

Western Balkans/EU: current developments

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I. Introduction

The term Western Balkans has a geopolitical rather than a geographical meaning and it refers to Albania and the territory of former Yugoslavia, except Slovenia and Croatia. Originally, this term also referred to Croatia, but Croatia joined the EU in July 2013. In fact, EU institutions have generally used the term Western Balkans referring to the Balkan area that includes countries that

are not members of the European Union. Currently, these are (in alphabetical order): Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia.

“The future of the Western Balkans is within the European Union”¹ – thus reads the commitment the European Union made to the European future of the Western Balkans two decades ago. These words were included in the Thessaloniki declaration in June 2003. The Western Balkan countries have referred to this document like a Bible for twenty years. Although the EU has never withdrawn this promise to the region, only Croatia has since become a member. Over the next two decades no other country was close to membership. Compared to the high hopes of 2003, this situation can be considered a failure, both from the point of view of the Western Balkan countries and from the point of view of the EU and its enlargement policy.

The accession prospects of the Western Balkan countries have remained blurred for two decades. However, after a lengthy period of stagnation in the enlargement policy, there is some significant news that refers also to the Western Balkan countries.

At the beginning of 2022, enlargement of the European Union (EU) was not on the immediate political agenda. But 18 months later, after the beginning of the war and Ukraine having been accepted as candidate for EU membership, the situation has changed dramatically. EU leaders are beginning to think about the issues at stake if new members, including Ukraine, join the EU in the future.²

In September 2023, the Franco-German expert report on how to best reform the EU was presented. It remains to be seen whether that experts’ proposal will change anything and in which direction. Regardless of the political outcome of the report, it is significant for analysis due to its comprehensiveness in addressing the EU challenges and the wide range of its recommendations.

This paper attempts to present current developments in relations between Western Balkan countries and the EU and to shed light on some potential scenarios in perspective. After short introductory notes ([Part I.](#)), the paper gives a brief overview of the current position of the Western Balkan countries in the EU accession process ([Part II.](#)). Thereafter, the failure of the Western Balkans

¹ Thessaloniki Declaration, 21 June 2003, <https://ec.europa.eu/commission/presscorner/detail/en/PRES_03_163>.

² GÖRAN VON SYDOW/VALENTINE KREILINGER, Introduction: What Do We Mean by ‘Fit for 35’, in: VON SYDOW/KREILINGER (eds.), *Fit for 35? Reforming the Politics and Institutions of the EU for an Enlarged Union*, Sieps, pp. 10–13, p. 10.

states to make more progress towards EU membership after the Thessaloniki Summit is examined. (Part III). Then it is discussed how war in Ukraine has changed the integration process (Part IV). Finally, the paper focuses on the expert report pitched in September 2023 “Sailing on High Seas: Reforming and Enlarging the EU for the 21st Century” (Part V).

II. Current position of the WB countries

Not all Western Balkans countries are in the same position regarding EU integrations. Although they are all now official candidates, three groups of countries can be distinguished. The first group consists of countries that have opened accession negotiations earlier. Those are Serbia and Montenegro, and they are considered as front runners in the region. In the second group one can find countries that have quite recently, on 19 July 2022, started accession talks after many years of vetoes and disputes. Those are North Macedonia and Albania. The third group includes only one country and that is Bosnia and Herzegovina. Bosnia and Herzegovina received the status of a candidate only recently in December 2022.

A comprehensive analysis of the position of each country in the EU integration process goes beyond the scope of this chapter. Therefore, this table sheds light on the current position on each of them regarding the dates of obtaining candidate status and opening the negotiations, the number of opened chapters and provisionally closed chapters and the length of negotiation process.

Although a new enlargement methodology grouped negotiating chapters into six clusters, we are still referring to chapters.

