

Competition among peers

Does Europe still inspire in the Balkans?

Nice, 24 March 2012



Contents

Key question:

How to overcome shortcomings in the current policy of conditionality

Is conditionality failing in the Balkans?

Visa liberalisation: a narrative of conditionality success

Enlargement as capacity building

Policy recommendations



**Is conditionality failing in
the Balkans?**

The stages to accession: Where the Balkans stand now

	Croatia	Macedonia	Montenegro	Albania	Serbia	Bosnia-Herzegovina
Application submitted	Feb 2003	Mar 2004	Dec 2008	Apr 2009	Dec 2009	-
Council requests an opinion (avis)	Apr 2003	May 2004	Apr 2009	Nov 2009	Oct 2010	-
Country receives questionnaire	Jul 2003	Oct 2004	Jul 2009	Dec 2009	Nov 2010	-
Country returns questionnaire	Oct 2003	Feb 2005	Dec 2009	Apr 2010	Jan 2011	-
Commission Avis published	Apr 2004	Nov 2005	Nov 2010	Nov 2010	Oct 2011	-
Council gives candidate status	Jun 2004	Dec 2005	Dec 2010	-	Mar 2012	-
Commission recommends start of talks	Dec 2004	Oct 2009	Dec 2011	-	-	-
Accession talks start	Oct 2005	-	-	-	-	-
Accession talks conclude	June 2011	-	-	-	-	-
Accession	<i>July 2013</i>	-	-	-	-	-

Three problems in the Balkans

1. Weakness of state administrations
2. Import of latent conflicts in the EU
3. Backward and uncompetitive economies



Enlargement fatigue



What is left of EU soft power?



**Visa liberalisation:
a narrative of conditionality success**

The starting point



Strict but fair



Agneza Rusi, head of the directorate for European Union in the Macedonian Ministry of Foreign Affairs

“The most important thing [about visa liberalisation] was that we entered a process which was well defined, with clear benchmarks and with clear rewards.”

Visa roadmaps and “grade reports”

ESI Grade Report Bosnia and Herzegovina

	ESI
I. Visa Facilitation and Readmission	
Readmission agreement	1
Visa facilitation agreement	no info
II. Document Security, Illegal Migration, Public Order and Security, and External Relations	
Block 1: Document security	
Commission: "does not yet fully meet all the benchmarks specified in block 1" (3-)	
1.1 Issue biometric passports in line with ICAO and EC standards	3+
1.2 Ensure integrity and security of the personalisation & distribution process	3+
1.3 Establish anti-corruption training & ethical codes for officials (passports, visas)	3
1.4 Report lost and stolen passports to Interpol/LASP database	3+
1.5 Ensure a high level of security of breeder documents and ID cards, incl. issuance procedures	3
Block 2: Illegal Migration including Readmission	
Commission: "does not yet fully meet all the benchmarks specified in block 2" (3-)	
2.1.1 Adopt and implement Nat. Integrated Border Management Strategy and Action Plan	3+
2.1.2 Adopt and implement legislation on movement of persons at the external borders, legislation on border authorities	2-
2.1.3 Take budgetary and other measures ensuring infrastructure, equipment, IT at external borders	3
2.1.4 Establish anti-corruption training & ethical codes for officials (border management)	2+
2.1.5 Conclude working arrangement with FRONTEX	1
2.2.1 Implement carrier's responsibility (in the Law on Movements and Stay of Aliens and Asylum)	1
2.3.1 Implement asylum legislation (in the Law on Movements and Stay of Aliens and Asylum)	2+
2.3.2 Provide adequate infrastructure (reception centres for asylum seekers) & strengthen bodies responsible for asylum procedures	1-
2.4.1 Mechanism to monitor migration flows (incl. migration profile), set up responsible bodies	2-
2.4.2 Adopt and implement national returnee reintegration strategy	3+
2.4.3 Conduct inland detection, investigations of org. facilitated illegal migration	3+
2.4.4 Implement the Law on Movement and Stay of Aliens and Asylum	1-
2.4.5 Ensure expulsion of illegally residing third-country nationals	1-
Block 3: Public order and security	
Commission: "does not yet fully meet the benchmarks under block 3" (3-)	
3.1.1 Implement 2006 strategy to fight organised crime and corruption (in particular cross-border aspects) by adopting & implementing the foreseen action plans	3+
3.1.2 Adopt and implement strategy and action plan to fight trafficking in human beings	1-
3.1.3 Adopt and implement strategy to fight money laundering and financing of terrorism, implement legislation on confiscation of assets of criminals	3+
3.1.4 Adopt and implement strategy and action plan to fight drug trafficking, info at border crossing points about drug seizures and persons involved, internat. cooperation	3+
3.1.5 Implement National Anti-Corruption Strategy and action plan, take additional measures	3+
3.1.6 Implement relevant UN and CoE conventions as well as GRECO recommendations in the areas listed above and the fight against terrorism	3+
3.2.1 Implement internat. conventions on judicial cooperation in criminal matters	2+
3.2.2 Improve judicial cooperation in criminal matters with EU MS and regional countries	3+
3.2.3 Develop working relations with Eurojust	1
3.3.1 Improve law enforcement co-operation among relevant national agencies	3+
3.3.2 Set up coordination mechanisms for information exchange between national agencies	3+
3.3.3 Improve law enforcement cooperation and info exchange regionally and with EU MS	2-
3.3.4 Improve operational and special investigative capacity of law enforcement services to tackle cross-border crime	3+
3.3.5 Prepare operational cooperation agreement with Europol	3+
3.4.1 Implement 2006 Law on Data Protection, set up supervisory authority	3+
3.4.2 Implement internat. conventions on personal data protection	unclear
Block 4: External Relations and Fundamental Rights	
Commission: "on the right track to meet the benchmarks under this block" (3+)	
4.1.1 Ensure freedom of movement for citizens without discrimination	2-
4.2.1 Ensure access to travel and identity documents for all citizens	1-
4.2.2 Ensure access to identity documents for IDPs and refugees	2
4.3.1 Adopt and enforce legislation on anti-discrimination	3+
4.3.2 Implement law on citizenship	1-
4.3.3 Ensure investigation of ethnically motivated incidents in the area of freedom of movement	2-
4.3.4 Ensure respect for constitutional provisions on protection of minorities	2
4.3.5 Implement relevant policies regarding minorities, including Roma	1-
Final remark	
Visa refusal rate and entry refusal rate	no info
Implementation of EU joint actions on travel bans	no info

