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Transparency and opacity in the EU accession negotiations

Time to reconsider existing practices in Serbia

In brief

This discussion paper argues that the current dynamics in Serbia's EU accession talks and the existing modes of interaction between the Serbian government, civil society and European Commission (EC) are not conducive to swift and sustainable progress on the EU track. Serbia should step up its efforts to build up its institutional capacities and reinvent effective mechanisms for evidence-based and inclusive policymaking. Open dialogue between the government and civil society¹, as well as transparency in the accession process, are prerequisites in this regard. Serbia can and should do more to meet these preconditions if it is to effectively enforce the legislation aligned with the EU acquis and ensure collective ownership of this process, with the citizens aware and informed about the benefits and constraints of EU membership. This requires a reset of the relationship between the state and CSOs by (re)building mutual trust and raising the established patterns of cooperation to a higher level. The EC/EU should consider disclosing the findings of its expert/peer review missions to the public in order to maintain pressure on the Serbian executive in the wake of the more demanding phase in EU accession negotiations. This would also help to make the public debate on Serbia's EU membership transparent and substantiated with facts, thus increasing the legitimacy of the accession process.

The upcoming period looks promising for Serbia's aspiration to join the European Union (EU) as enlargement policy seems to be timidly moving up on the EU's agenda. The European Commission (EC)'s announcement of a concrete possible year for Serbia's accession² and the forthcoming Bulgarian and Austrian presidencies' programmes³ appear to bring the Balkans back in the EU's spotlight. However, closer EU political attention to the Western Balkans' enlargement is not exactly consistent with Serbia's current pace of reforms. Despite being one of the forerunners in the region, Serbia's EU integration efforts have increasingly come under fire. The Serbian civil society organisations (CSOs) above all, have been particularly vocal about what they perceive as the failure of the government to deliver results and maintain good cooperation with CSOs. This is especially problematic when it comes to Chapters 23 and 24 of the accession negotiations, which cover fundamental policy areas related to the rule of law and the judiciary, and where progress conditions the ability of a country to advance towards the EU.

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Serbia should step up its efforts to build up its institutional capacities and reinvent effective mechanisms for evidence-based and inclusive policymaking. Open dialogue between the government and civil society⁴, as well as transparency in the accession process, are prerequisites in this regard.

1. CSOs are defined here in the widest sense to comprise non-state, non-profit and non-partisan structures, community-based organisations, non-governmental organisations, faith-based organisations, foundations, research institutions, cooperatives, professional and business associations, trade unions and employers' organisations and the not-for-profit media. See: EU Communication The roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations, 12.09.2012., p.3, available at: http://civilnodrustvo.gov.rs/upload/old_site/2012/10/EU-Communication-Engagement-with-civil-society-September-2012.pdf
2. The Letter of Intent accompanying the EC's President State of the Union address from September 2017 envisages the adoption of a Strategy for a successful EU accession of Serbia and Montenegro as frontrunner candidates in the Western Balkans, with a particular emphasis on the rule of law, fundamental rights and the fight against corruption and on the overall stability of the region, being an initiative with a 2025 perspective. This document is announced for February 2018. (See p.10, https://ec.europa.eu/commission/sites/beta-political/files/letter-of-intent-2017_en.pdf). In a statement from 8th November 2017, EC President Juncker declared that he expects Serbia's EU membership even before 2025 (<http://bit.ly/2n2q42p>).
3. See, for example: RTS, Enlargement Priority for Bulgarian Presidency, 25th July 2017, <http://bit.ly/2zqVwJ6> and Danas, CEP: A Chance for Serbia, 16th November 2017, <http://bit.ly/2i5W9EB>
4. CSOs are defined here in the widest sense to comprise non-state, non-profit and non-partisan structures, community-based organisations, non-governmental organisations, faith-based organisations, foundations, research institutions, cooperatives, professional and business associations, trade unions and employers' organisations and the not-for-profit media. See: EU Communication The roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations, 12.09.2012., p.3, available at: http://civilnodrustvo.gov.rs/upload/old_site/2012/10/EU-Communication-Engagement-with-civil-society-September-2012.pdf