Country	Obtaining candidate status	Opening the negotiations	Opened chapters	Provisionally closed chapters	Length of negotiation process
Albania	June 2014	22 July 2022	0	0	10/1
Bosnia and Herzegovina	15 December 2022		0	0	
Montenegro	December 2010	June 2012	33	3	14/12
North Macedonia	December 2005	22 July 2022	0	0	19/2

Country	Obtaining candidate status	Opening the negotiations	Opened chapters	Provisionally closed chapters	Length of negotiation process
Serbia	March 2012	January 2014	18	2	12/10

III. The failure of the Western Balkan countries to make more progress towards membership after Thessaloniki Summit

The failure of the Western Balkans countries to make more progress towards EU membership after the Thessaloniki Summit is a result of combination of several factors, which can be divided into two groups: internal factors (challenges of the Western Balkan integration) and external factors (challenges of the EU itself).³ The combination of all these factors placed the people of the Western Balkans between the proverbial rock and hard place.⁴

1. Internal factors

When it comes to the internal factors and challenges of the Western Balkan integration, two groups of challenges can be recognized: those stemming from the countries' past and those coming from EU conditionality.

a) *Historical dimension*

On one hand, the Western Balkan region faced challenges stemming from a turbulent past, democratic vulnerabilities, lacklustre reform processes, as well as from bilateral issues with EU Member States.⁵

Although the problems of the 1990s were never fully resolved, the Western Balkan states remained mostly stable throughout the last two and a half decades. Therefore, Europe's security and stability has not been threatened and consequently the sense of urgency associated with the region's EU integration was eliminated. Moreover, there was an opinion that the region is not

³ CERANIC PERISIC JELENA, Western Balkans – Integration perspectives, in: KELLERHALS/BAUMGARTNER (eds.), *European Integration Perspectives in Times of Global Crises*, EIZ Publishing 2023, pp. 121–138, p. 123.

⁴ DELEVIC MILICA/MAROVIC JOVANA, Keeping the Thessaloniki promise: How to make enlargement work for all 20 years later, <<https://biepag.eu/publication/keeping-the-thessaloniki-promise/>>.

⁵ *Ibid.*

ready for integration based on the Western Balkan countries' dysfunctional politics, democratic backsliding, weak rule of law, or inability (or unwillingness) to decisively address corruption and organized crime.⁶

The accession process thus lost momentum and hopes for membership were pushed ever further into the future. This locked the EU and the region into a vicious circle of hypocrisy – the former pretending to be serious about enlargement and the latter pretending to be serious about reforms. The enlargement process, once seen as the EU's most important foreign policy instrument, was effectively grounded to a halt.⁷

b) Conditionality dimension

On the other hand, the Western Balkan region is facing challenges stemming from EU conditionality. Joining the EU is in theory recognized as a process in which external conditioning is a key instrument of integration. In this process, the EU conditions membership on fulfilling a number of conditions, among which is the harmonization of the legal framework and practice with the *acquis communautaire*.⁸ A particular challenge lies in the fact that the conditions are unilaterally set by the EU and need to be met even before the promised reward reflected in membership is received.

2. External factors

In the last two decades following the Thessaloniki Summit, the European Union has been facing a series of challenges, which are considered as external factors that affect the enlargement policy. Those external factors also have their own internal and external dimension.

a) Internal dimension

When it comes to the internal dimension, also qualified as (dis)integration challenges, two completely opposite processes can be distinguished: *enlargement fatigue* and Brexit.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ KNEZEVIC BOJOVIC ANA/CORIC VESNA/VISEKRUNA ALEKSANDRA, European Union External Conditionality and Serbia's Regulatory Response, Srpska politicka misao 2019, pp. 233–235, p. 233.

From May 1, 2004, to July 1, 2013, three enlargement waves took place, and 13 countries joined the EU.⁹ “Whereas previous enlargement rounds had each added a small number of generally well-prepared new members, the ‘big bang’ accession of 2004/2007 comprised ten post-communist countries that had only recently transitioned towards democratic governance and market economies.”¹⁰

Since the preparation for the accession of these countries took a lot of time and resources, the EU was generally exhausted which led to a certain *enlargement fatigue*. Thus, the willingness of the EU Member States for future enlargement decreased, impacting the efficiency of the EU enlargement process.

On the other hand, while some countries joined the EU, for the first time in the history of EU integration, one Member State expressed its intention to leave the EU – the United Kingdom (UK). In a referendum held on June 23, 2016, the electorate of the UK voted to leave the European Union – Brexit.