Competition and clear criteria

Scorecard April 2010 – Schengen White List Conditions

Based on the assessments by the European Commission of five Western Balkan countries' progress in implementing the visa roadmap (on 19 April 2010 and 18 May 2009)

1.	Macedonia	(May 2009)	score: 1.3
2.	Bosnia	(April 2010)	score: 1.4
3.	Albania	(April 2010)	score: 1.6
4.	Montenegro	(May 2009)	score: 1.9
5.	Serbia	(May 2009)	score: 2
	Kosovo	still missing	score: -

	Albania (April 2010)	Bosnia (April 2010)	Macedonia (May 2009)	Montenegro (May 2009)	Serbia (May 2009)
1. Document security	1	1	1	1	1.5
2. Illegal migration incl. readmission	1.5	1	1.5	2	2
3. Public order and security	2.5	2.5	1.5	2.5	2.5
4. External relations and fundamental rights	1.5	1	1	2	2
Average:	1.6 (1.625)	1.4 (1.375)	1.3 (1.25)	1.9 (1.875)	2 (2)

The “regatta model”



Poul Skytte Christoffersen

“Leaving somebody behind – awaiting another ‘wave’ in an uncertain future – could take away the pressure for reform and modernisation in the countries left on the shore. Denmark and Sweden proposed the regatta model, where all the candidates were allowed to ‘set sail’ and participate in the enlargement negotiations. Each country’s efforts would then determine when they were able to conclude the negotiations.”

Rethinking europessimism after the visa experience



Enlargement as capacity building



How EU accession works

1. Application
- 2. Questionnaire**
3. Avis
4. Candidate status
- 5. Screening**
6. Negotiations
7. Accession

The conventional wisdom

Problems must be resolved before a country can move into the serious accession process, particularly candidate status and the opening of accession negotiations



What member state builders say



**Vesna Pusic,
Croatia**

“If you look at Croatia the way it was ten, eleven years ago and the way it looks now, in every aspect it is a different country.”



**Radmila Sekerinska,
Macedonia**

“If there was one umbrella policy that could help us to change the country, it was definitely the perspective of EU membership.”



**Juliana Nikolova,
Bulgaria**

“You cannot imagine the enormous differences between the administration in 1992 and 2007.”



**Monica Macovei,
Romania**

“The accession process is a unique opportunity to carry out in 10 to 20 years transformations that would otherwise take a hundred years.”

Regatta in the Balkans

- Apply the regatta model from the visa experience to the Western Balkans
- Turn the acquis's 35 chapters into roadmaps
- Create public “enlargement progress tables”



Getting to a working stage

- Member state builders
- Not accelerating accession but accelerating reforms
- Smarter and tougher conditionality, not less conditionality
- Make a long process more exciting and transparent



Policy recommendations

Policy recommendations

- Launch a pre-accession process for all Western Balkans countries to create positive competition between neighbours
- Let at least other WB countries listen in and participate in Montenegro's screening
- The Commission to introduce more transparency in the pre-accession and negotiating phases

*Sarajevo
City*

EUropean way



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