



Hellenic Presidency of the Council
of the European Union

The Western Balkan EU Accession Process and the Greek Presidency 2014

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Executive Summary

Ever since the collapse of communism in South-East Europe and following the deadly wars in the former Yugoslavia, Greece has consistently tried to play an important role in efforts to consolidate peace and assist reconstruction processes across the region. In that context, the Greek EU presidency of 2003 successfully provided a formal framework of accession for the entire Balkan Peninsula, known as the ‘Thessaloniki Agenda’, setting in motion for the first time the process for the region’s integration into the EU. Since then, much has been achieved; Slovenia was first country of the region to enter the EU along with another seven former Communist countries in 2004, followed in subsequent years by Romania, Bulgaria and Croatia.

Although the 2003 Greek EU Presidency provided the impetus for a sustained accession process, the economic and sovereign debt crisis in the Eurozone area has largely diverted the political will and energies of EU member states, threatening to bring the enlargement process to a halt. Calls for a rejuvenation of the ‘Thessaloniki Agenda’ were raised by politicians and civil society across the Balkans. However, as Greece’s 6-month period at the EU forefront approached it became clear that Athens would not put enlargement as the top priority of its Presidency. The reasons were the prioritization of the economic governance issues reflecting the country’s economic agonies, but also the widespread enlargement fatigue in EU member states, which many feared would be expressed in the May 2014 European elections.

Yet, despite the difficult circumstance, the Greek Presidency has shown a capacity for setting a flexible and multilayered policy agenda, attempting to strike a fine balance between promoting further solidarity in the areas of economic recovery and the imperative of reenergizing EU enlargement and safeguarding regional peace and stability. Despite low expectations, the Greek Presidency has recorded some achievements in furthering the enlargement process in the Western Balkans. During the Greek Presidency and with the encouragement of and support by Athens and other pro-enlargement capitals, Serbia and Albania have come considerably closer to realizing their European vision. The EU inaugurated formal accession talks with Serbia at the start and Albania acquired candidate status at the end of the Greek Presidency’s 6-month period. Both states have enjoyed the Greek Presidency’s active and consistent support in overcoming controversies and roadblocks in the process.

Moreover, as part of the Greek Presidency’s enlargement-related activity, Greece hosted a major Ministerial Conference for the Western Balkans. Ministers confirmed their political desire and commitment for the introduction and implementation of EU-related reforms, and the normalization and resolution of pending issues in bilateral relations, while

the Greek Presidency transmitted Europe's and Greece's will to support this process in every possible way and through a range of multilateral initiatives boosting regional interdependence. Attempts at energizing the accession process were coupled with a tour of the Western Balkan capitals by the Greek Foreign Minister Evangelos Venizelos, who held productive high-level meetings, especially in Belgrade, Podgorica, Pristina and Tirana.

At the same time, developments during the Greek Presidency demonstrated that more sustained effort is required to address the thornier issues of the accession process. Bosnia-Herzegovina's political crisis continued during this election year and despite hope and pressure by European partners the country remains in a dangerous political and economic stalemate. In addition, there does not seem to be an end in sight in the dispute between Athens and Skopje over the name issue and FYROM's accession process remains practically on hold.

Overall, despite low expectations due to the Greek economic drama and enlargement fatigue, the fifth Greek EU Presidency did much to live up to Greece's traditionally active role in the Balkans. The Greek Presidency contributed constructively to the ideals of the European project and to the slow but steady EU accession process of the Western Balkan states. The present report offers an overview of both the state of the accession process of each of the Western Balkan EU hopefuls and an analysis of the Greek Presidency's initiatives and activities for the region.

Introduction

“Thessaloniki Agenda” and its Legacy for the Western Balkans

More than a decade has passed since the last time Greece held the EU Presidency in 2003. Greece was without doubt in a totally different position then compared to the economic hardship it is facing today. In the late 1990s, Greece had adopted an active role in South-East Europe, managing to make itself into a key supporter of the Western Balkans’ EU integration process. This was practically achieved with the famous ‘Thessaloniki Agenda for the Western Balkans.’ The 2003 Greek EU Presidency constructively contributed to the creation of the Stabilization and Association Process (SAP). During the EU-Western Balkans Summit in June 2003 in Thessaloniki, not only was the European perspective of the countries in the region affirmed, but also the EU’s Balkan policy was enhanced and enriched with pre-accession policies and tools (such as the decision for European partnership agreements), which would be embodied in the main pre-accession provisions of the SAP. Since then, the ‘Thessaloniki Agenda for the Western Balkans’ constitutes the institutional framework that visibly determines the content of the European course for the countries of this region. It also describes the enhancement of regional cooperation, as forecasted by the Zagreb 2000 EU-Western Balkans Summit.

This year’s Greek EU Presidency, which was held between January and June 2014, was an opportunity for revisiting the legacy of the ‘Thessaloniki Agenda’ but also an impetus for exploring ideas for re-energising the enlargement process. It was initially anticipated by the Western Balkan EU hopefuls and there was plenty of talk about whether the initiatives of the Greek Presidency would give a new push to the efforts at stabilising, reforming and integrating the Balkans into the EU.

This report intends to outline both the current state of play in the EU accession process of Western Balkan states and the efforts and initiatives of the 2014 Greek Presidency with regards to the region and its accession prospects. The remainder of this introduction is dedicated to a recap of the Thessaloniki Agenda and the role of the Greece in the region during the last decade or so. A brief introduction on the priorities of the EU Presidency Trio 2013-14 is offered. Subsequently, Section I offers a country by country overview of the state of accession and a brief analysis of the main sticking points and hurdles that each Western Balkan country is facing. Then, Section II is devoted more specifically to the Greek Presidency’s initiatives and activities regarding the Western Balkans.

The Thessaloniki Agenda and the role of Greece (...and an assessment from the Western Balkans)

At the 2000 Zagreb Summit, the Western Balkan states endorsed the objectives and conditions of the Stabilization and Association Process with the EU supporting the most central initiatives and structures of institutionalized regional cooperation in the Balkans.¹ Particular emphasis was given to the Stability Pact, the SEECP, UNESCO and Non-governmental organizations. Indisputably, this initiative has upgraded Greece's prestige. The Greek presidency and the agenda that was brought into discussion clearly demonstrated the new role Greece had decided to play in Southeast Europe. The Thessaloniki Summit also marked a fundamental moment in the EU's approach towards the region, which shifted from post-conflict stabilization (security) to European integration (enlargement).²

Greece's presidency followed two main directions. One dealt with the accession of Bulgaria and Romania, following the large enlargement wave of 2004, and the other focused on keeping the EU's door open for the Western Balkan countries.³ By May 2002, Greece had already submitted a non-paper supporting the promotion of the two countries' accession processes with specific suggestions.⁴ Greece's attempt received positive comments both from the aspirant countries and the member states. The non-paper requested a specific date for the finalization of the negotiations between the EU and the two countries (2007 was accepted as the accession year during the Copenhagen European Council). Simultaneously, Greece advocated an increase of the pre-accession financial assistance for the two countries for the 2004-2006 period; during the Copenhagen European Council an increase of 30% was agreed.

Greece was also quite active in promoting the accession negotiations by contributing to the closure of specific chapters. A striking example was the closure of the 'energy chapter', in November 2002, which included the thorny Bulgarian issue of Kozloduy's nuclear reactors. At the same time, during the Greek presidency, the accession negotiations with the two countries continued and intensified: two negotiation chapters were closed with Bulgaria and four with Romania.⁵ Despite the suggestions of the Copenhagen European Council for the forthcoming presidencies to retain the negotiation pace with the two countries regarding the budget related chapters, the Greek presidency contributed to the detachment of the fiscal prospects from the accession negotiations of the two countries. This was certified in the conclusions of the Presidency with the statement that "...discussions or agreement on future policy reforms, or the new financial perspective, will neither impede the pursuit and conclusion of accession negotiations nor be prejudged by the outcome of these negotiations" (par. 37).⁶

Perhaps the biggest contribution of the Greek Presidency in 2003 was the upgrade of the SAP. The 'Thessaloniki Agenda' of June 2003 identified ways and means to that end. European partnerships, meaning the submission of documentation according to the model of the accession partnerships determining the priorities for each country eager to join the EU,

were decided. These documents played the role of the driver for the financial assistance of these countries. The first European partnerships were adopted during the spring of 2004. In addition, the Thessaloniki European Council introduced new practical cooperation initiatives such as twinning arrangements for the development and improvement of the public administration of the aspirant countries. According to the ‘Thessaloniki Agenda’, the efficiency of administration in the Western Balkan countries is of high importance, thus the instrument of twinning would have been an asset in the development of modern and efficient administration and should be extended to all SAP countries.⁷

During the Thessaloniki Summit, a high-level multilateral political forum was launched. The goal was the establishment of a forum between the EU and Western Balkans that would bring together the heads of state or governments of the region and their EU counterparts on a periodic base. Moreover, a system of enhanced political dialogue at the ministerial level was established with annual meetings of foreign ministers and the ministers responsible for justice and home affairs.⁸ More precisely, bilateral political dialogue at the ministerial level was to be organized between the EU and Albania, Croatia, the Former Yugoslav Republic of Macedonia (FYROM), as well as Bosnia and Herzegovina. Since the 2003 Thessaloniki Summit, six high level meetings have been held in different cities of the region improving the climate and the promotion of communication between former enemies. The accession progress of the Western Balkan countries to the EU has been steadily moving forward, albeit at different speeds, following the impetus created by the Greek Presidency of 2003, and its landmark summit in Thessaloniki. Below is a depiction of the EU accession progress for each Western Balkan country.

Table 1: EU Accession Process of the Western Balkan countries

Association & accession phases	Countries						
	Albania	BiH	Croatia	Kosovo	FYROM	Montenegro	Serbia
European Partnership	01/06/2004	01/01/2004	20/02/2006	20/01/2006	30/01/2006	30/01/2006	18/02/2008
Feasibility Study	20/12/2005	18/11/2003	24/05/2000	10/10/2012	16/06/1999	25/04/2005	25/04/2005
Beginning of Negotiations with EC	31/01/2003	25/11/2005	24/11/2000	28/10/2013	05/04/2000	10/10/2005	01/10/2005
SAA signing	12/06/2006	16/06/2008	29/10/2001	–	09/04/2001	15/10/2007	29/04/2008
SAA comes into force	01/04/2009	–	01/02/2005	–	01/04/2004	01/05/2010	01/09/2013

Application for Candidate Status	28/04/2009	–	21/02/2003	–	22/03/2004	15/12/2008	22/12/2009
Council gives candidate status	27/06/2014	–	01/06/2004	–	16/12/2005	17/12/2010	01/03/2012
Beginning of negotiations for accession	–	–	03/10/2005	–	01/10/2009 (Commission's recommendation repeated in subsequent years)	29/06/2012	21/01/2014
Signing the accession treaty			09/12/2011 (On the 1 July 2013, Croatia became the 28 th member of the EU)				

Data Collected from the official website of DG Enlargement

In addition, what probably had the greatest impact in terms of tangible benefits for the citizens of the region, as well as giving them a sense of belonging to the EU family, was the granting of visa-free travel to the Schengen area. During the 2003 Thessaloniki Summit, EU leaders decided to initiate a discussion on the reforms needed to lift the visa requirement for Western Balkan countries. Yet, the follow-up came quite late. It was no sooner than 2008 when the EU finally reached a practical solution to tackle the issue effectively by designing a process based upon a roadmap that triggered important reforms in the region such as enhancing border control, replacing old passports with biometric ones, fighting illegal migration, organized crime and corruption and improving cooperation with EU Member States and EU agencies.⁹ The outcome was that citizens of FYROM, Montenegro and Serbia were granted visa-free travel in December 2009 and the citizens of Albania and Bosnia and Herzegovina were granted the same status a year later.¹⁰ Also, part of the Greek success record during the EU presidency of 2003 related to the context of the former European Security and Defense Policy (ESDP). In particular, the dispatch of police forces in Bosnia and Herzegovina, and the dispatch of military forces in FYROM were two characteristic examples of a more active EU security engagement in the region.¹¹

The positive role that Greece has played in affirming the EU's promise to the Balkans is not necessarily perceived as such in the region itself. Recent studies by ELIAMEP's South-East Europe Programme reveal an essential ambivalence towards Greece and its role in the region.¹² More specifically, a mini survey of eighty-six Balkan opinion makers (academics, think tankers, journalists, researchers, members of NGOs and advocacy groups) conducted by the South-East Europe Programme between 26 July and 26 September 2013 vividly demonstrates this point.¹³ In response to the question of whether Greece had a leading role in

the Europeanization of the Balkans in the period 2000-2008 four out of ten respondents had a neutral position on the issue. In addition, while many pointed out the role of the Thessaloniki Summit during the 2003 Greek Presidency and the economic role of Greece and the Hellenic Plan for the Economic Reconstruction of the Balkans, overall more respondents gave a negative than positive assessment of Greece's role.