The Lisbon Treaty was the first document to predict the process of leaving the EU. Carefully conducted, the EU and the UK concluded their negotiations in December 2019 about the terms of withdrawal and the framework for future cooperation. The UK officially left the EU on January 31, 2020. Nevertheless, the entire process of negotiations on the terms of withdrawal has put an additional burden on the EU and its fragile enlargement policy. Brexit appears to have had an impact on certain candidate countries, as evidenced by the decline in public support for European integration.¹¹

b) *External dimension*

During the past twenty years, many external factors have influenced the EU integration policy: the economic crisis, the refugee crisis, the Covid 19 pandemic and the ongoing Russian-Ukrainian war.

⁹ First, in 2004, the countries joined the EU: Poland, the Czech Republic, Slovakia, Hungary, Estonia, Latvia, Lithuania, Slovenia, Cyprus, and Malta. Then, in 2007, Romania and Bulgaria joined the EU. Finally, in July 2013, Croatia joined the EU.

¹⁰ WUNSCH NATASHA/OLSZEWKA NICOLE, From projection to introspection: enlargement discourses since the ‘bing bang’ accession, *Journal of European Integration* 2022, pp. 1-22, p. 3, doi.org/10.1080/07036337.2022.2085261.

¹¹ CERANIC PERISIC JELENA, Western Balkans – Integration perspectives, in: KELLERHALS/BAUMGARTNER/REBER (eds.), *European Integration Perspectives in Times of Global Crises*, EIZ Publishing, Zurich 2023, pp. 121-138, p. 125;

The global economic crisis hit both the EU and its Member States. Although the crisis started as an economic one, it affected all segments of the economy and society.

At a time when the EU was struggling with an economic crisis, a migration pressure began. The phenomenon of a massive movement of migrants and refugees from the Middle East towards Europe in 2015/16 has been described as the worst refugee crisis of our time. This unforeseen mass influx situation put European solidarity to the test, both among receiving and transit countries, as well as towards refugees themselves. Although the necessity of formulating a common European response was recognized early on during the crisis of 2015, a comprehensive common policy was not implemented.¹² The response to the crisis can be characterized as an imbalance between solidarity and security.¹³

The Covid-19 pandemic severely impacted all aspects of life and placed the whole planet under lockdown for several months. One can offer insights into significant shifts in the social reality, such as the nature of the international order, the comprehension and application of human rights and freedoms, the operation of political institutions, the use of contemporary technology in business, the movement of money and people's preferences, the manner in which public employees carry out their various duties, etc.¹⁴ Consequently, the EU enlargement policy is also affected by those changes.

Finally, the EU is currently facing the Russian-Ukrainian war which has a significant impact on all aspects of political and social life not only at the European, but also at a global level. This war has had a huge impact on enlargement policy as well.

3. Between a rock and a hard place

People from the Western Balkan countries have for many years effectively been caught between a rock and a hard place. The EU capital's indecision on the enlargement question and the technical character of the European in-

¹² CERANIC PERISIC JELENA, Migration and Security – with a Special Emphasis on Serbia as a Transit Country, in: KELLERHALS/BAUMGARTNER (eds.), Challenges, risks and threats for security in Europe, Zurich 2019, pp. 43–64, p. 51.

¹³ <https://www.newpactforeurope.eu/documents/new_pact_for_europe_3rd_report.pdf?m=1512491941>.

¹⁴ DJURIC VLADIMIR/GLINTIC MIRJANA, Rec urednika, DJURIC/GLINTIC, (eds.), Pandemija Kovida 19: pravni izazovi i odgovori, Beograd 2021, p. 7.

tegration process make up the rock. The incapacity (and frequently unwillingness) of the Balkan governments to act appropriately and representatively while in office constitutes the hard place.¹⁵

a) The rock

As aspiring members, the Western Balkan countries are obliged to accept all EU conditions. External conditioning has become a key instrument of integration.¹⁶ Even if they sincerely want to, politicians find it challenging to represent and interact with their constituents due to the dominance of the EU integration process in the area. Furthermore, it has the unintended consequence of frequently enabling the region's political elites to break their campaign pledges by passing off all controversial measures as "made in Brussels".¹⁷

