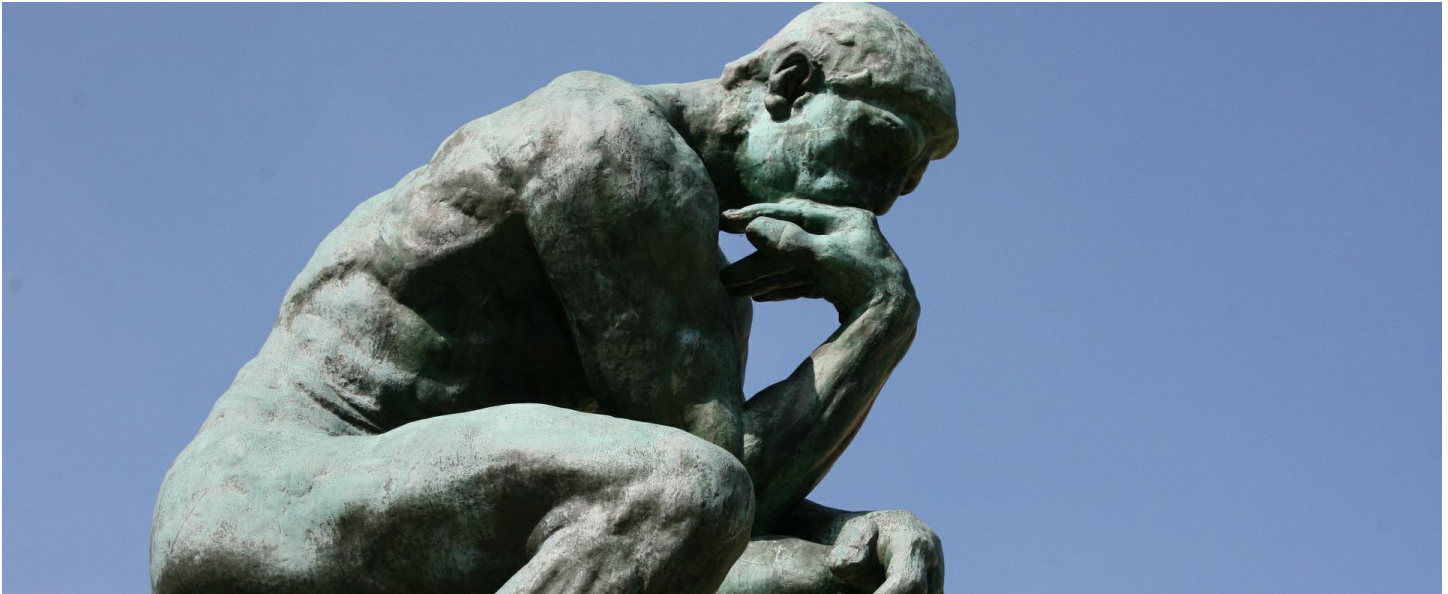


DISCUSSION PAPER



The Model of staged accession to the European Union

Addressing the Western Balkans' three key concerns

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Ever since its inception, the number of those supporting the [Template](#) model of staged accession to the EU has been sprouting. Primarily, this applies to the EU stakeholders from several member states who have recognised the Model's potential to reform the enlargement policy. Moreover, the acquired feedback has been valuable as it allowed the authors to refine the Model further. The collected comments and reactions were used to produce a follow-up publication focused on [addressing the four key concerns](#) of EU stakeholders. As the ensuing discussions with the stakeholders from the Western Balkans have also brought to light certain regional dilemmas and concerns, this paper seeks to discuss and respond to those most frequently encountered. This includes the worry that the Model would: 1. delay accession to the EU; 2. create a shortcut to the EU; and, 3. make the Western Balkan countries second-class member states. Deflating these concerns is highly important considering that the implementation of the Model would greatly benefit from strong support and ownership in the region.

The central argument is that the Model represents a structured, phased path towards reaching full-fledged membership at the end of the process, without neither causing new unnecessary delays, nor creating shortcuts for countries not ready for accession. Recognising that the existing approach to enlargement has lost its credibility and transformative power, the Template offers a reinforced structure incentivising the countries of the region to engage in reforms, while placing the rule of law at its forefront with enhanced monitoring methodology and a reversibility mechanism. Moreover, although it introduces certain institutional limitations upon membership, as a reassurance to the EU27 that no new member state will be able to misuse the voting procedures, it is highlighted that these limitations are time-limited. This way, the countries of the region avoid the risk of becoming second-class member states. In short, by being designed to incentivise reforms in the region while ensuring the functionality of the enlarged Union, the Model represents a meeting point between the legitimate interests and concerns of both the WB6 and EU27.