Opinion makers in the region are also quite ambivalent with regards to the 2014 Greek Presidency. Optimists hoped that Greece would once more promote a Western Balkan enlargement agenda, continuing its work from the 2003 Presidency – some called this a Thessaloniki II agenda. Others remained skeptical about such a prospect, pointing out Greece's preoccupation with its own economic and social problems as well as the enlargement fatigue in the EU. In addition, some opinion makers thought that Greece's top priority would be the pursuit of its own interests in the region, rather than the promotion of the enlargement agenda. In that context, respondents also stressed the unresolved dispute with FYROM as well as the non-recognition of Kosovo.¹⁴

Enlargement and the Presidency Trio 2013-2014

The Trio programme is an 18-month strategic framework of the Council prepared by an incoming group of three EU Council Presidencies and the Council Secretariat which sets out key objectives to drive forward the EU agenda. Instead of six months of each Presidency, it promotes a coherent approach to planning the Council's work over 18 months, enabling Presidencies to identify and develop longer-term priorities and strategies for reaching these objectives. The Presidency Trio of Ireland (January-June 2013), Lithuania (July-December 2013) and Greece (January-June 2014) devised a programme which aimed to stimulate growth, create jobs and boost EU competitiveness, along with preserving Europe's global humanitarian role and ensuring the continued momentum of the enlargement agenda.¹⁵

Enlargement was acknowledged as the Trio's key policy, with particular attention given to the Western Balkan region. In its Programme presented in December 2012, the Irish-Lithuanian-Greek Trio expressed its determination to pursue the established enlargement agenda which serves the strategic interests of the European Union and continues to reinforce peace, democracy and stability in Europe.¹⁶ A proposal to mark the political commitment to the European integration of the Western Balkans at an EU-Western Balkans Summit ('Thessaloniki II'), was explicitly stated in the Council work programme of the Trio Presidency.¹⁷ Nevertheless, the enlargement policy remained overshadowed by other objectives from the Trio strategy programme, which aimed to encourage a more active promotion of financial stability in Europe, economic growth, and employment. The Trio emphasized as a priority the need to strengthen the Union's capacity to respond to the current economic, financial and social challenges, and ensure the financial stability of the Euro-area.¹⁸

Expectations from the Greek Presidency with regard to the enlargement policy were high both in European and Western Balkan capitals.¹⁹ Given the historical Thessaloniki Summit and the fact that Greece is one of the closest EU member states to the Western Balkan region, there was a tacit understanding that it would be Athens in particular that should engage in a more active promotion of the enlargement policy and include it as one of its Presidency priorities. Politically, such commitment would send a message that despite the economic hardship it has been facing in recent years, Greece is ready to come back as a key player in the region. Bearing in mind Greece's strong economic presence in the region, encouraging enlargement to the countries of the Western Balkans could also be economically beneficial. Most importantly, after positive developments following the 2003 Thessaloniki Summit, Greece had become the initiator and the main spokesman for a new Western Balkan agenda (the so-called '2014 Agenda'), which aimed to provide the instruments for a clearer accession perspective of the region. The initiative originated in the enthusiastic 2009 announcement by the then Greek Prime Minister George Papandreou that a new accession roadmap for the Western Balkans is needed, which would foresee accession dates for the prospective EU candidates not later than 2014. In November 2010, Greek Minister of Foreign Affairs Dimitrios Droutsas revealed his country's somewhat less vigorous plan to convene an EU-Western Balkan Summit in 2014, with an ultimate goal of "adopting a political declaration setting a specific, ambitious - yet realistic - target date for the completion of the accession processes of the countries of the Western Balkans".²⁰ According to Droutsas, 2018 was to be a year of the final accession of the Western Balkan states into EU and a goal that would intensify integration efforts of both the EU and the countries of the Western Balkans. Greece had taken the role of the driving force behind the '2014 Agenda', hoping to see all of Southeast Europe as a part of the EU in the year which marks the symbolic centennial anniversary of the end of World War I. Although such an overambitious plan faded away due to the escalation of the economic crisis in Europe – and Greece in particular, expectations that enlargement policy would find its place on the Greek list of priorities, however, did not vanish with it.

Thus, European Union capitals did not hesitate to express their disappointment when, given the current socio-economic difficulties, the result of the sovereign debt crisis and with widespread scepticism against any prospect of enlargement in the coming years, Greece decided not to specify enlargement as one of its key EU Presidency priorities.²¹ Instead, it put particular emphasis on a number of other 'urgent priorities' that point up to the shared concerns of Europe and the 'European South' in particular. More precisely, the Greek Presidency focused on the following areas: growth, employment and social cohesion, integration and deepening of the Euro-zone, European borders and immigrant flows, and comprehensive maritime policy.²²

Nevertheless, Greek officials emphasized that the EU integration efforts of the Western Balkan states would not be neglected, as well as that the Greek Presidency would work on promoting the 'connectivity' of the region, primarily in the areas of transport and energy, aiming to contribute to growth, competitiveness and employment in the region.²³

Despite not having enlargement as one of its key priorities, the Greek Foreign Minister's visit to the Western Balkan capitals in February 2014 and especially the Thessaloniki Ministerial Conference of the 28 EU member states and the six states of the Western Balkans in May 2014, were developments which sent a clear message to the countries of the region that they are not forgotten.

Section I

Current State of Accession Process: Problems and Future Challenges

The Western Balkans, rampaged by the early 1990s civil wars in Yugoslavia and widespread civil unrest in Albania have become a focal point for prospective EU enlargement. In an effort to promote peace, growth and stability, and despite the complex difficulties on the ground, Europe is determined to stabilise the region by integrating the remaining Balkan states into the common European institutions. Despite the strong political and geo-strategic imperatives dictating a speedy integration of the Western Balkans into the European Union, a long series of economic, institutional and political impediments provide only limited optimism.

Sluggishness in the pace of reforms, slow economic recovery, deep-rooted institutional weaknesses, profound interethnic and territorial complexities, and globally unique administrative particularities, such as the international probation (supervision) regimes in Kosovo and Bosnia and Herzegovina, have continued to present fundamental questions of governability. After the collapse of communism and following the end of the subsequent ethno-nationalist wars in Yugoslavia, the functionality and deliverance of essential state systems and services in these countries has persistently ranged from structural inefficiency to complete lawlessness; rendering the entire region ungovernable. Ravaged by the deadly repercussions of war, including ethnic cleansing, and faced with the typical perplexities of post-socialist transition, post-Yugoslav societies remained in a state of limbo, for about twenty years since the collapse of Yugoslav socialism, with the exception of Slovenia.

Similarly, Albania, a country that came out of a deeply isolationist Communist regime, was evidently marred with violent political feuding, generalised instability, absence of the rule of law, poverty and mass immigration. The serious risks posed to European stability, including the destruction of trade routes due to conflicts and instability, flows of migration, proliferation of weapons and organized crime, and the nurturing of conditions conducive to terrorism and radicalization, called for an effective and immediate amelioration. Such security and stability concerns stimulated a gradual process to pacify, normalize, modernize and synchronize the Balkans with the rest of Europe. The complexities on the ground have made prospects for a swift recovery unrealistic, and the path towards integration particularly

painstaking. Yet despite this lurking pessimism, there is sufficient evidence of achievement and progress marked by some reasonably encouraging signs for a speedier reversal of conditions in the future.

Status of Accessions

Since June 2000 when the European Council in Feira declared that the Western Balkan countries are ‘potential candidates’ for EU membership, they have all railed on with different speeds towards integration in accordance to their objective capacities and particularities (‘the regatta principle’). Croatia was the first Western Balkan country to successfully complete its EU integration process, becoming the twenty-eighth member of the European Union in July 2013. The remaining Western Balkan states have yet to overcome difficult challenges on their respective EU integration paths. Rule of law - including efforts to safeguard an independent judiciary and advances in the fight against corruption and organized crime - together with the worrisome state of the socio-economic affairs and unresolved border, statehood and minority issues, are some of the stumbling blocks common for the entire Western Balkan region.²⁴ Additionally, each country needs to address its distinctive problems and fulfil the country-specific conditionality in order to achieve its ultimate goal of joining the European Union.

Regarding the accession progress of the Western Balkan states, they could be broadly divided into two different categories.²⁵ Given the results achieved so far, as well as the future prospects in terms of the quality and speed of the integration process, the three candidate countries – Montenegro, Serbia, and most recently - Albania, could be sorted into a category of ‘frontrunners’. Montenegro is currently involved in active negotiations with the EU, having 12 out of 35 Chapters opened, and two of them provisionally closed. The pace of the country’s accession process primarily depends on the implementation of the action plans for Chapters 23 (judiciary and fundamental rights), and 24 (justice, freedom and security), as well as on building the necessary administrative capacity to apply the *acquis*. Serbia started accession talks with the EU on 21 January 2014 and so far the country has successfully launched screenings for 22 chapters, hoping to open negotiations on Chapter 32 (financial control) in October 2014. Except the areas of judiciary and rule of law, running a constructive and productive dialogue with Kosovo remains Serbia’s major challenge ahead. Although trailing at a considerable distance from Montenegro and Serbia, Albania is the third country in the category of ‘frontrunners’. After recognizing its progress in key areas such as the fight against corruption and organized crime, and welcoming an overall smooth and peaceful conduct of the June 2013 parliamentary elections, the Commission recommended granting Albania official candidate status in October 2013. However, the December 2013 meeting of the Council of the European Union concluded to put off the decision to reward Albania with official candidate status until June 2014, after several states, including Denmark and the Netherlands, voiced their concerns over the readiness of the country to proceed with this step.

Finally, during the Greek Presidency Albania achieved the long-awaited official candidate status.

The remaining three countries of the Western Balkans are falling far behind the first group, dealing with the unsettled questions of sovereignty, territorial integrity and conflicting ethno-cultural identities. Former Yugoslav Republic of Macedonia (FYROM), Bosnia and Herzegovina (BiH) and Kosovo belong to the second category of ‘the laggards’. In October 2013, for the fifth consecutive time, the Commission gave the green light for the start of FYROM’s accession talks. Nevertheless, the country’s negotiation start date has been suspended due to unresolved bilateral issues with Greece (and recently with Bulgaria), despite the fact that it has advanced on a number of other policy priorities. Bosnia and Herzegovina and Kosovo are heavily marked by entrenched ethno-nationalist lines, unconventional sovereignty arrangements, complicated power-sharing structures and dominated by a large foreign military and civilian presence. Nonetheless, both BiH and Kosovo are conceived as potential EU candidates. Kosovo, whose independence is not recognized by five EU member states, is currently negotiating the signing of Stabilization and Association Agreement (SAA) with the European Commission, while Bosnia initialled the SAA Agreement with the EU in 2008, but provisions have still to be adopted due to internal resistance to the agreed prerequisites set by the Union.²⁶ In the subsequent sections we present in more detail the status of accession for each of the Western Balkan countries.

Montenegro

Despite Montenegro’s small size and population and therefore its minimal impact on tightening Europe’s overstretched spending capacity, the country has yet presented significant deficiencies and diversions from EU standards in major political, economic and legislative sectors. In October 2013 Commission’s progress report, Montenegro was called to face and resolve a series of essential politico-institutional challenges relating to the imminent reform of the judiciary in order to ensure its sufficient independence from political influences, active pursuit of investigations of allegations of misuse in the distribution of public funds, undertaking of action to protect media freedom, and legislative enhancement of public confidence in the electoral process by introducing supportive electoral legislation. Nevertheless, among the remaining states in the Western Balkans Montenegro is a frontrunner in terms of further integration and membership.

*Current state of the accession process*²⁷

Following the signing of the SAA in 2007, Montenegro received candidacy status in 2010. In December 2011, the Council launched the accession process and negotiations opened in June 2012. By the summer of 2013, the European Commission’s screening process was completed and it was soon followed by the opening - and provisional closure - of the first two ‘soft’ *acquis* chapters, out of a total 35 (Chapter 25 *Science and Research* and Chapter 26 *Education and Culture*). According to EU officials in Brussels, interviewed by the authors,

given the multiple difficulties faced by Romania and Bulgaria on issues regarding justice, security and corruption, the Commission decided to start Montenegro's chapter review process by opening first the crucial *Judiciary and Fundamental Rights* and *Justice, Freedom and Security* chapters hoping that proper harmonization and implementation of EU standard practices in the fields of Security and Justice will safeguard the entire accession process and reduce the risks of institutional erosion in the post-accession era.²⁸ At present, Montenegro has 12 out of 35 chapters opened, out of which two have been successfully completed.

Judiciary

The European Commission warned Montenegro that a politicised and inefficient judiciary was one of the country's main obstacles to further advancement towards EU membership. The Commission demanded that Montenegro proceed with legal amendments to strengthen the independence of the judiciary through merit-based procedures and qualified majority thresholds (two-thirds parliamentary majority).²⁹ Moreover, in July 2013, the parliament adopted amendments to the Criminal Code, which introduced a new provision on obstruction of justice, making unjustified interference in the work of the judiciary punishable by imprisonment.³⁰ Further steps have been taken with regards to rationalising the judicial network. As the Commission reports, in February 2013, the Ministry of Justice adopted an analysis on the rationalisation of the judicial network and recommended streamlining the network of misdemeanour courts. A plan for implementing the recommendations was adopted in June 2013. In August 2013, parliament adopted an amnesty law leading to the release, shortening or abolition of the sentences of 380 convicted criminal offenders, strengthening EU suspicions of illegitimate interactions between government and organized criminal networks.

According to official diplomatic sources from Montenegro's Embassy in Greece, "in order to fast progress in the areas of Judiciary and Justice, final action plans are improved in financial needs for the implementation of measures. All financial requirements for the implementation of all measures in the action plan are calculated and the text of the action plans is further improved to obtain a better picture of how the activities in this field will be funded. Final action plans contain persons for the implementation of specific measure, as well as the coordinators for every sub-area in the action plan. Also, the action plans contain indicators of result and indicators of success, in order to best follow the results and implication of the implementation of the action plans."³¹

Corruption and Organized Crime

Corruption and organized crime pose one of the greatest threats to Montenegro's democratic development and rule of law. Montenegrin authorities reportedly consider corruption to be a "complex, extremely dangerous and widespread criminal phenomenon".³² Corruption in the country exists in the form of bribery, widespread illegalities and poor

business practices, dubious privatization processes, and abuse of the banking sector by the political elite.³³ According to the Commission's 2013 progress report, corruption remains prevalent in many areas and continues to be a serious problem. The implementation of the relevant legislative framework has shown a number of shortcomings, which demand further legislative action. The shortcomings with regard to the independence and accountability of the judicial system remain a serious matter of concern and hamper the fight against corruption. The areas of construction and spatial planning, education and healthcare continue to be extremely vulnerable to corruption. Also, infiltration of organised crime in the public and private sectors is a serious cause for concern.