Greater role for civil society to support irreversibility of reforms

Drawing on lessons learned from previous enlargement rounds, the EU has recalibrated its strategy towards the aspirant Western Balkan countries, both in terms of policy priorities and the methodology used to assess a country's compliance with the membership conditionality. The former has brought a stronger focus for the EU on the rule of law, public administration and economic governance as fundamental "pillars" of the enlargement process. The latter has allowed the EU to evaluate a country's progress on the basis of more than just legislative alignment with the *acquis*, taking into consideration also a (potential) candidate's ability to implement and enforce, through both administrative and judicial structures, the laws adopted. Past experience with new member states that saw backsliding on fundamental reforms post-accession, compelled the EU to introduce also a greater emphasis on the development and role of the civil society sector, as a horizontal and cross-cutting factor that can contribute to the sustainability of progress, by "enhancing political accountability" and fostering "understanding and inclusiveness of accession-related reforms".⁵

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Accordingly, EU support for civil society has increased over time, making the European Union the biggest donor to the sector in the Western Balkans.⁶ Likewise, in 2015, the Commission adopted a more comparative and transparent style of reporting on the state of play with regards to the reform agenda in the different Balkan countries, thus facilitating greater scrutiny of the process by the civil society in the region.⁷

The EU conditionality has played a significant role in promoting the involvement of civil society organisations (CSOs) in the EU accession process, motivating the Serbian authorities to engage with this sector on matters that fall within the scope of the accession negotiations, arguably more so than on non-EU related issues. While the establishment of the National Convention on the European

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Union (NCEU) as a comprehensive forum for the participation of CSOs and professional associations in Serbia's EU accession process institutionalised the state-CSO cooperation in 2014, no binding legal and institutional mechanisms actually guarantee CSOs' input into decision-making on a general level.⁸ As a result, the participation of civil society in policymaking in Serbia could generally be summarised as ad hoc, reactive and untimely.

5. European Commission, Enlargement Strategy 2015-20, p.5, available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2015/20151110_strategy_paper_en.pdf
6. Overall, between 2007-2013, CSOs have received almost €190 million through the Instrument for Pre-Accession Assistance, as well as over €35 million from the European Instrument for Democracy and Human Rights, compared to €27 million for the 2005-2007 period. The Civil Society Facility allocations for the 2014-2015 period amounted to €68,7 million, whereas the ones for 2016-2017 for the Western Balkans and Turkey increased by 27% compared to 2014-2015. See: European commission (2013) Enlargement Strategy and Main Challenges 2013-2014, Communication from the Commission to the European Parliament and the Council, p.9, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2013/package/strategy_paper_2013_en.pdf; European Commission (2016) Implementing decision of 20.7.2016 adopting a civil society facility and media programme for the years 2016-2017 under the instrument for pre-accession assistance, pp.3-4, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial_assistance/ipa/2016/ipa_ii_2016-038-960_2017-038-96_civil_society_facility_and_media_programme.pdf;
- And O'Brennan J. (2013) The European Commission, Enlargement Policy and Civil Society in the Western Balkans. In: Bojicic-Dzelilovic V., Ker-Lindsay J., Kostovicova D. (eds) Civil Society and Transitions in the Western Balkans. New Perspectives on South-East Europe Series. Palgrave Macmillan, London, p.30.
7. Dimitrova, Antoaneta L.: The EU's Evolving Enlargement Strategies: Does Tougher Conditionality Open the Door for Further Enlargement?, No. 30, July 2016, "Maximizing the integration capacity of the European Union: Lessons of and prospects for enlargement and beyond" (MAXCAP), p.11., available at: http://userpage.fu-berlin.de/kfgeu/maxcap/system/files/maxcap_wp_30.pdf
8. According to the government's Rules of Procedure, the public debate with the interested parties only takes place in the drafting phase of the legislative process, meaning that the external stakeholders do not have the chance to intervene in the policy cycle before consultations on a final legal draft, which practically leaves them unable to influence the policy development from the earliest, most crucial phase. Moreover, the consultation procedure via public debate is not binding, therefore its realisation solely depends on the will of the relevant institution. The government brought Guidelines on Cooperation with Civil Society, which are also non-binding. The existence of this document has been used extensively as an argument by the CSO sector to induce the government to engage CSOs more into policymaking.

