accession process Serbia has opened 18 negotiation chapters and temporarily closed two chapters. Additionally, Serbia has submitted negotiation positions for three other chapters. However, Serbia did not receive invitation from the EU to submit negotiation position in chapters where opening benchmarks were set nor did it receive closing benchmarks in chapters where interim benchmarks were set (chapters 23, 24 and 35). In 2018 and 2019 annual Progress reports the European Commission has identified problems in the state of democracy in Serbia in very significant elements like the functioning of the national parliament and a serious concern when it comes to freedom of media. Overall readiness of Serbia for membership in 2018 was ranked 2,97 on the 1-5 scale. In the 2019 Progress report this assessment was ranked 3.03 on the 1-5 scale. When it comes to assessing readiness for membership in political criteria Serbia was graded 2,2 on the 1-5 scale. EC has recommended Serbia to devote more human and financial resources to EU accession. It also recommended that Serbia should put more emphasis on objective communication to the domestic public about the EU, which is Serbia's main political and economic partner, and efforts to promote EU values in Serbian public debate and in education, including readiness for reconciliation.

Nationalisation of the enlargement policy

As we have seen, the new European Commission will have the Commissioner and DG responsible for enlargement. This is good development hav-

ing in mind the political climate in which this enlargement is conducted and negative image enlargement has, I might add completely unfounded. However situation is that enlargement is not popular, in the matter of fact; it became an undesired word in the EU politics, particularly among capitals. This was most evident in 2018 when Juncker Commission published the *Credible enlargement perspective Communication* that gave a set of tools and steps that would make enlargement both credible as a perspective and achievable. It also indicated that enlargement is achievable in the foreseeable future, marking 2025 as a first indicative but possible date of accession for two countries already negotiating accession, Montenegro and Serbia. Even though significantly diluted when compared to the draft version that was circulated around Europe in the “pro-enlargement underground movement”, the Communication was not endorsed and adopted officially by EU member states. It remained document of the European Commission. In the Sofia summit, that was the first EU-WB summit in 15 years after Thessalonica Summit in 2003, the word enlargement was not mentioned a single time. In these circumstances having a Commissioner for Enlargement is a big success.

In the *Credible enlargement perspective* the Commission pointed on elements of “state capture” in the WB and emphasized the Rule of Law, as the biggest obstacle and requirement for accession, 24 times through the document. This shows that the focus of the Commission should and will be on the issue of rule of law. The role of the future Commissioner for Enlargement will be twofold. First the job would require promoting rule of law and EU values in the WB that will be a huge challenge with most of the local political elites. Second it would require to promote the WB in the EU and to advocate for enlargement among EU capitals that are acquainted with the state of rule of law in the WB. Under new circumstances after October European Council, this will be highly demanding position.

President of the European Commission van der Leyden in her *Mission letter* addressed to, Commissioner-designate for Neighbourhood and Enlargement clearly expressed that the EU perspective of the Western Balkan region has helped to overcome historic divisions and set in motion substantial political and economic reforms. At the same time, external influence in the region has been growing significantly. She emphasised that it is imperative that EU sustains and accelerates progress in the next five years, through a merit-based assessment of each candidate country,

keeping a credible perspective on future accession⁹⁵. This demonstrates that the 2018 Communication issued by the Junker Commission is still alive when it comes to the Commission. However, it is still too early to assess approach and attitude of the Commission to the enlargement issue. The attitude of the Commission will be clear once 2020 Progress reports and Enlargement strategy are published in April/May 2020.

It also repeated that the Commission will stand by the proposals made to open enlargement negotiations with the **Republic of North Macedonia and the Republic of Albania**. As the major requirements for future membership van der Leyden emphasised **speeding up structural and institutional reforms**, with a strong focus on the fundamentals of the rule of law, economic development and public administration reforms. The Commissioner should also support all efforts in the fight against corruption across the region and support all efforts towards good neighbourly relations and the resolution of bilateral disputes.

For the job set before him in the next five years, the Commissioner will need high level of credibility. Having a Commissioner for Enlargement is big first step. Having a Commissioner coming from a country that strongly advocates for enlargement is an important thing. On the other side having a former prime minister of North Macedonia receiving asylum in that country would burden future activities and would affect the credibility of the process.