Montenegrin officials in Athens explained in an interview with ELIAMEP that considerable efforts were made to strengthen the legal and institutional anti-corruption framework. The new parliamentary Anti-Corruption Committee, chaired by an opposition MP, was set up. In March 2013, parliament adopted amendments to the law on data secrecy, allowing members of the Anti-Corruption Committee to access classified data without prior permission. In July 2013 parliament adopted amendments to the Criminal Code, which introduced the abuse of state resources as a criminal offence. As regards control of conflict of interest and checks on asset declarations, the law on internal affairs was amended in July 2013 to require about 500 high-ranking police officials to disclose their assets.³⁴

Concerning the track record of cases against organised crime, some verdicts were given in drug smuggling cases; only a few cases refer to more complicated crimes such as trafficking in human beings and money laundering. Amendments to the criminal code include provisions that further align the definition of child pornography with international standards. The new national strategy for combating human trafficking for the period 2012-2018 and the relevant 2012-2014 action plan have been adopted. The criminal code has been amended to improve the identification of victims and introduce offences such as trafficking in human body parts. The code also includes slavery and forced marriage as criminal offences resulting from trafficking in human beings.³⁵

Electoral and Civil Service Reforms

Election irregularities, undue influences and voting manipulation are still evident in Montenegro.³⁶ Yet Montenegro has made some considerable efforts to increase transparency and reinforce confidence in the electoral process, enhancing electoral legislation and public confidence in the electoral process.³⁷ In protest against the alleged irregularities in the presidential elections, the largest opposition parliamentary group, the Democratic Front, suspended its participation in parliamentary work. After the parliament had passed the two resolutions - one aiming at strengthening trust in the electoral process and the other enabling an inquiry committee into the issue of the alleged use of public funds for party political purposes - the Democratic Front resumed its parliamentary activity.³⁸ Electoral reforms include issues such as the right to stand as an independent candidate, the establishment of clearer procedures for the allocation of seats to minority lists, and the extension of the Central

Election Commission's mandate for municipal elections. Similarly, Montenegrin authorities have taken legislative steps to enhance transparency in parliamentary proceedings.³⁹

In the area of public administration reform, the adoption of the plan for the reorganisation of the public sector and the entry into force of the new law on civil servants and state employees are positive steps forward, but the EU Commission concludes that significant further efforts are needed to improve and to implement the legislative framework. The country is faced with the additional task of depoliticizing and reforming its civil service sector in accordance with European standards.⁴⁰ The 2011 law on civil servants and state employees which lays the foundations for developing a professional and impartial public administration, entered into force in January 2013. The majority of necessary implementing legislation has been adopted, including on the recruitment process and the internal organisation of administrative bodies. The law on general administrative procedures has yet to be revised in line with European standards and best practice.⁴¹

* * *

Montenegro has shown steadfast commitment to pursuing the deep structural reforms requested by the Commission and despite the on-going difficulties faced during this process, it is hoped that Montenegro will eventually come out of this painstaking process with tangible results. Montenegro's genuine willingness to adjust and synchronize policies, institutions and practices is the key to keeping the country well on its track to European accession. So far Montenegro has made considerable progress on crucial EU *aquis* chapters on competition, energy, taxation, customs, and public procurement, health and safety. More importantly, constitutional amendments have been adopted and new legislation has been introduced on issues related to democratic institutions, rule of law, independence of judiciary, and combating corruption and organized crime.⁴² Additional key reforms in the fields of media, external relations, security and defence are well on track. Yet the timely completion of priority reforms in the fields of justice, freedom and security, which are still at an early stage, will determine the speed and steadfastness of the entire process. The areas of justice and the rule of law, including transparency and anti-corruption, are of critical importance to furthering Montenegro's accession process. Montenegro will not be able to proceed on its accession course without effectively implementing legislation amendments in the field of judiciary procedures with an emphasis on anti-corruption.⁴³

Serbia

The relations between Serbia and the EU over the past decades have been complex and contradictory, marked by fundamentally opposing views about the most elementary issues, some of which address Serbia's very sovereignty and territorial integrity. When the Albanian-majority south Serbian province, Kosovo and Metohija, proclaimed independence in 2008, all but five EU member states recognized Kosovo as a sovereign state, which led to further

deterioration of EU-Serbia relations. While the country has never lacked institutional capacities to deal with the EU-required reforms, the political factor has constantly been at the core of its inability to move towards EU membership more rapidly and more decisively. Serbia's involvement in the civil wars of Yugoslav secession in the 1990s, the autocratic Milošević regime, the Kosovo war and NATO intervention in 1999, the assassination of the country's prime minister in 2003, further territorial disintegration in 2006 (Montenegro) and 2008 (Kosovo), lack of visible commitment to deliver expected results in cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) – are some of the factors which have been seriously damaging the country's reputation and slowing down (in some instances even completely halting) its EU integration process. This has prompted the governments of EU member states to perceive Serbia as one of the most difficult candidates so far, reflecting such attitudes on to the European public opinion as well. Yet, at the same time, European leaders have never lost sight of Serbia being a key country for their efforts to stabilize the Western Balkan region – a fact significant enough to keep Serbia's political future tightly connected to the European one.

Bearing this in mind, it came as no surprise that on the occasion of launching the accession negotiations with Serbia at the Intergovernmental Conference in January 2014, European leaders emphasized that this decision represents an opening of a 'historic chapter' for the Serbian nation, but is also indisputably a 'historic day' for the European Union itself. The then Serbian Prime Minister Ivica Dačić went as far as to say that the formal start of Serbia's accession negotiations with EU is the most significant event for his country since World War II.

*Current state of the accession process*⁴⁴

Serbia applied for membership in December 2009 and it was granted candidate status in March 2012. The European Council endorsed the Commission's recommendation to open negotiations with Serbia in June 2013. In October 2013, in one of the most favourable Progress Reports on Serbia so far, the European Commission concluded that Serbia is well on its way towards sufficiently fulfilling the political criteria set by the Copenhagen European Council in 1993 and the conditions of the Stabilisation and Association process. In December 2013, the Council adopted the negotiating framework with Serbia and agreed to hold the 1st Intergovernmental Conference with Serbia in January 2014. The screening process for Serbia begun in September 2013, and so far, the country has successfully completed the screenings for 20 chapters, including Chapters 23 (Judiciary and Fundamental Rights), 24 (Justice, Freedom and Security), 32 (Financial Control), 2 (Freedom of Movement for Workers), 3 (Right of Establishment and Freedom to Provide Services), 26 (Education and Culture) and 35 (Other Issues, including normalisation of relations with Kosovo).⁴⁵

Opening of the accession negotiations with Serbia came as a result of the renewed attention which the Serbian authorities have given to the two key conditions: first - to progress with reforms, i.e. tackling corruption and organized crime, improving the efficiency of the

judiciary and public administration and ensuring media freedom, and second - to engage in achieving visible and sustainable progress in its relations with Kosovo. In its October 2013 Progress Report, the Commission recognized Serbia's progress in reforms in the key areas of the rule of law, particularly judicial reform and anti-corruption policy, independence of key institutions, media freedom, anti-discrimination policy, protection of minorities and business environment. Speaking to our research envoys in Brussels, officials of the DG Enlargement have also expressed their satisfaction with Serbia on the pace of reforms in key areas, primarily the judiciary and the rule of law, yet progress in these areas will have to be sustained over time.⁴⁶ This is particularly the case in the judiciary which represents a formidable challenge.

Furthermore, the fight against corruption has been a central element of the government's activities since its inception in 2012, underpinned by a 'zero tolerance' message. A number of investigations have been launched, including on high-level corruption, in part on the basis of the problematic privatisation cases identified in the past by the Anti-Corruption Council. Serbia has also made certain progress in combating organised crime. Operational coordination and cooperation between law enforcement authorities is satisfactory, and criminal investigations have been launched in a number of cases. Serbia's infrastructural strength and high administrative-level experience are key advantages for accelerating the country's progress towards EU accession. Belgrade's traditional centre-stage role in Yugoslav politics gave its public service personnel a distinct advantage in terms of proceeding with international administrative duties, public service know-how and decision-making processes.

Serbia-Kosovo relations

Normalisation of relations with Kosovo, a territory historically central to Serbian national identity, has become a top priority in EU-Serbian relations, and it has been explicitly considered an essential condition for allowing Serbia to progress with the opening of negotiation talks. It was only after the country's 'historic' step to normalise relations with Kosovo, embodied in the signing of the Brussels Agreement between Serbian and Kosovar PMs in April 2013, that the European Council decided to open accession negotiations with Serbia. This matter is also part of the Chapter 35 whose objective is to keep track of what has been agreed and what is going to be agreed upon during the dialogue between the two sides. Along with chapters 23 and 24, which refer to the basic rights, justice, police and security, Chapter 35 will be the focus of the negotiation process between the EU and Serbia.

Normalisation of relations with Kosovo has been the biggest challenge for the Serbian authorities. For a long time this matter has represented the largest hurdle on Serbia's EU integration path, a condition which Serbian society has perceived as unjust blackmailing on the part of European countries. Nevertheless, during the past years, the ruling Serbian Progressive Party (SNS), a splinter party of the right-wing Serbian Radical Party (SRS), has abandoned nationalistic and anti-European rhetoric and taken a more positive and active stance towards the country's EU integration process. These sweeping political and ideological

shifts in politics and society have kept Serbia bound to the process of EU accession. Thus, alongside progress in other fields, Serbia has also taken steps towards a visible and sustainable improvement of relations with Kosovo.

After six months of EU-sponsored dialogue between Belgrade and Pristina and ten meetings at the highest political level facilitated by the European Union's High Representative for Security and Foreign Affairs, Serbia and Kosovo signed the Brussels agreement (formally known as the *First agreement of principles governing the normalisation of relations*), which was complemented by an implementation plan. The two parties have in particular agreed that neither side will block, or encourage others to block, the other side's progress on their respective EU paths. Yet more importantly, in an effort to restore order in the northern part of Kosovo, an area inhabited by a primarily Serb population, the Agreement confirmed the establishment of a Community/Association of Serb Municipalities which was envisaged to have a series of exclusive powers in different areas of governance such as economic development, health, education, and urban and rural planning. Its government will include a president, vice president, assembly and council, and the Community/Association is going to have a representative role to the central authorities in Pristina. In the judiciary and police sector, the agreement conditioned the integration and functioning of all judicial and police authorities in the North within Kosovo's legal framework.⁴⁷

In an interview with Serbian diplomatic officials in Athens, they have explicitly expressed Serbia's formally acknowledged intention to fulfil all the obligations assumed by the Brussels agreement.⁴⁸ So far, although implementation of the agreed provisions has not been without difficulties and controversies, and despite the fact that the negotiations have recently slowed down as both Serbia and Kosovo have been engaged in organising and conducting parliamentary elections, the process has had positive dynamics. Commenting on the first anniversary of the signing of the Brussels Agreement, Serbian officials concluded that, as far as Belgrade and the Kosovo-Metohija Serbs are concerned, "almost 100 per cent" of the undertaken obligations have been fulfilled.⁴⁹ The two sides have agreed to start collecting customs duties from six border crossings in the north of Kosovo to set up a fund for the development of northern Kosovo. They also reached agreements on energy and telecommunications and are about to bring their stances closer with regard to the organisation of the judiciary in the North. The liaison officers have been appointed in both Belgrade and Pristina.

Integration of the police forces in the Serb-majority North has also taken place, and a regional police commander of Serb nationality has begun performing his duty. In a gesture to demonstrate Serbia's unambiguous commitment to the process, Belgrade also encouraged Serbian participation in municipal elections in the northern Kosovo municipalities, which took place on 3 November (with the electoral rerun on 17 November, and second round of elections on 1 December 2013). Despite low voter participation (22%), sporadic episodes of violence in the town of Mitrovica, and controversies over the newly-elected Mitrovica mayor's refusal to sign the oath of office which led to the repeated mayoral elections in this town on 23 February, the electoral process has been finalized in a moderately successful

manner. On 8 June, for the first time since Kosovo declared independence, the Serb minority participated in Kosovo General Elections. Seeing it as an opportunity for strengthening the influence of Serbia in Kosovo, the government in Belgrade openly called its fellow nationals for high turnout and even managed to bring together the political rivals from south and north Kosovo which have been refusing to cooperate so far into a united ‘Serbian list’. Adoption of the Statute and official formation of the Community/Association of Serb Municipalities – to which 6 out of 15 points of the Agreement are dedicated - remains the biggest challenge ahead. According to Serbia’s diplomatic sources in Athens, “Serbia is entirely dedicated to the implementation of the Brussels Agreement, despite the fact that for Serbia it has been a very difficult and sensitive decision”, adding that “the formation of the Community of the Serb Municipalities in Kosovo and Metohija (KiM) ensures the survival of Serbs in KiM and represents a legal basis for the establishment of a mechanism through which the country can freely and independently provide help for its people in KiM”.⁵⁰

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Serbia has made substantial progress on the main prerequisites set forth by the Commission. Its considerable infrastructural and administrative capacities are key elements to a smoother accession progress. Despite being at an early stage, Serbia has made significant progress on most crucial sectoral reforms including free movement of capital, public procurement, competition policy, financial services, energy, taxation, economic and monetary policy and in the priority field of justice, freedom and security. Serbia demonstrates sincerity and commitment to progress on these crucial sectors, and this should be further encouraged through EU support to safeguard the process and to address difficulties that may arise from its outstanding obligations. Also, the EU-sponsored dialogue between Serbian and Kosovar authorities is ongoing, as is the implementation of the Brussels agreement.

As a result of the March 2014 parliamentary elections, Serbia has the first National Assembly composed entirely of political parties which strongly support the country’s EU integration process.⁵¹ By winning the absolute majority in the parliament, the SNS has achieved another four-year term and a leading role in the government, along with a chance to maintain its EU-oriented policies. European Union capitals have established a trusting relationship with the government in Belgrade led by the SNS. The new Serbian Prime Minister and the SNS leader, Aleksandar Vučić, has been perceived as a politician who can help resolve the long-present Kosovo problem with the least resistance in the Serbian society, as well as deliver expected results of reforms necessary to bring the country closer to the EU.

Nationalistic and right-wing parties, which have been traditional opponents to Serbia’s accession process - such as the Serbian Radical Party (SRS), the Democratic Party of Serbia (DSS) and *Dveri* - have not only been left without representatives in the Parliament, but have recorded a drop in the support they enjoyed two years ago. For the first time, Kosovo was not a central question in the electoral campaign, and even where it was - as is the case with the aforementioned parties - voters did not recognize it as a top-priority agenda item. The opinion

polls also show that citizens' support for joining the EU has increased in the past years, rising from 41 per cent in December 2012, to 51 per cent in December 2013.⁵² The most recent polls indicate that if the referendum on EU membership is held at this moment, 54 per cent of citizens would be in favour of membership.⁵³ These facts, along with the current government's dedication to dialogue with Kosovo, are sending encouraging signs regarding the country's overall future commitment to the process of EU integration.