Nevertheless, the first positive exchanges between the state and the civic sector in the framework of opening of negotiating chapters have shown potential to entirely reverse the generally faulty patterns of cooperation. The NCEU has been promising to re-set the cooperation between the state and the civic sector in Serbia on a healthier footing. More precisely, the NCEU has acquired a formal say in the formulation of positions and drafting of documents related to the opening of negotiating chapters (that is, action plans and negotiating positions)⁹. It is also entitled to receive feedback from the government for the purpose of monitoring progress once the negotiating chapters are open.¹⁰

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The platform has so far been the most active within the working groups for Chapters 23 and 24. In the preparation for the opening of these two chapters, CSOs could follow the screening process livestream from Belgrade; could attend lectures and workshops aimed at improving their knowledge on the substance of the two chapters and the negotiating process as a whole; could receive and provide feedback on draft action plans (APs), and could see their suggestions incorporated in the final two versions of these documents. In addition, the government's Office for Cooperation with the Civil Society has organised numerous consultations and capacity-building activities for the sector, most notably in areas related to Chapters 23 and 24, which has strongly contributed to establishment of mutual trust and more substantiated cooperation.

Similar patterns of interaction between the government and civil society have also taken place for other chapters of the accession negotiations. In these cases, too, civil servants from the responsible ministries have regularly responded and participated in the NCEU meetings organised by the more active NCEU working groups. Since its establishment, the members of 21 NCEU working groups have organised over 200 meetings and public events, with participation of more than 2500 representatives from CSOs, state authorities, media, trade associations, etc.¹¹

It should be noted, however, that the responsiveness of higher-level politicians in such formats has so far been less commendable, as their engagement in this forum has remained on the level of formal endorsement, with little

interest to follow up on discussions. Still, the established positive practices suggest that an informed, open and inclusive EU accession process in Serbia might be in the works and possible.



9. The European Integration Committee's Decision from 4 June 2014 states that the Committee would consult the suggestions, inputs and recommendations by NCEU prior to consideration of Negotiating Positions. See Procedure on consideration of negotiating position, p. 2, paragraph 4, available at: <http://eukonvent.org/wp-content/uploads/2014/08/Odluka.pdf>; The Government's Conclusion from 13 August 2015 on the role of the responsible institutions in the formulation of negotiating positions stipulates that the negotiation group consults the NCEU and the Serbian Chamber of Commerce while preparing the negotiating positions, http://eukonvent.org/wp-content/uploads/2015/08/zakljucak_pregovaracke_pozicije_13_08_15.pdf
10. Decision on Establishment of Negotiating Team, http://eukonvent.org/wp-content/uploads/2015/08/odluka_pregovaracki_tim_15.pdf
11. National Convention on the EU, Book of Recommendations for 2016-17 [in Serbian], p.6, available at: <http://eukonvent.org/wp-content/uploads/2017/10/Knjiga-preporuka-NKEU-2016-2017.pdf>

