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## THE WESTERN BALKANS

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

### LEGAL BASIS

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

### OBJECTIVES

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

### BACKGROUND

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

### INSTRUMENTS

#### A. The Stabilisation and Association Process (SAP)

Launched in 1999, the SAP is the strategic framework supporting the gradual rapprochement of the Western Balkan countries with the EU. It is based on bilateral contractual relations, financial assistance, political dialogue, trade relations and regional cooperation.



Contractual relations take the form of stabilisation and association agreements (SAAs). These provide for political and economic cooperation and for the establishment of free trade areas with the countries concerned. Based on common democratic principles, human rights and the rule of law, each SAA establishes permanent cooperation structures. The Stabilisation and Association Council, which meets annually at ministerial level, oversees the application and implementation of the agreement concerned. It is assisted by the Stabilisation and Association Committee. Finally, a Stabilisation and Association Parliamentary Committee (SAPC) ensures cooperation between the Western Balkan countries' parliaments and the European Parliament.

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

#### **B. The accession process**

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

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

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

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

#### **C. Regional cooperation**

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

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



parliamentary relations. The EU and many individual Member States support and participate in the RCC.

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

#### **D. Visa-free travel**

Visa-free travel to the Schengen area was granted to citizens of the former Yugoslav Republic of Macedonia (now the Republic of North Macedonia), Montenegro and Serbia as of December 2009, and to citizens of Albania and Bosnia and Herzegovina as of November 2010. In January 2012, a visa liberalisation dialogue was launched with Kosovo. In July 2018, the Commission confirmed that Kosovo had fulfilled all criteria. Parliament followed suit and decided to enter into interinstitutional negotiations, which are ongoing as some EU Member States continue to have reservations.

### **CURRENT STATUS**

#### **A. Albania**

Albania applied for EU membership on 28 April 2009. In 2012, the Commission recommended that the country be granted candidate status, subject to the adoption of pending reforms. In October 2013, the Commission unequivocally recommended granting Albania the status of candidate for EU membership, which it obtained in June 2014. In the light of the country's progress, the Commission recommended opening accession negotiations with Albania in 2016, 2018 and 2019. In June 2018, the Council agreed to the possible opening of accession negotiations with Albania in June 2019, provided the necessary conditions had been fulfilled. However, both in June 2019 and October 2019, the Council failed to greenlight the opening of accession negotiations. In March 2020, it finally decided to open accession negotiations, pending the fulfilment of a set of conditions. In July 2020, the Commission presented the draft negotiating framework – the first to take into account the 'revised methodology for enlargement to the Western Balkans' that was published in February 2020 – to the Member States. Almost a year and a half later, accession negotiations with Albania – and North Macedonia – have not yet been opened.

#### **B. Bosnia and Herzegovina**

Bosnia and Herzegovina (BiH) is a potential candidate country. An SAA was negotiated and signed in June 2008 but its entry into force was frozen, mainly owing to the country's failure to implement a key ruling of the European Court of Human Rights. The EU's 'renewed approach' to the country, which put more focus on economic governance, allowed the long overdue entry into force of the SAA on 1 June 2015. The country submitted its membership application on 15 February 2016. In May 2019, the Commission published its opinion, including a list of 14 key priorities for BiH, on the basis of BiH's replies to a comprehensive questionnaire. One of the 14 key priorities is ensuring the proper functioning of the Stabilisation and Association Parliamentary Committee (SAPC), the parliamentary dimension of the SAA. In July 2020, almost five years after the first EU-BiH SAPC meeting in November 2015, the BiH Parliament voted



on the SAPC's Rules of Procedure, which were formally adopted by the second EU-BiH SAPC in June 2021.

#### **C. The Republic of North Macedonia**

The former Yugoslav Republic of Macedonia (now the Republic of North Macedonia) applied for EU membership in March 2004 and was granted EU candidate status in December 2005. However, the country was unable to open accession negotiations for many years, mainly owing to the dispute with Greece over the country's use of the name 'Macedonia'. This dispute was successfully resolved through the 'Prespa Agreement' on the country's new name – Republic of North Macedonia or North Macedonia – which entered into force in February 2019. Since 2009, the Commission, with the unwavering support of Parliament, had invariably recommended that accession negotiations be opened. In June 2018, the Council agreed to the possible opening of accession negotiations with North Macedonia in June 2019, provided the necessary conditions were fulfilled. However, in both June 2019 and October 2019, the Council failed to greenlight the opening of accession negotiations. In March 2020, the Council decided to open accession negotiations without additional conditionality. In July 2020, the Commission presented the draft negotiating framework – the first to take into account the 'revised methodology for enlargement to the Western Balkans' – to the Member States. Almost a year and a half later, accession negotiations with North Macedonia – and Albania – have not yet been opened. This is mainly due to issues between North Macedonia and Bulgaria related to identity, language and history.