Concern 1: “It would delay the accession to the EU”

Following the two-decade focus on EU integration, there is a certain natural inclination in the Western Balkans to doubt the intentions of new initiatives as these are often seen as another way of delaying the accession. The basic reason behind such scepticism lies in the fact that, so far, the enlargement process has at critical times failed to reward accomplishments of politically “painful” reforms regardless of the risks of severe domestic backlash.¹ Although the [revised enlargement methodology](#) was introduced in 2020 as a way to “reinvigorate” the accession process, it soon became apparent that this methodology has [failed](#) to produce an actual meaningful change. On the contrary, in the eyes of regional stakeholders, it has created delays in the process without clearly demonstrating the potential to accelerate the process in the future. Hence, there is an understandable concern that any enlargement policy reform would turn into yet another EU bureaucratic exercise that would risk further postponing the moment of accession.

The Template itself is already quite detailed and further requires only the fine-tuning of practical implementation matters, which can pan out as part of the standard enlargement policy operations. By relying on the cluster structure and easier reversibility procedures, the Template strongly builds upon the revised enlargement methodology.

While the introduction of the revised enlargement methodology was indeed a lengthy exercise which has caused some delays to the process, the application of the Staged accession model entails no such risks. In fact, the operationalisation of the Template could start immediately. Firstly, the Template itself is already quite detailed and further requires only the fine-tuning of practical implementation matters, which can pan out as part of the standard enlargement policy operations. Secondly, by relying on the cluster structure and easier reversibility procedures, the Template strongly builds upon the revised enlargement methodology. The existing elements of the revised methodology would need to be complemented by operational decisions granting greater institutional participation and access to higher funding levels as rewards for improved preparedness for membership in the pre-accession Stages I and II, without having to halt the accession process for any country.

In fact, the Template seeks to incentivise reforms and instil new dynamic into the EU accession process for all WB countries. If the Model was already in motion, Montenegro and Serbia, as frontrunners, would have a powerful incentive to fulfil the Commission’s recommendations in the selected chapters and unlock the benefits of Stage I and, later on, Stage II. Moreover, as North Macedonia and Albania open accession talks following the adoption of the “French proposal”,² the application of the Model would allow them to enter the frontrunners club fairly quickly, particularly since the differences between the four countries’ overall level of preparedness per

chapter/cluster is not that significant. As for backbenchers such as Bosnia and Herzegovina and Kosovo*, yet to receive a candidate status and with the accession out of sight, the prospect of having benefits available during the process rather than upon its completion could act as a further mid-term incentive to commit to resolving the sensitive statehood and governance issues. In short, even if the Model cannot solve all pertinent issues directly, it nevertheless promises to generate the political will necessary for reforms in all countries.

¹ The signing of the Prespa agreement between Greece and Macedonia, which resulted in the change of the latter country’s name to North Macedonia, but has failed to initiate the accession talks, is a prime example of such a failure.

² According to the [Draft Council Conclusions](#) and [EU Common Position](#), drafted based on the proposal of the French Presidency of the Council of the EU, the EU is to start the opening phase of the accession negotiations, while adding that the next intergovernmental conference will start as soon as North Macedonia has implemented its commitment to complete the constitutional changes.

Taking into account different concerns of both frontrunners and backbenchers, there is another issue that merits special attention: the risk that the former might enter the Union faster and thus gain a position to “blackmail” or set up their own list of special conditions that could slow down the latter’s accession process. Considering the importance of minimising the potential to misuse the future asymmetric relationship between the two, the Model provides a relatively simple yet effective manner to prevent further conditioning. Namely, even if the frontrunners join the EU before others, they would not have veto rights in the Council in Stage III for a notable period of time. As allowing the start and conclusion of the accession talks would remain a matter of unanimous voting by conventional member states, new member states would have no possibility to misuse the process against the interests of their neighbours still in the accession process. Therefore, the Model creates a window of opportunity for all Western Balkan countries to join on their own merit, including those whose EU accession perspective seems the furthest for the time being.