Even though populist and far right parties did not manage to overtake the European Parliament, as they aspired, winning 25% of seats will enable them to introduce their issues and topics on the agenda of the EP. Achieving this will depend on their ability to reach some kind of working arrangement on topics they will promote and support. For instance 10 MEP of 5 starts movement from Italy gave support to the new Commission while nominally they do not belong to any party group. Having in mind differences in approaches and different views on certain issues, like relations with Russia, this will be difficult but not impossible to achieve. However, this can especially be easy when it comes to opposing the enlargement. These parties (those that oppose enlargement, since not all of them oppose enlargement), liberated from the need to take care of interests of EU as an entity, can only benefit from opposing enlargement and score

⁹⁵ van der Leyden in her Mission letter addressed to Mr. László Trócsányi, Commissioner-designate for Neighbourhood and Enlargement, https://ec.europa.eu/commission/sites/beta-political/files/mission-letter-laszlo-trocsanyi_en.pdf p. 4

easy points with their constituency. Having 25% of the MEPs, while not having EU interest in mind, but pushing for national politics will definitely affect EP ability to be main promoter of EU enlargement. EP will continue to be one of the most prominent advocates of enlargement but will face challenges within its ranks on that mission. It should not be simplified to assume that only these parties stand as an obstacle before enlargement. Parties that belong to the mainstream pro-European block are not necessarily pro enlargement at the same time. This particularly stands for the French LaREM (lead party of Renew Europe) of the president Macron. He has expressed serious reservations when it comes to enlargement, and Renew Europe is third member of coalition that elected the European Commission. It can also be seen that pro-European mainstream parties particularly central-right and LaREM are trying to respond to domestic challenges by taking parts of the agenda of the opponents from the right part of the spectre in order to approach the same voters. This would require significantly more investment in to image building activities from the WB countries if they want to win the favour of these governments.

With such a composition within the EP, we can expect further nationalisation of the enlargement policy and a weaker position of the European Commission. Historically speaking, the European Commission as an engine of EU integration and of the enlargement process is as strong as EU member states allow it to be strong. Political situation at the moment does not give rise to optimism that European Commission will have strong role when it comes to enlargement. The Commission itself has shown clear signs of understanding of the importance of the enlargement and of the geopolitical significance of the issue. In her statement to Commissioners-designates President von der Leyen openly said "This will be a 'Geopolitical Commission'". We have seen in October that the Commission's recommendation to open accession negotiations with North Macedonia and Albania was not accepted by all member states. This is the opposite of the situation with the 2004/2013 enlargement when EU institutions, and in particularly the European Commission and the European Parliament were the main engines of the process. Now we can expect more influence of state capitals and of national politics on the enlargement leading to further nationalisation of the entire enlargement policy. On the other side the credibility and geopolitical aspirations of the EU itself are jeopardised by this approach. EU cannot have geopolitical approach and be a global actor if it fails to honour its commitments and be a leader in the region that is the most open to its influence.

It should be mentioned that this trend of nationalising enlargement policy is not a novelty. Over the years more national parliaments of EU member states have become actors in the EU level politics and policy. Influences of national parliament can have direct repercussions on the substance and the flow of accession negotiations with a given country. This influence usually ends in halting the process or introducing additional barriers that did not exist in documents that were adopted on the EU level by those member states. Additionally, this can lead to introducing issues that are not EU or EU acquis related.⁹⁶ Under current accession methodology a member state can halt a candidate country more than 75 times in the process (not counting opening benchmarks in individual chapters). It is highly questionable how introducing new steps would improve the enlargement process if 75 steps were not enough? Therefore, introducing new obstacles and steps would be counterproductive.

It must be clear that this process of nationalisation of the enlargement process has only been strengthened after these EP elections but not started by it. In 2014 President of the Commission Juncker, in Political guidelines declared that there won't be any enlargement during his term in office. Even though this was in fact true and there was no prospect that any country could have joined by 2019, this statement was made to appease capitals that were afraid of the enlargement, regardless of the detrimental effect the statement will have in the WB. Only four years later the “Credible enlargement perspective” Communication was adopted by the Juncker Commission, understanding the urgency of addressing the matter in the ever changing world.