The Former Yugoslav Republic of Macedonia

After repeated but unsuccessful recommendations by the Commission for opening negotiation talks with the Former Yugoslav Republic of Macedonia, a High-Level Accession Dialogue was launched in March 2012, and which has provided impetus to the process of reforms for EU integration, without overriding the standard pre-accession procedures. According to the Commission's report, over the past year, action has been taken in relation to almost all of the targets set in the framework of the Dialogue (protecting freedom of expression in the media, strengthening the rule of law and fundamental rights, reforming public administration, electoral reform, and development of the market economy), but meaningful progress on internal political affairs (interethnic relations) and executable reforms in the areas of rule of law, the judicial system, media, freedom of expression, fight against corruption and organized crime, and good governance are still expected.⁵⁴ All major political forces in FYROM, both Slavo-Macedonian and Albanian, support the country's EU accession process. Yet, the Commission stresses that further efforts are needed to comply with the essential conditions for unlocking the country's accession course: looking for a constructive approach to relations with neighbouring EU Member States, as well as finding a solution to the 'name issue', under UN auspices. That being said, the Commission remains of the opinion that the progress achieved thus far merits the opening of accession negotiations, during which all other issues can be addressed.

*Current state of the accession process*⁵⁵

The European Council of December 2005 granted the Former Yugoslav Republic of Macedonia the status of candidate country. The Stabilisation and Association Agreement (SAA) entered into force in April 2004. In October 2009, the Commission made recommendations to the Council to open negotiations with the country and to move to the second phase of SAA implementation, which was reiterated also in 2010, 2011 and 2012. Overall, the Commission believes that FYROM, at its current stage of the accession process, has already reached a high level of alignment with the Copenhagen Criteria. In addition, the Commission notes in its 2013 Progress Report that FYROM has "a generally constructive role" in bilateral relations with neighbouring EU member states. Yet the Council has accepted some EU members' concerns (Greece and Bulgaria) over FYROM's accession process. With regards to the long-standing name dispute, the Council finds that a solution is crucial for

allowing FYROM to move on with accession talks; lack of a constructive approach and visible results in that area has been a main cause for the country's stagnation on its EU integration path (see more below).

The forcible removal of a large number of opposition MPs and journalists from parliament's plenary hall on 24 December 2012, during the adoption of the 2013 budget under controversial circumstances, triggered a political crisis, which exposed deep divisions among political parties and affected the functioning of parliament. A political agreement was reached on 1 March 2013, enabling the return of all MPs to parliament, holding of local elections, establishment of a Committee of Inquiry, which proposed changes to the parliament's rules of procedures to prevent a recurrence, as well as making a commitment to restore dialogue with journalists. The political crisis revealed a high level of polarisation and highlighted the need for parties to show greater political commitment to resolving problems through dialogue and in full respect of the institutional framework. Sincere commitment and more constructive approaches are necessary from both government and the opposition. Also, a greater national consensus on how to meet the country's strategic objectives needs to be reached.

Public Administration Reforms

Following the signing of the Ohrid Agreement, the governments of the Former Yugoslav Republic of Macedonia initiated a series of reforms to improve the transparency, efficiency and equitability in the country's public administration system. With regards to territorial decentralization, despite the Law on Local Self-government, lack of resources have delayed the completion and efficient functioning of the fiscal decentralisation policy that would ensure the financial sustainability of municipalities in order to carry out administrative tasks transferred to them in accordance to the decentralization plan adopted in 2004.

The Commission furthermore stresses that the legal framework for public administration continues to be fragmented, affecting its unity, transparency and accountability. Nevertheless, in an effort to address these issues, the country's authorities have been working on a new legislative framework, which would replace the key laws on civil and public servants and ensure transparency, meritocracy and equitable representation. Furthermore, official figures on the total numbers of permanent and temporary employees in the public sector are still not available, which makes it difficult to measure progress in achieving transparency and reform objectives. Policy improvements at the central as well as the local level are still needed to combat politicisation. The recruitment procedure for members of non-majority communities is yet to be harmonised with general recruitment procedures while efforts to meet equitable representation targets should balance with the real staffing needs of institutions.

Media Freedom

An important obstacle to FYROM's integration progress is problems in media freedom. Regarding freedom of expression, the Commission concludes that the country's reputation has

deteriorated in recent years due to the expulsion of journalists from the parliament and the closure of media outlets that has reduced the diversity of viewpoints. Also, professional journalists are prevented from working, the number of lawsuits against journalists has increased, media ownership is unclear and reporting by state-owned national broadcasters is biased.⁵⁶ On top of this, censorship and auto-censorship are too frequent due to economic pressures exerted on journalists and media owners. There are continued concerns about poor labour rights of journalists and the public's access to objective reporting. Polarisation of the media and poor professional standards hamper the public's access to diverse viewpoints and accurate information. Various media, especially Internet media, do not respect the right of individuals to privacy. The World Media Freedom Index 2013, ranked FYROM in 116th place out of 179 countries, marking a hefty drop of 22 places from the previous year and a staggering drop of 82 places compared to 2009. As a result of the worsening situation in the media sector, the Commission has set a new condition, introducing the nurturing and protection of a congruent "media culture" with European standards.⁵⁷

Corruption and Organized Crime

In its October 2013 report, the Commission emphasizes that in the area of anti-corruption policy, the legislative framework in FYROM is largely in place, with numerous national bodies and agencies involved in combating corruption and administrative capacity being strengthened. Nevertheless, corruption remains prevalent in many areas and continues to be a serious problem. It has been stressed that corruption in public procurement remains a serious concern. Reports of violations of public procurement law and corruption in public procurements are widespread, yet there is currently no institution assigned to ensure effective and timely control and supervision of public procurements, including concessions and public-private partnerships, and of the execution of contracts. Also, too many prosecutions fail to reach the judgment and sentencing stage, or take too long to do so due to repeated re-trials.

Furthermore, the internal control system in central and local administration remains weak, while effective whistle-blowing mechanisms in the public and private sectors have not been set yet. Certain progress has been achieved in the area of justice, freedom and security, particularly on external borders, judicial cooperation in civil and criminal matters and cooperation in the field of drugs. FYROM needs to employ further efforts in order to improve the efficiency of the asylum system, increase the proactive investigation and prosecution of money laundering and financial crime and prepare for the implementation of the new Law on Criminal Procedure, in particular through training of police and public prosecutors. The lack of transparency and accountability of political parties with regard to party funding remains a concern. Despite legislative amendments, limited action has been taken regarding measures to inform political parties about their reporting obligations and a more streamlined and proactive supervision and sanctioning system is needed.

Relations with Greece

In a recent visit to Skopje Director General of the EU Commission's DG Enlargement Christian Danielsson reportedly stressed: "The European Commission cannot launch negotiations for accession of Macedonia in the EU, until Skopje and Athens come to an agreement about the name dispute. The European Commission is not part of the negotiations over the name dispute, therefore we encourage both countries to find a solution". This frank admission by the head of DG Enlargement, made in the capital of the candidate state, demonstrates how central the name dispute has become for FYROM's accession process.⁵⁸

Formal talks on the name issue, under the auspices of the United Nations, and led by the UN Secretary General's Personal Envoy Matthew Nimetz, have continued without much concrete result. Nimetz's latest attempt at a breakthrough was the name proposal 'Upper Republic of Macedonia', which was presented to the parties in April 2013.⁵⁹ This proposal does not seem to have brought the two sides closer and the UN mediator, following a visit to Athens and Skopje in September 2013, found that substantial differences remained.⁶⁰ More recently, in March 2014, another round of talks has also not brought about noteworthy progress.⁶¹ Reflecting widespread concern over the issue, reputed opinion makers in Greece were quick to reject the proposal pointing out that the term 'Upper' as a qualifier for the 'Republic' and not the geographic term Macedonia was quite unusual. The same observers predicted that, should it be accepted, the qualifier 'Upper' would very soon be made unusable and discarded, thus leaving in place only the name 'Republic of Macedonia'. In addition, the Nimetz proposal was far from what the Greek side would consider acceptable when it comes to the extent of the use of the agreed upon name.⁶²

While the Nimetz-led negotiations continue, there is a wide perception that they are far from bearing fruit in the form of an agreement acceptable by both sides. Governmental officials in Skopje, emboldened also by the favourable but practically unenforceable ruling of the International Court of Justice on the question of FYROM's NATO membership,⁶³ have repeatedly claimed that they are not willing to change the country's name to satisfy Greek objections and they can only agree on a special name for use in bilateral relations with Greece.⁶⁴ Instead, they have upped the rhetoric and actions seen by Greece as offensive and uncompromising. Among other actions, the large urban renovation programme Skopje 2014 further injured Greek sensitivities; this programme has been integral to the policy that has been unflatteringly deemed 'antiquisation' and which emphasises symbolic and identity links to ancient Macedon.

There is a growing impression among influential circles in Greece that the ongoing negotiations have failed to curtail FYROM's nationalism and anti-Greek sentiment. In that context, and given the ICJ ruling not in Greece's favour, influential Greek experts and opinion makers argue that the insistence in the two-decade long current form of UN negotiations is futile. They instead propose that Greece withdraws from the 1995 interim agreement with

FYROM and harden its position towards its northern neighbour with the purpose to initiate a negotiation process ‘from scratch’ that will be more meaningful and effective.⁶⁵

Still, there haven’t been any signs that the Greek diplomacy is willing to change its current position on the negotiation process. In the UN-sponsored negotiations, Greece is expected to continue to press for the inclusion of an explicit geographic qualifier of the term ‘Macedonia’ with an all-encompassing use (*erga omnes*). In the words of Greek Foreign Minister Venizelos in his recent European Parliament speech: “Greece accepts a compound name, with a geographical qualifier for the term Macedonia; a name for all uses, domestic and international. This allows for differentiation between the Greek regions that are also called Macedonia. In this way, we overcome any intimation of irredentism, a framework for good neighbourly relations is shaped, and we respect the resolutions of the UN Security Council and the efforts of the Secretary General and Mr. Nimetz”.⁶⁶

Athens views the dispute over the name ‘Macedonia’ as pointing to wider issues. For Venizelos, “it is not the name issue that is acting as an obstacle to the acceleration of the process and opening of the accession negotiations with the Former Yugoslav Republic of Macedonia. The problem is compliance with and respect for the general criteria that must be met by all the member states, by all the candidates for accession, that is, and what is in effect for all the candidate countries is also in effect for the Former Yugoslav Republic of Macedonia.”⁶⁷ In that context, there is no sign that Athens will change its current position that an agreement on the name issue should precede FYROM opening accession negotiations.

These complications have a cause of concern in Brussels for some time been. Commissioner for Enlargement Štefan Füle’s tenure, which is nearing its end, has been characterised by persistent efforts to promote the accession process of FYROM, which was the country that was nearly ready to start accession negotiations. The High-Level Accession Dialogue with FYROM, which Commission officials privately admit was ‘invented’ only to keep the process ‘going’ in spite of the stalling in the name dispute negotiations, was one such initiative.⁶⁸ More recently, Commissioner Štefan Füle, in an attempt to temporarily evade the name dispute, suggested that FYROM could start accession negotiations and Greece would, in exchange, get a binding commitment that the name dispute would be resolved at the start of the accession negotiations. Füle proposed making use of the so-called “equilibrium clause,” according to which only the successful closure of a designated chapter allows for the opening of another chapter.⁶⁹

Observers saw in this proposal an opportunity for Athens to make FYROM’s entire negotiation process subject to the successful completion of the chapter that would be linked to the resolution of the name problem. Still, the proposal was rejected by Greece. Reportedly, Athens estimated it would hold more leverage in the Council than if the Commission was more involved, as would be the case if the name dispute became part of the accession negotiations. Athens also quite pragmatically questioned whether Skopje would be more willing to compromise on the name issue after Greece would have foregone its long standing negotiating position about the informal conditionality for the start of accession negotiations.

Given this situation, there were Greek concerns that in the December 2013 European Council the pressure on Athens to change its position would mount. In addition, Athens observed worrying signs of activation of French and German diplomacy in that direction.⁷⁰ However, these worries proved misplaced when last December the Council's posture on FYROM was upheld. Overall, given its dire economic position and the general enlargement fatigue in Europe, Greece finds understanding for its position towards FYROM by its EU partners.

Relations with Bulgaria

Bulgaria was added to the countries that raise concerns about FYROM's accession process. Bulgaria first joined Greece in effectively blocking FYROM's accession negotiations in late 2012. Sofia's main concerns related to what it saw as FYROM's attempts to appropriate Bulgarian history, FYROM's hate speech towards Bulgaria and adopting measures against its Bulgaria-oriented citizens. Specific illustrations of Bulgarian grievances have included the FYROM government-organised medieval manuscripts' exhibition in Brussels and the Second World War portrayal of Bulgarians in a film from FYROM.⁷¹ Top Bulgarian officials, President Plenveliev and PM Borissov, informed Commissioner Füle that Sofia did not see Skopje fit to start accession negotiations.⁷² President Plevneliev stressed that: "the authorities in Skopje will unlock their EU perspective not through propaganda and marketing campaigns but through actual reforms and actions for good-neighbourly relations". Also that, "it is strategically important for long-term stability in the Balkans that the government in Skopje starts applying the European approach towards its neighbors, without claims and manipulations. It is high time that the government in Skopje be done with its anti-Bulgarian campaign, and the manipulation of historical facts."⁷³

On several occasions before that Bulgarian officials, including MFA Mladenov, have clearly indicated that Sofia does not see FYROM's accession path as unproblematic.⁷⁴ The Commission, which has been trying to get FYROM to the next phase of its accession process, expressed the hope that the problems between Sofia and Skopje will be resolved soon.⁷⁵ However, this hope proved misplaced and Bulgaria for two consecutive years became one more impediment for FYROM's accessions negotiations. In the 2013 Progress Report the Commission notes that differences over interpretation of history have affected relations between Bulgaria and FYROM. There have been high profile contacts between the two countries and negotiations for promoting good neighbourly relations between the two countries. But these have not resulted in a bilateral agreement between Bulgaria and FYROM that would address Sofia's concerns. The Progress Report notes that "a constructive approach to relations with neighbours remains important and actions and statements which could negatively impact good neighbourly relations should be avoided".⁷⁶

* * *

Overall, the Former Yugoslav Republic of Macedonia has made considerable progress on the sectors of public procurement, competition policy, economic and monetary policy customs union, foreign security and defence policy. At the same time, much more work is needed in domains such as the rule of law, judicial system, freedom of speech, public administration, fight against corruption and organised crime.⁷⁷ Still, the Commission deems the progress that the country has achieved as satisfactory and since 2009 has been recommending to the Council that FYROM be given a date for opening accession negotiations. This recommendation has been repeated in subsequent years. However, as a result of the objections by Athens and, more recently, also by Sofia, the Council has so far refused to allow FYROM to move to the next phase in its accession process. There are concerns in the Commission that this extended ‘waiting period’ may have negative consequences for the country’s internal stability as well as accession preparedness. Political and inter-ethnic spats in recent years may be seen as signs of FYROM’s ‘backsliding’ in its process of democratic consolidation. Yet, there is a widespread perception in the Commission that these problems do not merit further delay in moving FYROM to the next phase of the accession process and that they could be dealt with during accession negotiations, while a measure of disappointment with Greece’s position towards Skopje prevails.⁷⁸ Still, in the European Council Greek and Bulgarian concerns over FYROM’s inability to strike compromises find support. FYROM, despite its progress in reforms, may now be seen as a laggard in the accession process.⁷⁹ It is characteristic that up until a few years ago, apart from frontrunner Croatia, FYROM was seen as the Western Balkan country closest to beginning accession negotiations. By 2014, both Montenegro and Serbia have overtaken FYROM, while the same is also highly likely to happen soon with Albania.