When calls for transparency meet an obscure reality

Yet, while government-CSOs meetings have been regularly held since the opening of Chapters 23 and 24 in 2016, their quality has gradually eroded, as the state representatives have relapsed into a 'tick-the-box' mode of interaction. Namely, As the realisation of the measures set in the APs for Chapters 23 and 24 has turned out to be much more challenging than the preparations for the opening of the chapters, the state actors have become more reluctant to share information with the CSO representatives on the actual state of play. Indeed, the quarterly and biannual reports of the government on the implementation of the APs for Chapters 23 and 24 barely provide robust, reliable and verifiable data for the civil society to be able to scrutinise the state authorities, provide constructive feedback and inform the wider public. The coalition Preugovor, which gathers CSOs that provide monitoring of the areas under Chapters 23, 24 and 35, and the Lawyer's Committee for Human Rights (YUCOM), a CSO that coordinates the NCEU working group for Chapter 23, have been particularly outspoken about this issue.¹²

There is an impression that parts of the Serbian administration do not perceive the tasks in the EU accession process as a priority but rather as an additional burden.

The Ministry of Justice and the Ministry of Interior, which coordinate the two negotiation groups for Chapters 23 and 24, respectively, claim to have faced difficulties in collecting data from the relevant institutions. Consequently, the reports on the implementation of the APs are lacking information. This gives the impression that parts of the Serbian administration do not perceive the tasks in the EU accession process as a priority but rather as an additional burden.

The tensions set off by the CSOs' repeated calls for access to data on concrete achievements of AP commitments culminated in autumn 2017 with the exchange of statements. The Ministry of European Integration and the Negotiation Team reacted negatively on the criticism expressed in the shadow report made by Preugovor.¹³ This coalition riposted by claiming it received no answer to 179 questions necessary to assess the effectiveness of the achieved results under Chapter 23 and 24 commitments.¹⁴ NCEU stood behind Preugovor, recalling that the access to information of public

importance is among universal principles and stressing that well argued criticism is part of healthy and constructive dialogue.¹⁵ In parallel, a group of prominent CSOs and expert organisations involved in the consultations on constitutional reforms (an action envisaged by the AP on Chapter 23), decided to leave the process due to persistent refusals by the Ministry of Justice to deliberate on the proposals made by these organisations and thus to demonstrate genuine willingness for open dialogue.¹⁶

While the Serbian civil society sector wants to take advantage of the accession process in order to engage in an open discussion with the Government on issues related to the negotiations but also on topics that go beyond the mere requirements set by the EU, the Serbian executive appears determined to take a minimalistic approach, narrowly focused on EU benchmarks and AP measures.

12. See, for example, the latest shadow report by Preugovor, p. 5, October 2017, available at: <http://bit.ly/prEUgovorReport2017Oct>
13. Ministry of European Integration press release, 25 October 2017 <http://www.mei.gov.rs/srl/vesti/1171/189/335/detaljnije/mei-da-su-hteli-dapitaju-dobili-bi-odgovore/>
14. Preugovor statement from 27th October 2017, <http://bit.ly/179Questions0Answers>
15. NCEU press release on the shadow report prepared by the Preugovor coalition, <http://eukonvent.org/saopstenje-povodom-alternativnog-izvestavanja-onapretku-u-procesu-pristupanja-srbije-evropskoj-uniji/>
16. Joint Letter by professional associations that advocate for the rule of law on the consultative process for constitutional amendments, 30 October 2017, <http://bit.ly/2ziok6D>

The Government seems to be more responsive when engaging with the NCEU compared to other CSO platforms. This is not surprising, given that NCEU is the sole CSO gathering with whom the state authorities are obliged to interact in the EU accession process. However, the mere fact that certain CSOs are not part of NCEU should not justify the Government's reluctance to respond to their comments, concerns and demands, if it is sincere in its commitment to cooperate with the CSOs.