In 2018 German Chancellor Angela Merkel announced that she will step down as Chancellor in 2021 and will not seek new political post. That means that she is phasing out from the political leadership in Germany and de facto Europe (particularly when it comes to enlargement) where she stood at the helm for 16 years. Due to influence of Chancellor Merkel, for two decades the main interlocutor for Western Balkans was Berlin. This development as well as others in other EU member states, like UK leaving the EU in not very orderly manner, political instabilities in Spain and Italy, opens the space for stronger position of France in Europe under leadership of President Macron. France has been absent from Enlargement in

⁹⁶ Example: the Resolution of the German Bundestag on negotiations with Serbia requiring Serbia to open chapters 23, 24 and 35 first in order to proceed to opening other chapters even though in the EU negotiation framework it was said that these chapters should be opened among the first. This led to situation that Serbia opened first chapter almost two years (December 2015) after opening the accession negotiations (January 2014)

the Western Balkans. This approach is now changing and France is stepping back in to the process. French leadership is undoubtable pro-European but it does not seem to be pro-enlargement. Messages coming from Paris do not give rise to optimism in that regard. Particularly notions that enlargement will have to wait until the reorganisation and reform of the EU is finished and until the bloc speeds decision-making and restores its credibility, which might occur until 2025. This approach will de facto mean the halt for the enlargement process instead of running two processes (EU reforms and accession negotiations) in parallel, as it was the case, successfully with all enlargement cycles before.

In November 2019 France, which was seen as the main opponent to opening accession negotiations with North Macedonia and Albania in October, came with a proposal to reform the accession process and accession negotiations. Frances position was that reforms conducted in the accession process have to bring real change in the accession country instead of superficially ticking the box. It proposes to have more political process and less bureaucratic approach in meeting accession criteria. The French paper proposes to introduce seven steps in to the process that would be thematically defined, placing rule of law as the top priority while opening some benefits of membership to candidate countries before actual accession. It remains unclear in the paper how reforming the EU and enlargement would be handled, simultaneously (as was the case in 2004 enlargement) or consecutively (which would mean halting the process). This paper would be a starting position for negotiations among EU member states on how to reform the accession process.

While acknowledging that the accession process needs to be reformed in order to make enlargement functional we have to be careful not to introduce new obstacles in to the process and achieve the opposite effect. Reforms in the process should not be reduced to ticking the box and mimicking the real change. Process should be more political and less bureaucratic. The (lack of) rule of law is the biggest problem in the WB and it should be dealt with as a matter of priority. However the process should also be time realistic and finished within a reasonable period of time. Stabilisation and association process was initiated in 1999. 20 more years before accession is not a realistic timeframe for accession. Introducing new obstacles and having more bilateral issues introduced in to the accession negotiations is opposite of what enlargement needs. It should be empha-

sised that failure to reach the decision in October, brought enlargement back highly on the agenda of the EU and it is safe to say that business as usual in the enlargement process is finished. It is yet to see what real effects of this development will be. Agreement among EU member states on next steps should be reached by Zagreb summit in May 2020.

Additional consideration might be if the Paris and Berlin take different positions on the matter of enlargement and if we will face the rivalry relations between two countries where WB would be one of the chips on the negotiating table. We have seen that France rejected the system of a lead candidate, so-called *spitzenkandidaten*, for electing the president of the European Commission. This system was supported by Germany but at the end Ms Van Der Leyen was elected as the president of the Commission even though Mr Manfred Weber was EPPs *spitzenkandidat* and should have become EC President, under that system. We have also seen voting against French candidate for the Commission Sylvie Goulard in the EP and EPP voting against her. These events might suggest this scenario is possible. President Van der Leyen announced that the *spitzenkandidat* system should be improved and made operational for 2024 elections.

New approach to accession negotiations methodology that would be introduced for Albania and North Macedonia gives rise to concern as to final outcome of the enlargement process. Introducing changes to enlargement would lead to changing already adopted methodology for Serbia and Montenegro. As already elaborated in previous analysis done by European Movement⁹⁷ existing methodology is difficult enough and it is doubtful if it can lead to successfully finishing accession negotiations. Introducing new barriers and steps would not help the process and would have the opposite effect. Governments in the WB, that are not keen on the rule of law or open to fundamental reforms necessary to join the EU, would be given an excellent alibi for their unaccountable behaviour and missed opportunities. This would be a lose-lose situation were EU would lose credibility by failing to honour its commitments and WB would lose the only process that leads to developing rule of law and catching up with the EU (politically and economically).

Refusing to open accession negotiations with North Macedonia and Albania in October 2019 was a move in a wrong direction that would definitely introduce new instability to the WB and reduce credibility of EU. Not hav-

⁹⁷ Twelve proposals for EU enlargement <http://www.emins.org/product/twelve-proposals-for-eu-enlargement-from-the-western-balkans/>

ing a single voice of the EU or having no EU voice at all will bring Enlargement to a slow pace or in the worst case scenario to a halt.