Albania

*Current state of the accession process*⁸⁰

Albania presented its application for membership of the European Union on 28 April 2009. In October 2012 the Commission recommended that the Council grant Albania the status of candidate country subject to the completion of key measures in the areas of judicial and public administration reform and revision of the parliamentary rules of procedure.

Although the European Union is traditionally high on the political agenda in Albania, this widespread support has not been translated into a powerful drive for the EU-required reforms. During the last few years, the country managed repeatedly to undermine its own membership bid. The 2009 political deadlock prevented Albania from fulfilling the EU’s political conditions and Brussels has refused to award the country with the EU candidate status three times since. Years of political confrontation and polarization slowed down democratic reforms and kept the country behind some of its ex-Yugoslav neighbours. After a long period

filled with setbacks, the May 2013 political consensus between the Democrats and the Socialists led to the adoption of the three EU-required laws – on the judiciary, public administration, and the regulation of parliamentary procedures – showing the first positive signs of their political will in the area of EU-related reforms. The smooth handover of power after the June 2013 parliamentary elections as well as the November 2013 decision of the new government and the opposition to join forces to adopt a resolution on EU integration put Albania's EU membership application back on track and opened the way for an EU-backed reform push.

The strong commitment of the new government did not overcome the scepticism from some EU member states such as the Netherlands, Denmark, France, Germany and the UK, which stressed the need for more progress on the rule of law. Instead, Italy, Greece, Bulgaria and Croatia supported Albania's candidacy. In an effort to convince the sceptical EU member states, the Socialist-led government presented in March 2014 a Road Map for addressing the five key reform priorities underlined in the High Level Dialogue between the country and the European Commission. Prime Minister Edi Rama, wanting to show political will in the key area of rule of law, ordered a massive police operation in the marijuana-producing village of Lazarata one week ahead of the decision in Brussels.

These efforts have borne fruit: in June 2014 the 28 EU member states gave the green light for official candidate status, five years after the country's application for membership (28 April 2009). Albania is now officially an EU candidate country. However, the phases ahead are even harder. Albanian institutions are entering the stage of intensified preparations for the opening of accession negotiations. Yet Albania has a long way to go before opening accession negotiations with the EU, and additional progress in key areas – including electoral reform and the conduct of elections, public administration reform, rule of law and the fight against corruption and organised crime, property issues, human rights and the implementation of anti-discrimination policies – is required.

Political dialogue and public administration reform

The major problem in Albania is the absence of meaningful political dialogue between political parties and the problem of 'conditional attitudes' towards the parliament by the opposition, meaning that the main opposition party is not boycotting the parliament, but is linking its very presence with a set of conditions such as the respect of the Constitution and the implementation of the Constitutional Court's rulings.⁸¹ As a result, the opposition withdrew from key votes in some parliamentary sessions proving its dysfunctional relationship with the ruling majority that led to unilateral decisions when it comes to critical reforms. The second meeting of the EU-Albania high level dialogue that took place in March 2014 demonstrated that the polarized political thinking may put Albania's achievements at risk.⁸² The EU is insisting on an end of the confrontational political culture, calling for a constructive dialogue and compromise to resolve political differences.⁸³ Only this development will bring Albania in line with the Brussels executive's requirements. The

Albanian political class should not underestimate the effects that polarised political thinking and inflammatory rhetoric will have on the European Commission when it pronounces its opinion on Albania's fitness for opening accession negotiations. A stable and reformed government and a constructive opposition would renew momentum in the country's bid for EU membership.

High polarization between the two main political parties affects the political system and delays reforms - one example being its negative influence on the functioning of public administration, one of the most criticized areas in all European Commission progress reports. This time, the biggest point of controversy revolves around the application of the Civil Service Law, which aims to improve Albania's public administration by enhancing professionalism and recruitment based on meritocracy and not political affiliation. The new law on civil service was part of the package of reforms pushed by the European Commission in 2012. However, the Law became the apple of discord between the democratic opposition and the socialist government after the decision of the latter to postpone its application for six months.⁸⁴ The political stalemate escalated as government and opposition become embroiled in a blame game over the process of hiring public service staff, with the Democrats accusing the new government of breaching the consensus reached in May 2013 and of hiring party militants in public posts and the police. However, the new government has promised to govern for all, regardless of political belief, in an effort to rebuild a spirit of cooperation among Albanians. That would mean abandoning the policy of "*You are either with me or against me*", previously adopted by the former Prime Minister Sali Berisha. This development may put an end to the problem of the public administration, which is captured by political parties' partisans. However, the main problem in Albania is not the lack of the quality laws, but rather their very implementation.

The territorial and administrative reform, which is scheduled before the 2015 local elections, will be the next crucial test of whether the Albania political class can advance the country's membership bid, by proving its democratic maturity. This reform, which is considered a key component for ensuring good local governance, requires political consensus and a wide public consultation. The Albanian parliament has created an ad-hoc commission on administration reform, giving equal rights to the opposition - [8 members nominated by the governing coalition (6 from the Socialist Party and 2 from its partner the Socialist Movement for Integration) and eight members nominated by the opposition camp (6 members from the Democratic Party, 1 member from the Republican Party and the Party for Integration, Unity and Justice)], which refused to be part of it, stipulating a set of conditions for their participation. The five versions deliberated by the Albanian parliamentary committee on territorial reform proposed the reduction of the number of municipalities and communes in order to make local government function more efficiently. Finally, the parliamentary commission and the government gave the green light for the new territorial map that divides the country into 61 territorial units. The opposition rejected all five versions and the leader of the Democratic Party Lulzim Basha demanded that reform start from the decentralization and autonomy of local governance and the territorial division to follow. It seems that the main

concern for the opposition is whether the new territorial arrangement will affect electoral representation in the next local elections, which will be organized under the new law.

The country is divided on the issue, with the municipalities governed by the Democrats rejecting reforms and the Socialist local leaders expressing their full support. Evidently, many politicians are carrying decisions based on their personal interest and blindly support or reject options without taking into consideration the real needs of the local population. Until today, the reform is being done without opposition with foreign diplomats calling for constructive dialogue and compromise on the issue. The government has the votes to pass the reform; nevertheless, it stressed that participation and cooperation from the opposition is necessary.⁸⁵ Unilateral decisions on critical reforms where national consensus is needed could bring back autocratic governmental behaviour. By all accounts, the building of consensus for territorial and administrative reform is critical to Albania's chances for opening accession negotiations any time soon. Furthermore, the conclusion of this process without a consensus among the political actors could put the successful conduct of the next local elections at risk; in addition, the Parliament is to nominate the new members of the Central Elections Commission (CEC), a process that could lead to a fresh political row.

Judiciary

Alongside the establishment of constructive political dialogue and public administration reform, the EU has stressed the need for more effective efforts to reform the judicial system. Corruption prospers in the country's moribund judiciary, while Albanian prosecutors have a relatively low conviction rate for high-level corruption issues, since courts are independent on paper, but heavily influenced by politics in practice.⁸⁶ Yet Albania is a paradoxical case, in which the very public officials suspected of having connections with the organized crime and of failing to tackle corruption are entrusted with introducing the rule of law through EU financial aid programs. This in turn raises questions about the effectiveness of the state institutions and the independence of the judiciary, which are of particular concern to the EU. The fight against corruption in the judicial system is not simply a box-ticking exercise to meet the Copenhagen criteria: the main benefit of judicial reform and tackling corruption is a brighter future for the Albanian people. If Brussels doubts the willingness of the government to fight corruption and to reform the judiciary, progress toward EU entry could falter.

The new government is committed to undertaking a radical, long-term and comprehensive reform to establish the integrity of the judiciary and justice institutions. The reform contains law amendments for the organization and the functioning of the High Council of Justice (KLD) and the Constitutional Court. The National Bureau of Investigation is among the top priorities of the government and will be instrumental in combating high-level corruption. Through this body, the Socialist-led government wants to differentiate itself from the previous government that failed to tackle corruption in its own ranks. It remains to be seen how the new ruling majority will deal with this issue. Additionally, through amendments to the Criminal Procedure Code adopted in March, competences for corruption offences by high-

level state official have been transferred to the Serious Crime Prosecution Office and the Serious Crime Courts.⁸⁷ Through these amendments, the seizure or the confiscation of illicit assets deriving from corruption offences was made legally possible.

However, the general public, which remains suspicious of the judicial system,⁸⁸ is asking for more concrete results and senior-level convictions, making special references to the Gërdec case and to the January 2011 opposition protest. The deep reform of the judicial system and the overhaul of the politicized and corrupt court system require the cooperation of many law enforcement agencies, including the President of the country who is the head of the High Judicial Council. The first rift in the President-Parliament relationship sprung in January 2014 with the refusal of the Parliament to vote in two new appointments to the Albanian Supreme Court proposed by Bujar Nishani, who comes from the Democratic Party ranks.⁸⁹

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Albania must develop the capacity to tackle serious issues such as organized crime and corruption before entering accession negotiations with the EU. The country faces serious structural and institutional problems and it will normally take time until they are sufficiently addressed. The new government in office seems to be adequately committed to the requirements of the process. Capacity-building and EU consultation are key elements of the process. It is therefore essential that Albania continues to deliver on its reform efforts and continues to present evidence of the results achieved with a focus on the rule of law, including the fight against corruption and organised crime. Despite its deep-rooted problems, Albania will try to stick to its commitments as designated by the EU, but without strong external assistance it is quite unlikely it will succeed.

As the European Union continues to monitor the Democrats and the Socialists to reach a consensus in order to address the five key priorities, another confrontation between the government and the presidency seems to be developing. After the parliament-presidency dispute over judicial appointments, the government's decision to draft a law that takes over some powers from the President on army matters has triggered a strong debate in the country.⁹⁰ Many fear that this move will create a new political confrontation that could raise political tensions and make reaching political consensus more complicated. However, many also justify the necessity of this law, given the President's non-equidistant position on different issues. On the one hand, it falls to the new government to deal with the independent institutes in a very measured way, recognizing the importance of not angering Brussels, while respecting separation of power. On the other hand, it falls to the President to execute his duties – especially national interest issues – with fairness. Further escalation of tension between the government and the presidency will put Albania's EU membership in uncharted political waters.

Bosnia and Herzegovina

Bosnia and Herzegovina (Bosnia, BiH) has been the most complex and difficult case of all. The country's ethnic divisions, a dysfunctional political and administrative system, widespread corruption, crime and lack of confidence in the institutions, poor economic performance, along with a discredited governing elite, pose serious obstacles to the country's EU accession process. Stagnation on the country's process of reform and integration is mainly due to the fact that political representatives in Bosnia and Herzegovina do not share a common vision on the overall direction and future of the country or on how it should function. With the lack of culture of political consensus building, there is no thorough internal political dialogue on fundamental issues such as the EU integration process nor any priority-setting related to it. The EU agenda has only nominally been a priority for the political representatives of the country resulting in no progress in its European perspective while short-term party or ethnic interests have been prevailing over a future-oriented policy of anchoring Bosnia and Herzegovina in the EU. Officials from Bosnia's Directorate for European Integration stress that it is not a complete truth to claim that the political will to move forward on BiH's path towards the EU does not exist; nevertheless, what is lacking is a "visible wish to build on these individual wills of different political parties in order to transfer it by dialogue into compromised practice."⁹¹

The February 2014 spate of violent events, public rioting and unrest, manifested the growing resentment with the current state of political affairs in Bosnia and Herzegovina on the grassroots levels of the society. In a series of marches and demonstrations, government buildings in Sarajevo and Tuzla were torched by angry protesters. Protestors, coming from different social backgrounds, complain about unemployment, corruption and political inertia. The mismanagement of the economy, corrupt privatizations, high youth unemployment, and the dominant elite cliques seemed to have triggered the sudden eruption of violent protests in Bosnia.⁹² Despite the obvious social character of the protests, the BiH politicians have shown little understanding for the protestors' demands, trying to either spin the events in the ethno-national context or use them in the inter-party bickering and strife.

The Constitutional reform

The International community (IC) agrees that the political and institutional order established by the BiH Constitution (Annex IV of the Dayton Peace Agreement (DPA), 1995) is inefficient, complex and too expensive. It is also discriminatory against the ethnic minorities living in this country, which has been confirmed by the 2009 ruling of the European Court of Human Rights in the case of Sejdić and Finci vs. BiH. The European Union has intensively participated in initiating and mediating talks on amending the Bosnian Constitution: through the April package of constitutional reforms in 2006, the so-called Butmir process in 2009; and most recently (ended in February 2014), through the efforts related to the enforcement of the Sejdić-Finci ruling, set as a main precondition for Bosnia's

advancement in the EU integration process. However, more than a decade-long effort to proceed with constitutional reform has failed to produce any tangible results other than the opening of the sensitive issues buried at the end of the war in 1995, and stirring up ethnic tensions over and over again. This fact is seriously challenging the main concept Bosnia's EU integration process is based upon.

