



The Enlargement Impasse and the Necessity for its Transformation

Statement on the occasion of the start to the Slovenian Presidency of the EU Council, 1 July 2021

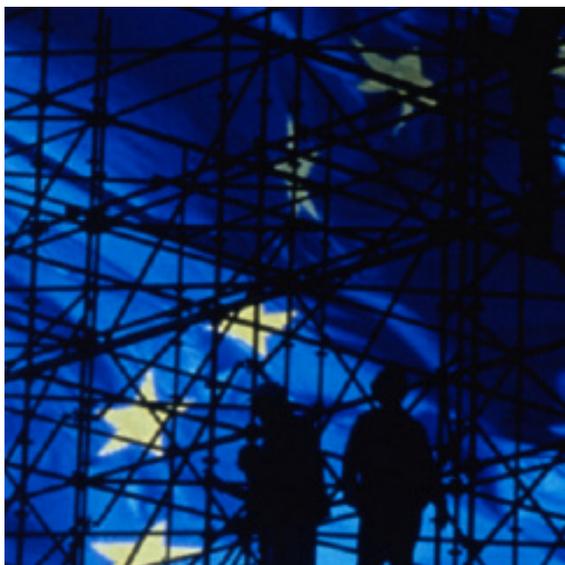
It is evident that no-one is happy with the current status quo in the Western Balkans. The present state of the enlargement process brings only limited benefits both to the region and the EU, with manifest dissatisfaction among the local populations in the region. Since the countries of the region are unlikely to make a sudden leap in terms of socio-economic convergence on the EU average and fully-fledged accession as member states, it is vital to work out better how the Western Balkans could progressively and conditionally access the rights and benefits of EU membership.

It is necessary to move away from some features of the precise model of accession used for the last enlargements into Central and South-Eastern Europe. To simplify, a binary 'in or out' concept has become obsolete for a region that has been pursuing EU membership already for around two decades. Our starting idea therefore is that the accession process should be unpacked into functional/sectoral and institutional elements permitting partial and progressive membership in stages. The European Policy Centre (CEP), Belgrade, and the Centre for European Policy Studies (CEPS), Brussels, have already developed independently ideas along these lines.¹

1. These partners have already a good basis on which further proposals are to be developed: Milena Lazarevic, "Away with the enlargement bogeyman – Reforming the EU Enlargement Policy for a prompter acceptance of the Western Balkans", Discussion Paper, July 2018, CEP, Belgrade, available at: https://cep.org.rs/wp-content/uploads/2018/07/Away-with-the-Enlargement-Bogeyman_CEP-1.pdf;

Michael Emerson, Steven Blockmans et al., "Balkan and Eastern European Comparisons - Building a New Momentum for the European Integration of the Balkan and Eastern European associated states", Policy Contribution, March 2021, CEPS, Brussels, available at: <https://3dcftas.eu/op-eds/building-a-new-momentum-for-european-integration-of-the-balkan-and-eastern-european-associated-states>;

Milena Lazarević, Strahinja Subotić, "The Future of the EU in the Western Balkans... and the Future of the Western Balkans in the EU", Civil Society & Think Tank Forum, 2021, Think for Europe Network (TEN), available at: https://wb-csf.eu/docs/CSF_Paper_WG-J.pdf



There is already much progressive and partial inclusion going on, with extensive ongoing legislation to comply with the EU acquis, and association with many programmes and agencies of the EU. What is needed is an amplification of these processes of progressive and step by step integration, with incentives reanimated. For this purpose, the TEN and CEPS combine their efforts to develop a common proposal on how to break the impasse and transform the process, with the aim to accelerate the accession path of the Western Balkans concretely in ways that are still realistic in relation to the reservations over enlargement in various member states.

Introducing differentiated integration to the enlargement...