Brexit

Unlike election for European Parliament and movements within EU capitals, the process of UK leaving the EU (**Brexit**) would not have any direct effect on the enlargement. So far, Brexit has not directly influenced opening or closing chapters for Serbia nor has it influenced opening accession negotiations with other candidate countries. However, indirectly speaking Brexit influences the enlargement. This influence can be seen in two dimensions.

First, having in mind the size of the UK economy (being the second largest EU economy) and its political importance (being one of two permanent member of UN Security Council, along France), Brexit has the highest priority for EU when it comes to devoting time and energy. This goes both for EU officials and for highest officials of member states. Time and energy spent on Brexit means there is less time and energy spent on issue of lower priority. Enlargement definitely was not on top of priority list of both EU and its member states (at least not before October 2019). Therefore, there is less time and energy to deal with the WB and its progress in meeting EU standards and joining the EU. Prolonged delays in finalising Brexit are exacerbating this effect.

Second, effect of Brexit is losing a country in EU that was in favour of enlargement to the WB and was always insisting the Rule of Law in the Balkans is a highest membership priority. UK was also one of the biggest donors of funds for EU enlargement activities in the WB. Leaving EU, UK would lose this position and the possibility to influence enlargement policy in the Brussels and in other capitals. After it leaves EU, the UK will remain a political player in the region but it would lose its strategic position of supporting enlargement directly through EU. UK will be able to influence the region through NATO and other security arrangement. However, UK will lose one of the instruments of influence in the region.

One issue that will directly arise as a result of Brexit is the need for WB countries to sign free trade agreements with the UK in order to substitute Stabilisation and Association Agreements UK will step out from the

moment it leaves the EU. UK is not a significant trading partner for Serbia or for the rest of the WB, apart from North Macedonia. In case of Serbia, the UK is not among top 10 trading partners in the EU according to trade volume. However, UK has made certain important investments and these relations should be preserved regardless of Brexit. Talks on signing a bilateral trade agreement are on their way.

Republic of Serbia – open issues

As previously explained, the Republic of Serbia has opened accession negotiations in 21 January 2014. After six years in the accession process Serbia has opened 18 negotiation chapters and temporarily closed two chapters. Additionally, Serbia has submitted negotiation positions for three other chapters. However, Serbia did not receive invitation from the EU to submit negotiation position in chapters where opening benchmarks were set nor did it receive closing benchmarks in chapters where interim benchmarks were set (chapters 23, 24 and 35). We can conclude that Serbia is still in the first half of accession negotiations, meaning that it does not have closing benchmarks for all chapters and in particular for chapters 23 and 24 which are the so-called “blocking chapters”. Apart from these two chapters, Serbia has in parallel additional process of dialogue with Kosovo^{*98}, whose progress is being monitored through chapter 35.

In 2018 and 2019 annual Progress reports the European Commission has identified problems in the state of democracy in Serbia in highly significant aspects like the functioning of the parliament and a serious concern when it comes to freedom of media.

In the 2019 Freedom house world report, the status of Serbia declined from “free” to “partly free” due to deterioration in the conduct of elections, continued attempts by the government and allied media outlets to undermine independent journalists through legal harassment and smear campaigns, and accumulation of executive powers in the hands of the President that conflict with his constitutional role. [The Freedom house 2019 World report showed that Serbia was among the countries with the largest one-year declines, scoring 67 of a possible 100 points, dropping 7 points compared to a year earlier when it scored 74 points, ranking it among free countries in the world.](#)

⁹⁸ “This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.”

The issue of rule of law is also the biggest deficiency of Serbia and something that has to be taken care of as a matter of priority before further progress can be achieved. **Situation in the area of rule of law as it is, gives the best possible argument for opponents of accession of Serbia.** Therefore this situation has to be remedied in order to take these arguments away.

In 2016 Serbia has developed Action plan for Chapter 23 Judiciary and fundamental rights that is the cornerstone of the process.