#### **D. Kosovo**

Kosovo is a potential candidate for EU accession. It unilaterally declared its independence in February 2008. Five EU Member States (Cyprus, Greece, Romania, Slovakia and Spain) and two countries in the region (Serbia and Bosnia and Herzegovina) have not recognised Kosovo's independence. In July 2018, six years after a visa liberalisation roadmap was issued, the Commission confirmed that Kosovo had fulfilled all the criteria. The European Parliament immediately followed suit and entered into interinstitutional negotiations, which are ongoing. In the region, only Kosovo remains excluded from visa liberalisation, as some EU Member States continue to have reservations. After a landmark agreement on normalising relations was reached in April 2013 by Belgrade and Pristina (the 'Brussels Agreement'), the European Council decided in June 2013 to open negotiations on an SAA with Kosovo, which entered into force on 1 April 2016. Kosovo's future EU integration – like Serbia's – remains closely linked to the EU-facilitated high-level dialogue between Kosovo and Serbia, which should lead to a legally binding comprehensive agreement on the normalisation of their relations.

#### **E. Montenegro**

Montenegro, which gained independence in 2006, applied for EU membership in December 2008. It was granted candidate status in December 2010 and accession negotiations were opened in June 2012. In line with the EU's 'new approach' to the accession process, the crucial rule of law chapters – Chapter 23 on judicial reform and fundamental rights and Chapter 24 on freedom, security and justice – were opened at an early stage in the negotiations, in December 2013. To date,



all 33 screened negotiating chapters have been opened, of which only three have been provisionally closed. The last remaining key chapter (on competition policy) was opened in June 2020. In its Western Balkans Strategy, published in February 2018, the Commission stated that Montenegro (and Serbia) could join the EU by 2025, albeit acknowledging that this perspective was ‘extremely ambitious’.

#### F. Serbia

Serbia submitted its application for EU membership in December 2009 and was granted candidate status in March 2012 after Belgrade and Pristina reached an agreement on Kosovo’s regional representation. Accession negotiations were formally opened on 21 January 2014. The first two chapters, including the one on normalisation of relations with Kosovo, were opened in December 2015. The key rule of law Chapters 23 and 24 were opened on 18 July 2016. To date, 18 out of 35 negotiating chapters have been opened, two of which have been provisionally closed. Since December 2019, no new chapters have been opened. In its Western Balkans Strategy, published in February 2018, the Commission stated that Serbia (and Montenegro) could join the EU by 2025, albeit acknowledging that this perspective was ‘extremely ambitious’. Serbia’s future EU integration – like Kosovo’s – remains closely linked to the EU-facilitated high-level dialogue between Serbia and Kosovo, which should lead to a legally binding comprehensive agreement on the normalisation of their relations.

### ROLE OF THE EUROPEAN PARLIAMENT

Parliament is fully involved in the Stabilisation and Association Process and its consent has been required for the conclusion of all SAAs (Article 218(6) of the TFEU). Parliament must also consent to any new accession to the EU (Article 49 of the TEU). In addition, through its budgetary powers, it has direct influence over the amounts allocated to the Instrument for Pre-accession Assistance. Parliament’s Committee on Foreign Affairs appoints standing rapporteurs for all candidate and potential candidate countries. Parliament expresses its positions on enlargement in the form of annual resolutions responding to the Commission’s latest annual country reports. In June 2020, following the EU-Western Balkans Zagreb Summit (held online), Parliament also issued a set of recommendations on the Western Balkans. In North Macedonia and Serbia, Parliament has been facilitating rapprochement between political parties. Last but not least, it maintains regular bilateral relations with the parliaments of the Western Balkan countries through its delegations, which discuss issues relevant to the SAP and the EU accession process with their counterparts on average twice a year.

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