At present, the government and at least a significant part of the civil society in Serbia seem unable to understand or trust each other. While the Serbian civil society sector wants to take advantage of the accession process in order to engage in an open discussion with the Government on issues related to the negotiations but also on topics that go beyond the mere requirements set by the EU, the Serbian executive appears determined to take a minimalistic approach, narrowly focused on EU benchmarks¹⁷ and AP measures. Both sides defend their stances in this regard. The CSOs perceive the accession process as a tool for investment in a long-term betterment of the country. Although rhetorically committed to the same goal, the Government looks more concerned with the heavy workload, tight deadlines, the delivery of concrete results, and promises for the short term, often to the detriment of quality and openness.¹⁸ In addition, the trend of calling snap elections at the convenience of the political establishment does not bode well for the enormous undertaking lying ahead in this process: the Parliament is unable to enact legislation in the period between the two government mandates, which considerably delays the realisation of the commitments defined in the APs.

In sum, despite the introduction of a more rigorous and inclusive approach to the accession process, Serbia's ongoing negotiations on Chapters 23 and 24 reveal a sizeable mismatch between the EU's expectations as set in strategic documents, on the one hand, and realities on the ground in the country, on the other. Over the past decades, the Serbian authorities have recorded modest results in the areas covered by these chapters, while their opening has so far not yielded any major acceleration of reforms. The EC country reports confirm this: in a 2006-16 timeframe, a considerable amount of recommendations and issues have been repeated *verbatim* every year.¹⁹ In addition, external indices such as the Freedom House, Bertelsmann Transformation Index (BTI) or the World Bank, still today continue to note stagnation, if not backsliding on issues related to the rule of law in Serbia.²⁰

The current situation is disadvantageous to all who are concerned, including the EU, which might see its credibility further erode in Serbia, given the shortage of evidence-based, EU-related public discussions. In fact, majority of Serbians consistently interpret the EU conditionality as blackmailing²¹, while the growing part perceive the EU as too mild in its confronts with the current political elites, despite clear signs of democratic backsliding in the country.²² For their part, the Serbian authorities are missing on the opportunity to take full advantage of the pre-accession stage

in order to shape and publicly deliberate on Serbia's future place in the EU.

As the experience of some former candidate countries shows, accession negotiations can significantly help a state to prepare in order to be able to perform well and defend its national interests in the Council of the EU, once the goal of membership is reached.²³

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17. Compared to previous enlargements, the EC introduced benchmarks that condition the opening and closing of the most complex negotiating chapters.
 18. The European Commission's annual reports for Serbia have repeatedly raised the issue of excessive use of urgent procedures for the adoption of laws. The latest, 2016 report acknowledges for the first time the problematic trade-off between the short deadlines set for alignment with the *acquis* and the quality of the enacted legislation. By placing greater pressure on public participation in policymaking, the Commission seems to have learned from previous experiences, as it has modified its approach and started to pay greater attention to the substantive involvement of civil society and third parties in the region in the policymaking process.
 19. Analysis done in the framework of the project *Benchmarking for EU Reform – How Effective?*, which CEP implements in the framework of the Think for Europe network (TEN). See: <http://ten.europeanpolicy.org/benchmarking-for-eu-reform-how-effective-bencher/> The final findings will be published in March 2018.
 20. The stagnating/negative trend is confirmed by the BTI index, in which Serbia made no progress in terms of independence of the judiciary for three consecutive times with the score of 6 (on the 1-10 scale, 10 being the best), whereas according to the Freedom House index on Judicial Framework and Independence, Serbia regressed from 4.25 to 4.50 in the period 2006-16 (1 being the highest level of democratic progress and 7 the lowest). A comprehensive survey on the stakeholders' satisfaction of the judiciary system by the World Bank published in 2014 and performed between 2009 and 2013, revealed that the experiences of service providers (judges and prosecutors) have become more negative over time. See: <https://openknowledge.worldbank.org/handle/10986/21711>
 21. As revealed by public opinion surveys conducted bi-annually by the Ministry of European Integration (former Serbian EU Integration Office). See <http://www.mei.gov.rs/src/dokumenta/nacionalna-dokumenta/istrazivanja-javnog-mnjenja>
 22. Apart from the concerns voiced regularly by Serbian CSOs and experts, it was interesting to note in the latest presidential elections held in spring 2017 that the main opposition candidates, who have always been pro-European, also criticised the EU for blindly supporting the incumbent Serbian president.
 23. See M. Lazarevic et al., *Policymaking and EU accession Negotiations: Getting Results for Serbia*, European Policy Centre – CEP, Belgrade, 2013.