For the reason above, the European Union leaders announced a 'new EU approach' to Bosnia and Herzegovina, which would involve focusing on economic-financial and social issues rather than on constitutional changes. This 'new approach' got its confirmation at the meeting of the Union's foreign ministers in Brussels on 14 April, when the Council concluded that implementation of the Sejdić-Finci ruling has to be addressed in the foreseeable future, but it is no more considered to be a priority issue for Bosnia's progress towards the EU membership. The Council adopted the conclusions urging the BiH institutions and leadership to focus as a matter of immediate priority on the socio-economic issues, particularly - to tackle the very high unemployment, improve the coordination on economic and fiscal policies, create a better environment for business, strengthen the rule of law, implement anticorruption and financial accountability measures, and provide protection for human rights.⁹³ Bosnian society, frustrated by the lack of a more active and creative approach to the problem from their political elite, finds it surprising that the EU has seemingly decided to generously offer one more carrot, instead of showing more of the stick. Yet the EU leaders stress: "this is not about lowering the bar", it is about helping Bosnia "to get over it".⁹⁴

*Current state of the accession process*⁹⁵

Bosnia and Herzegovina is a potential candidate for EU membership but still remains at a standstill in the European integration process while other countries in the region are moving ahead. The Stabilisation and Association Agreement (SAA) was signed in 2008 and the ratification process was completed in 2011. Yet the SAA has not entered into force because the country has not met the remaining requirements, notably - the establishment of an effective coordination mechanism on EU matters, and a credible effort in implementing the European Court of Human Rights judgement in the Sejdić-Finci case regarding discrimination against citizens on the grounds of ethnicity. Therefore, EU relations with Bosnia and Herzegovina are still governed by the Interim Agreement (IA) of 2008.

In its 2013 Progress Report on Bosnia, the Commission noted that the legislative activities have continued to be hampered by political disagreements, resulting in the Parliamentary Assembly of Bosnia and Herzegovina adopting only two new laws and 23 sets of amendments to existing legislation. Legislative processes in general remain extremely slow, due to the lack of political will to reach compromises. Due to the lack of political agreement, legislation was often blocked by using the entity veto. The absence of genuine political support for the EU agenda was also reflected in very limited progress in approximation to EU laws and standards. Parliamentary Assembly in the Federation was seriously hampered by an attempted government reshuffle leading to a severe political crisis and a temporary standstill of

parliamentary activities in this BiH entity. The formulation of foreign policy has remained subject to divergent positions within the tripartite Presidency on some key issues.

Very limited progress has been made in reforming public administration. The process lacks the necessary political support. There is little communication between the State, the Entities and Brčko District when preparing amendments to their respective legislation to ensure a harmonised and EU compatible approach. This means that sector reform continues to be fragmented. Furthermore, there is still a high level of corruption, effective prevention measures against money laundering are lacking, and only limited progress has been made in the fight against organised crime and terrorism. There are still serious shortcomings with regard to the independence, effectiveness, accountability and impartiality of the judiciary system in Bosnia and Herzegovina.

Coordination mechanism

Establishing an effective coordination mechanism between various levels of government for the transposition, implementation and enforcement of EU laws needs to be addressed as a matter of priority to enable the country to speak to the EU with one voice. In a highly decentralised country like Bosnia and Herzegovina, such a mechanism is of crucial importance. Additionally, according to the country's EU Integration Directorate, efficient coordination is important for the realization of all activities ahead of BiH in the process of integration to the EU, e.g. preparation of answers to the EC's questionnaire after submission of a credible application for the EU membership, programming of IPA, development of the Program of Integration, and the preparation of negotiating positions in the future. The same sources have more specifically argued that the expert team for development of a document on an efficient coordination mechanism, established by the Council of Ministers of BiH, prepared a working document for an efficient coordination mechanism and identified few open issues. These issues are related to the need for involvement of the representatives of all administrative levels, having in mind their competencies for transposition and implementation of different parts of the *acquis*. Also, these issues include procedures for reaching an agreement within different levels of the mechanism. However, further political discussions are needed.⁹⁶

The institutional and administrative complexity of Bosnia and Herzegovina is therefore seriously hampering the country's capacity to make progress towards the EU. Our interlocutors for the BiH Directorate for EU integration, however, suggest that the problem is again in the lack of a shared political vision which should yield an agreement on a functional coordination among all levels of governance and actors included.⁹⁷ Because of the lack of such an agreement, the EU has already suspended 47 million euros from pre-accession funds for Bosnia and Herzegovina and announced that until an effective coordination mechanism on EU matters is in place, the IPA 2 (the Instrument for Pre-Accession, 2014-2020) programming exercise cannot be launched.

The Sejdić-Finci case

The Constitution of Bosnia and Herzegovina prevents citizens who do not declare themselves as belonging to one of the three constituent peoples (Bosniak, Serb and Croat) from standing as candidates for the Presidency or the House of Peoples of the Parliamentary Assembly. In the *Sejdić and Finci vs. BiH* case, the European Court of Human Rights issued a ruling urging Bosnian authorities to review its electoral legislation in order to ensure the respect of equal rights for all citizens. The EU has set the implementation of the *Sejdić-Finci* ruling as one of the preconditions for Bosnia and Herzegovina's advancement towards the EU membership; failure to implement this ruling, therefore, would create stagnation in the country's EU integration process.

After one failed attempt in 2012, in February 2013, the EU launched another facilitation process to assist the country's political representatives in reaching a compromise on this issue and to bring the Constitution and the Election Law into compliance with the European Convention on Human Rights. Some positive engagement was registered during the mid-term review in February, but political leaders did not keep up the momentum and no tangible result was achieved by the end of March, as requested in a joint letter of the EU High Representative for Foreign Affairs and Security Policy and the Commissioner for Enlargement and European Neighbourhood Policy. When the High Level Dialogue resumed on 10 October, the political leaders were not able to come to full agreement, but intensive consultations among the stakeholders and with the EU had continued. In February this year the EU concluded its engagement in the process of implementing the *Sejdić-Finci* judgement, expressing its "deep disappointment" with such an outcome, and declaring it an exclusive matter for the BiH institutions from now on.⁹⁸

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Bosnia and Herzegovina's 1995 Dayton Accord provided for a Constitution establishing a complex institutional architecture that remains inefficient and is subject to different interpretations. The complicated decision-making process has continued to have a negative impact on structural reforms and the country's capacity to make progress towards the EU. Some political representatives have questioned Bosnia and Herzegovina's capacity to function as a country and have called for an entity-level EU agenda separate from the Bosnian state. Progress on key requests such as the enforcement of the *Sejdić-Finci* legal case, and the creation and functioning of the coordinating mechanism are central to the revitalization of EU-BiH relations. The legacy of this February's violent protests over the poor economic and social situation coupled with the nationalistic and radical rhetoric which only intensifies as the country moves towards the October 2014 General election, raise further concerns that Bosnia and Herzegovina might be entering an additionally difficult and potentially dangerous political period. Implementation of the announced 'new EU approach' to Bosnia would certainly help the Bosnian political elite in untangling the long-present Gordian knot in the country's EU integration process. However, given the BiH citizens' recent frustrations with

the gravity of the crisis and its long-term presence, as well as the fact that such deep social and economic dissatisfaction can easily cause security concerns as well, the timely and carefully structured introduction of the ‘new approach’ would also serve the broader interest of the EU itself.

Kosovo

In comparison to other countries in the region, the challenges facing Kosovo for joining the European Union (EU) are far more complex. Kosovo’s unique position and extraordinary circumstances have conditioned critical delays in the process of getting closer to the EU. The main problem remains the attitude of the five EU member states that to date have not recognized Kosovo as an independent state.⁹⁹ The rejection of formal recognition of Kosovo makes their contractual relationship highly complicated. However, a number of important developments such as the April 2013 agreement between Pristina and Belgrade - which was a significant accomplishment for the EU, as well as addressing all short-term priorities identified in the 2012 Feasibility Study, have intensified the EU-Kosovo relationship and have given an increased practical element to Kosovo’s EU perspective.¹⁰⁰

Current state of the accession process¹⁰¹

In October 2013, the EU started the Stabilization and Association Agreement (SAA) negotiations with Kosovo.¹⁰² In order to overcome the problem of the five EU member states not recognizing Kosovo’s independence, the negotiations have been led by the European Commission, except for the section about political dialogue and security policy which has been led by the European External Action Service (EEAS). Thus, while other countries have been obliged to negotiate on the SAA and wait for its ratification by all the EU member states, this process is not needed for Kosovo since the EU will co-sign it as legal entity, thus allowing earlier enactment of the Agreement. Kosovo and the EU concluded negotiations for the signing of the SAA in May 2014.¹⁰³ The draft prepared is expected to be signed by the end of the year. Once implemented, the deal can help Kosovo join a free-trade zone with the EU. Yet Kosovo has a long way to go before that. Pristina must adjust its laws with EU rules regarding competition, public procurement, intellectual and industrial property rights, consumer protection and working conditions. Kosovo’s government is likely to face multi-faceted challenges in meeting its obligations under the SAA.

Special War Crimes Court and the mandate of EULEX

The decision for the conclusion of the negotiations on the Stabilization and Association Agreement came days after Kosovo extended the mandate of the EU law enforcing mission and

agreed to establish a special EU-backed tribunal which would aim to prosecute members of the Kosovo Liberation Army (KLA) suspected of having been involved in organ harvesting and trafficking during the conflict with Serbia in 1998–1999.¹⁰⁴ These two issues triggered controversy between Kosovo and EU. Both the Kosovar government and the wider society felt unfavourably towards the EU, arguing that it would damage the image of Kosovo and would blacken the struggle of the Kosovo Liberation Army. However, international representatives in the country, including the UK Ambassador, support the stance that the establishment of the court will benefit Kosovo by clarifying the suspicions raised by Dick Marty in 2010, when he passed a report for adoption to the Council of Europe alleging human organ trafficking in Kosovo during the war. Other analysts in the country who considered the establishment of the court necessary expressed similar opinions, since according to them Kosovo's political class is not able to properly address any serious case of war crimes or corruption.¹⁰⁵

Despite heated debate, the government of Hashim Thaci finally demonstrated its readiness to cooperate with the international community and voted in favour of a law which established the tribunal and extended the mandate of EULEX until 15 June 2016, and its Special Investigative Task Force (SITF) continuing probes on organ trafficking allegations.¹⁰⁶ The establishment of the court is a risky decision as several former KLA members occupy prominent public functions, including the Prime Minister Hashim Thaci. This situation may spell trouble for Thaci especially after the outcome of the June snap parliamentary elections. The greatest unknown will be the stance of the new court and of the international community if Hashim Thaci's Democratic Party of Kosovo (PDK) fail to form a government. For now Thaci enjoys the favor of Washington and Brussels.

Electoral Law Reform and the 2014 Snap Parliamentary Elections

The June 2014 snap elections were held to resolve the ongoing crisis emerging from several deadlocks in the Kosovar parliament. However, they led the country to a political and constitutional deadlock with the political parties squabbling over who has the right to form the new government. The PDK's expectations that it would form the next administration have been challenged by the Democratic League of Kosovo (LDK), the Alliance for the Future of Kosovo (AAK) and the Initiative for Kosovo (NISMA), which formed a coalition aiming to take over the government. Their agreement has been backed by the Vetëvendosje movement which said it would vote for the government whilst remaining in the opposition. The four opposition parties have more than the necessary majority of parliamentary seats to form the government but the PDK insist that only the party or the coalition that has won the elections can form the government.

The situation created political tension and blocked the formation of the new government since it was unclear who should be nominated to establish it and the intervention of the Constitutional Court was required to clarify how the president should act in such situations. The Constitutional Court decided the party that won the most votes would name a nominee to form

the government although the PDK did not have the necessary votes to do so. If the PDK fails to form a government, then the mandate should be entrusted to the coalition that has sufficient votes in the Assembly. The President of Kosovo is obliged to take all necessary measures to avoid another election process since it will be only a waste of time for Kosovo. She has to make sure, therefore, that the second candidate has the necessary votes before she makes the proposal.

There is no doubt that the success of the June elections marks an important step for Kosovo's democratic consolidation. However, at the same time, these elections revealed the defects of country's Constitution since it leaves space for different interpretations. Kosovo went into the elections with a reformed electoral law. The reform of the electoral system was part of the package of reforms pushed by the EU, which called for a simplified and more transparent system and for addressing electoral fraud.¹⁰⁷ However, the Law on the General Elections passed without consensus. It was voted without the presence of the MPs of the Democratic League of Kosovo and with the abstention of the Vetëvendosje's MPs. Experts on electoral issues in the country believe that the new law does not bring significant changes.¹⁰⁸ The changes have to do more with the administrative aspect of the electoral process than with the electoral system itself. Therefore, the main challenge for Kosovo's democracy remains the creation of an electoral system that will guarantee the interests of all political actors, based on the same rules as in consolidated democracies.

Kosovo-Serbia Dialogue

There is no doubt that the dialogue between Kosovo and Serbia influences EU-Kosovo relations. Kosovo's commitment and constructive approach in the dialogue is seen to be a precondition for strengthening its path toward European integration. Kosovo has already been given concrete tasks, such as the judicial agreement on the north, the establishment of the Serb majority municipalities, and the dissolution of civil protection in the North. The most intractable problem for Kosovo's government is the integration of the Serb controlled North, where Pristina is trying to expand its authority. The EU member states and especially Germany are insisting on the dissolution of Serbian parallel structures in the North, asking that Belgrade sign a treaty on good neighbourly relations with Kosovo.¹⁰⁹ But the removal of the parallel structures implies the full cooperation of Belgrade and the local population and the existence of an economic plan for the development of the area.

In the meantime, new problems have arisen as a result of the post-elections deadlock. The EU insists that any new government has to respect all decisions the previous government has taken. However, the political calculations of Kosovar political parties can put important processes at risk. Vetëvendosje promised to support the formation of a government but it has attached a number of conditions regarding the dialogue with Serbia that will put at risk all progress achieved so far. Needless to say, such a situation will for the first time bring Kosovo into direct opposition with the international community. The EU is waiting for the formation of the government in order to resume dialogue between Pristina and Belgrade and find solutions to several issues that were left undefined by the outgoing government such as the implementation

of the April 19 agreement. Any possible suspension of the dialogue will bring into question Kosovo's European prospect. All in all, both Serbia and Kosovo need to show maturity as their EU future is in the same boat for many reasons: the EU-facilitated Kosovo-Serbia dialogue, the situation in the north of Kosovo and the issue of status and the recognition of Kosovo.

