



# Foreign & Commonwealth Office

## Written Evidence from European Movement in Serbia

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### Balance of Competences

### EU Enlargement

#### -comments

- **Impact on the national interest**

NA

1. Overall, what has been the impact of EU enlargement on UK interests?
2. What effect has EU enlargement had on UK interests in specific policy areas (eg, trade, security)? What advantages and disadvantages has the UK experienced as a result? Please give examples.
3. How do you consider the balance between the roles of member states and of the EU Institutions in the process? Might UK interests be served by any changes to the balance of competences in this area?

- **Exercise of competence**

4. How effectively have the member states and the EU Institutions exercised their competence on enlargement? Have lessons drawn from previous enlargement rounds been applied?

Since 1993 and defining of the Copenhagen criteria the EU and it's member states have exhibited considerable capacity to learn from the previous experiences. While the standards set at that time did not alter in essence the technicality and complexity of the process have evolved. This is especially true and visible after the 2004/2007 enlargements. These, especially the later one, perpetuated EU's capacity to learn and to learn from mistakes. The experience from the accession process with Croatia as well as economic crisis revelation of

the structural economic problems additionally refined the conditionality policy.

The lessons learnt and applied are:

- advancement based on one's own merits and no setting the date of accession at the early stage of the process, nor until the very end of the accession negotiations
- priority given to the chapters 23 and 24 – tackling rule of law, which are to be opened first (in practice rather among the first – Montenegro example) and to be closed at the very end of the negotiation process
- setting opening, interim and closing benchmarks which proved to be helpful for the accession country and pace of the reforms
- in 2013 putting forward the economic governance or “economic fundamentals” i.e. financial stability, growth, competitiveness – still not endorsed and elaborated in full
- employment and social dialogue put forward but of content yet unknown to the candidate countries
- putting at the forefront and in the early stage of the process difficult issues and resolution of the bilateral disputes

5. How do you assess the EU's use of conditionality (eg, the Copenhagen Criteria, the 'New Approach' on rule-of-law issues)? Has conditionality been effective in ensuring candidate countries implement reforms necessary for EU membership? Please give examples.

The use of conditionality has been extensive and has been the field where it is visible and possible to recognize specific member states interests and influence. It also reveals the specific weight some of the EU MS have regarding particular issues and/or for the enlargement policy itself.

In some cases it is possible to talk about 'overstretching' of the conditionality approach. For example – Belgrade Pristina dialogue and 'sustainable normalization of relations' has been dominant issue in Serbia's EU accession process especially since 2010 and nowadays. This means that in effect the Kosovo issue has been perceived and in practice has been the dominant trait of the entire EU accession process in Serbia. In effect, it also means that other issues – rule of law, reform of the judiciary, economy, corruption etc. – have been placed at the second place, or are deemed less relevant, and as a result not properly tackled by the government. It is still possible to observe negative effects of this policy since EU accession is the driving force for the reforms. The enlargement conditionality should remain balanced in its implementation,

meaning putting (almost) equal weight on the issues relevant for citizens and the political issues relevant for the global security and EU member states.

In the implementation of the conditionality it is also possible to observe the separate national interest and foreign policies of 28 member states – i.e. in case of Serbia some of the countries pushing for the resolution of the Kosovo issue and putting it in the core of the initial phase of the accession negotiations or as the precondition for the accession negotiations opening.

In some cases the conditionality approach proved to be completely unsuccessful and insufficient – for example Bosnia and Herzegovina remain locked in internal political and ethnic divisions in spite of the European perspective offered should the situation be overcome. Macedonia remains awaiting the accession negotiations for years due to the name dispute with Greece. The result is the country turns more and more away from the EU accession and reforms and development are missing.

These cases prove that it is necessary to build upon the rewarding aspects of the accession to the EU rather than to strictly insist on the 'stick approach'. In this respect it is necessary to offer and enable participation of the countries in question in pan-European projects (transport, energy..) and in the EU deliberations on different strategies (EU 2020, Re-industrialization etc). Namely, in absence of administrative and political advancement in European integration (candidate country, negotiations, etc), to enable meaningful participation in different European projects and policies.

On the other hand conditionality approach and overall framework of the EU integration has been conducive for the advancement of many reforms in Serbia for example and provided considerable incentive in defining basic democratic principles and in advancing the rule of law. It has been seen as incentive for both public administration, businesses and civil society at large. Many now commonly accepted standards are introduced thanks to the EU accession and in the process of harmonization including also conditionality on the way to the full EU membership: like access to information of public importance, institution of ombudsman, decision to entrust the mandate to an individual MP not to the political party (so called 'blank resignations'), anticorruption agency, work of the state audit.. in spite of all the difficulties the implementation of these and other standards faces every day.

6. How effective has EU and Member State financial and technical assistance been in adding genuine value to candidate countries' preparedness for EU membership? Please give examples.

The financial assistance is provided through Instrument for Pre-Accession Assistance which amounts to some 200 million EUR annually since 2007 and will continue to provide this amount of financial support in the next budgetary framework 2014-2020.

This assistance has been precious in accommodating the institutional framework to the EU accession process and in supporting the reform processes – like independent and regulatory bodies, office for cooperation with CSOs, legislative procedures etc. However, the amount of the financial support is not sufficient for tremendous investments needed for preparing a country for the full membership. The amount of needed support is paramount – for example for Serbia it is calculated that only for the approximation in environmental standards almost 11 billion EUR is needed. Still, the financial and technical support provided by the EU is the most beneficial in terms of the preparation of the administration for the structural and cohesion funds, improving overall planning and programming and overall policies development and cooperation. In this respect, the support provided by the EU has been the most visible and effective.

- **Future options and challenges**

7. What challenges / opportunities might EU enlargement face in future?

Obvious enlargement fatigue, bad overall image and low support for the enlargement among EU citizens, effectiveness and efficiency of the intuitions within enlarged EU etc. Accompanied also by uncertain membership-end dates for the candidate countries, low priority this policy has on the EU agenda, fatigue in the candidate countries and obvious decrease of enthusiasm and support for the EU membership..

8. How might the EU's approach to enlargement be improved in future? Would these improvements require Treaty change or could they be achieved on the basis of the existing Treaties?

Treaties as they are provide plenty of opportunity and flexibility in adjusting the enlargement process to the specific needs and circumstances of one time and historical period. It is only important to understand and politically endorse the enlargement policy as one of the core policies and to make strategic leap forward

in communicating the process, benefits and its importance to the EU citizens as well, not only to the acceding country.

9. What future impact might EU enlargement have on UK interests? How might any disadvantageous impacts be addressed?

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- **General**

10. Are there any further points you wish to make which are not captured above?