According to a recent survey, public opinion in the region continues to be overwhelmingly in favour of EU membership, although a declining trend can be noted in recent years. However, even in the Republic of Serbia, which is nowadays considered as the region's biggest sceptic, a majority of respondents support their country's goal of joining the EU.¹⁸

One can say that people in the Balkans still support the EU integration process because they see it as an opportunity for much-needed change in their countries' quality of governance and economic performance.¹⁹

Moreover, it is likely that people in the Balkan countries accept the 'stick' of the European integration because they value the other EU 'carrots', which include freedom to work and travel but also peace and security.²⁰

b) The hard place

For the time being, national politicians and institutions are in the centre of the public's dissatisfaction. Even after twenty years of European integration, the region's democratic performance still lacks a positive drive. Neither the adoption of democratic constitutions nor the EU's rigorous democratic condi-

¹⁵ STRATULAT CORINA/KMEZIC MARKO/TZIFAKIS NIKOLAOS/BONOMI MATTEO/NECHEV ZORAN, *Between a rock and a hard place: Public Opinion and Integration in the Western Balkan*, <https://www.researchgate.net/publication/347212157_Between_a_rock_and_a_hard_place_Public_opinion_and_integration_in_the_Western_Balkans>.

¹⁶ See above III.1.b).

¹⁷ DELEVIC/MAROVIC.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

tionality have managed to overcome the informal power structures, but rather have consolidated them. The rule of law, the independence of judiciaries, and the freedom of the media in these countries are recognized as the weakest points.²¹

IV. Radical Shifts: how has war in Ukraine changed the process?

The evolving geopolitical landscape and the EU's approach to the Ukraine are likely to have profound implications for the Western Balkans. Undoubtedly the most important implication is the revival of the enlargement process. War on the European continent and the determination of the Ukrainians to achieve their European destiny – a goal they have been pursuing since the Maidan revolution in 2014 – have fundamentally transformed the dynamics of the EU enlargement.²² Ukraine and Moldova became candidates in June 2022 and Georgia in December 2023.

In general, the governments of the Western Balkan countries express their support for Ukraine. They are worried, though, that the present crisis is taking focus and resources away from their own accession procedures. The EU has recently, at least ostensibly, increased its engagement in the Western Balkan region because it is fully aware of the detrimental effects of years of stagnation of the integration process of the region.²³

Even if there seems to be, for the first time in a while, a realistic chance to progress, two problems remain. The first is the persistence of internal problems such as dysfunctional structures and democratic backsliding as well as a number of unresolved bilateral issues. The second is a lack of trust. People from the Western Balkan countries are not Eurosceptics, but they have a lack of trust in EU integration as a process that will eventually lead them to membership in the EU. Western Balkan elites and citizens have little confidence in the EU's assurances and even feel a degree of bitterness about the EU launching another enlargement project without having delivered on the promise it made to the Western Balkans more than twenty years ago.²⁴

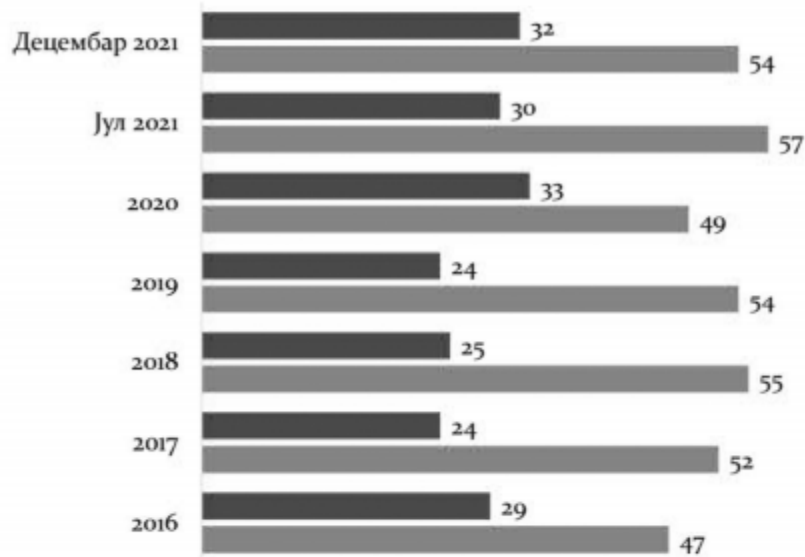
The following graph shows the public opinion in Serbia on the EU integrations. Public opinion is still predominantly in favour of EU membership.