As the first activity envisaged in the process was the amending the Constitution of Serbia in order to secure the independence of the judiciary. Independent judiciary is the first prerogative of a proper division of power in a country and of the control of executive and legislative branches of power, keeping them within Constitutional and legal boundaries. If judiciary (both judges and prosecutors) is running properly and independently, than the problem of high corruption and organised crime will be easily dealt with. Two later issues are highly on the list of priorities in the accession process and are directly dependent of the existence of independent judiciary. The Government of Serbia has initiated the process of public consultations on amendments to the Constitution in 2016. Over the period of three years, several rounds of consultations have been held⁹⁹ and amendments have been developed and sent to the Venice commission that has issued its recommendation. Proposal to amend the Constitution have been sent to the National Assembly in November 2018 initiating formal procedure amending the constitution. However, in June 2019 the Government declared itself unauthorised to submits the text of amendments declaring that the “text it has developed can be used as a starting point for further work”. Additionally, the Minister of Justice declared that amendments will be debated by the new convocation of the Assembly after 2020 parliamentary elections. This means that the Government spent three years debating something that will not be submitted to the Parliament. According to the Action plan for chapter 23, Constitution should have been changed by the end of 2017. With this development, Constitution cannot be changed before the end of 2020, marking a delay of three years in the most important chapter that dictates the overall progress. This approach in the most important area shows lack of will and enthusiasm for in-depth reform. The quality of amendments is also very low and they would not secure the independence of the judiciary and successful fight against corruption.

⁹⁹ Quality of consultations and willingness of the Government to develop true dialogue on this issue is a matter of concern.

Following EC progress reports since 2014 it is evident that the administrative capacities of Serbia are being reduced instead of being built up. **This also stands for negotiation structures with several members of the Negotiations team being dismissed or leaving their posts including the Head of the Negotiation Team.** All this sends a very negative message on the seriousness of Serbia's claim for EU membership.

As said before the European commission in the 2019 Progress report recommended that **Serbia should put more emphasis on objective communication to the domestic public about the EU**, which is Serbia's main political and economic partner, and **more efforts to promote EU values in Serbian public debate and in education**, including readiness for reconciliation. **Strategic choice of EU accession needs to be more actively and unambiguously communicated in the public debate.** Mainstream media are the main source of information for population in Serbia particularly TV since according to the EMinS 2018 public survey 44% of population of Serbia get their information from TV. Most of them are pro Governmental. According to the survey conducted by European Movement in Serbia EMinS in 2018, 27% of the population of Serbia finds news on EU hard to understand and 35% finds them boring.¹⁰⁰ Previous survey conducted by EMinS in 2016 shows the same pattern. According to the same survey 27,5% of population of Serbia believes EU will break up in near future. At the same time (2016) 47% of young in Serbia think that information on EU in the course of their education do not exist and 44% think that information on EU do exist but not in a sufficient quantity.

Particularly worrying is the trend among younger generation. According to recent opinion poll of National Youth Council of Serbia¹⁰¹ youth in Serbia is leaning towards authoritarian rule rather than democracy. This attitude increased by more than 20% since 2017, reaching 59% of responses. At the same time number of those that would vote against EU membership rose from 32% (2017) to 40% (2019) and those who would vote in favour declined from 42% (2017) to 38% (2019).

In comparison, according to the Eurobarometer 2019 survey **a majority of Europeans are optimistic about the future of the EU** (61%, +3 percentage points), while only 34% (-3) are pessimistic. **Support for the Economic and Monetary Union and for the euro reaches a new record high**, with

¹⁰⁰ Only the extract of this survey is available online <http://www.emins.org/wp-content/uploads/2018/04/Infografika-Srbije-i-EU-u-2018..pdf>

¹⁰¹ 2016 Survey available on <http://www.emins.org/product/srbija-i-evropa-u-ocima-mladih-2016/>

¹⁰¹ <http://koms.rs/istrazivanja/alternativni-izvestaj-o-polozaju-potrebama-mladih-u-republici-srbiji-2018-godina/>

more than three-quarters of respondents (76%, +9 since spring 2014) in the Euro area in favour of the EU's single currency. In the EU as a whole, support for the euro is stable at 62%.

When these data are compared it is evident that citizens of Serbia do not have enough information on the EU and that reality is being distorted by the media in Serbia. 2019 Progress report clearly states that while Serbia has some level of preparation, no progress was made on **freedom of expression and this lack of progress is now a matter of serious concern**. All this shows that messages sent by the Government that is the main creator of public opinion are wrong when it comes to promoting EU values and EU accession that Serbia aspires to.