Paradoxically, in spite of insisting on greater “transparency of government action”, in the aspiring countries, the EU is indirectly helping the government to ease public pressure by keeping valuable information on the state of play exclusively for the eyes of the government officials.

Is the silver bullet partly in EU’s hands?

Given the evolution of the EU’s approach towards current EU aspirants, one additional factor that might help to make sense of the government’s poor delivery on EU-related reforms could be exactly the CSO’s limited ability to effectively hold the authorities accountable. Although in some specific areas CSOs may lack the expertise and skills to effectively monitor the accession process, in the areas covered by chapters 23 and 24 the extent of experience in the sector is much higher. Accordingly, the chief obstacles to civil society scrutiny are the problems of access to data and information with regards to the state of play of the country’s EU accession commitments.

When the civil society seeks to fulfil its functions, that is, to give input into policymaking, scrutinise the state and local authorities, and communicate with the public, it must rely both on the available data and on its own work.

Paradoxically, in spite of insisting on greater “transparency of government action”²⁴ in the aspiring countries, the EU is indirectly helping the government to ease public pressure by keeping valuable information on the state of play exclusively for the eyes of the government officials. More specifically, when the EU assesses the fulfilment of benchmarks for the Chapters 23 and 24, it only partially relies on the data presented in the government’s AP implementation reports. Instead, its main source of information, on the basis of which it formulates arguments and conclusions that are then presented in official documents, is derived from the so-called expert and peer-review missions that EU envoys conduct in the accession countries. These operations take place periodically with the purpose of collecting evidence on specific policy areas. The findings then become part of an authoritative report – restricted from public access – that can influence the EU’s stance on a particular issue. These reports are valuable because they are comprehensive in terms of data collected from all relevant actors, especially government officials, who have access to primary sources of information and are willing to represent the state of affairs as it is.²⁵ Each report undergoes fact-checking procedures



by the interlocutors, with whom the experts met during the process of collecting their data, to ensure maximum accuracy and depth. As such, they provide significantly more substantive insights compared to the EC’s publicly available Country Reports, which may be characterised as the more political and “diplomatic” versions of the expert reports.

24. European Commission, Enlargement Strategy and Main Challenges 2013-14, p.9. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2013/package/strategy_paper_2013_en.pdf

25. Long-serving civil servants in the Serbian administration have confirmed that the reports are based on the evidence. The Serbian government has been providing accurate information on the state of play in the policy area subject to a peer review/expert mission, to maintain the image of a credible partner.

However, when the civil society seeks to fulfil its functions, that is, to give input into policymaking, scrutinise the state and local authorities, and communicate with the public, it must rely both on the available data and on its own work. Keeping in mind the scarcity of information provided in the Government's documents and the broad character of the official EC Country Reports, the sector is in fact largely dependent on the willingness of state authorities to engage in an open dialogue with it. When the dialogue is obstructed, for whatever reason, CSOs are deprived of valuable resource to give effective critique to the government, as well as analyse and provide reliable information to the public.

Keeping in mind the scarcity of information provided in the Government's documents and the broad character of the official EC Country Reports, the civic sector is in fact largely dependent on the willingness of state authorities to engage in an open dialogue with it.

Consequently, this situation makes the government more accountable to the EU than to its own citizens – the Serbian people – which stands at odds with the goals and rationale of the EU accession process.²⁶ As long as the bulk of the accession negotiations work is not made public, and the EU does not resort to new tools beyond its existing toolkit, the government has little incentive to respond to the CSOs' demands for transparency and openness.