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*



Source Ministry of European Integration, Serbia, December 2021

V. “Sailing on High Seas”: Reforming and Enlarging the EU for the 21st Century

While the war has given political impetus to the EU’s enlargement policy, enormous challenges remain for all the potential future members and for the EU itself. Before joining the EU, each potential new member state must undertake challenging reforms. The internal reforms that the EU likely needs are equally difficult to agree on and implement.²⁵

Therefore, in January 2023 a group of twelve independent experts was initially commissioned by French and German ministers to reflect on what reforms the EU would need to undertake to be fit for future enlargement.

In September 2023 France and Germany presented their joint pitch on how the EU could adapt to new members during a meeting of European affairs ministers in Brussels.²⁶ The report comes as the EU enlargement debate intensifies, with European Council President Charles Michel setting a 2030 target for the bloc to be prepared to accept new members.

²⁵ GÖRAN VON SYDOW/VALENTINE KREILINGER, Introduction: What Do We Mean by ‘Fit for 35’, in: von SYDOW/KREILINGER (eds.), *Fit for 35? Reforming the Politics and Institutions of the EU for an Enlarged Union*, Sieps, p. 10, pp. 10–13.

²⁶ Report on the Franco-German Working group on EU Institutional Reform, *Sailing on the High Seas: Reforming and Enlarging EU for the 21st Century* <<https://www.politico.eu/wp-content/uploads/2023/09/19/Paper-EU-reform.pdf>>.

The report pitches a reform of the EU's institutions, treaties and budget, as countries such as Ukraine, Moldova and the Western Balkans countries prepare to join the bloc.

Recognising the complexity of aligning diverse Member States' visions for the EU, the report recommends a flexible EU reform and enlargement process. Therefore, the report suggests two types of measures:

- **immediate action** to improve the EU's functionality – the report proposes a list of initial steps before the next European elections;
- **more substantial reforms**, including preparations for treaty revisions – those reforms should be implemented during the new legislative term (2024 to 2029).

The report envisages as the main objectives:²⁷

- increase the EU's capacity to act,
- get the EU enlargement ready, and
- strengthen the rule of law and the EU's democratic legitimacy.

The report is divided into three main sections, dealing with:²⁸

1. The rule of law
2. Institutional reforms, and the process to reform,
3. Deepen and enlarge the EU.

VI. Protecting the rule of law

The rule of law is a non-negotiable constitutional principle for the EU's functioning and a precondition for joining the EU. Ultimately, the EU cannot function without reciprocity, mutual trust and without all its members adhering to its principles. Achievements in the rule of law are the very backbone of the EU accession process. Over the past decade, the rule of law has come into the focus of EU internal policies. Rule of law is not an abstract duty but has gained considerable substance.²⁹

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ KNEZEVIC BOJOVIC ANA/CORIC VESNA, *Vladavina prava – načelni izazovi i presek stanja u Srbiji na odabranim primerima iz oblasti pravoduđa*, in: CERANIC PERISIC/DJURIC/VISEKRUNA (eds.), *65 godina Rimskih ugovora – Evropska unija i perspektive evropskih integracija*, Institute of Comparative Law, Belgrade 2022, pp. 51-72, p. 51.

It is important to point out that ten years ago, the Commission introduced the “fundamentals first” approach to enlargement, which states that without results on democracy and the rule of law, there will be no overall progress in the negotiations.

1. Addressing institutional challenges

The report addresses five key areas, all of which are crucial to serve the three defined reform goals. It acknowledges other topics in the EU’s future debate, but it concentrates on these because of their importance and feasibility.