Rule of Law

One of the main obligations for Kosovo on its road to EU membership is related to the effective establishment of the rule of law. Being identified as a 'transit state' for smuggling and trafficking to other EU countries, Kosovo remains a priority for the United Kingdom because of its high security importance. Germany, as Kosovo's second largest trading partner with a large number of companies and huge investments, has an interest in strengthening the judiciary and the legal framework within the country.¹¹⁰ Despite the EU member states' support and the strong presence of EULEX, the independence of the judiciary continues to be impaired by political authorities and high level of corruption.¹¹¹ Kosovar authorities have established a range of mechanisms – the Kosovo Anti-Corruption Task Force within the Kosovo's Special Prosecutors Office (SPRK) and the National Anti-Corruption Council established by the President in February 2012. But all these mechanisms have fallen short of strengthening existing rule-of-law institutions with a mandate to fight corruption.

Several high-level corruption cases have highlighted the extreme inefficiency of law enforcement. Some critics argue that EULEX investigations begin in a blaze of publicity but end without convictions.¹¹² The corruption case of the former Minister of Transport, Fatmir Limaj, ended inconclusively, while the court refused to confirm the indictment against the former governor of Kosovo's Central Bank, Hashim Rexhepi, citing a lack of evidence. EULEX is fighting back against criticism by presenting the number of investigations and the number of high-level personalities (judges, police officers, government officials, politicians) who have been found guilty. Despite this, the public has the impression that EULEX is hesitant to take any legal action in corruption cases that may involve high-level officials for fear that such actions might have an effect on the political landscape. In such cases, corruption will continue to present a considerable obstacle to Kosovo's already complex process of European integration.

* * *

Given its limited capacities, Kosovo has made some considerable efforts to introduce and establish European norms and practices. Although still at an early stage, and with little capacity to respond to the pressing demands of the accession process, Kosovo has demonstrated commitment to the normalization of relations with Serbia and attempted to improve the Serbian population's standard of living and civilian rights within the country. The difficulties faced by Kosovo's authorities will be extremely challenging ranging from addressing major political issues to essential state-building prerequisites. The October 2013 report of the European Commission on Kosovo's progress states that Kosovo has met its short-term priorities

emanating from the feasibility study in the domain of public administration. But, the implementation of reforms continues to remain a major challenge for institutions in Kosovo.

Section II

Western Balkans Enlargement and the Greek 2014 EU Presidency:

The View of the Greek Government

The Greek Ministry of Foreign Affairs admits that the EU is cautious about further enlargement, although enlargement policy and neighbourhood policies clearly remain firm axes of the EU's policy agenda. Yet despite the evident retreat of the enlargement priority in the agenda of the Greek EU Presidency, Greece seeks to contribute to the European integration of the Western Balkans by promoting transport and energy infrastructure.¹¹³ Greece's long-term strategic plan to regain its important strategic weight in the region, amidst a period of financial hardship, is to become a multi-route and multi-source energy supplier to the rest of the region. First, Greece is prepared to suggest the setting of a target for 2015, by which all EU member states shall be connected to natural gas networks at accessible production, transmission and consumption prices. Second, the Greek Presidency is determined to encourage the assessment of alternative sources and routes of energy supply that safeguard availability and access to energy resources. In this project, Greece has an active partner and supporter who is expected to become a considerable oil and gas exporter; namely Cyprus.¹¹⁴

Greek Deputy Foreign Minister Dimitris Kourkoulas stated that "we will use our role as Presidency of the EU Council to contribute, in concrete terms, to the European integration of the region".¹¹⁵ According to Kourkoulas, "...our goal is to proceed with concrete steps, tailored to the specific needs and circumstances surrounding each particular country. In this context, the Greek Presidency will be committed to promoting the enlargement priorities of the Union and deal effectively with the challenges each enlargement country is facing in this specific juncture".¹¹⁶ Dimitris Kourkoulas stated that "enlargement has always been and would continue to be a top priority for Greece, but he indicated that instead of big events or meetings, Greece would push each country's case on an individual basis during the Presidency, based on merit. Athens would encourage the intensification of work on the negotiating chapters with the countries which had started accession talks in accordance with the established procedures."¹¹⁷

According to Kourkoulas, "the priority for the Greek Presidency in relation to regional integration is to promote the 'connectivity' of the Western Balkans in cooperation with enlargement countries in the transport and energy sectors, aiming to contribute to growth, competitiveness and employment in the region."¹¹⁸ The major principles of Greece's approach

to enlargement are the demonstration of a solid ‘track record’ in the application of reforms and ‘non-reversibility’. The main position revolves around the concept of ‘Quality over Speed’; a motto used to reflect the prioritization of in-depth, meaningful and well-embodied reforms over hasty enlargement.

Greek 2014 EU Presidency and the Western Balkans

Greek Foreign Minister Venizelos has conducted a tour of the capitals of the Western Balkan countries: Belgrade, Podgorica, Tirana, Pristina, Sarajevo and Skopje. Yet the Greek Foreign Ministers’ meeting in Skopje, as Chairman of the European Council, triggered negative reactions from FYROM’s media and political circles. A series of high level meetings between Greek officials and representatives of the Albanian junior coalition partner DUI, as well as remarks on the name dispute made by the Greek Foreign Minister at a speech in the French Senate have caused ‘aggressive resentment’ from FYROM’s pro-government media.¹¹⁹ At the same time, Albanian DUI MP Hajrula Misini, in the course of the Conference of Presidents of European Affairs, conducted in the Greek Parliament, did not hesitate to twice call FYROM ‘Republic of Macedonia’. Meanwhile, Albania’s Minister of Foreign Affairs Ditmir Bushati visited Athens on 6 February and commented on the “strategic importance” of relations between Greece and Albania. Bushati praised Greece’s commitment to accelerating the European integration of the Western Balkan countries and said that “Albania is ready to talk about concrete solutions to issues not addressed, which have direct impact on the lives of citizens and are of mutual interest to our two countries.”¹²⁰

Moreover, a conference on a more integrated Adriatic-Ionian Strategy was held in Athens on 6-7 February, bringing together all eight member-states of the Adriatic-Ionian Initiative. The conference works were opened by Greek PM Antonis Samaras and foreign ministers and deputy ministers from Greece, Italy, Croatia, Slovenia, Serbia, Montenegro, Albania and Bosnia and Herzegovina. The conference launched a process for building an action plan on joint innovation and growth in the maritime and fisheries fields, shared infrastructure, especially in the transport and energy sectors, the environment, and tourism¹²¹ In an effort to revive the union of states sharing the Mediterranean basin, a separate conference was held on 27 January within the framework of the Greek Presidency on the promotion of Euro-Mediterranean cooperation. Representatives from all EU countries took part in the conference proceedings, including those of Montenegro, Albania, and Bosnia and Herzegovina. On 5 April 2014 Athens hosted an informal meeting of the EU Foreign Ministers and their counterparts from the Western Balkan countries, where a range of different issues were covered, including the latest developments and the on-going challenges in the EU’s Western Balkan neighbourhood.¹²²

The EU-Western Balkans Ministerial Conference was hosted by the Greek Presidency of the Council on 8 May 2014 in Thessaloniki, with the aim to determine ways of further promoting the European agenda of the region. The participants recognized the need for further

efforts in reforms in order to secure a successful EU integration process, especially in the areas of rule of law, protection of fundamental rights, regional cooperation and good neighbourly relations, as well as the economy. Nevertheless, the ‘unequivocal’ commitment of the EU to the European perspective of the Western Balkans region was reaffirmed, in line with the 2003 Thessaloniki EU-Western Balkans summit documents. Opportunities to build on specific achievements in the energy and transport fields, including on the future of the Energy Community and on the possibility of reaching an agreement on the Transport Community Treaty, have also been discussed. The European Commission confirmed its intention to use up to €1 billion from the new Instrument for Pre-Accession Assistance for infrastructure investment in the Western Balkans region for the 2014-2020 programming period.¹²³

In this country-by-country framework, in the case of **Montenegro**, Greece acknowledges the sincere willingness and substantial efforts of the region’s frontrunner country and seeks to pursue further parliament-to-parliament cooperation. According to the Greek Foreign Minister and the chairman of the EU Council of Ministers, Evangelos Venizelos, Montenegro’s accession course is particularly effective and positive, and it had been expected that this course continues and intensifies during the six months of the Greek Presidency.¹²⁴ A positive step has already been made at the 31 March Intergovernmental Conference in Brussels, during which Montenegro opened two more chapters in the negotiations with the European Union. Negotiations were opened in chapters 7 and 10, relating to *Intellectual Property Rights* and the *Information Society and Media* respectively.¹²⁵ The European Union delegation was led by Ambassador Theodoros Sotiropoulos, Greece’s Permanent Representative to the EU. It was underlined that Montenegro is making ‘good progress’ in the EU accession process and that all accomplishments achieved so far are result of the ‘energy and determination’ employed by Montenegrin administration and its society. Also, it has been noted that the good pace in integration is expected to continue.¹²⁶

Furthermore, at the fourth meeting of the Accession Conference with Montenegro at the ministerial level in Luxembourg on 24 June, negotiations in three more chapters - Chapter 4 (*Free movement of capital*), 31 (*Foreign security and defence policy*) and 32 (*Financial control*), were opened. Montenegro is truly devoted to proceeding with necessary reforms, fighting organized crime and corruption and improving its public administration and economy. Greece has a major role to play in the process of the candidate country’s reforms, especially in transmitting expertise knowledge in the areas of tourist development, fisheries and agriculture. Greece also supports Montenegro’s aspirations to join NATO, and is prepared, at a bilateral level, to work together on the preparation of Montenegro’s course towards NATO membership.¹²⁷

The substantial progress made by **Serbia** towards the normalisation of relations with Kosovo has largely led to the decision to open accession negotiations with the EU in January 2014. By the decision of the EU General Affairs Council on 17 December 2013, endorsing the opening of accession negotiations with Serbia, the EU held on 21 January 2014 the Intergovernmental Conference with Serbia, marking the start of negotiations on Serbia’s

accession to the EU. During the meeting, the EU presented the negotiating framework adopted on 17 December 2013. Negotiations shall take into account harmonization and improvements relating to the *Judiciary*, *Fundamental Rights* and the *Justice, Freedom and Security* chapters, as well as on-going commitments and developments made by Serbia for a sustainable improvement of relations with the Kosovo, aiming at full normalization of relations. The accession process ensures that both Serbia and Kosovo can continue on their European routes and avoid hindering the integration of one another into the EU. The President of the European Council, Herman van Rompuy, stressed the importance of continuing the dialogue between Belgrade and Pristina and urged for continuing the fight against corruption and organized crime.

Greece believes that Serbia's own persistence and efficiency in reforms, unique administrative capacity, and willingness to redefine the Kosovo question within a more European context will be key during the period of negotiations with the EU. The officials from Belgrade, on the other side, have stressed that they were completely sure that Greece is going to give the necessary attention to Serbia's accession talks, despite the fact that enlargement has not been one of Athens' key priorities.¹²⁸ During his visit to Serbia in February 2014, the Greek Foreign Minister and the chairman of the EU Council of Ministers, Evangelos Venizelos, stressed that the official opening of accession talks between Serbia and the EU was a very important historic moment not only for Serbia, but for the entire Western Balkan region, as well as for the Greek presidency over the EU Council of Ministers.¹²⁹ He also noted that the Greek Presidency's goal regarding Serbia's EU path would be "to maintain the pace, to ensure the opening of as many negotiating chapters as possible, as soon as possible, in order to achieve the legitimate goal set by the Serbian government of the completion of Serbia's accession by 2020."¹³⁰

Officials from Serbia's negotiation team have confirmed that the new government, appointed after the parliamentary elections in March 2014, is going to hold sessions on the country's path towards the EU every two weeks.¹³¹ A goal of these sessions would be to speed up the integration process and achieve the objective of opening the first negotiation chapters by the end of 2014. According to Serbian Minister without portfolio in charge of European integration, Jadranka Joksimović, Serbia is dedicated to ensure that some of the negotiation chapters - and primarily Chapter 32 - is opened already in July 2014, or in October 2014 the latest.¹³²

Yet in the recent turn of events, Serbia has found itself at odds with formal EU Foreign Policy decisions to condemn and disapprove Russia's indirect military interference and support for the Russian pro-autonomy guerrillas in Ukraine. Serbia has also refused to go along with proposed EU sanctions policy against Russia for its role in Ukraine.¹³³ What was initially seen as Serbia's diplomatic tightrope between the EU and Russia, is now backed by the explicit objections set out by "France, Germany, Luxembourg, Austria, Bulgaria, Greece, Cyprus, Slovenia, and Italy who see no reason in the current environment for the introduction of sectorial trade and economic sanctions against Russia."¹³⁴ The joining of Serbia into the Russian-led South Stream energy corridor, sealed by the signing of a 2.9 billion Euro pipeline

construction project with Gazprom that crosses through Serbia, has recently complicated relations between Serbia and the EU. Despite increasing pressures by the EU to suspend the project on claims that it breaches EU-wide competition law in the energy sector, Serbia does not seem willing to impair relations with Russia, especially at a period in which the South Stream project seems to be gaining momentum.¹³⁵ Notably, the European Commission has already blocked Bulgaria's plans to move ahead with the South Stream pipeline project, however, Russia continues to urge Bulgaria to resume pipeline construction plans.¹³⁶

As regards to **Albania**, Greece has been closely following developments in the country during and after the 2013 general elections and it has expressed a strong interest in supporting Albania's EU accession process. A series of low-range bilateral disputes do not seem capable of disrupting good relations, especially during the period of the EU Presidency. A central focus has been placed on energy cooperation over the Trans-Adriatic Pipeline project, a project that will drastically boost development in the two countries. Greece pays particular attention to the region having recently inaugurated a strategic partnership with Azerbaijan, mainly due to the Trans Adriatic Pipeline agreement signed by Greece, Italy and Albania.¹³⁷ After his meeting with the Albanian Foreign Minister Ditmir Bushati, the Greek Foreign Minister and chairman of the EU Council of Ministers, Evangelos Venizelos, underlined that it is a "main priority" of the Greek Presidency that candidate-country status be granted to Albania by the end of the six months of the Greek Presidency, as well as that "Greece and Albania are determined to work together to achieve this goal."¹³⁸ He also reiterated that on a national level, Greece came out in favour of granting candidate-country status to Albania in December 2013.