To be sure, the public's thirst for transparency in the accession process has already prompted the opening up to the public of key parts of Serbia's Negotiating Positions and entire EC's bi-annual reports on Chapters 23 and 24 (the so-called Non-Papers). This new practice, introduced by the former Serbian Office for the European Integration (nowadays Ministry of European Integration) is highly commendable. In fact, it has stimulated the debates on progress made on EU track between the state, the CSO sector and the EU officials since they became more heated and substantiated.

To improve this situation, the expert/peer review reports for Chapters 23 and 24 should be made available to the public.

Moving forward

To improve this situation, the expert/peer review reports for Chapters 23 and 24 should be made available to the public. This would mark one positive step in the right direction. Montenegro has recently started to do just that, after a two-year 'battle' by CSOs with the Montenegrin government and the EC.²⁷ The European Commission should agree to open these documents to public scrutiny also in Serbia, and the Serbian government should in the true spirit of transparency initiate and encourage this move. To guarantee protection, the identity of the author could be concealed, and a disclaimer inserted to stress the recommendations put forward are not binding for either the EU or the Serbian government.

Allowing civil society to complement their own findings with those from the EU's peer review/expert reports would represent a logical step further, as it would put additional pressure on the government to deliver results. Moreover, it would empower civil society, encouraging it to provide input into policymaking and increase people's awareness about the reforms needed to join the EU. In parallel, such a move would induce CSOs to improve the quality of their work and thus increase their legitimacy. An evidence-based and inclusive accession process is then more likely to render the adoption of EU standards lasting and irreversible. In the long run, this move will also benefit the EU member states, which will be better equipped to defend enlargement in their domestic contexts²⁸, based on actual evidence that the quality of reforms conducted in Serbia is higher.



26. Milena Lazarevic, Corina Stratulat, *Balkan Enlargement and the Politics of Civic Pressure: the Case of Public Administration Reform Sector*, European Policy Centre (EPC), Think for Europe Network, October 2017, available at: http://www.epc.eu/pub_details.php?cat_id=3&pub_id=7980

27. Since April 2017, the Ministry of European Affairs provides access to the expert/peer review reports, but only once the interested party submits a freedom of information request. The reports can be found at: <http://www.mep.gov.me/informacije/spi?pagerIndex=3>

28. The latest Eurobarometer survey that included questions on enlargement shows that the EU citizens are predominantly opposed to future enlargement (49%), especially in Germany (71% of citizens against future enlargement), France (69%) and Austria (67%). See Eurobarometer Standard 81, June 2014, pp. 143-144, available at: http://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb81/eb81_publ_en.pdf

Clearly, this proposal builds on the assumption that both the Serbian authorities and the EC/EU are willing to present the facts as they are, even when the information might not go down well with the public. However, if these reports lose their edge and transform into documents of the Country Report-type, this could signal that neither the EU nor Serbia are ready to reconsider the fine lines between transparency and open dialogue, on the one hand, and discretion, on the other. EU accession negotiations are undoubtedly a particular kind of a dialogue between an atypical international organisation and a country that wants to join. Unlike classical negotiations between the two international actors, where no one wants to fully reveal their positions, the logic of EU accession negotiations is quite the opposite. In fact, both parties share the interest that the acceding country reaches full compliance with the EU membership criteria and achieves a smooth entry into the club of EU members. Therefore, it is to the benefit of

both sides at the negotiating table to continue engaging in a frank and transparent process. If the EU fails to further refine the established practices, its “new approach” to enlargement risks remaining ineffective and repeating mistakes from the previous enlargements, mistakes it surely seeks to avoid.

Clearly, this proposal builds on the assumption that both the Serbian authorities and the EC/EU are willing to present the facts as they are, even when the information might not go down well with the public.

**The views expressed in this Discussion Paper are the sole responsibility of the authors.*



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Profound understanding of EU policies and the accession process, the workings of the Serbian administration, as well as strong social capital

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