First, the EU’s current institutions lack agility and are penalized by complexity and an abundance of players. The report suggests: 1) the number of European Parliament members should not be increased beyond the current 751, 2) a new system of allocation of seats in the European Parliament, 3) modification of the ‘trio’ system for the rotating presidency of the Council of the EU in favour of ‘quintets’ and 4) reducing the size of the Commission’s College to two-thirds of Member States or developing a hierarchical model.³⁰

Second, the report highlights the need to reform the decision-making processes within the Council. Before the next enlargement, all remaining policy decisions should be transferred from unanimity to a qualified majority. This would mean that EU countries would no longer be able to veto decisions such as economic sanctions, arms supply, or financial support. Additionally, except for in foreign, security and defence policy, this should be accompanied by full co-decision with the European Parliament to ensure appropriate democratic legitimacy.³¹

Third, the report underscores the significance of democratic legitimacy in EU decision-making and proposes four sets of measures to bolster it (e. g. harmonisation of electoral laws across member states for European Parliament election).³²

Fourth, the report discusses several key aspects related to the powers and competences of the EU. It recommends reforms such as clarifying EU competences, etc.³³

³⁰ Report on the Franco-German Working group on EU Institutional Reform.

³¹ *Ibid.*

³² *Ibid.*

³³ *Ibid.*

Fifth, the report also tackles the thorny issue of the EU's budget and funding distribution in a bigger Union. The budget would need to be bigger in size, with more flexibility on spending decisions and joint debt instruments. Smaller groups of EU countries within the bloc could also make "intergovernmental financing agreements" to move forward with their own spending plans.³⁴

2. Deepening and widening the EU

Within the third part, devoted to the deepening and widening the EU, the report first provides options for the Treaty change. Then it analyses the differentiated integration, focusing on the four tiers of EU integrations. Finally, it discusses how to manage the EU enlargement process.

a) *Options for the Treaty change*

The report discusses six options for the Treaty change. The default option is a Convention, followed by an Intergovernmental Conference (IGC). If no agreement on this is reached, the report considers a 'simplified revision procedure' as being a second-best alternative. It explores three alternative scenarios reforming the EU as part of a package with the accession treaties. In the absence of unanimity on Treaty change, a supplementary treaty among willing Member States would allow for differentiation within the EU.³⁵

b) *Differentiated integration*

Differentiation is a constitutive feature of European integration. Not all member states participate in all EU policies to the same extent. Some have negotiated 'opt-outs' or exemptions from entire EU policies or specific EU rules. The Danish opt-outs from the Maastricht Treaty are the prototypical example. Others are excluded from participation in EU policies for a fixed period – as is typically the case for the free movement of labour from new member states – or until they meet certain conditions, such as the convergence criteria for membership of the Eurozone area.³⁶

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ SCHIMMELFENNING FRANK, Fit through Flexibility? Differentiated Integration and Geopolitical EU Enlargement, in: VON SYDOW/KREILINGER (eds.), *Fit for 35? Reforming the Politics and Institutions of the EU for an Enlarged Union*, Sieps, pp. 14–26, p. 14.

With an entire title dedicated to general enabling clauses for closer (enhanced) cooperation between member states which are willing and able to further cooperation among themselves, “The Treaty of Amsterdam has turned the exception into a constitutional principle.”³⁷ Since the conditions for the use of enhanced cooperation were very strict, this mechanism was the subject to the numerous amendments provided by the Nice and the Lisbon Treaty.³⁸

The report recalls that the EU already has various differentiation mechanisms and that they will be needed to accommodate the diverse preferences of over 30 EU Member States.³⁹

The history of European integrations indicates that whenever the external borders of the EU have changed, in terms of increasing the number of Member States and consequently its diversity, the discussion on differentiated integration has intensified.

c) *Four tiers of European integration*

According to the Franco-German proposal, not all European states will be willing and/or able to join the EU in the foreseeable future. It is also possible that some current member states may prefer looser forms of integration. Therefore, the report recommends envisioning the future of European integration as four distinct tiers (or concentric circles),⁴⁰ each with a different balance of rights and obligations.