Concern 2: “It would represent a shortcut to the EU”

Unlike the previous concern of further accession delays, some Western Balkans stakeholders fear the opposite - that the process would create undeserved shortcuts for (semi)authoritarian leaders in the region. Those stakeholders foresee that, by providing the local leadership with concrete and substantial benefits, the Model risks opening the membership doors to undeserving WB countries prematurely. This point of view, however, focuses only on one aspect of the Model – the carrot – without paying close attention that there is another equally important facet – the stick. The Model’s basic premise is that the countries indeed need to be incentivised for the painful reforms to take place in a timely manner, while retaining the rule of law reforms at the core of the process. Recognising that there should not be any shortcuts when it comes to the Fundamentals, the Model strengthens the sanctioning safeguards by introducing quantification of reform assessment and strengthening the reversibility mechanism.

So far, 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. What makes the Model stand out is that it also proposes developing a new toolkit for tracking and assessing reforms in all clusters, aiming to make the process more transparent with clear quantification of the preparedness levels. Without changing the membership criteria, the idea is to make the approach for measuring their fulfilment more objective, specific, and evidence-based. This should, in turn, increase the credibility of the Commission’s reports in the eyes of EU member states and further facilitate their decision to advance the accession of countries found to have made the adequate progress.

Another important rule of law safeguard element is the strengthened reversal mechanism. In practice, if a country shows backsliding or its average ratings across clusters fall below the established and already achieved norm, the Model simplifies the procedure for reducing the acquired benefits. Ideally, the process would be automatic, that is,

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it would not require any particular voting once the Commission identifies the backsliding. Yet, as member states are likely to aspire to retain some sort of control, reversed qualified majority voting (RQMV) is an apparent way to go³, as per the revised enlargement methodology. The difference, however, between how the reversibility has been handled so far and could be handled according to the Model lies in the credibility of the threat. To that extent, although the revised methodology has already simplified the reversal procedure, it has not increased the stakes, which is precisely what the Model does. With the financial and institutional benefits that are to be increased with each subsequent stage, the acceding countries have much more to lose in case of backsliding or stagnation. In other words, the Model suspends the practice of making empty threats.

Concern 3: “Western Balkan countries would turn into second-class member states”

Lastly, some stakeholders have raised the concern that the application of institutional limitations in Stage III would turn the new member states into permanent second-class members while creating a rift with the EU27. Here, the critical dilemma revolves around the question of “fairness”, i.e. whether the EU would send a discouraging message to the region’s political elites and citizens by arguing that full institutional participation is off the table even after acquiring a membership status. It is also a matter of identity and acceptance by the local population. This kind of concern represents indeed a delicate but not insurmountable problem. The following sections, therefore, explain how the implementation of the Staged accession model would in fact guarantee full-fledged membership of the Western Balkan countries rather than hampering it.⁴

3.1 Privileges of the pre-accession stages

Looking at the pre-accession period, and comparing it with the previous enlargements, the Staged accession model gives, in fact, the Western Balkan countries a rather privileged status.

Looking at the pre-accession period, and comparing it with the previous enlargements, the Staged accession model gives, in fact, the Western Balkan countries a rather privileged status. Those privileges would consist of the early-on benefits provided in the first two stages, comprising significantly increased financial assistance and institutional participation. Available funding for socio-economic development would correspond to 50% and subsequently 75% of the conventional membership amounts. In practice, this would entail a severalfold increase as compared to the far more limited pre-accession assistance (IPA).⁵ With gradually increasing access to funds per stage, depending on the level of progress across clusters, Western Balkan countries would become better equipped to work on narrowing the socio-economic gap with the EU average sooner rather than later. This could be well handled by having

³ According to the RQMV, a Commission recommendation is deemed to be adopted unless the Council decides to reject the recommendation by qualified majority and within a given deadline.

⁴ These elements could also serve as a good ground for exploring how the Ukraine and Moldova’s, including Georgia’s, path towards the EU could be tackled. As the context is different, this topic warrants another paper.

⁵ Considering that IPA is *insufficiently* taking account of the enormous development gap between the Western Balkans and the EU, calls are repeatedly being made for the EU to mobilise resources for the Western Balkans that are proportional to their level of market integration and consider ways to open structural funds even before accession. Doing so becomes all the more pressing considering that the average GDP per capita in Purchasing Power Parities (PPP) in 2016 of the Western Balkan 6 had not reached 28% of the level in the old EU member states (the so-called EU15), while CEE was at around 60 % of the EU15 average.

them linked to the Flagship Initiatives presented in the [Economic and Investment Plan](#). The increased funds per stage would essentially treat the Western Balkan country in question as a state at the membership doorstep.