The Greek Foreign Minister also met with Albanian Prime Minister, Edi Rama, who briefed Venizelos on the reforms launched by the Albanian government mostly on the tackling of organized crime and corruption. Rama expressed the Albanian government's readiness to give new dimensions to the cooperation between the two countries in all sectors within the context of friendship, good neighbourly relations and strategic partnership. Venizelos assured Prime Minister Rama that granting candidate status to Albania during the Greek Presidency of the EU Council would be a 'key priority' of this Presidency, and offered support for cooperation at a technical level with Greek experts to accelerate the process of Albania's EU accession.¹³⁹ On June 24, at the conclusion of the Greek EU Presidency's term, Albania was granted candidate status by the European Commission. Greek Foreign Minister Evangelos Venizelos described the decision as "a message of friendship and cooperation to Albania, to the Albanian government and to the Albanian political system".¹⁴⁰ Despite the last minute withdrawal of French and British objections, Prime Minister David Cameron has still threatened that he could block the country's path towards the EU unless tougher rules on the freedom of movement for EU candidate states' citizens are introduced.¹⁴¹

As far as **Bosnia and Herzegovina** is concerned, Greek Foreign Ministry officials have expressed their opposition to the appropriateness of punitive measures against Bosnia and Herzegovina, marked by the indefinite freezing of IPA funds, which is seen as going against the established standards and frameworks of negotiations between the EU and candidate

countries.¹⁴² Greece wishes to avert a possible setback in the process of EU integration taking place in Bosnia and Herzegovina. Together with the rest of the EU member states, Greece recognizes that the country's major issue continues to be the constitutional architecture provided for by the Dayton Agreement, which creates a "gulf between the political system and the people", and produces a crisis as to the ability of the country "to manage the economic and social challenges (...) beyond the internal ethnic divisions and existing categorizations".¹⁴³ Furthermore, at the EP Plenary for the 100th anniversary of the outbreak of WWI in April 2014, the Greek Foreign Minister emphasized the importance of Bosnia and Herzegovina's EU integration from a security point of view. "The situation in Bosnia-Herzegovina, which is in the heart of the European continent, continues to demand the special attention of the European Union and the international community as a whole. This means a great deal – 100 years after an incident in Sarajevo sparked the Great War. History does not repeat itself as long as we learn from it; as long as it is a substantial parameter in our analyses and strategy."¹⁴⁴

The government of Greece has also repeatedly expressed its concern and willingness to continue the expansion of governmental contacts between Greece and Bosnia and Herzegovina through the work of the respective parliamentary committees. Greece strongly supports the euro-Atlantic path of Bosnia and Herzegovina. The European Public Law Organization, based in Athens, is the driving force behind Bosnia and Herzegovina's public sector reform, while Greece and Bosnia and Herzegovina, together with other countries in the region, signed a memorandum of cooperation on the Trans Adriatic Pipeline, which allows connection onto the pipelines of a large number of countries, including Bosnia and Herzegovina. In this respect, Greece considers Bosnia and Herzegovina an important partner in energy policy in the wider region and focuses on cooperation that creates additional value of geostrategic importance.

The visit of the Greek Minister to Bosnia and Herzegovina in February 2014 was an opportunity to renew and strengthen Greco-Bosnian ties. Greek Foreign Minister Evangelos Venizelos stated that the fundamental interests of the EU regarding Bosnia and Herzegovina are the stability, territorial integrity, citizens' prosperity and European perspective of the country. Also, the problems Bosnia and Herzegovina is facing are not just inter-ethnic or constitutional, but they are also economic and social. All of the country's institutional entities should understand their responsibility to meet the needs, initiatives and priorities of their citizens and safeguard the country's European course. The Greek Foreign Minister said that Bosnia and Herzegovina needs to strengthen the country's European course and stressed that the country "needs more Europe, not less."¹⁴⁵

Greece is prepared to deepen relations with **Kosovo** and welcome the inauguration of a Kosovo Liaison office in Athens. Greece has decided to accept Schengen visas in passports of Kosovar citizens, and this measure entered into force in March 2014. Also, Greece is expected to support the signing of a Stabilization and Association Agreement with Kosovo, which is basically viewed as major step towards the gradual normalization and modernization of the country. During his visit to Pristina, Greek Foreign Minister Evangelos Venizelos stressed

that Kosovo “has a clear European perspective” and that strengthening of EU-Kosovo relations is important for the entire Western Balkan region. He mentioned that talks between Kosovo and Serbia are essential for the integration process and the stability of the region, expressing his “admiration” of the “courage and determination” of the leadership of both sides. Finally, Venizelos sent a clear message that reforms, good neighbourly relations, and strengthening of the rule of law promote stability and the economic development of the region and pave the way to Europe. As long as Kosovo stays on this track, and keeps on working for the European and Euro Atlantic future, Greece will stand by its side.¹⁴⁶

There is nothing more complex and ambivalent in Greece’s engagement in the Western Balkans than its relations with the **Former Yugoslav Republic of Macedonia**. Despite the long-standing dispute with Skopje, under the provisions of the Interim Agreement signed by the two countries in 1995, Greece has supported FYROM’s membership into many international and regional organizations. Greece has also supported FYROM’s several steps in the EU accession process and has accepted its joining NATO’s Partnership for Peace programme. Greece is FYROM’s second largest investor in total size of investments, its major trade and tourism business partner, and the major trade route to the rest of the world. Greeks make up the largest group of tourists in FYROM, while for citizens of the latter northern Greece is one of the most popular destinations for summer holidays and weekend breaks alike. The two countries are tied by geographical, economic, historical and cultural links.

At the same time, the dispute over the name ‘Macedonia’ and its political and diplomatic repercussions remains one of the most complex problems tainting the region for more than two decades. Greece has essentially vetoed FYROM’s NATO membership in the Alliance’s Bucharest Summit in 2008. Pending resolution of the name dispute, NATO has kept FYROM in the ‘waiting room’ since. Greece has also refused to allow accession negotiations with the EU, successfully lobbying its position in the European Council, despite the Commission’s successive positive recommendations.

Greek Foreign Minister Venizelos stresses that Greece’s objections over the name question are linked to wider conditionality, emphasizing the necessity for full compliance with the Copenhagen criteria, including respect for democracy and the rule of law, respect for fundamental human rights, respect for international law and good neighbourly relations, and respect for the promotion of regional stability.¹⁴⁷ Venizelos points out the holistic nature of the problem: “Behind the name, there is the matter of respect for international law, there is the issue of regional stability, there is the matter of a latent, or even manifest, irredentism, and there is the issue of good neighbourly relations. If we supposed that the name issue were to be magically resolved tomorrow, it would not mean that, suddenly, we will have solved all the problems concerning the accession criteria.”¹⁴⁸

There is a widespread perception in Greece that the majority governmental coalition partner in Skopje is investing in inflammatory rhetoric and actions to reap benefits in the domestic political competition and that no serious progress can be expected for the resolution of the name issue in the foreseeable future. The same view considers this strategy of

‘radicalisation’ of the Slav-Macedonian body politic as dangerous since it antagonises Greece and alienates the Albanian community. But at the same time views it as evidently successful strategy given that PM Gruevski’s VMRO-DPMNE is increasingly dominant in FYROM’s political scene. It is clear that if this view prevails in Athens there will be limited trust in the prospect of success in negotiations. Instead, Athens may find it more beneficial to actively promote the accession of all other Western Balkan states and thus demonstrate to Skopje that the only way forward for EU membership is through an agreement with Greece.

The unfriendly atmosphere between the two countries was once more reaffirmed in the recent visit to Skopje by Venizelos as part of his tour of Western Balkan capitals in the capacity of Presiding the EU Council. Before Venizelos’s visit a Skopje daily ran an offensive cover page story, using a photo and ridiculing the Greek MFA and his family.¹⁴⁹ The Greek Minister opted to travel by car to Skopje from Pristina so, reportedly, he would not be found in the uncomfortable position to land at the Alexander the Great airport.¹⁵⁰ During Venizelos’s visit various organisations held anti-Greek protests with protesters holding posters against “Greek occupation of Macedonia”.¹⁵¹ The Greek official had brief meetings with President Ivanov, PM Gruevski and MFA Poposki. There were no joint statements to the press; Venizelos spoke only to the Greek press, while his counterpart was ironic in his own statements to the local press.¹⁵²

Venizelos reported to the Greek press that in his meeting with PM Gruevski he stressed that FYROM has to accept the joint position of the Council that emphasises good neighbourhood relations, not only regarding the name issue, but also in bilateral relations with Bulgaria. He also stressed the importance of the implementation of the Ohrid Agreement, the question of the status of the Albanian community as well as the implementation of the March 2013 agreement among political parties in the country. He emphasised that the question of democracy, rule of law and human rights in the country remains open.¹⁵³ Echoing changing patterns in the Southern Balkan diplomatic landscape, this situation was contrasted with the friendly and welcoming atmosphere that Venizelos encountered in Pristina, despite Greece’s non-recognition of Kosovo’s independence.¹⁵⁴

The recent spat on the ‘actual existence of a Macedonian language’ between Greek Prime Minister Antonis Samaras and a FYROM journalist during a press conference in Strasbourg, illustrated the multilayered difficulties characterizing relations between Athens and Skopje although PM Samaras made clear that “the EU accession process is carried out according to merit. The European Council decided not to start the accession talks with countries that do not meet the criteria, since this puts into question the credibility of the enlargement process.”¹⁵⁵

Conclusions

As various opinion polls have shown, EU citizens have become particularly ambivalent towards the idea of further territorial expansion of the EU. Yet, despite widespread scepticism, EU governments have continued to support enlargement, which has often been defined as the most successful foreign policy tool the EU possesses. In a period of less than 15 years after the European Council in Copenhagen, no fewer than 12 states have joined the EU. More recently, Croatia became the first Western Balkan country to successfully complete its EU integration journey. At the same time, Montenegro, Serbia, Albania, the Former Yugoslav Republic of Macedonia, Bosnia and Herzegovina and most recently - Kosovo, have been struggling to provide persuasive evidence that their political, economic and legislative capacities are sufficient to ensure their gradual movement towards EU membership.

It is evident that the EU's increasingly complex accession rules are now being applied on the most difficult candidates so far - taking into account their political, socio-economic and institutional capabilities. The existence of inter-state disputes, including some with EU member states, has often been one of the main reasons for the stagnation of the Western Balkan states on their respective EU integration paths. In order to secure the welcoming of applicant countries *after* they solve such disputes, the EU has often been regulating their accession process by setting up country-specific conditions. As a consequence, key decisions on enlargement have sometimes been based on political progress made in relations between candidate countries and member states.¹⁵⁶

Apart from existing country/region-specific problems and obstacles, the remaining EU aspirants are facing an additional challenge: the fact that the enlargement policy has never been lower on the EU priority agenda. Reasons for this are manifold: existing scepticism towards enlargement, disappointment with the achievements of some of the previous accession waves, shift of the EU's attention from 'widening' to 'deepening' the integration process, as well as Europe's recent financial and economic crisis which prompted even some of the strongest supporters for enlargement - such as Germany, Austria or the UK - to dilute their pro-enlargement positions.¹⁵⁷ Prioritising the tackling of the severe economic and socio-political problems, Greece has also opted for a more restrained approach on the enlargement policy during its 2014 Presidency of the Council of the EU. Given the current lack of enthusiasm towards further widening of the EU and the consequences such an attitude could produce in the Western Balkans and the EU itself, the Greek decision not to include enlargement as one of its Presidency priorities was, to some extent, a risky step. As Greece has been one of the most devoted promoters of the Western Balkan enlargement in the past years, for those who support a similar stance today, this decision was also disappointing to many.

Nevertheless, the country's EU Presidency has responded in a constructive way to the goals set by the Trio and the Greek government. In contrast to initial expectations that Greece would place the Western Balkans accession process at the margins of the presidential agenda, it has undertaken an active involvement in rejuvenating the EU accession process in the Western Balkans through practical steps. At the Ministerial EU-Western Balkans conference held on May 8, 2014, in Thessaloniki, Greek Foreign Minister Venizelos reaffirmed the EU's commitment to the European future of the region and underlined Europe's resolve to assist the Western Balkan countries to pursue the path of EU-related reforms. The Greek Presidency initiated a dialogue forum to review and discuss current achievements and challenges of the enlargement policy with a view to further promoting the European agenda in the Western Balkans. Emphasis was placed on the promotion of connectivity in the energy and transport sectors. Host Foreign Minister Venizelos stated that "We bring new life to the 'Thessaloniki Agenda.' The European and Euroatlantic prospects for the Western Balkans are an extremely strong motivation for the political, institutional and economic modernization of these countries."¹⁵⁸ Summarising accomplishments of the six-month Greek presidency that ended on 30 June, Greek Prime Minister Antonis Samaras underlined that particular attention has been given to the enlargement process, thus renewing relevant EU interest, while at the same time confirming the engagement of the aspirant countries to fulfill the accession criteria.¹⁵⁹

Good will to resolve the bilateral outstanding disputes with neighbouring Albania and constructive engagements with Kosovo and FYROM are crucial indicators of Greece's delicate foreign policy shift in the Western Balkans. Despite some claims that leaving enlargement outside its key priority list was going to bring stagnation to the Western Balkan integration process, important developments in that respect have occurred during the six-month Greek Presidency. Montenegro has continued at a steady pace in its accession process by opening five more negotiation chapters, justifying its epithet as regional frontrunner. Serbia, a country that plays a pivotal role in the EU's efforts to stabilise the region, has started accession negotiations for joining the EU, binding its political future more tightly to the European one. Albania has obtained official candidate status during the Greek EU Presidency, on 24 June. The European Union has decided to change its approach on Bosnia and Herzegovina, introducing a new, possibly much more optimistic era for this country which has been one of the most serious laggards in the Western Balkan region. All in all, taking into consideration its limited capacity to exercise decisive overall influence at this current stage, the Greek Presidency demonstrated that Athens still has a role to play in facilitating the process of EU integration for the remaining countries in the Balkans through a series of policy initiatives with long term strategic benefits for Greece and Europe as a whole.

Endnotes

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