Thus, differentiation could lead to four tiers of European integration:⁴¹

- 1) The inner circle: This circle consists of countries that already participate in forms of deeper integration in areas like the Eurozone and Schengen, with either permanent or temporary exemptions for the non-participating countries. Nowadays, there are already several uses of the mecha-

³⁷ PHILLIPART ERIC/SIE DHIAN DO MONICA, “From Uniformity to Flexibility: The Management of Diversity and its Impact on the EU System of Governance”, in: DE BÚRKA/SCOTT (eds.), *Constitutional Change in EU: From Uniformity to Flexibility*, Hard Publishing, Oxford 2000, p. 300.

³⁸ CERANIC JELENA, *Differentiated integration – a good solution for the increasing EU heterogeneity?*, in: KELLERHALS/BAUMGARTNER (eds.), *Multi-speed Europe*, Zurich 2012, pp. 13–26, p. 15.

³⁹ Report on the Franco-German Working group on EU Institutional Reform.

⁴⁰ FABRINI SERGIO, *From Multi-speed to Multi-tier: Making Europe Fit for Herself*, in: VON SYDOW/KREILINGER (eds.), *Fit for 35? Reforming the Politics and Institutions of the EU for an Enlarged Union*, Sieps, pp. 69–82.

⁴¹ Report on the Franco-German Working group on EU Institutional Reform.

nism of enhanced cooperation according to Article 20 Treaty on European Union (TEU). These coalitions of willing states could be further used in different policy areas such as climate, energy, taxation etc.

- 2) The European Union itself: All EU member states, current and future, share the same political goals, must abide by Article 2 TEU, and are eligible for cohesion funds and redistributive measures.
- 3) A larger circle of associate members: Simplifying the many forms of connection with the EEA nations, Switzerland,⁴² or even the UK would be possible with the implementation of a first outer tier. Associate members would not be required to adhere to “ever closer union” or increased integration, nor would they take part in more in-depth political integration in relation to other areas of policy like EU citizenship or Justice and Home Affairs. Nonetheless, adhering to the common ideals and principles of the EU, such as democracy and the rule of law, would be the fundamental prerequisite. The single market would be the primary area of involvement.⁴³ Institutionally, associate members would not have representation in the European Parliament or the Commission. Instead, they would be allowed to speak in the Council but not vote. They would be subject to the CJEU’s authority. Associate members would contribute to the EU budget, but at a lesser rate (for instance, for shared institutional expenses) and receive fewer advantages (such as lack of access to funding for agriculture and cohesion).
- 4) The European Political Community (EPC): A second outer tier would not permit access to the single market and would not incorporate any kind of binding EU law or particular requirements for the rule of law. Rather, it would prioritize political collaboration and geopolitical convergence in areas of mutual importance and relevance, such as energy, environment, and climate policy, among others. The institutional foundation of the recently established EPC might be improved to offer more structured collaboration. It would be necessary for the EPC to change from its current loose structure to one with more institutional linkages so that the EU budget could mobilize some financing and the Commission could take on a more coordinating role.

⁴² KELLERHALS ANDREAS/BAUMGARTNER TOBIAS, A different neighborhood policy: Switzerland’s approach to European Integration, in: KELLERHALS/BAUMGARTNER (eds.), *EU Neighborhood Policy – Survey and Perspectives*, Zurich 2014, pp. 271–287.

⁴³ VISEKRUNA ALEKSANDRA, *The access to the EU financial market for the companies from non-member states*, in: DUIC/PETRASEVIC (eds.), *EU and comparative law issues and challenges (ECLIC)*, vol. 2, Osijek 2018, pp. 656 – 671.