The Model also highlights the need to address the issue of [absorption capacities](#) early on. According to the current binary “in or out” enlargement model, there is an abrupt jump from IPA to structural funds once the membership has been reached. Consequently, this requires a major and rapid increase in administrative capacities at a time when a new member state’s administration normally goes through a staff outflow towards EU institutions. By gradually unlocking the access to funds during the pre-accession stages, with full funding only attainable once the process is over, the Western Balkan countries would be allowed to progressively fit into the EU’s structural framework and build up their absorption capacity over time. All things considered, the financial incentives the Model introduces represent a timely positive action intended to assist in alleviating the economic disadvantage of the Western Balkans and prepare its countries to assume full membership.

In parallel, the Model elevates the importance of the acceding countries by giving them an option to sit with their EU counterparts at regular meetings in Brussels and parliament sessions in Strasbourg even prior to membership. While the revised enlargement methodology was the first step to introducing this option⁶, the Model has provided a detailed roadmap on how this further institutional rapprochement could take place – with a *passive* observer status granted at Stage I (right to attend meetings in selected policy areas) and an *active* observer status at Stage II (speaking rights across the board). In case the EU makes a creative effort to make such early institutional participation possible, it would allow Western Balkan countries to start internalising norms, values, and procedures, and thus foster greater socialisation. This would, on the one hand, create space for the generation of mutual trust and solidarity, and on the other hand, increase responsibility, responsiveness, and accountability of the acceding countries. Such institutionalisation of the relationship would allow the countries to practice membership and incentivise them to closely align with the EU’s *acquis* and key policies.

Moreover, bridging the institutional gap can streamline the Western Balkans into EU’s policies – something that, to a large extent, has been missing in the past years. For instance, in the wake of COVID-19 pandemic, the Commission adopted a [Regulation](#) which made it more difficult to export medical equipment outside the EU - a measure which clearly disfavoured the Western Balkans. It took the Commission a whole month to [exempt](#) the region from export authorisation, allowing more than enough time for China to step in and fill in the void. Two years later, at the wake of another crisis, as part of the 4th sanctioning package against Russia, the Council adopted a [Decision](#) - conceding the EU companies to continue energy-related transactions with Russia whereas not permitting the same for the companies outside the EU in which Russians are majority stakeholders. After this contradiction had caused some turmoil in Serbia, considering its oil industry is headed by the Russian Gazprom, it took the Council three weeks to [re-adjust](#) its decision. In a nutshell, both examples showcase that had the region’s representatives been seated at the table with their EU counterparts when these decisions were discussed, these policy missteps might not have taken place. Tackling this issue is important, as the Western Balkans represent a significant element of future-proofing the EU’s geopolitical position.

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⁶ It highlighted the need to create new opportunities for high level political and policy dialogue with the countries through regular EU-Western Balkans summits and intensified ministerial contacts, especially in areas where the alignment is progressing well and key criteria are being met. It was also stated that such increased engagement could lead to the countries participating as observers in key EU meetings on matters of substantial importance to them.

3.2 The post-accession practicalities

All the mentioned benefits are supposed to lead any given Western Balkan country towards the moment when the Treaty of Accession can be signed and ratified – upon fulfilment of all membership conditions, with a strong focus on the fundamental reform areas. According to the Model, once that is achieved, a Western Balkan country officially becomes a new member state albeit temporarily without the veto rights in the Council of the EU. Such institutional limitation is introduced with the intention to tend to the legitimate fears of EU stakeholders that a Union with 33 veto players would become dysfunctional and even unsustainable. Moreover, this provides more time for the conventional member states to continue assessing the rule of law standards of new member states to ensure no backsliding occurs. Said temporary regime would be a result of a sort of grand bargain between conventional and new member states, in which the former agree to provide privileged access to the acceding countries during the accession process whereas the latter agree to renounce the right to enjoy full institutional rights for a specified period of time.

The word *temporary* is key here. The EU body of law would not tolerate the official existence of two classes of membership, which is why all institutional limitations are to be time-limited for them to work.⁷ Any introduction of a clause that would risk installing a permanent and involuntary institutional opt-out of a new member state would damage the essence and *modus operandi* of the EU and disturb the parity of relationship between member states. Hence, temporary derogations – provisions allowing for post-accession suspension of the application of selected rules during a specified period of time – would need to be agreed prior to entering Stage III and laid out in the Treaty of Accession. This way, the Treaty, key legal instrument specifying the terms under which an acceding country becomes a member of the Union, becomes a dam against any attempts to institutionalise or legalise any sort of a permanent second-class membership within the framework of the Staged accession model.