The tangible benefits for citizens and possibilities for the gradual integration into EU policies and programmes – including possible observer status in relevant EU meetings on matters of substantial importance to them – are emphasized in the revised enlargement methodology elaborated by the European Commission,² and endorsed by member states, as means to increase the political appeal of the process for the region. However, these ideas have largely remained unaddressed in the aftermath of the adoption of the new methodology. Consequently, as things currently stand, the major political and socioeconomic benefits of the accession process are still likely to arrive only at the point of accession, which still seems as far distant into the future as before the publication of the revised methodology.

By introducing a phased approach to membership, the risks of damage to the functioning of the EU through veto powers in the hands of more fragile democracies could be avoided. Such integration would include gradual access both to rights and obligations that regular member states have, with full membership as the final goal of the process. The candidate countries could be allowed to access EU institutions gradually, based on the achieved level of progress under strict monitoring and conditionality. The details and conditions for such arrangements would vary as between the Council, Commission, and Parliament, as well as consultative bodies, agencies, and programmes of the EU – in some cases just structured policy dialogue, in others observer status and fuller participation.

The same logic should be applied with regard to access to the EU's structural funds, which could be graduated in line with performance in relation to benchmarked conditionalities. Considering the small size of the countries (accounting for merely 3.6% of EU's population), measures in this direction would have a limited financial impact on the EU budget, while going a long way towards restoring the credibility of EU policies and overall image in the region.³ Governments of the region would be significantly incentivised to stick to their commitments, while the EU's image would be boosted through tangible benefits for the local population. This becomes all the more important considering the increasing foothold of Russia, and particularly China, in the region.

In applying differentiated integration to the enlargement process and individual Western Balkan countries, decisions to advance access to certain rights, or if need be, to withdraw them, would need to be based on a coherent system of monitoring of both fundamental political norms (liberal democracy, rule of law and good governance) and more technical compliance with the EU regulatory acquis.

2. European Commission, "Enhancing the accession process - A credible EU perspective for the Western Balkans", COM(2020)57 Final, 5.2.2020

3. Matteo Bonomi and Dušan Reljić, "The EU and the Western Balkans: So Near and Yet So Far Why the Region Needs Fast-Track Socio-Economic Convergence with the EU", German Institute for International and Security Affairs (SWP), 2017, available at: <https://www.swp-berlin.org/en/publication/the-eu-and-the-western-balkans-so-near-and-yet-so-far/>

With good will, and some out-of-the-box thinking, there are real possibilities to envisage progressive and extensive integration, while still respecting the most sensitive limiting factors. The key instruments for implementing this model would be, first, an adoption by the EU of a legally precise text defining the progressive steps in the differentiated accession process, and, second, legally binding agreements with the candidate states marking the passage from step to step. Precedents for differentiated integration already exist, considering that in the previous enlargements, countries have not entered all EU's policies at once (the European Monetary Union and the Schengen being the key examples) and they were granted transitional periods for assuming certain membership obligations. Post-accession monitoring has also been implemented in the cases of Bulgaria and Romania. These precedents should be analysed and used to develop new and improved mechanisms for the completing the Balkan EU enlargement. The analyses already conducted by CEPS and CEP Belgrade – as the lead within the TEN network – outline a number of recommendations aimed at the implementation of this approach. Yet, additional efforts need to be invested into full development of these proposals, with a sound legal, political and economic basis, as well as concrete models for the specific stages of membership and their accompanying conditionalities.

Granted, for such a change in the EU's enlargement policy, a unanimous decision by member states is necessary, which puts into the spotlight the urgency of finding a long-term solution for the situations when unilateral interests of a single EU member state can be employed abusively to thwart the entire enlargement process, raising issues far removed for EU law or policy. For this problem to be solved, the EU would have to reframe such issues, currently dubbed 'bilateral', to exclude them from having effect in EU decision-making.

