

## EU enlargement negotiations: state of play

*On 8 November 2016, the European Commission published its annual “Enlargement Package” evaluating the state of play and the prospects for countries aspiring for future EU membership. This Note gives an overview of the main findings and assesses their potential implications.*

### 1. Indications of an “Enlargement fatigue”

When the **current European Commission** took office in 2014, its President Jean-Claude Juncker stated in his [Political Guidelines](#) that during his mandate there would be **no further enlargement** of the EU as “the EU needs to take a break”. At the institutional level, the European Commission’s Directorate-General for Enlargement was transformed into the [Directorate-General](#) for [Neighbourhood Policy and Enlargement Negotiations](#), which was also a clear indication of the intention not to enlarge the EU within the next five years, but to keep the accession negotiations going.

Currently, the EU enlargement agenda covers **six countries in the Western Balkans and Turkey**. Accession negotiations have been opened with candidate countries Turkey (2005), Montenegro (2012) and with Serbia (2014), but not yet with the former Yugoslav Republic of Macedonia nor Albania. Bosnia and Herzegovina, and Kosovo have the status of “potential candidates”. All seven countries benefit from the funds of the EU [“Instrument for Pre-Accession Assistance \(IPA II\)”](#) providing targeted assistance to enlargement countries to support them in their political and economic reform agenda. For the period 2014-2020, in total €11.7 billion have been allocated to the seven countries, with Turkey (€4,5 billion) and Serbia (€1.5 billion) being the biggest beneficiaries.

### 2. EU Enlargement package 2016

Annually, the EU Commission adopts its [“Enlargement package”](#) including a [Strategic Communication](#) on the state of play and the prospects for candidate countries and potential candidates on their path towards EU membership. The package also contains reports with detailed assessments of each country.

In the [Enlargement Strategy](#) published in 2015, the European Commission reaffirmed the **principle “fundamentals first”** as the focus of its Enlargement policy, meaning that it wants to ensure that countries prioritise reforms in four key areas: rule of law, fundamental rights, public administration reform and economic development. The 2016 report largely focuses on the implementation of these fields. Additionally, the area of migration plays a significant role in the European Commission’s assessments.

#### a) [General findings](#)

In the area of **rule of law**, the European Commission stated that while all countries have put in place mechanisms for tackling **corruption** and **organised crime**, the progress in ensuring **independent and accountable judiciary** remains slow. More needs to be done also to counter **radicalisation**, in particular through education and better control of foreign funding fostering radical content.

As for **fundamental rights**, the EU Commission observed significant backsliding in Turkey, especially after the attempted coup in July, when far-reaching measures curtailing fundamental rights were taken. With regard to the other countries, the Commission also expressed concerns regarding violations of freedom of expression and discrimination against vulnerable groups. In its country-specific analysis, the EU Commission noted cases of breaches of religious freedom, in particular with regard to its collective and institutional dimension, and to hate crimes. The Commission encouraged the enlargement countries to **intensify reforms** concerning **public administration** and **democratic institutions**.

Whereas the economic situation has been assessed as improving across the region, the Commission pointed out persisting **structural economic and social challenges**, in particular high unemployment rates and unfavourable investment climate. In addition, the lack of attractive job opportunities pushes many people to migrate. On the other hand, many enlargement countries have been affected by the **refugee crisis**. In this regard, the EU Commission welcomed the closure of the Western Balkans route and the [EU-Turkey agreement](#) as effective tools to reduce the number of refugees and migrants reaching Greece.

The EU Commission called for strengthening **regional cooperation** and overcoming bilateral disputes, notably between Serbia and Kosovo, the former Yugoslav Republic of Macedonia and Greece, and Turkey and Cyprus.

#### b) Country-specific findings

**Turkey:** The Commission's [report](#) on Turkey starts with recognising it as a "key partner" for the EU, in particular when it comes to dealing with the migration crisis. The EU strongly condemned the attempted coup in July and kept the Kurdistan Worker's Party (PKK) on its list of terror organisations, but the report expressed "grave concerns" regarding the respect for human rights and the proportionality of anti-terror measures, and the massive dismissals and arrests. Turkey's broadly applied anti-terror laws are also an obstacle for the EU to grant Turkish citizens visa-free travel. Regarding religious freedom, the report points inter alia to the fact that the Catholic churches have neither legal personality nor foundation status, making it impossible for them to register property or seek restitution. Despite some voices from the European Parliament and from some Member States to suspend the accession negotiations with Turkey, the EU High Representative Federica Mogherini recently [reiterated](#) that the EU "stands ready to continue political dialogue with Turkey at all levels, within the established framework". So far, 16 out of 35 negotiation chapters have been opened, one of which has been provisionally closed.

**Montenegro:** The [report](#) on Montenegro recalls that in December 2015, Montenegro received an invitation to join NATO. Parliamentary elections took place in October 2016, generally respecting fundamental freedoms with some alleged procedural irregularities. Freedom of thought, conscience and religion continued to be guaranteed by law. However, tensions between the Serbian and Montenegrin Orthodox Churches persist, making it difficult to establish the relationship between religious communities and the state. Transparency for allocating state funds to religious communities needs to be improved according to the report.