Particular problem Serbia faces are its relations to Russian Federation. EU and Russian Federation have introduced each other restrictive measures since 2014 and the start of the conflict in Ukraine. Serbia did not join the EU sanctions against Russian Federation due to support it receives from Russian Federation in the process of resolving the issue of Kosovo*. Additionally, Serbia is dependent on Russian Federation for gas supply and Serbia is the only country in Europe that has free access to Russian market where it exports 5-6% of its global exports. This development led to the situation that Serbia has a very low level of alignment with the foreign positions of EU. One of the accession requirements is to have fully aligned foreign policy with the EU by the date of accession. Due to these facts Serbia is seen by some member states as Russian ally and not reliable enough partner to join the EU. This is particularly true for EU member states in the Baltics. Additional level to the problem is added by open pro-Russian messages sent by some ministers in the Government and other public officials addressing their constituencies, regardless of the official position of Serbia and the EU accession course that Serbia takes.

All this resulted in Serbia not receiving screening report for the chapter 31 Common foreign and security policy for five years (screening was finished in October 2014) and thus is unable to submit its negotiation position and open this chapter of negotiations.

At the same time Serbia does not have a diplomatic presence on permanent basis (embassies) in the Baltic EU member states (Estonia, Latvia and Lithuania). This fact does not help in clarifying and nuancing positions of Serbia and establishing closer ties with these countries that will clearly

be at the first row when negotiating chapter 31 is considered. Serbia also does not have an embassy in Ireland and Luxemburg. Bearing in mind that accession negotiations will be more conducted in state capitals than ever before, strengthening diplomatic service is a necessary step.

According to the EU Negotiation framework for accession negotiations with Serbia, Serbia is required to conclude legally binding agreement with Kosovo* before accession negotiations can be concluded. Dialogue between parties has been at the standstill since late 2018 and introduction of taxes to goods coming from Serbia and Bosnia Herzegovina to Kosovo*. This move was a clear breach of both CEFTA and SAA obligations of Kosovo*, putting significant stress to regional cooperation and particularly trade as its most developed element. The Kosovo* issue is the single biggest problem in EU path of Serbia and without resolving it Serbia will not be able to join the EU. However, at this moment the lack of rule of law and deficiencies in the functioning of democracy in Serbia are much bigger points of concern when it comes to progress in accession negotiations.

Recommendations to the Republic of Serbia

1. Strengthen the rule of law above all. Deficiencies in the area of rule of law (judiciary, corruption, fight against organised crime, freedom of expression) and in the functioning of democracy and democratic institutions are the best arguments for opposing Serbia's accession to the EU. This is particularly true if the new methodology of running accession negotiations is introduced by the EU. By strengthening the rule of law, apart from becoming a modern state Serbia would strengthen its claim that it shares EU values, as the essential element of enlargement. Today this claim is not very much substantiated through actions and the state of democracy and stability of institutions in Serbia, as reported in the 2019 Progress report.
2. Adopt amendments to the Constitution of Serbia that would properly and truly guarantee independence of judiciary (judges and prosecutors) as a matter of priority to demonstrate true willingness to have proper rule of law in Serbia and fight against corruption. Amendments developed by the Government do not guarantee independence of judiciary and should be taken off the agenda. This process is now three years behind schedule.

3. Serbia should put more emphasis on objective communication to the domestic public as to why Serbia is trying to join the EU and about the EU itself. Serbia should put sustained efforts to promote EU values in Serbian public debate. Sending anti EU messages for the sake of getting short term internal political gains is a wrong approach. The slogan "*It is about us*" should be truly applied in public communication.
4. Focus on reaching the agreement on normalisation of relations with Kosovo* in spite of negative messages coming from the EU regarding the pace of accession.
5. Bearing in mind that accession negotiations will be more conducted in EU state capitals than ever before, strengthening diplomatic presence in EU member states is a necessary step. Serbia should open embassies in all EU member states; with special focus on Baltic countries. Good messages and advocacy from Serbia are needed to be heard in EU capitals.
6. Particular attention should be paid to France. Serbia should strengthen both its diplomatic mission in France and efforts in advocating Serbia's accession to EU in all segments (political, cultural, economic, scientific, think tank and on the level of CSOs).
7. Parliamentary diplomacy is becoming more important with increased roles of national parliaments in EU members states. National Assembly should increase its capacities for advocacy and foreign relations in EU capitals.
8. Particular attention should be given to think-tank community in Europe (Brussels and major capitals like Berlin, Paris, Den Hague, Vienna) that is influencing policy makers.

EUROPEAN INTEGRATION OF THE WESTERN BALKANS:

MAKING A REALISTIC PERSPECTIVE
OUT OF A SHIFTING TARGET