Finally, looking at Stage III from citizens' perspective, the Model presents no greater risks of second-class membership than the traditional accession approach.⁸ Once the Treaty of Accession is signed and ratified, the new member states' citizens become EU citizens, with equal treatment to their counterparts in conventional member states. Generally speaking, that includes acquiring EU passports allowing freedom of movement, study, and residency, rights to provide services and engage in labour markets across the EU, as well as the right to seek permanent employment in EU institutions and stand and vote in European elections.⁹ What is more, new member states' citizens would also acquire full protection of the Court of Justice of the EU, that is, EU law and the Charter of Fundamental Rights of the EU, including having access to the EU Ombudsman, as well as diplomatic and consular protection. Recognising that an increasing number of citizens from the region are feeling tired of and dissatisfied with the length of the current process, the Model aims to overcome this kind of citizen apathy by narrowing the time horizon and giving true meaning to the membership perspective.

Recognising that an increasing number of citizens from the region are feeling tired of and dissatisfied with the length of the current process, the Model aims to overcome this kind of citizen apathy by narrowing the time horizon and giving true meaning to the membership perspective.

⁷ It should be noted, however, that becoming a member of the Eurozone and Schengen would continue to be dependent on implementing policy conditions.

⁸ The introduction of derogations to the region would not be a complete novelty, as these have been extensively applied in each round of enlargement in the past, notably in terms of temporary limitations to the freedom of labour movement. The fact that these could limit one of the four essential freedoms of the EU shows how powerful a tool the temporary derogations are. This time, these would be applied to fit the changed circumstances and limit some institutional rights with the aim to pre-empt any institutional deadlock from taking place in the near future. Hence, the commonality with previous derogations is that they would all be both necessary and temporary.

⁹ The only imaginable exceptions would be similar to those previously negotiated as part of eastward EU enlargements, when the right of movement of labour from new members towards certain member states was temporarily restricted.

As Europe is facing tectonic geopolitical changes, it becomes apparent, more than ever, that without the Western Balkan region firmly settled within the EU's institutional structure, neither will the EU have demonstrated its geopolitical power nor will the region be safe from malign influences of external undemocratic regimes. As timing matters in politics, the Western Balkan leaders have an opportunity to demonstrate responsible leadership and explore a gradual and structured way to full membership discussed in this paper.

The time to act and think out of the box is right. As Europe is facing tectonic geopolitical changes, it becomes apparent, more than ever, that without the Western Balkan region firmly settled within the EU's institutional structure, neither will the EU have demonstrated its geopolitical power nor will the region be safe from malign influences of external undemocratic regimes. As timing matters in politics, the Western Balkan leaders have an opportunity to demonstrate responsible leadership and explore a gradual and structured way to full membership discussed in this paper. The fact that all Western Balkan countries have called for Bulgaria to lift its veto, for example, showcases that they can rally around an EU-related cause that can bring benefits to the entire region. By turning the Model into a matter of regional bottom-up ownership, this would not only have the potential to break the vicious cycle of unsuccessful integrative processes but could also overcome the long tradition of the region's countries sending, more often than not, contradicting tones and messages to the EU.

Having in mind that the voice of the region is a *conditio sine qua non* when it comes to search for ways to end the enlargement impasse and further boost political, economic, and societal ties with the EU,¹⁰ the level of engagement should also go beyond political arena. In fact, with the new Model, the role of civil society organisations (CSOs) from the region will also continue to remain indispensable in terms of operationalising the Model, further engaging in rule of law monitoring, and generating consensus in the region. Moreover, their ability to simultaneously engage with EU stakeholders and Western Balkan leaders while adequately informing and educating the public becomes an indispensable aid in turning the Staged accession model into reality. Therefore, any attempt to revive and revitalise the enlargement as the most successful policy of the EU, and as a policy that can introduce transformative changes to regions where it is applied, needs to strongly involve and highlight the role of CSOs.

¹⁰ So far, the leaders from the region have given some clues on how they view alternative proposals. Namely, leaders from North Macedonia, Albania, and Serbia have publicly and jointly endorsed some sort of a “phased-in accession”, whereas Montenegro has similarly albeit separately affirmed the importance of identifying “early integration measures” that would precede membership. Although this sounds promising, the leadership of Kosovo and Bosnia and Herzegovina are yet to state their mode of thinking on alternative solutions.

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