**Serbia:** The [report](#) on Serbia notes that the new government included in its programme Serbia's EU accession as a priority goal. According to the Commission's assessment, corruption continues to be one of the major challenges. The report is also critical regarding the exercise of freedom of expression. With regard to religious freedom, the report refers to difficulties in access to worship in some minority languages and to a lack of transparency in the registration process of religious groups. The Commission encourages Serbia to carry the normalisation of relations with Kosovo forward. So far, four negotiation chapters have been opened with Serbia. The EU Commission had already recommended the opening of a further chapter on public procurement.

**The former Yugoslav Republic of Macedonia:** The [report](#) on the former Yugoslav Republic of Macedonia highlights that a wiretapping scandal caused a political crisis which could be resolved through the "Przino Agreement" and the December early parliamentary elections. The country still needs to find a solution with Greece to the name issue under UN auspices. On freedom of religion, the report states that inter-ethnic tensions on religious grounds could be calmed but antiradicalisation activities need to involve local religious leaders.

**Albania:** The [report](#) on Albania observes that freedom of religion was generally upheld. The Albanian police increased its efforts to prevent radicalisation through community policing and close cooperation with relevant religious communities. A government initiative to include religious education as a compulsory course in schools, to prevent radicalisation and support inter-religious dialogue, faced criticism from academia and civil society. The Albanian Autocephalous Orthodox Church raised concerns over the implementation of the agreement with the government on restitution of properties seized during the communist regime. The Commission recommended opening accession negotiations with Albania, subject to progress in the implementation of the justice reform.

**Bosnia and Herzegovina:** According to the Commission's [report](#), Bosnia and Herzegovina's constitution remains in breach of the European Convention on Human Rights on the basis of the ruling in the *Sejdić-Finci* case in which the European Court of Human Rights found that the ineligibility of persons belonging to Roma and Jewish ethnicity to stand for national elections was discriminatory. The European Commission also encouraged Bosnia and Herzegovina to step up measures to counter the phenomenon of foreign terrorist fighters and prevent radicalisation. In February 2016, Bosnia and Herzegovina submitted its application for EU membership and in September 2016, the EU Council invited the Commission to assess whether it can be granted candidate status.

**Kosovo:** In its [report](#), the European Commission welcomed closer relations between the EU and Kosovo, even though it is still not recognised by five EU Member States: Cyprus, Greece, Romania, Slovakia and Spain. Ratification of the border agreement with Montenegro and deepening its dialogue with Serbia should, however, progress more according to the report. Concerning religious matters, interaction among religious leaders continued but legal provisions on freedom of religion should be fostered. More training is needed for prosecutors and police to tackle extremist religious groups. The report also states that the protection of cultural heritage, including cooperation between the Serbian Orthodox Church and Kosovo authorities, remains a challenge.

### 3. Concluding assessment

Following the Enlargement package published by the European Commission, the **Foreign Ministers** of the EU Member States are likely to adopt at their December meeting respective conclusions and **decisions** on the priorities in the enlargement process. The **European Parliament** is also expected to adopt respective progress **reports** for each enlargement country in the first half of 2017. The **next Enlargement package** will be presented by the European Commission in **Spring 2018** as it decided to move the adoption of the package from autumn to spring in order to harmonise the reporting period with the calendar year.

The conclusions of this year's Enlargement package confirm on the one hand the **enlargement fatigue** throughout the EU and its Member States that has been existent since the big EU enlargement in 2004 and reinforced by the current crisis challenging the EU internally and externally. On the other hand, as the EU Commissioner for Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn, stated, "a credible enlargement process remains an **irreplaceable tool** to strengthen these countries (of Southeast Europe) and help them carry out political and economic reforms". The third [Western Balkans Summit](#) held in Paris immediately after the UK vote on Brexit reaffirmed the "European perspective" for the countries of this region.

As the recently adopted [EU Global Strategy on Foreign and Security Policy](#) implies, a credible accession process can foster the **resilience** of countries and societies in our neighbourhood and thus contribute to **peace, prosperity** and **stability** on the European continent, as it is proven by history of the European integration process.

In order to be **credible**, the enlargement policy of the EU must **deliver on its promises** and **provide adequate assistance** to the countries aspiring for EU membership. EU enlargement is a long-lasting process that also requires **strong political commitment** to reforms by local leadership with a **broad and inclusive participation of the civil society** in shaping the EU strategies and assistance programmes for these countries. As the Apostolic Exhortation "[Ecclesia in Europa](#)" underlines, Europe is **more than just a "geographical area"**, and the European Union cannot be reduced merely to its **economic dimension**. Therefore, a credible EU Enlargement policy must also ensure that the countries wishing to join the European Union, fully respect the rule of law, protect and promote human rights and show **full commitment to the founding principles** of the European unification project.

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The Secretariat of Justice&Peace Europe