... followed by a more detailed, consistent, and quantified methodology

Civil society in the region has frequently warned that the existing rule-of-law negotiation framework was ineffective when it came to tackling the deeper issues of state capture and democratic backsliding in the Western Balkans. Most rule of law benchmarks tend to be quite general, often lacking specificity and adaptation to context, which creates difficulties in measuring results.⁴ Documents of the Commission largely fail to deliver clarity on several expectations outlined in its communication on the new methodology, lacking ideas on how existing measurements of progress and preparedness will be modified to enhance the process. This is problematic, particularly since one of the key reasons why the revised methodology was launched was the mistrust that some member states had of the European Commission's assessments. How this issue is resolved is of crucial importance. Without introducing improved monitoring and assessment mechanisms, it is unrealistic to expect any significant changes or a transformative effect of the revised methodology.

We envisage two approaches to making good these deficiencies.

A first approach would be to build on the experience the SIGMA initiative of the OECD, which is already assisting the EU when it comes to measuring developments in the area of public administration reform (PAR), for which a state-of-the art, quantified, detailed methodology was developed in 2014 (through SIGMA and DG NEAR collaboration). In addition, the WeBER project coordinated by CEP and implemented by TEN since 2015 has developed a civil-society-led PAR monitoring methodology, using a similar quantified approach, with compound indicators comprising a set of sub-indicators. This is suggestive of new monitoring methodologies that could be used in the enlargement process. The new quantitative approach would naturally need to be accompanied by a thorough qualitative approach, to ensure proper understanding of the deeper governance issues and obstacles to reform implementation. These methodologies would need to be embedded within the roadmaps on the fundamentals, as foreseen under the latest membership negotiation methodology, making them sufficiently specific and easy to monitor.

4. Simonida Kacarska and Ardita Abazi Imeri, "Effective Benchmarking for Concrete Rule of Law Reforms in the Western Balkans", TEN, 2019, available at: <https://cep.org.rs/wp-content/uploads/2019/10/Effective-benchmarking-for-concrete-rule-of-law-reforms-in-the-Western-Balkans.pdf>

A second approach, which can be combined with the first one, would be to translate the Commission's existing qualitative ratings in its annual reports into quantitative ratings on a simple but effective numerical scale. This approach can most easily be adopted in areas with developed legal acquis, where the Commission already has clear baselines for conducting its assessments, but it is also in evidence in respected international surveys in the key political and legal domains. The feasibility of this approach has been tested in the CEPS study referred to above. TEN has also been implementing a similar approach in quantifying the Commission's qualitative assessments. Although at first sight this may seem to be a merely presentational variant, it would in fact lead to a categorical change and enhancement. It would permit aggregation and averaging, and thus a more objective and transparent basis for the processes of conditionality. Different clusters of ratings would link to specific conditionalities in the integration process.

These methodologies need to be set up in a manner to not only allow the Commission to better monitor and assess the situation on the ground, but to also make sure that reviews done by expert missions of EU member states are pursued in an objective and evidence-based manner. Improvements in that regard can also contribute to making the process more credible and convincing in the eyes of all EU member states.

With an enhanced importance given to these ratings, it would be important to have checks on their fairness, for example with monitoring by panels of independent civil society observers from both the EU and Western Balkan states.

In sum, more detailed, quantified and regionally comparable assessments would allow the Commission to make rational and well-informed decisions regarding recommendations to the EU Council and member states on progressive steps in the integration of the Western Balkan countries. The application of such methodologies would strengthen and give legitimacy to the pursuit of the differentiated integration approach to enlargement.

In the medium-term, with some investment into the full development of these broad proposals, the realities and perceptions may be transformed: not by classic accession according to the old model, but through the candidate states becoming credibly set on the path towards full access to the rights and benefits of membership at the level of the individual and the economy, alongside increasingly significant political participation of the governments in the EU's institutions.

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This statement is a joint initiative of Think for Europe Network (TEN), a group of non-profit, independent think-tank or policy research organisations from the Western Balkans focusing on the EU integration process and committed to the evidence-based policymaking and advocacy, and Center for European Policy Studies (CEPS), a leading Brussels-based think tank and forum for debate on EU affairs.