These two outer tiers are separate from the accession process because membership in them can be permanent, even though they are open to all European nations, including those who are accession candidates. While it is not a requirement, EPC membership might be a helpful first step toward EU membership. Countries along the southern Mediterranean coast may also be included in the EPC and awarded guest status or even permanent guest status.⁴⁴

Countries would voluntarily join one or both outer tiers, either because they intend to leave the EU or because they have no intention of entering it at all. Careful negotiations will be required to strike the best possible compromise between institutional involvement and a narrower definition of integration while maintaining the greatest possible benefits for all EU member states.⁴⁵

The idea of '[gradual integration](#)' for EU aspiring countries is also not new, as it was already included in the European Commission's new enlargement methodology from 2020.⁴⁶ It is provided that if countries move sufficiently on reform priorities agreed in the negotiations, this should lead to closer integration of the country with the European Union, work for accelerated integration and "phasing-in" to individual EU policies, the EU market and EU programs, while ensuring a level playing field. That was a real novelty in the EU integration process, which has not been offered to any country in the accession process so far.

d) Managing the enlargement process

The fact that Ukraine, Moldova and Georgia have joined the list of candidates due to geopolitical challenges is not the only reason why the next enlargement will be different from the previous ones. "More predictable, more credible (based on objective criteria and rigorous positive and negative conditionality, and reversibility), more dynamic, and subject to stronger political steering" is the stated goal of the revisions made to the accession process.⁴⁷ Instead of 35 separate chapters, the negotiations are now organized around six clusters, and candidate countries can progressively adopt specific EU policies and initiatives.

⁴⁴ Report on the Franco-German Working group on EU Institutional Reform.

⁴⁵ *Ibid.*

⁴⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, Enhancing the accession process – A credible EU perspective for the Western Balkans, COM (2020) 57 of 5 February 2020.

⁴⁷ *Ibid.*

Although there may have been some technical effects from the recent enlargement process change, there has not been much political momentum for the EU's enlargement policies. In addition to preparing the EU for enlargement, tangible actions must be made to assist candidates during their transition and revive a merit-based admissions procedure in order for the next enlargement to take place.⁴⁸

The EU should aim to be prepared for enlargement by 2030 in order to reestablish credibility, and applicants for membership should strive to meet the requirements in order to join the EU as soon as possible. This shared commitment would strengthen the confidence that has been eroded over the previous years by a lack of commitment and progress in the accession process. It clarifies that membership into the EU is not free and that the timeline is an aim rather than a fixed date.⁴⁹

It is unknown if there will be a "regatta", with several candidates joining at different times, or a second Big Bang enlargement, with numerous candidates joining "en bloc". Each choice has advantages and disadvantages. The "en bloc" approach anticipates that the candidate countries will encourage and assist one another's reform initiatives. However, it is incompatible with the merit-based system, which assigns each candidate the role of initiator of their own admittance. This indicates that either the more developed candidates must wait for the less developed to catch up, or that they set the pace of accession, implying the inclusion of nations that are not yet prepared to join.⁵⁰

The merit-based premise would be better complied with via a "regatta" method. But it would enable all Members, even those who have just joined, to prevent certain countries from joining because of bilateral disputes. Clauses in their accession treaties about a temporary period that denies them the ability to vote on future enlargements for a mutually agreed-upon duration could help to reduce this risk. Additionally, consideration of admission could wait until disputes between applicant nations have been settled. Taking these factors into account, the report suggests dividing the accession rounds into smaller groupings of nations (a "regatta") while adhering to the merit-based approach and taking potential bilateral tensions into account.⁵¹

⁴⁸ Report on the Franco-German Working group on EU Institutional Reform.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

VII. Concluding remarks

The Western Balkans' integration perspectives cannot be viewed in isolation but must be considered in a wider context. In this sense, they move in the following coordinates: the future of the EU itself; the outcome of the war in Ukraine; and the effectiveness of a new enlargement policy.

The European Union has been facing the biggest crisis since its foundation, including the latest geopolitical challenges in the East of the continent. Given that the EU does not have adequate legal mechanisms to respond to numerous challenges, EU reform is necessary. Therefore, the processes of institutional reform of the EU, enlargement of the EU and creation of the European Political Community should take place in parallel.

This is exactly what the Franco-German report from September 2023 is dedicated to. Regardless of the political destiny of the aforementioned report, the EU should go through reform process and redefine its relations with its neighbours. At the moment, differentiated integration seems to be the most appropriate solution to the numerous challenges.

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